

**INSTITUTIONAL DETERMINANTS OF CHANGE MANAGEMENT IN THE
KENYAN JUDICIARY**

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DECLARATION

This research project is my original work and has not been submitted for any award in any University.

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This Research project has been submitted for examination with my approval as the University of Nairobi supervisor:

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DEDICATION

I dedicate this work to Mzee Samson Nyangau Riechi. The learned who never went to school.

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ABBREVIATIONS AND ACRONYMS

JTF	Judiciary Transformation Framework
SPSS	Statistical Package for Social Sciences

ABSTRACT

Change management involves the deliberate and coordinated actions taken to transform an organization to overcome environmental challenges in order to achieve its objectives. This study sought to establish institutional determinants of change management at the judiciary in Kenya. The study adopted a case study descriptive survey design and targeted judicial and administrative officers from various court stations in Kenya estimated at 4000. A purposive sample of 124 respondents was selected using stratified random sampling based on various clusters. This research relied on primary data which was collected using a semi-structured questionnaire which contained open ended and close ended questions. Both descriptive and inferential statistics were used to analyze data. It was clear from the study findings that the judiciary had a mechanistic structure with several layers. The structure and operational relationship between the officers as judges and magistrates and administration officers is unclear. However, some elements of organistic structure exist with some officers like the registrars and directorate mandated with powers to make decisions to a small extent. The findings further revealed that the legal structure at the judiciary was anchored in Article 159 of the Constitution of Kenya 2010 which defines the judicial authority and the legal system in Kenya. Parliament has also enacted the Judicature Act 2010 which makes provision for jurisdiction of the courts and the judicial Service Act 2011 which makes provision for judicial services and administration of the judiciary. The funding framework for the judiciary is to be from the Judicial Fund which provides funds to be used for administrative expenses of the judiciary as administered by the Chief Registrar of the judiciary. It was evident from the study findings that resources for implementation of the JTF have not been adequately provided by the national government thus slowing down the pace of JTF implementation. The study confirmed the important role of each of the stakeholders ranging from: Judicial officers, the Law Society of Kenya, prosecution, litigants and police who perform corresponding and complementary roles. Based on the study findings it can be concluded that the institutional determinants under study had a significant effect on implementation of change management initiatives at the judiciary in Kenya. The conclusion is supported by the study findings which showed that there was a very strong positive relationship ($R= 0.932$) between the variables. The study also revealed that 86.9% of the change management initiatives in the judiciary could be explained by the institutional determinants under study namely: Organization structure, legal structure and stakeholders' alignment. From this study it is evident that at 95% confidence level, the determinants produce statistically significant values and can be relied on to explain implementation of change management at the judiciary in Kenya. Arising from the study findings the following specific recommendations are made: Management of judiciary should infuse elements of organistic structure in the existing mechanistic structure to encourage innovations and more efficiency in service delivery; parliament to enact legislation indicating the percentage of the national budget which should be set aside for administrative expenses of the judiciary hence certainty on resource allocation to the judiciary; the management of the judiciary should closely consult with the relevant stakeholders before enacting any change management strategies thus ensuring ownership by the stakeholders for minimal resistance during implementation; legislation on the mandate of the management and leadership committee and the court users committees should be appropriately anchored in law to clearly spell out their role in the administration of courts in Kenya and judiciary staff needs to undergo training both locally and internationally to enable them obtain required skills in transforming the judiciary.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Change management has become an important subject for organisations. It involves the deliberate and coordinated actions taken to transform an organization to overcome environmental challenges in order to achieve its objectives. Hill and Jones (2001) view change management as a move from a present state to a future desired state that increases competitive advantage. They further propose a sequence of determining the need to change, determining obstacles to change, implementing the change and finally evaluating the change as critical aspects when addressing change management.

The study will be anchored on institutional theory and stakeholder theory. Institutional theory, asserts that institutional environment can strongly influence the development of formal structures in an organization, Hecllo and Wildavsky, (1974) often more profoundly than market pressures. It suggests that the motives of human behaviour extend beyond economic optimization to social justification and social obligation. Stakeholder theory is a conceptual framework of business ethics on organizational management that addresses moral and ethical values in the management of a business or other organization. It is based on the relationship found between an organization and others in its internal and external environment (Shiller, 2003).

1.1.1 Change Management

Change management is the use of systematic methods to ensure that an organization's change can be guided in a planned direction, conducted in a cost effective manner and completed within the targeted time frame with the desired results. Dawson (1994). Hardy (1995), defined change management as a structured and refined approach to achieving a sustained change in human behavior within an organization thus focusing their definition on the people aspect of change.

Schools of thought that form the foundation for change management include, individual behavior, group dynamics and open system. Individual behavior holds that behavior is learned and this learning takes place through some external stimuli like reward, punishment and reinforcement. Group dynamics on the other hand looks at individuals as members of a group thus they are a function of the group environment. The individuals will therefore behave in a way to conform to group pressures. In the

open system, organizations are composed of a number of interconnected subsystems. A change in one subsystem impacts on the other subsystems because they are in constant interaction with the environment.

According to Balogun and Hailey (1999), contextual features that should be taken into account when designing change programmes include the scope, institutional memory, diversity of experience within an organization, the capability of managing change and the readiness for change throughout the different levels in the organization. There are different ways on how change occurs. These are sudden, planned and incremental. Kazmi (2002), contends that change is not linear and therefore cannot be worked on a mathematical formula basis with a set of variables that will yield a fixed answer for their combination. Aosa (1992), points out the necessity of carrying out change within the context of unique environmental challenges within Africa. Therefore, change is context and environmental dependent.

There is debate that suggests that the application of change management models from the private sector and their wholesale and uncritical approach into the public sector is problematic given the fundamental differences between the private and public sector organization (Joyce 1988). This is so because such models do not take into account public sector issues and in particular the structure and the operational context of the organization. The special circumstances of public sector organization which includes context, content, process and outcomes can assist to identify specific characteristics related to change processes and implementation in the public sector. The context factor refers to organization's external and internal environment such as changing political environment or institutionalization of a public organization. (Philipideu et al 2008). The content factor focuses on the content of the change including organization's strategies, structure and systems. The process factor describes the interventions and processes that are involved in the implementation of the change. The outcomes of change include attitudes, behaviors and experiences of those involved in the change Armenakis and Beduian (1999). It is evident that when public organizations adopt private sector values on business practices, they do not automatically become effective or efficient. The reason is simple; organizations are political, their structure and institutions have important implications for the distribution of authority and influence and ultimately the allocation of policy benefits and costs (Seidman 1998).

Much of the theory of change management and the associated models are rooted in how change is understood and how theory can help ensure change is managed effectively. In some circumstances, change is deliberate and on other occasions it seems spontaneous or evolves naturally. There are many change management models but the most currently applied are: The Lewis Change Model proposed in the 1950's by Kurt Lewin who looked at change management in three stages. The first stage is the unfreezing stage, where the old order is discarded, forces for change are felt and active efforts to resist change are overcome. The second change is transition where the new changes are embraced and generally accepted. The third stage is the refreeze stage where the changes are accepted and adopted as the new organization.

Kotter in 1996 developed 8 steps of managing change in his book *Leading Change*. He set up what he termed as eight step process for implementing successful change management. Step one is to establish a sense of urgency where the need for change is developed and the importance of immediate action. Step two is creating a guiding coalition where a team is developed to lead the change effort. Step three is developing a change vision to direct the change effort and the strategies to achieve the vision. Step four is communicating the vision to ensure as many people understand the vision and strategy to ensure buy in. Step five is empowering broad based action by removing obstacles to change and change structures and systems that undermine change. Step six entails generating short term wins and recognizing and rewarding small achievements. Step seven requires the leaders never to give up in using the successes and change structures or processes that are supporting the vision. Finally, step eight requires changes into the organization culture by articulating connection between new behaviour and success.

The Awareness Desire Knowledge Ability Reinforcement (ADKAR) model is a five sequential steps of action which consist of awareness of need for change. This step explains the reasoning and thought that underlies the required change. Desire to participate in and support the change where the individual makes a personal decision to support and participate in the change arising from the awareness for the need for change. Knowledge on how to change which can be achieved through education and training. Ability to implement which requires skills and behaviour and a clear understanding of the difference between theory and practice. Reinforcement to sustain

the change where efforts to sustain the change are emphasized and care is taken not to revert to old ways. This can be done through positive feedback, rewards, measuring performance and taking corrective action.

Change management interventions will fall into three main categories. First is the Top-down change Management which is based on an assumption that if managers plan properly, change can be executed smoothly. The only obstacle comes from resistance of few employees hence focus is on changing the culture of the organization. Secondly is the Transformational Change Management which relies on transformational leaders setting a personal example and challenging the people to think outside the box and motivate them while providing a safe environment for doing so. Thirdly is the Strategic Change Management which aims at introducing new behaviour allowing people to make positive changes. All these interventions can be effective. They however, highlight the importance of leadership, communication and involving people in the process. The key challenge for organizations is to merge the context to the model.

1.1.2 Institutional Aspects of Change Management

Institutions according to Campell 2009 consists of formal or informal rules, monitoring and enforcement mechanisms and systems of measuring that define the context within which individuals, corporations, labour unions, nations, states and other organizations operate and interact with each other. (Hughes 1943) contends that institutions possess the capacity to control and restrict behavior. They enact limitations by defining legal, moral and cultural boundaries and in doing so differentiative legitimate and prohibited activities.

According to Weilberch 2013, institutions can be summarised as structures based on formal or informal rules which are intensely held that could restrict and control or support specific social behaviour supported by more established resources. They are social patterns that are reproduced and established over time. North (1990) contends that institutions are made up of formal constraints such as laws and rules, and informal constraints such as norms' conventions and self-imposed codes of conduct and their enforcement characteristics consequently, they give structure to the institution.

For the judiciary to achieve its ultimate objective of access to and expeditious delivery of justice to all, the other factors in the Justice chain must perform corresponding and complementary roles responsibility of a just society and state is shared between the judiciary, the various executive actors, independent commissions and members of the public (JTF, 2012). Change management in institutions may be affected by various factors within the institution this could include the institutional structure both administrative and technical, the legal structure under which it operates, the influence of stakeholders and the political alignment of the organisation. The influence of these factors will determine the context pace and success of any change management initiatives in the organisation.

1.1.3 The Kenyan Judiciary

The Judiciary in Kenya is created by the Constitution. Other Acts of Parliament have been enacted to create the structure and jurisdiction of the courts. The Judicial Service Act (Act No. 1 of 2011) makes provision for Judicial services and administration of the Judiciary. It also makes further provision with respect to membership and structure of the Judicial Service Commission, the appointment and removal of judges and the discipline of other judicial officers and staff .It also provides for the regulation of the Judiciary fund and establishment of the power and functions of the National Council on administration of justice. The Judicature Act Chapter 8 of the Laws of Kenya makes provision for the jurisdiction of the Court of Appeal, High Court and Subordinate Courts. The judiciary is composed of the Supreme Court, the Court of Appeal, High Court, Magistrates Court, Kadhi Courts and Court Martial.

Figure 1.1 : Administrative Structure of the Judiciary

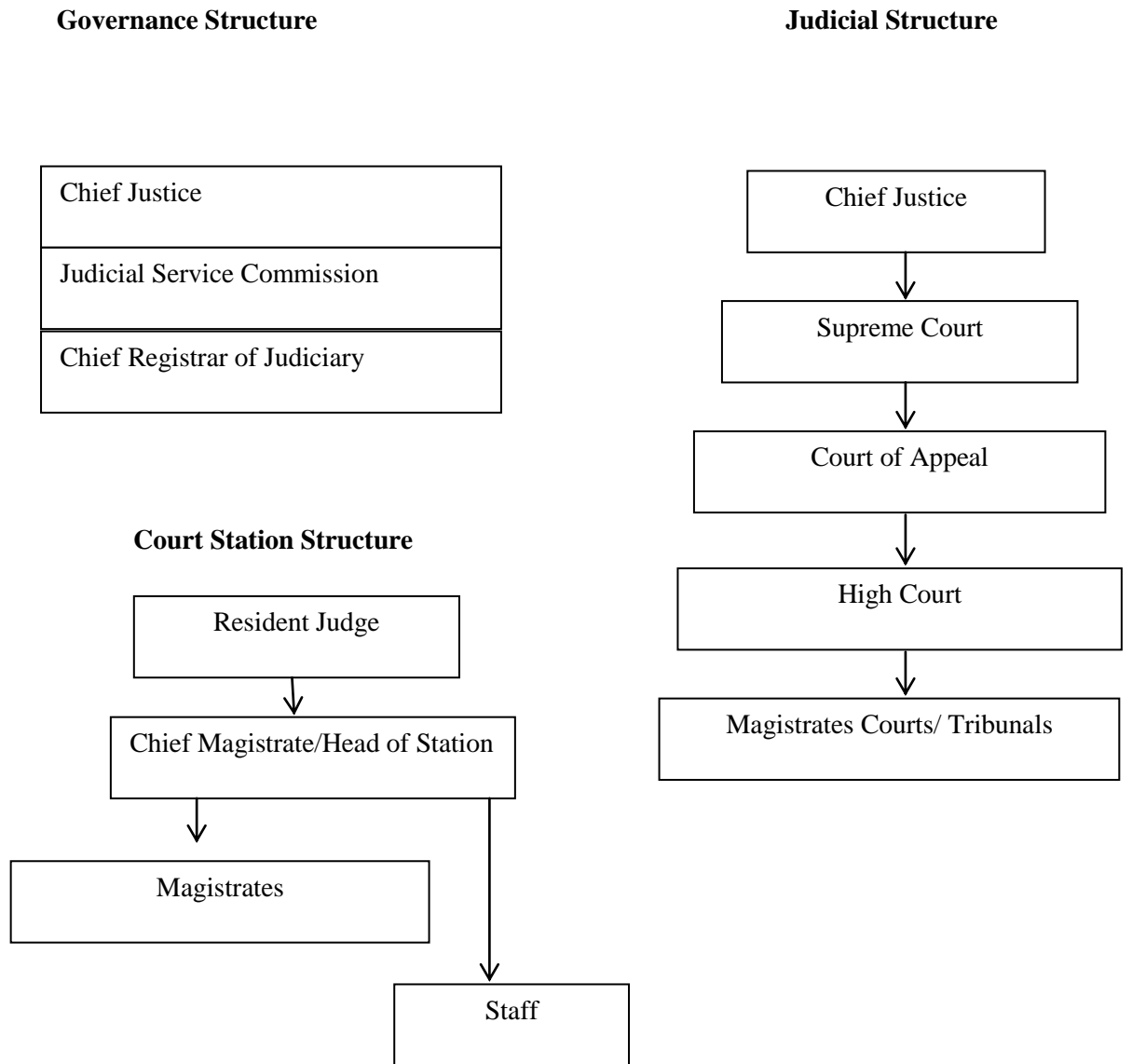
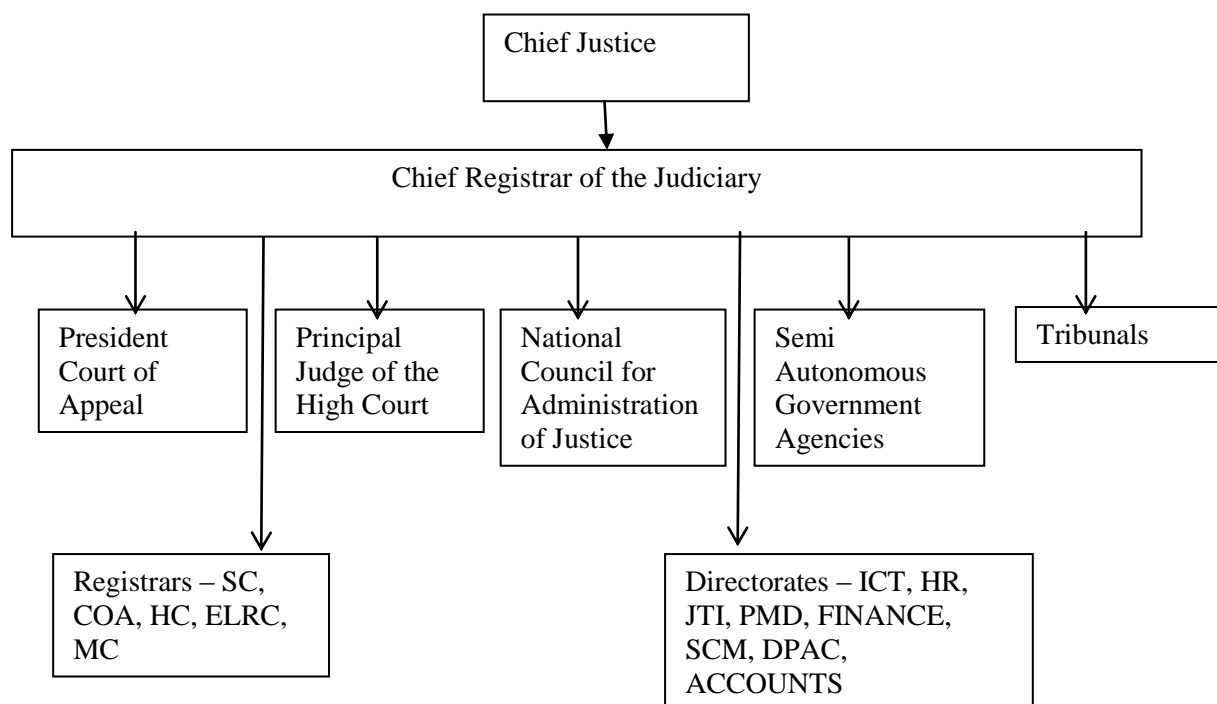


Figure 1.2 : Corporate Administrative Structure



The court’s principal duty is the resolution of disputes between and among citizens, and protection of the rights of the citizens from oppressive state actions. To be an effective instrument of justice, the public must have confidence in its ability to dispense justice fairly, expeditiously and independently. It largely therefore relies on the public confidence who see it as the custodian of justice. Over the years, the judiciary was accused of being corrupt, ineffective, incompetent and intolerant to criticism from the public (JTF, 2012). The Judiciary was an institution so frail in its structures so thin on resources, so low on confidence, so deficient in integrity so weak in its public support that to have expected to deliver justice was to be wildly optimistic. We found a judiciary that was destined to fail. The institutional structure was such that the office of the Chief Justice operated as a judicial monarch supported by the Registrar of the High Court. Power and authority were highly centralized. Accountability mechanisms were weak and reporting requirements absent. When we put people on a pedestal, it is based on negative power and authority. That is the old order” (JTF, 2012).

The enactment of the new Constitution, 2010, provided an impetus for transformation in the Judiciary largely due to the high expectations on the role of the judiciary in the new constitutional dispensation. The judiciary transformation framework was to

convey a clear message of that through the constitution, Kenyans wanted to fundamentally restructure and re-organize the institutions of governance and to change its practices, norms and structure in order to serve the interest of their new democratic order (JTF, 2012).

1.2 Research Problem

Change management has been defined as ‘the process of continually renewing an organization’s direction, structure, and capabilities to serve the ever changing needs of external and internal customers’ (Moran and Brightman, 2001). According to Burnes (2004) change is an ever present feature of organisational life, both at an operational and strategic level. Therefore, there should be no doubt regarding the importance to any organisation of its ability to identify where it needs to be in the future, and how to manage the changes required getting there. Consequently, organisational change cannot be separated from organisational strategy, or vice versa (Burnes, 2004). Due to the importance of organisational change, its management is becoming a highly required managerial skill (Senior, 2002). Against a backdrop of increasing globalisation, deregulation, the rapid pace of technological innovation, a growing knowledgeable workforce, and shifting social and demographic trends, few would dispute that the primary task for management today is the leadership of organisational change.’ (Graetz, 2000).

Several studies have been done on change management at the institutions, Amanda (2006) on change management in the Public sector found that the ability to change continually and successfully is considered to be essential to any organization’s survival. It therefore requires an organization’s ability to learn on a continual basis in a coordinated and progressive way. Mabetwa (2002) change management in a Public Sector Organization: A case of the South African Revenue Service looked at change that can be used in a public sector organisation. The assumption that the change management models and approaches that are used in the private sector can be equally applicable in the public sector fails to take into account the unique challenges that the public sector south Africa has to deal with. Ekhubi (2014) in the study of change management in the judiciary transformation framework system in Kenya found that the management of change depends on the magnitude of the challenge faced in trying to effect change therefore change implementation efforts need to be designed to fit the

organizational context. Jonathan (2012) Strategic change management at the Judiciary of Kenya examined that Strategic change arises out of the need of organizations to exploit existing or emerging opportunities and deal with threats in the market and hence opined that organizations must formulate strategies on how to tackle the challenges that come with the changes through planning and implementing the requisite change programs. Change management approaches, practices have shown that due to the uniqueness of organizations there is no one general theory that explains organizational change and that managing change is always context dependent. Studies on institutional determinants of change management in Kenya are scarce, therefore the purpose of this current study was to establish the institutional determinants of change management in the judiciary by answering the following question: What are the institutional determinants of change management in the Kenyan Judiciary?

1.3 Research Objective

The objective of this study was to establish institutional determinants of change management in the Kenyan Judiciary.

1.4 Value of the Study

Findings of the study will particularly make a contribution to theory by providing additional knowledge to existing and future institutional change management. The findings could be of great importance to stakeholders in the public sector in understanding the dynamics of managing change. The other arms of Government and other constitutional offices would benefit from the study's findings in managing strategic change which are already taking place as the Government continues reforming its various sectors.

Researchers and scholars would use the information for further studies in this growing field of change management. The findings of this study will be important to the change management in the Judiciary in Kenya. The study will also be useful to policy makers, especially those in change management. The Government will also be a beneficiary of this study as a major stakeholder in the Judiciary in Kenya. The study will also facilitate theory building in other areas of strategic management by testing whether practices stipulated in literature can be applied in the Judiciary of Kenya.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents the past studies that will be reviewed with regards to major theories underpinning change management, and institutional determinants of change management. Only the issues in the objectives will be featured, critically reviewed and discussed.

2.2 Theoretical Foundation of the Study

Change management in organizations considers both internal and external environmental forces. This study was based on two major theories namely: The institutional theory and the stakeholders' theory.

2.2.1 Institutional Theory

Institutional theory mainly begins with making the distinction between the 'old' and 'new' institutionalist approach. The pioneer work of Selznick (1957) established the 'old' institutionalist approach, where the unit of analysis was a single organization. Some of the main issues investigated were values, organization-environment interaction, coalitions, influence, power and informal structures (Greenwood & Hinings, 1996). The second group or so called 'new' institutionalists focus more on, for instance, organizational fields and their embeddedness, as well as issues of legitimacy, routines, scripts, and schema (Greenwood & Hinings, 1996). Scott and Meyer (1992: 140) used the term institutional sectors as meaning those "characterized by the elaboration of rules and requirements to which individual organizations must conform if they are to receive support and legitimacy from the environment". In institutional theory the first assumption is the structural component of a system must be integrated in order for the system to survive since the components are interrelated parts of the whole. A corollary derived from this main assumption is that change in one structural component necessitates adoptive changes in other components.

DiMaggio and Powell (1983) suggested that legitimacy has a central role in institutional theory. It is defined as a force that constrains change and pressures organizations to act alike, or to imitate others. This is captured by the concept of

isomorphism. Consequently, the institutional environment presents normative forces that pressure organizations to conform in certain ways in order to maintain their legitimacy. The emphasis, therefore, is on imitating the behaviour of other similar, successful organizations. They further highlighted coercive, normative and mimetic processes. Coercive factors involved political pressures and the force of the state, providing regulatory oversight and control. Normative factors stemmed from the portent influence of the profession and the role education. Mimetic forces draw on habitual, taken for granted responses to circumstances of uncertainty (Powell, 2007).

Scott (2001) further developed three pillars of institutional order: Regulative, normative and cultural/cognitive. Regulative elements emphasized rule setting and sanctioning. Normative elements contain an evaluative and obligatory dimension while cultural/cognitive factors involve shared conceptions and frames through which meaning is understood. Each of Scott's pillars offered a different rationale for legitimacy either by virtue of being legally sanctioned, morally authorized or culturally supported.

Institutional theorists are mainly preoccupied with pointing out its lack of attention to the political processes, and to other non-institutional factors shaping the responses of organizations to pressures from the environment. It is also criticized for a tendency to underestimate the significance of interest and agency (Beckert, 1999), as well as of powerful groups that use their power to enforce institutional compliance (Covaleski & Dirsmith, 1988). In fact, what seems to have been lacking so far is explicit attention to an organization's strategic behaviours while responding to the institutional processes (DiMaggio, 1988; Perrow, 1985).

2.2.2 Stakeholder Theory

In the mid-1980 a stakeholder approach to strategy came up. One focal point in this movement was the publication of Richard Edward Freeman. He is generally credited with popularizing the stakeholder concept. The traditional definition of a stakeholder is "any group or individual who can affect or is affected by the achievement of the organization's objectives" (Freeman 1984). The general idea of the Stakeholder concept is a redefinition of the organization. In general the concept is about what the organization should be and how it should be conceptualized. Friedman (2006) states

that the organization itself should be thought of as grouping of stakeholders and the purpose of the organization should be to manage their interests, needs and viewpoints.

The managers should on one hand manage the corporation for the benefit of its stakeholders in order to ensure their rights and the participation in decision making and on the other hand, the management must act as the stockholder's agent to ensure the survival of the firm to safeguard the long term stakes of each group. The application of the stakeholder theory in the public sector literature seems to be in accordance with the wave of "New Public Management" (Osborne & Gaebler, 1993). This body of theory aims to introduce business-based ideas to the public sector. In this vein, the stakeholder theory can be seen as an approach by which public decision-makers scan their environments in search of opportunities and threats. Kenyan judiciary is one of the organizations that have recognized the need for change in the public sector and have tried to adopt New Public Management models as a viable radical change instrument.

2.3 Determinants of Change management

Success of change management in organization is determined by people, strategy, technology and process Hecllo (1974) .However the internal organization structure, culture, influence of stakeholders, political environment, financial or resource availability all combine to determine the pace and success of the changes. This is more pronounced in public organizations where the structure is created by parliament through legislation, policy developed by the executive and financial resources provided by government.

Irrespective of the way the change originates, change management is the process of taking planned and structured approach to help align an organisation with the change. In its most simple and effective form, change management involves working with an Organisation 's stakeholder groups to help them understand what the change means for them, helping them make and sustain the transition and working to overcome any challenges involved. From a management perspective it involves the organisational and behavioural adjustments that need to be made to accommodate and sustain change.

2.3.1 Organizational Structure

Organizational structure refers to how individual and team work within an organization are coordinated to achieve organizational goals and objectives. Structure is a valuable tool in achieving coordination as it specifies reporting relationships, delineates formal communication channels and describes how separate actions of individuals are linked together. The main elements of organization structure are centralization which is the degree to which decision making authority is concentrated at higher levels. Formalization the extent to which an organizations policies, procedures, job description and rules are written and explicitly articulated. Hierarchical levels refers to the number of levels or layers of management. Tall structures have several layers while flat structures have only a few layers. Departmentalization refers to functional structures of group jobs based on similarity of functions.

Burns and Stalker (1961) contend that there are two types of organization structures comprising of mechanistic and organic. Mechanistic structures resemble a bureaucracy and are highly formalized and centralized. Mechanistic are often rigid and resist change making them unsuitable for innovativeness and quick action. They sometimes inhibit entrepreneurial action and individual initiative thus affecting individual autonomy and self determination. Despite these disadvantages, mechanistic structures provide stability and organizational efficiency and are more suited in stable environment. Organic structures are flexible and decentralized with low levels of formalization. In organic structures, employee job descriptions are broader, communication lines flexible and the structure is conducive to entrepreneurial behaviour and innovativeness. Organic organizations are relatively simple, informal and decentralized (Hatch, 1997; and Sine et. al 2006).

The key elements of an organization structure are: The degree to which an organization is centralized and formalized, the number of levels in company hierarchy and the type of departmentalization the organization uses. These elements of structure affect the degree to which the organization is innovative and effective as well as employee attitude and behaviour at work. These elements come together and create mechanistic and organic structures. Mechanistic structures are rigid and bureaucratic and hence achieve efficiency while organic structures are decentralized, flexible and

aid organizations to achieve innovativeness (Beadwell & Claydon, 2007; Thompson, 1967).

2.3.2 Legal Structure

The legal structure of an organization refers to the laws under which it is established and governed. The establishing law specifies the objectives, mandate and structures of the organization. The legal structure also includes rules and regulations that govern the operations of the organization. The judiciary in Kenya is established by Article 159 of the constitution of Kenya which defines the judicial authority and legal system of Kenya. The mandate of the judiciary is to resolve disputes between parties and also dispense justice by protecting the rights of and liberties of citizens and promote the rule of law. The constitution creates the structure of the courts which consist of the Supreme court, the Court of Appeal, the High Court and courts of the status of the high court (Art. 162). The constitution also creates the Subordinate Courts which consists of Magistrate Courts, Kadhis Courts and Court Martial (Art.169). The constitution also established the Judicial Service Commission which is the body charged with overall supervision of the judiciary (Act. 171).

Parliament has also enacted the Judicature Act which makes provision for jurisdiction of the courts and the judicial Service Act (Act No. 10 of 2011) which makes provision for judicial services and administration of the judiciary. The constitution establishes the Judicial Fund for funds to be used for the administrative expenses of the judiciary administered by the Chief Registrar of the Judiciary (Act. 173).

2.3.3 Stakeholder Alignment

Organizations can no longer choose whether they want to engage with stakeholders or not; the only decision they need to take is when and how successfully to engage. Stakeholder alignment is premised on the notion that ‘those groups who can affect or are affected by the achievements of an organization’s purpose should be given the opportunity to comment and input into the development of decisions that affect them. In today’s society, if they are not actively sought out, sooner or later they may demand to be consulted. Situations arise when organizations do not actively engage but are forced to do so by the demands of society as a result of a crisis situation. In response, organizations employ crisis-management techniques, and are often forced

into a defensive dialogue with stakeholders, leading to a significant and long- lasting loss of reputation. This type of interaction is often antagonistic and damaging of trust (Wyman, 2001).

Meaningful alignment occurs when organizations, aware of the changes in the wider society and how they relate to organizational performance, choose to establish relations with stakeholders as a means to manage the impact of those changes, such as those created as a result of global economic downturn. Organizations can either seek to mitigate risk through the use of stakeholder management, or exploit these new trends to identify and establish new opportunities through the use of meaningful stakeholder engagement; the latter is characterized by a willingness to be open to change. The development of meaningful relations should add value to organization operations by reducing constraints or business risks and enhance opportunities by better understanding the fast changing PESTEL (Political, Economic, Social, Technological and Legal) context; and enabling it to better understand critics and potentially refute, convince or address criticism. Furthermore it will enable organizations reassure stakeholders that are on top of issues and in some cases be essential for solving problems. It is therefore justifiable in terms of time, money and effort expended in their development and maintenance (Jaffery, 2009).

Fundamentally it is people who make change to happen. Nothing moves forward without engaged, motivated stakeholders. Stakeholders are the people that are directly involved and affected by the change project. Typically they are the organization's workforce or those whose interests may be positively or negatively affected by change including other agencies with whom the changing organization partners, service providers, vendors or the public (Bond, 2008).

An organization needs to identify its stakeholders in order to implement changes effectively. To do that stakeholder need to understand the reasons why the change is happening and its benefits. They also need to have an opportunity to express their views and contribute their own ideas about how it might be implemented. Even if the change is non-negotiable, cooperation and collaboration to achieve the change is more likely if stakeholders are involved and kept informed. Experience shows that approaching change in an open and consultative manner assists in more effective implementation (Hamilton, 2007).

Heathfield (2009) contends that it is important that everyone in the organization and those interacting with the organization both internal and external stakeholders are kept informed and provided with messages and information that allows them to feel engaged thus paving the way for involvement and adoption.

2.4 Empirical Review

Mutuku (2004) An Assessment of Strategic Change management processes examined that The Judiciary, like any other organization, whether in public or private sector, is affected by changes taking place in the environment. Because every organization has to interact with the environment for survival, it becomes crucial for organizations to prepare themselves by formulating strategies that will enable them to exploit opportunities presented by the environment, and eliminate and/or minimize the threats that affect their performance. Majority of the employees are not involved in the change management and learn about the changes when called upon to implement the changes. The style used is top down approach where top executives come up with what needs to be done and expect the employees to act as required. Employees are not consulted nor are they prepared to accept change by way of participation or education.

Jonathan (2012) Strategic change management at the Judiciary of Kenya examined that Strategic change arises out of the need of organizations to exploit existing or emerging opportunities and deal with threats in the market. Johnson and Scholes (2008) observe that organizations must formulate strategies on how to tackle the challenges that come with the changes through planning and implementing the requisite change programs. Change management approaches, practices have shown that due to the uniqueness of organizations there is no one general theory that explains organizational change and that managing change is always context dependent.

Ekhubi (2014) change management practices in the Judiciary Transformation Framework in Kenya. He contends that the management of change depends on the magnitude of the challenge faced in trying to effect change. The type of change required, the wider context in which is to occur, the specific blockages to change that exist and forces that exist to facilitate the change process. The prevailing culture of an organization assists in identifying the type of change required as well as the

organization's readiness for change. Change implementation efforts thus need to be designed to fit the organizational context. The contextual features are aspects to the organization that relate to its culture, competencies and current situation. A number of contextual factors that need to be considered in managing change include time available for change, the degree of diversity among the staff groups who need to undertake change, experience, views and opinions within an organization, capability of managing change in the organization which relates to three levels that is individual, managerial and organization capabilities, capacity for change in terms of resources, readiness for change and finally the amount of power or autonomy that the change agents have to implement change as they wish

2.5 Summary of Literature Review

There are several models adopted by various organizations in implementing change management. These models depend on the context, content and environment. There is no one best model for all organizations. The models are planned and emergent. The planned model is clearly one which is best suited to relatively stable and predictable situations where change can be driven from the top down. The emergent model, on the other hand, is one which is geared to fast-moving and unpredictable situations where it is impractical, if not impossible, to drive change from the top. It has also been argued that the appropriateness of these approaches may also have to be judged in relation to an organization's culture. The appropriateness of a change approach should therefore be based in the context of a specific organization.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the approach that was used to conduct the research. It encompasses the research design, data collection and analysis.

3.2 Research Design

This study adopted a case study research design. The study approach is particularly appropriate for individual researchers because it gives an opportunity for one aspect of a problem to be studied in some depth within a limited time scale. This design was appropriate since it enabled a near comprehensive collection of data from the courts. According to Yazici (2009), a case study places more emphasis on a full contextual analysis of fewer events or conditions and their inter-relations. This design was suitable because the study requires an accurate examination of the institutional determinants of change in the Kenyan Judiciary.

3.3 Target Population

The study population comprised of judicial and administrative officers of the judiciary in Kenya estimated at 4000. These officers were responsible for implementation of the Judicial Transformation Framework. The employees targeted in this study were those involved in organizational change management.

3.4 Sample Design

A sample refers to elements of the population which can be used to represent the entire population. A purposive sample of 124 was targeted. A purposeful sample is a non-probability sample that conforms to certain criteria Winter et al (2009). The sample distribution is as presented in Table 3.1.

Table 3.1. Sample Distribution

Category	Frequency
Judges	33
Magistrates	19
Directorate	5
JTF Secretariat	7
World Bank JPIP	9
Judiciary Training Institute	21
Deputy Registrars	13
Registrars	16
Total	124

3.5 Data Collection

This study relied on primary data which was collected by use of a questionnaire. According to Mouly (2009), the questionnaires normally add more value to research because it allows the selection of a representative sample. It can be used in a wide geographical area than most other techniques and facilities. Confidentiality, which is the key to the study, is observed. It also enables easy and quick gathering of information from respondents. The questionnaires contained both closed and open ended items. The questionnaire was designed in line with the objective of the study. To enhance quality data obtained, Likert type questions were also included whereby respondents indicated the extent to which they agreed to various statements. The questions contained in the questionnaire addressed the objective of this study which seeks to investigate the institutional determinants of change management in the Kenyan judiciary. The respondents comprised the following: Coordinator of the Judiciary Transformation Framework, resident judges, human resource management directors, magistrates in the various hierarchical levels, executive officers and court registrars.

3.6 Data Analysis

The data generated by questionnaires was checked, edited organized and coded by computer to reduce the mass of data obtained into a form suitable for analysis. The coded data was then analyzed using Statistical Package for Social Science Programme

(SPSS). Both descriptive and inferential statistics were used. Descriptive statistics comprised of frequencies, means and standard deviations. Regression analysis was the main inferential statistics used. Regression analysis was to help establish the statistical significance of the institutional determinants on change management in the judiciary in Kenyan. The study findings were presented in form of tables and graphs. The findings obtained were discussed and formed the basis for the research findings, conclusion and recommendations.

The relationship between institutional determinants and change management was illustrated by the following equation.

$$Y = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \varepsilon$$

Where:

Y = Change Management

α = constant (intercept)

β = slope (gradient) showing the rate at which the dependent variable is changing for each unit change in the independent variable.

X_1 = Organization Structure

X_2 = Legal Structure

X_3 = Stakeholder Alignment

ε = Error term

CHAPTER FOUR

DATA ANALYSIS, FINDINGS AND INTERPRETATION

4.1 Introduction

This chapter is on data presentation, interpretation analysis and discussion of findings of the study as set out in the research methodology. It presents the response rate of the study, background information of the respondents, organization structure, legal structure, stakeholder alignment, change management and the regression analysis of the variables under study.

4.1.1 Response Rate

From the data collected, out of the 124 questionnaires administered, 79 were filled and returned, which represents 64 percent response rate. Mugenda and Mugenda (2003) observed that a 50 percent response rate is adequate, 60 percent and above is very good. This implies that based on this assertion, the response rate in this case of 64 percent was therefore very good. This response rate is considered satisfactory to make conclusions for the study. The findings are as presented in Figure 4.1.

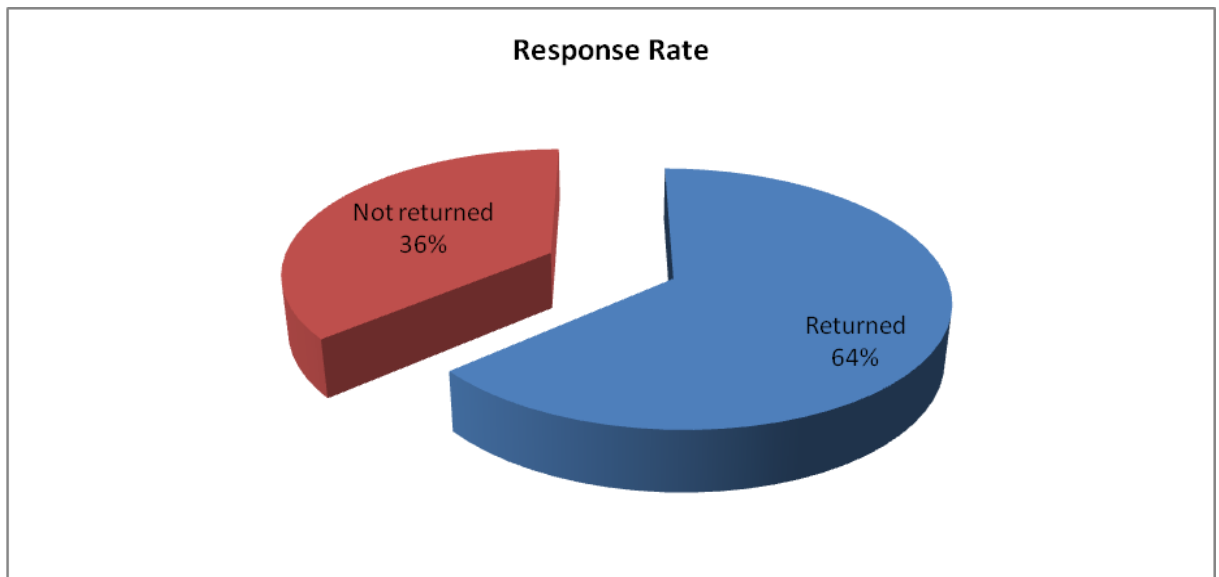


Figure 4.1 Response Rate

4.2 Background Information of the Respondent

Data for this study was collected through self-administered questionnaires to sampled judiciary staff. The background information sought comprised of: Job title of respondent, role of respondent, gender of respondent, age of respondent and number of years worked at the judiciary.

4.2.1 Job Title

Respondents were required to indicate their job titles. The findings in Figure 4.2 reveal that majority of the respondents in this study were judges and magistrates as represented at 22.8% and 16.5% respectively.

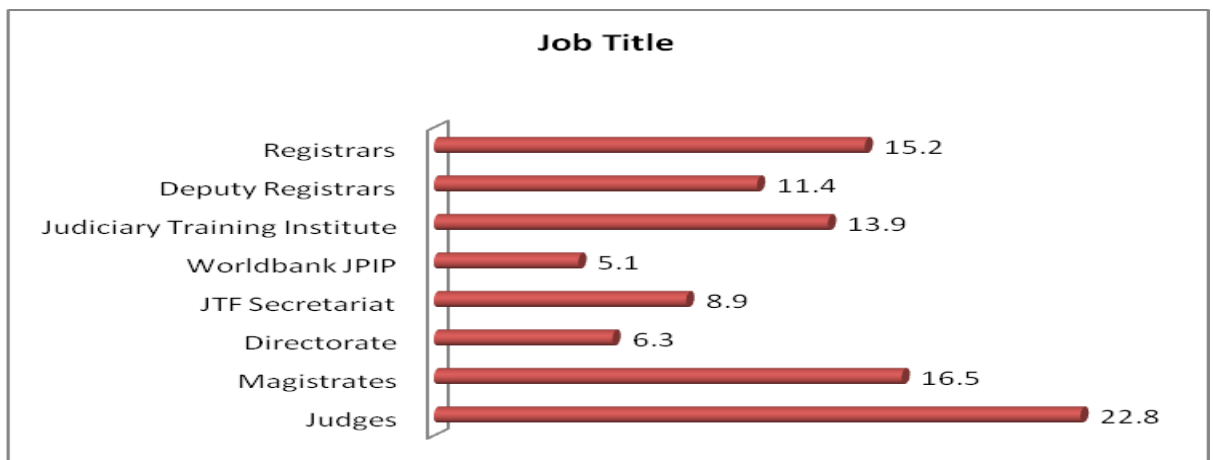


Figure 4.2 Job Title

4.2.2 Role of Respondent

The composition of the respondents by department is represented in Figure 4.3. This section sought to establish whether the role of staff influenced adoption of change management initiatives at the Judiciary. The findings reveal that 69.3% of the respondents in this study were judicial officers while the remaining 30.4% of them were administration officers.

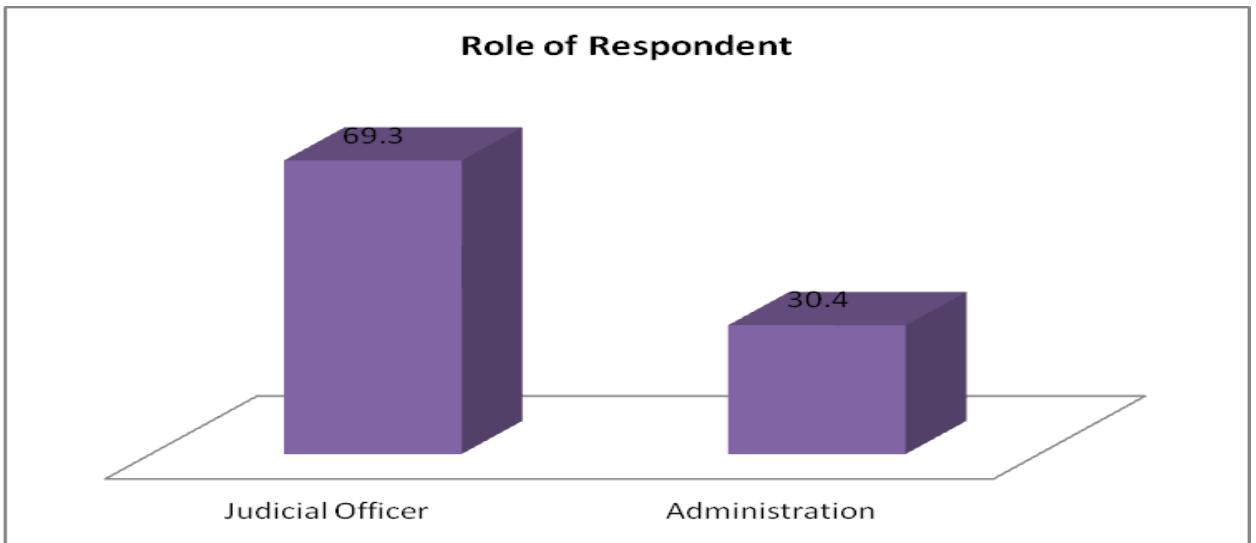


Figure 4.3 Department

4.2.3 Gender of Respondent

The composition of the respondents by gender is represented in Figure 4.4. This section sought to establish whether the gender of staff influenced adoption of change management initiatives at the Judiciary. The findings reveal that 58% of the respondents in this study were male while the remaining 42% of them were female. The findings imply that respondents from both genders were quite proportionately chosen.

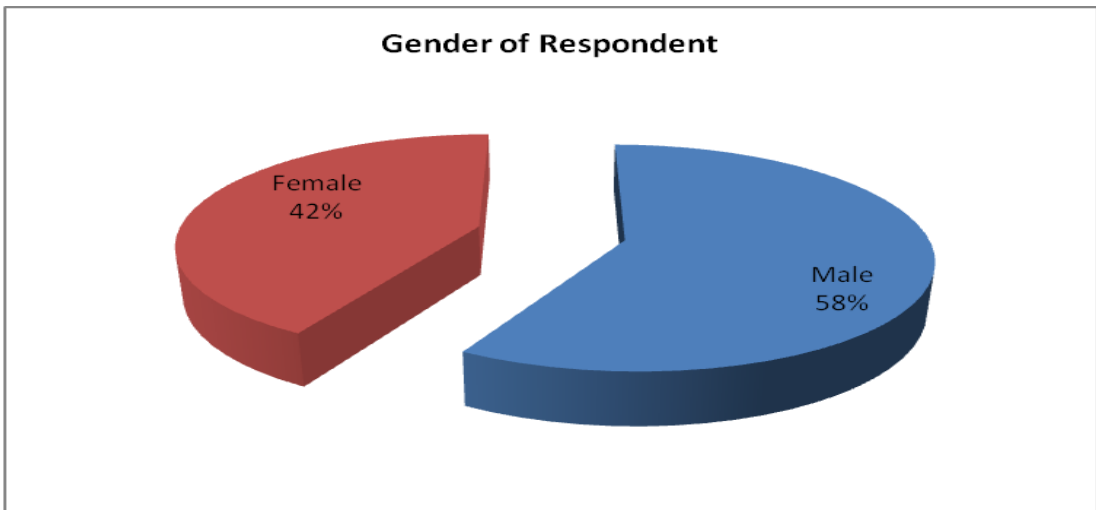


Figure 4.4 Gender of Respondent

4.2.4 Age of Respondent

The composition of the respondents by age is represented in Figure 4.5. This section sought to establish whether the age of staff influenced adoption of change management initiatives at the Judiciary. The findings reveal that majority 46.8% of the respondents in this study were aged between 46 to 55 years of age. The findings imply that majority of the respondents were mature enough to articulate the issues under study.

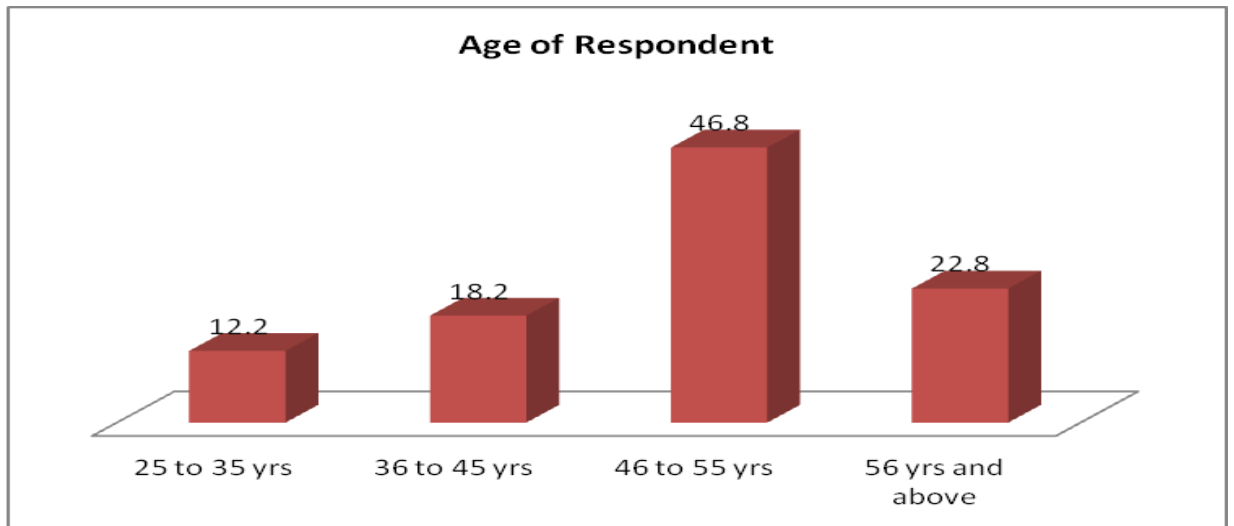


Figure 4.5 Age of Respondent

4.2.5 Period Worked at Judiciary

The composition of the respondents by period worked at judiciary is represented in Figure 4.6. This section sought to establish whether the period worked at judiciary by staff influenced adoption of change management initiatives at the Judiciary. The findings reveal that majority (40.5%) of the respondents in this study had worked for a period of between 6 to 10 years then followed by those who had worked for a period of between 11 to 15 years as represented at 27.8%. The findings imply that majority of the respondents in the study had worked for a period long enough to enable them comment on the issues under study.

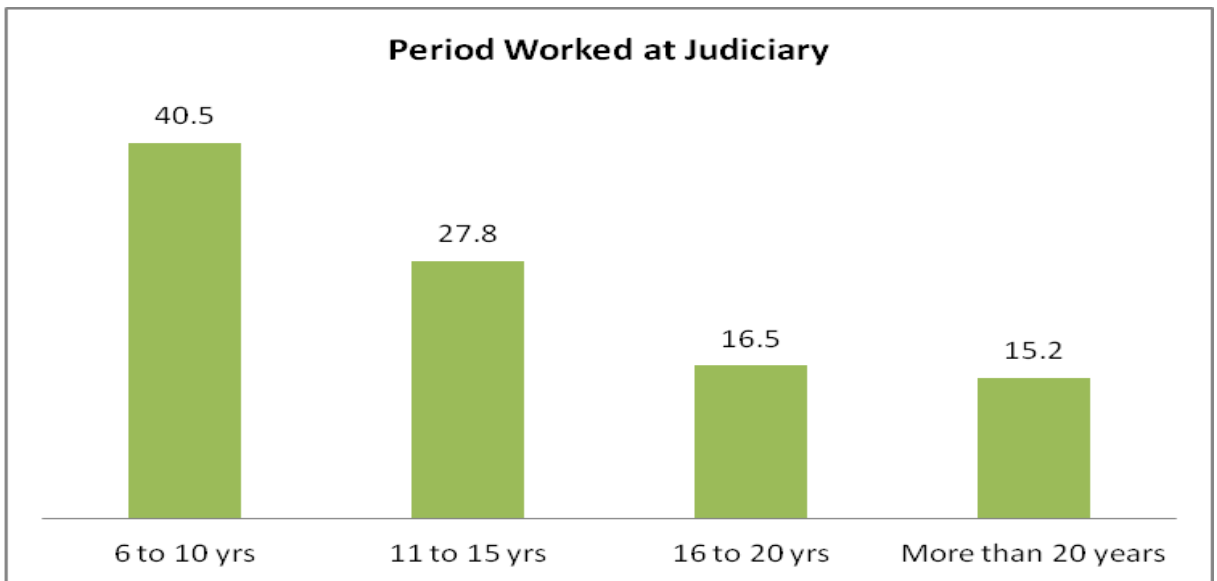


Figure 4.6 Period Worked at Judiciary

4.3 Organization Structure

Respondents were required to indicate the extent to which they agreed to various aspects on organization structure in relation to change management at the judiciary. Items that were measured on a five point Likert-Type scale ranging from 1 being “Strongly Disagree” to 5 being “Strongly Agree”. Means of between 3.1519 - 4.3797 and standard deviations of between 0.00097- 0.93492 were registered. The study findings therefore reveal that majority of the respondents agreed that the judiciary had several departments to a great extent (4.3797) and several levels of management (4.3544). They further agreed that activities making at the judiciary was highly centralized (4.3165). However, majority of the respondents were of the opinion that rules and procedures were not carefully defined (3.1519) and that employees were not granted limited adequate participation in decision making. The findings are as presented in Table 4.1.

Table 4.1 Descriptive Statistics on Organization Structure

Item	Mean	Std. Deviation
The organization is characterized by high level of complexity	3.9367	.25414
The organization has several levels of management	4.3544	.50733
The organization has several departments	4.3797	.68508
The organization has several stations across the country	3.2532	.91349
The organization is characterized by high level of centralization of activities	4.3165	.03116
The organization has specialized groups such as legal, research and development, finance, human resources	4.2535	.84038
Managers in the organization are granted limited discretion in performing their duties	3.3380	.90937
The organization's rules and procedures are carefully defined	3.1519	.93492
The employees are granted limited participation in decision making	3.1899	.00097
The decision making process is concentrated at the top level management	3.6000	.91515
The organization structure is highly formal	3.6582	.03634

4.4 Legal Structure

Respondents were required to indicate the extent to which various aspects as pertains to the legal structure of the judiciary influenced the implementation of change management initiatives at the judiciary in Kenya. Items that were measured on a five point Likert-Type scale ranging from 1 being “Very Small Extent” to 5 being “Very Great Extent”. Means of between 3.8608 - 4.4051 and standard deviations of between

0.69308 - 0.96649 were registered. The study findings therefore reveal that majority of the respondents were categorical that adequate allocation of resources to the judiciary greatly impacts the implementation of change management initiatives at the judiciary (4.4051). Further, majority of the respondents were of the opinion that support from the national government of impacts implementation of change management initiatives at the judiciary to a great extent (4.1646). Further, the administration structure also had a great effect on the implementation of change management initiatives at the judiciary (4.1392). However, majority of the respondents were of the opinion that the court structure had a moderate effect on the implementation of change management initiatives at the judiciary (3.8608). The findings are as shown in Table 4.2.

Table 4.2 Descriptive Statistics on Legal Structure

Item	Mean	Std. Deviation
Court structure	3.8608	.69308
Administration structure	4.1392	.85836
Funding structure	4.4051	.92707
National government	4.1646	.96649

4.5 Stakeholders Alignment

4.5.1 Institutions

Respondents were required to indicate the extent to which various institutions impacted the implementation of change management initiatives at the judiciary in Kenya. Items that were measured on a five point Likert-Type scale ranging from 1 being “Very Small Extent” to 5 being “Very Great Extent”. The institutions ranged from Law Society of Kenya (LSK), prosecution (ODDP) and litigants. Means of between 3.4823 - 3.7975 and standard deviations of between 0. 25220 - 0.83788 were registered. The study findings therefore reveal that majority of the respondents were categorical that the Law Society of Kenya (LSK) had the greatest impact on the implementation of change management initiatives at the judiciary (3.7975). Litigants (3.5089) and the prosecution (3.4823) also influenced implementation of change management initiatives at the judiciary though to a moderate extent. The findings are as shown in Table 4.3.

Table 4.3 Descriptive Statistics on Institutions

	Mean	Std. Deviation
Advocate/Law Society of Kenya	3.7975	.83788
Prosecutions/ODDP	3.4823	.33289
Litigants	3.5089	.25220

4.5.2 Judiciary Culture

Respondents were required to indicate the extent to which the judiciary culture affected the implementation of change management initiatives at the judiciary in Kenya. Items that were measured on a five point Likert-Type scale ranging from 1 being “Very Small Extent” to 5 being “Very Great Extent”. The cultural aspects ranged from values, norms, people and training. Means of between 3.4051 - 4.1392 and standard deviations of between 0.06811- 0.90205 were registered. The study findings therefore reveal that majority of the respondents were of the opinion that the training culture (4.1392) and the values (3.9873) held at the judiciary were the key cultural aspects which influenced implementation of change management initiatives at the judiciary to a great extent. On the contrary, norms (3.4051) like respect for others at the judiciary were not conducive for implementation of change management initiatives at the judiciary. The findings are as shown in Table 4.4.

Table 4.4 Descriptive Statistics on Judiciary Culture

Item	Mean	Std. Deviation
Values	3.9873	.06811
Norms	3.4051	.88461
Staff	3.7722	.09719
Training	4.1392	.90205

4.5.3 Stakeholders Influence

Respondents were further required to indicate the extent to which various stakeholders influenced the implementation of change at the judiciary in Kenya. Items that were measured on a five point Likert-Type scale ranging from 1 being “Very Small Extent” to 5 being “Very Great Extent”. Means of between 3.5696 - 4.4304 and standard deviations of between 0.00873- 0.93492 were registered. The

study findings therefore reveal that majority of the respondents were categorical that judicial officers (4.4304) are the most important in ensuring change management initiatives are implemented at the judiciary. On the other hand, the police (2.5696) were reported to be the least supporters of change management initiatives at the judiciary. The findings are as shown in Table 4.5.

Table 4.5 Descriptive Statistics on Stakeholders Influence

Item	Mean	Std. Deviation
Advocates	3.8481	.93492
Litigants	3.7089	.14525
Judicial Officers	4.4304	.84252
Prosecution	3.7342	.79597
Police	2.5696	.00873

4.6 Change Management

Respondents were finally required to indicate the extent to which various change management parameters applied at the judiciary in Kenya. Items that were measured on a five point Likert-Type scale ranging from 1 being “Strongly Disagree” to 5 being “Strongly Agree”. Means of between 2.6203 - 4.1139 and standard deviations of between 0.02183- 0.93091 were registered. The study findings therefore reveal that majority (4.1139) of the respondents were of the opinion that they received adequate training to keep up with the organization and that change in organizational leadership had led to increased productivity at the judiciary (4.0704). On the contrary, respondents indicated that succession planning at the judiciary in Kenya was not clearly guided (2.6203) and that the judiciary did not allocate adequate resources to accommodate new processes (2.9494). The findings are as shown in Table 4.6.

Table 4.6 Descriptive Statistics on Stakeholders Influence

	Mean	Std. Deviation
Change occurs frequently in our organization	3.7465	.05178
Change in this organization is carefully considered and planned	3.3797	.13571
Changes are made in a way that is consistent with the organization mission	3.3291	.02183
Change in our organization is driven by facts and information rather than speculation	3.4557	.93091
The rationale for change is effectively communicated to employees	3.2658	.87279
Employees are actively involved in planning and implementing various organization policies	3.4557	.57284
This organization has a clear focus and sense of direction for the future	3.9114	.62409
Management of our organization has a set period of time to be in office	3.6456	.87761
Succession planning in our organization is clearly guided	2.6203	.85190
Management creates a sense of urgency to reinforce the need for change	3.2532	.68815
Employees are provided with facts, figures and evidence to persuade them for change	3.0633	.02959
In responding to change the leadership team does a good job of keeping employees motivated	3.2278	.84655
Change in organizational leadership has led to increased productivity in my organization	4.0704	.74304
Employees receive adequate training to keep up with changes within the organization	4.1139	.64026
In our organization adequate resources are provided to accommodate new processes or standards	2.9494	.15358
The organization monitors and evaluates the impact of changes that are made	3.5063	.69565
The judiciary considers aligning change strategy to its organization culture, vision and mandate	3.9367	.53927
Problems arising out of change are systematically identified and resolved	3.0127	.86963

4.7 Regression Analysis

The research study wanted to establish institutional determinants of change management at the judiciary in Kenya. The research findings indicate that there was a very strong positive relationship ($R= 0.932$) between the variables. The study also reveals that 86.9% of change management at the judiciary in Kenya could be explained by the institutional determinants namely: organization structure, legal structure and stakeholder alignment policy in place. From this study it is evident that at 95% confidence level, the variables produce statistically significant values and can be relied on to explain change management at the judiciary as a result of the institutional determinants under study. The findings are as shown in the Tables 4.7, 4.8 and 4.9.

Table 4.7 Model Summary

R	R Square	Adjusted R Square	Std. Error of the Estimate
.932	.869	.398	.95469

Source: Research Data 2015

Table 4.8 ANOVA

Model	Sum of Squares	Df	Mean Square	F	Sig.
Regression	6.848	4	2.283	20.642	.004
Residual	8.293	75	.111		
Total	15.141	79			

Source: Research Data 2015

Table 4.9 Regression Coefficients

	Unstandardized Coefficients		Standardized Coefficients	T	Sig.
	B	Std. Error	Beta		
(Constant)	2.131	.138	.156	.947	.350
Organization Structure	.648	.131	.192	1.123	.029
Legal Structure	.799	.232	.258	1.289	.016
Stakeholder Alignment	.880	.198	.069	.403	.031

Source: Research Data 2015

From this study it was evident that at 95% confidence level, the variables produce statistically significant values for this study (high t-values, $p < 0.05$). A positive effect is reported for all the variables under study hence influence implementation of change management initiatives at the judiciary positively. The results of the regression equation below shows that for a 1- point increase in the independent variables, change management is predicted to be implemented by 2.131, given that all the other factors are held constant.

The equation for the regression model is expressed as:

$$Y = a + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \epsilon$$

$$Y = 2.131 + 0.648X_1 + 0.799X_2 + 0.880X_3$$

Where

β_1 , β_2 and β_3 are correlation coefficients

Y= Change Management

X_1 = Organization Structure

X_2 = Legal Structure

X_3 = Stakeholder Alignment

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary

This research sought to establish institutional determinants of change management at the judiciary in Kenya. Key institutional determinants ranging from organizational structure, legal structure and stakeholders' alignment were considered. The study relied on primary data which was collected by use of a semi-structured questionnaire containing open-ended and close-ended questions.

The researcher targeted 124 judiciary staff but managed to obtain responses from 79 of them representing 64% response rate. Judicial officers, mainly judges and magistrates formed majority of the respondents. There were more male respondents than their female counterparts. Further, majority of the respondents were aged between 46 to 56 years. Majority of the respondents had worked in the judiciary for a period of between 6 to 10 years thus able to articulate the issues under study because the change management blue print (JTF) was established in the year 2012.

It was clear from the study findings that the organization structure at the judiciary was mainly mechanistic with several layers. The structure and operational relationship between the officers as judges and magistrates and administration officers is unclear. The reporting lines in terms of change management activities are blurred and accountability systems in the same are not clear. The relationship between the change sponsor and his role is not clear while judicial functions have been effectively decentralized; administrative decision making is reserved to the office of the Chief Registrar of the Judiciary and to a lesser extent to the Registrars and Directorates. The study compliments the findings of Sine et al. (2006) who argues that mechanistic structures resemble a bureaucracy and are highly formalized and centralized. Mechanistic structures are often rigid and resist change thus making it unsuitable for innovativeness and quick action which is needed in the implementation of JTF. They sometimes inhibit entrepreneurial action and individual initiative thus affecting individual autonomy and self determination. Despite these disadvantages, mechanistic structures provide stability and organizational efficiency and are more suited in stable environment. Organistic structures are flexible and decentralized with low levels of formalization. In organic structures, employee job descriptions are broader, communication lines flexible and the structure is conducive to entrepreneurial

behaviour and innovativeness. Organic organizations are relatively simple, informal and decentralized.

The study findings further reveal that the legal structure at the judiciary was anchored in Article 159 of the Constitution of Kenya 2010 which defines the judicial authority and the legal system in Kenya. Parliament has also enacted the Judicature Act which makes provision for jurisdiction of the courts and the judicial service. The funding framework for the judiciary is as stipulated by the Judicial Fund which provides funds to be used for administrative expenses of the judiciary administered by the Chief Registrar of the Judiciary (Art 173). It was evident from the study findings that resources for implementation of the JTF have not been adequately provided by the national government. This has greatly impacted on the pace of JTF implementation.

Five key stakeholders were considered ranging from: Law Society of Kenya (Advocates), judicial officers, prosecution (ODDP), litigants and police. The study confirms the important role of the stakeholder theory in change management incentives and the role of other actors in the justice chain which perform corresponding and complementary roles.

The study has also brought out the crucial role of the Law Society of Kenya as an organization of lawyers as its members and as such should work closely with the judiciary in realizing the same. The findings also revealed that litigants should cooperate with judicial officers in realizing change mainly in addressing corruption prevalence in the judiciary. The prosecution should play its role in faster case processing to control case backlog which has been so detrimental in service delivery and attainment of the core mandate of the judiciary in dispensing justice to all. It was further clear that Court Users Committee and Leadership and Management committee had been established in the courts. Their main role was to ensure smooth administration in the courts. However their mandate had not been properly anchored in appropriate legislation. These findings are in agreement with Jeffery (2009) who contends that organizations can no longer choose whether they want to engage with stakeholders or not; the only decision they need to take is when and how successfully to engage. Stakeholder alignment is premised on the notion that 'those groups who can affect or are affected by the achievements of an organization's purpose should be given the opportunity to comment and input into the Development of decisions that affect them.

Generally, the research findings indicated that there was a very strong positive relationship ($R= 0.932$) between the variables. The study also revealed that 86.9% of change management at the judiciary in Kenya could be explained by the institutional determinants namely: organization structure, legal structure and stakeholder alignment policy in place. From this study it is evident that at 95% confidence level, the variables produce statistically significant values and can be relied on to explain change management at the judiciary as a result of the institutional determinants under study.

5.2 Conclusion

This study sought to establish institutional determinants of change management at the judiciary in Kenya. Three key determinants were considered ranging from organization structure, legal structure and stakeholder alignment.

From the study findings, it would be safe to conclude that the institutional determinants under study have a significant effect on implementation of change management initiatives at the judiciary in Kenya. The conclusion is supported by the study findings which showed that there was a very strong positive relationship ($R= 0.932$) between the variables. The study also revealed that 86.9% of the change management initiatives in the judiciary could be explained by the institutional determinants under study namely: Organization structure, legal structure and stakeholders' alignment. From this study it is evident that at 95% confidence level, the determinants produce statistically significant values and can be relied on to explain implementation of change management at the judiciary in Kenya.

Specifically the study concludes as follows: The organization structure at the judiciary was mainly mechanistic. However, there are some elements of organistic structure. The legal structure of the judiciary was anchored in Article 159 of the Constitution of Kenya 2010 which defines the judicial authority and the legal system in Kenya. Parliament has also enacted the Judicature Act which makes provision for jurisdiction of the courts and the judicial Service Act (Act No. 10 of 2011) which makes provision for judicial services and administration of the judiciary. The funding framework for the judiciary is as stipulated by the Judicial Fund which provides funds to be used for

administrative expenses of the judiciary administered by the Chief Registrar of the Judiciary (Act 173). Five key stakeholders were considered ranging from: Law Society of Kenya (Advocates), judicial officers, prosecution (ODDP), litigants and police. All the identified stakeholders are key elements in the implementation of change at the judiciary in Kenya.

5.3 Recommendations for Policy and Practice

With due regard to the ever increasing desire to realize change in the judiciary through the JTF framework, there is need to invest in proper strategies so as to meet these expectations. This should be done in a manner in which all the stakeholders are involved. This therefore calls for embracing proper strategies which are acceptable, accessible, ethically sound, have a positive perceived impact, relevant, appropriate, innovative, efficient, sustainable and replicable.

In respect to organization structure the management of the judiciary should infuse elements of the organistic structure in the existing mechanistic structure to encourage innovations and more efficiency in service delivery. Management should decentralize administrative decision making to court stations through the Leadership and Management Committees with clear roles and legal mandate to make decision concerning the stations. The judiciary should establish operational structures with clear roles and mandates. The management of the judiciary should also adopt an organistic structure to enable staff to be innovative and exercise flexibility while implementing the Judiciary Transformation Framework. Further, the judiciary should review the operation structure to define the mandate and role of each unit. This can be done by realigning functional and organization structure to emerging needs.

The government should allocate more resources to the judiciary to enable implementation of the Judiciary Transformation Framework. Of key concern is investment in ICT as enabler of dispensing justice to all. Some court buildings are in pathetic conditions and as such need refurbishment and some total overhaul. This is aimed at creating a conducive environment for judiciary staff for effective service delivery. This therefore calls upon parliament to enact legislation indicating the percentage of the national budget which should be set aside for administrative expenses of the judiciary. This will give greater certainty and autonomy in resource allocation.

In respect to the stakeholders alignment the management of the judiciary should closely consult with the relevant stakeholders before enacting any change management initiatives. This will ensure ownership hence minimal resistance during implementation. Further, legislation on the mandate of the Leadership and Management Committee and the Court Users Committee should be appropriately anchored in law to clearly spell out their role in the administration of courts in Kenya. Given the importance of the stakeholder engagement, the judiciary should consciously promote judiciary dialogue, collaboration and partnerships by developing and executing a robust strategy for stakeholder engagement. There is need for regular communication to stakeholders on progress made in and the benefits of change management initiatives undertaken.

Judiciary staff needs to undergo training both locally and internationally to enable them obtain required skills in transforming the judiciary. The management should therefore invest in such skills to enable the staff to be more competent in service dissemination. The trainings also provide a forum for benchmarking for best practise from similar institutions.

The judiciary management should closely work with Ethics and Anti-Corruption Commission officers in eradicating prevalence of corruption at the judiciary. In implementing the JTF and for the benefits to be realized by the court users, the issue of integrity must be addressed by the relevant bodies. This will instil confidence and make changes feasible to the court users.

There is a great need to sensitize the judiciary staff on the benefits of change. Some of them feel that change in the system will send some of them home and make them lose their jobs. This has made some of them resist any initiative of change in the system hence the reason for maintenance of status quo.

5.4 Limitations of the Study

The limitations of this included difficulty in obtaining information from unwilling respondents citing reasons such as busy work schedules and fear of victimization in the event the study findings turning negative.

Some respondents were suspicious to give information due to fear of victimization. However, the researcher assured them that the information they were to give could be used for academic purposes and their identity was to be concealed.

5.5 Suggestions for Further Studies

Arising from this study, the following directions for future research in strategic management are as follows: First, this study focused on the institutional determinants of change management at the judiciary in Kenya. Therefore, generalizations cannot adequately extend to other sectors. Future research should therefore focus on both the public and private sector institutions.

A study should also be carried out in all the 47 counties to establish whether similar results will be obtained. Further the study recommends that it is important to analyze institutional determinants on productivity of the counties.

There is also an opportunity for further research to investigate the influence of change management on organizational performance.

REFERENCES

- Philidepiden et.al., (2008), “*The Rise of Europe: Atlantic Trade, Institutional Change and Economic Growth*”, NBER Working Paper no. 9378.
- Akerlof, G. and R. Kranton (2000), “*Economics and Identity*,” Quarterly Journal of Economics, 31 (1), 139-158.
- ALTA, American Land Title Association (2000), “*Real Estate Closings by Non-Attorneys or Title Agents/Title Insurers*,” mimeo, ALTA, Washington DC.
- Aosa, E. (1992). *An empirical investigation of aspects of strategy formulation and implementation within large, private manufacturing companies in Kenya* (Unpublished doctoral dissertation). University of Strathclyde, Glasgow, Scotland.
- Beckert, J. 1999. *Agency, Entrepreneurs, and Institutional change*. The role of Strategic Choice and Institutionalized Practices in Organizations. Organizations Studies. 20 (5): 777-799
- Hughes, C. (2008) *Outcome Realization and Organizational Change Management: The Tasmanian Approach*.
- Hamilton ,B. A (2007) *Ready, Willing and Engaged: A Practical Guide for Change Sponsors*
- Brunetti, A. (1997) *Political variables in cross-country growth analysis*, Journal of Economic Surveys 11(2), 163-90
- Constitution of Kenya,2010
- Covaleski, M.A. & Dirsmith, M.W. 1988. *An Institutional Perspective on the Rise, Social Transformation, and fall of a University Budget Category*. Administrative Science Quarterly, 33: 562-587
- Balogun and Hailey, P (1999), *Organizational Change: A Procession Approach*, Paul Chapman Publishing, London.
- DiMaggio, P. 1988. *Interest and Agency in Institutional Theory*. In Zucker. L. G. (ed.) *Institutional Patterns and Organizations. Culture and Environment*. Cambridge: Ballinger Publishing Company
- DiMaggio, P.J. & Powell, W.W. 1983. *The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields*. American Sociological Review. 48 (2): 147-160

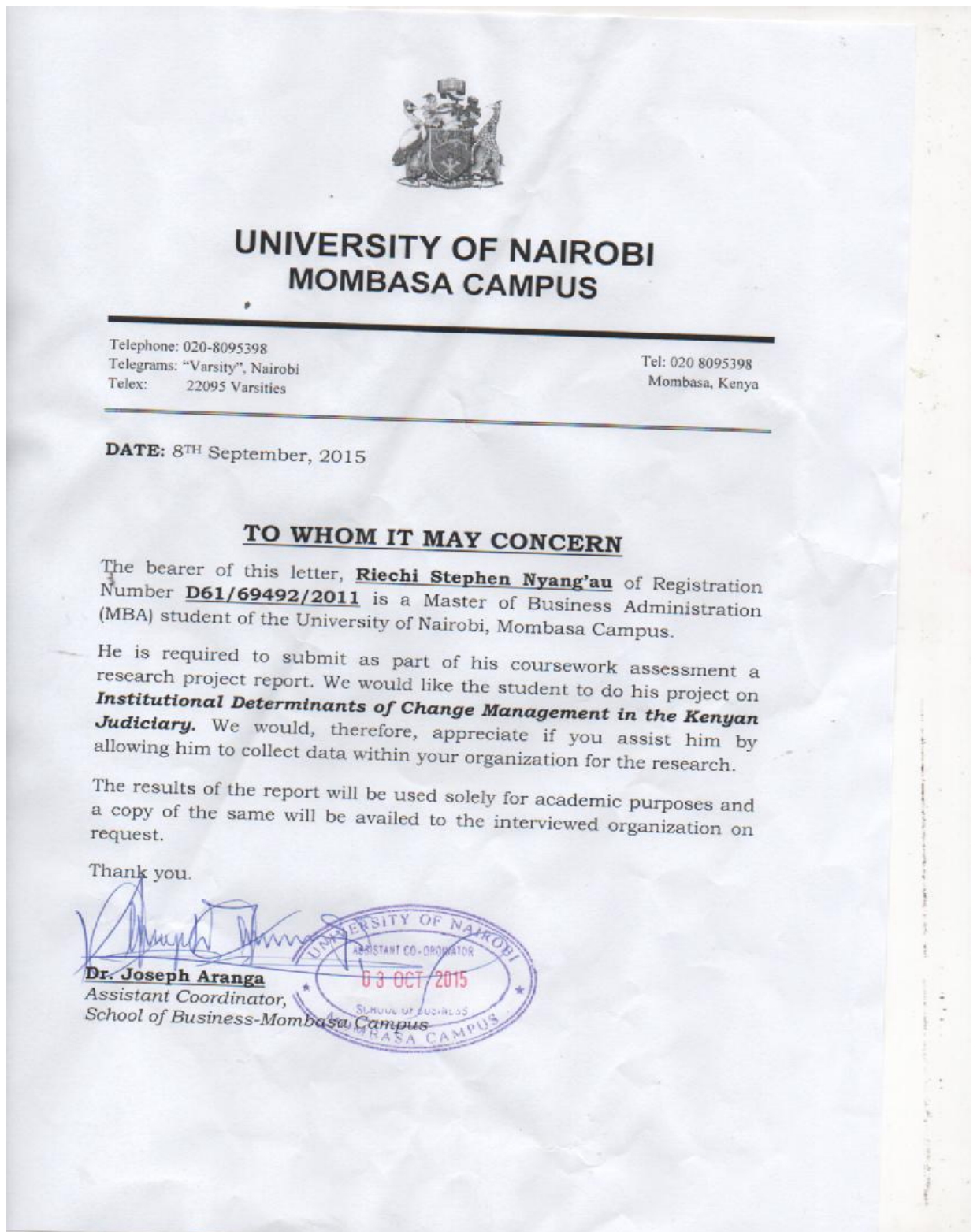
- Ekhubi (2014), *change management practices in the judiciary transformation framework in Kenya*, Unpublished MBA Project, University of Nairobi.
- Shiller, P.M. & J.F. Veiga (2003): 'Acculturation in Acquired Organizations: a force-field perspective', *Human Relations*, 47, pp. 431-453.
- Seidman, I. (1998). *Interviewing as qualitative research*. Williston, VT: Teachers College Press.
- Campell, V. (2009). *Individual and organizational strategies for coping with organizational change*. *Work & Stress*, 7: 63–75.
- Lewin, K. (1947). *Frontiers in Group Dynamics*. *Human Relations*, 1: 5–41.
- Weidbergc, K., & Quinn, R. (2013). Organizational change and development. *Annual Review of Psychology*, 50: 361–386.
- Armenakis, J. & Beduianic (1999). Measuring emotion in open-ended survey responses: An application of textual data analysis. *Journal of Management*, 21: 335–355.
- Greenwood, R. & Hinings, C.R. (1996) "Understanding Radical Organizational Change: Bringing together the Old and the New Institutionalism", *The Academy of Management Review*, Vol. 21, No. 4, pp. 1022-1054.
- North, K., And G. Tullock (1990) *An empirical analysis of cross-national economic growth, 1951-1980*, *Journal of Monetary Economics* 24(1), 259-76.
- Burns, M., & Stalker, R. (2004). Developing an organization capable of implementing strategy and learning. *Human Relations*, 49: 597–619.
- Hardy, C. (1995), *Managing Strategic Change; Power Paralysis and Perspective*, IAF Press
- Haveman, H. A., Russo, M. V., & Meyer, A. D. (2001). *Organizational environments in Flux: the impact for regulatory punctuations on organizational domains, CEO succession, and performance*. *Organization Science*, 12, 253.
- Heathfield, S.M, (2009) *Communication is Key in Change Management*
- Heclo, H. & Wildavsky, A. (1974) *the Private Government of Public Money: Community and Policy inside British Politics*. London: Macmillan
- Mogan, A. & Brightman (2001). *Organization Behaviour 4th Ed* Peerson Educaltied Ltd England
- HUD, United States Department of Housing and Urban Development (2000), "Buying Your Home: Settlement Cost and Useful Information," revised version, July 2000 (first version: June, 1997), Washington, DC

- Amanda, T. (2006). Resetting the clock: The dynamics of organizational change and failure. *Administrative Science Quarterly*, 38: 51–73.
- Graertz, R. (2000), “*World values surveys and European values surveys, 1981- 1984, 1990-1993 and 1995-1997*”, Ann Arbor-Michigan, Institute for Social Research, ICPSR version.
- Joyce P, (1998) .*Management and Innovation in the Public Service Strategic Change* Vol.7 No. 1
- Mabetwa, (2002) *Strategic Change Management Practices and Organization performance at the Kenya Commercial Bank*, Unpublished MBA Project, University of Nairobi.
- Kamugisha (2013) *The Effect of Change Management in an Organization: A Case Study of National University of Rwanda (NUR)*, Unpublished MBA Project, University of Nairobi.
- Jonathan R.M., (2012). *The Classic Traps* Havard Business Review November 2006.
- Kiyiapi (2014) *Effects of Changes in the Legal management governing education on the Performance of Kenya Institute of Special Education*, Unpublished MBA Project, University of Nairobi
- Greenwood , C., & Hinings, T. (1996). Organizational design, inertia, and the dynamics of competitive response. *Organization Science*, 4: 181–208.
- Scott & Meyer,(1992), *Impact of Change on Work Experience and Perception in Public Sector* ,Public Administration Innovation:Review.
- Selzwick, , & Robert W.(1957). “*Thresholds and Payoffs in List Systems*
- Maurer, R. (2003), *Using Resistance to Build Support for Change*; Journal for Quality and Participation, pp.56-63.
- Friedman, M. (2006): *The Culture Factor: cross-national management and the foreign venture*, Houndmills, UK: MacMillan Press. Of Proportional Representation” *European Journal of Political Research* 5: 219-
- North, D C (1990) "*Institutions, institutional change, and economic performance*". Cambridge: Cambridge University Press.
- Mutuku,N. (2004) *Factors influencing implementation of judiciary system projects in Kenya: A case of the Judiciary Transformation Framework*, Unpublished Master of Arts in Project Planning and Management Project, University of Nairobi.

- Hatch, W.K (2007) *New Institutionalism*. Sage Publishers
- Jaffery, G. (1988) *the Institutional Framework and Economic Development*, *Journal of Political Economy* 96(3), 652–62.
- Selznick, P. 1949. *TVA and the Grass Roots*. Berkeley: University of California Press.
- Stacey, R.D. (1996). *Complexity and creativity in organisations*. San Francisco: Berrett-Koehler.
- Beardwell & Claydon (2007). *Explaining development and change in organizations*. *Academy of Management Review*, 20, 510-540.
- Wayman, O (2001) *Strategic Communication: Creating Understanding and Support for Change*

APPENDIXES

Appendix I: Introduction Letter



Appendix II: Study Questionnaire

Section I: Organizational Profile

Please provide the following information regarding your organization.

1. Job Title _____

2. Department _____

3. Gender of respondent (tick one)
 - (a) Male []
 - (b) Female []

5. Age of respondent
 - (a) 25 to 35 years []
 - (b) 36 to 45 years []
 - (b) 46 to 55 years []
 - (c) 56 and above []

6. Highest level of education
 - (a) College []
 - (b) University []
 - (c) Post graduate []

7. Number of years worked at the Judiciary Less than 6 years
 - 6 to 10 years []
 - 11 to 15 years []
 - 16 to 20 years []
 - More than 20 years []

Section II: Organization Structure

The statements presented below describe aspects of change in leaders in organizations. Please indicate the extent to which you agree that each of the statements describes your firm by ticking '√' in the appropriate box (from 1 to 5); where: 1= Strongly Disagree (SD); 2 = Disagree (D); 3 = Neutral (N); 4 = Agree (A); 5 = Strongly Agree (SA)

	Item	SD	D	N	A	SA
		1	2	3	4	5
1	The organization is characterized by high level of complexity					
2	The organization has several levels of management					
3	The organization has several departments					
4	The organization has several branches across the country					
5	The organization is characterized by high level of centralization of activities					
6	The organization has specialized groups such as legal, research and development, finance, human resource, etc.					
7	Workers in the organization are granted limited discretion in performing their tasks					
8	The organization's rules and procedures are carefully defined					
9	The employees are granted limited participation in decision making					
10	The decision making process is concentrated at the top level management.					
11	The organizational structure is highly formal					

Section III: Legal Structure

Please indicate the extent to which the following aspects influence implementation of change in the Kenyan judiciary by ticking ‘√’ in the appropriate box (from 1 to 5); where: 1= Very Small Extent (SD); 2 = Small Extent (M); 3 = Moderate Extent (N); 4 = Great Extent (A); 5 = Strongly Agree (SA)

	Item	VSE	SE	M	GE	VGE
		1	2	3	4	5
1	Court structure					
2	Administration structure					
3	Funding structure					
4	National government					

Section IV: Stakeholder Alignment

1. Please indicate the extent to which the following institutions have impacted on change in the judiciary by ticking ‘√’ in the appropriate box (from 1 to 5); where: 1= Very Small Extent (SD); 2 = Small Extent (M); 3 = Moderate Extent (N); 4 = Great Extent (A); 5 = Strongly Agree (SA)

	Item	VSE	SE	M	GE	VGE
		1	2	3	4	5
1	Advocate/Law Society of Kenya					
2	Prosecutions/ODDP					
3	Litigants					

2. Please indicate the extent to which the judiciary culture has affected implementation of change initiatives by ticking ‘√’ in the appropriate box (from 1 to 5); where: 1= Very Small Extent (SD); 2 = Small Extent (M); 3 = Moderate Extent (N); 4 = Great Extent (A); 5 = Strongly Agree (SA)

	Item	VSE	SE	M	GE	VGE
		1	2	3	4	5
1	Values					
2	Norms					
3	Staff					

4	Training					
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3. Please indicate the extent to which the following stakeholders influence implementation of change in the judiciary by ticking ‘√’ in the appropriate box (from 1 to 5); where: 1= Very Small Extent (SD); 2 = Small Extent (M); 3 = Moderate Extent (N); 4 = Great Extent (A); 5 = Strongly Agree (SA)

	Item	VSE 1	SE 2	M 3	GE 4	VGE 5
1	Staff					
2	Advocates					
3	Litigants					
4	Judicial officers					

Section V: Change Management

The table below presents dimensions of change management at the judiciary in Kenya performance. Please indicate the extent to which you agree that each of the statements describes the judiciary by ticking ‘√’ in the appropriate box (from 1 to 5); where: 1= Strongly Disagree (SD); 2 = Disagree (D); 3 = Neutral (N); 4 = Agree (A); 5 = Strongly Agree (SA).

	Item	SD 1	D 2	N 3	A 4	SA 5
1.	Change occurs frequently in our organization					
2.	Change in this organization is carefully considered and planned					
3.	Changes are made in a way that is consistent with the organization mission					
4.	Change in our organization is driven by facts and information rather than speculation					
5.	The rationale for change is effectively communicated to employees					
6.	Employees are actively involved in planning and					

	implementing various organization policies					
7.	This organization has a clear focus and sense of direction for the future					
8.	Management of our firm has a set period of time to be in office					
9.	Succession planning in our organization is clearly guided					
10.	Management creates a sense of urgency to reinforce the need for change					
11.	Employees are provided with facts, figures and evidence to persuade them for change					
12.	In responding to change the leadership team does a good job of keeping employees motivated					
13.	Change in organizational leadership has led to increased productivity in my firm					
14.	Employees receive adequate training to keep up with changes within the organization					
15.	In our organization adequate resources are provided to accommodate new processes or standards					
16.	The organization monitors and evaluates the impact of changes that are made					
17.	The judiciary considers aligning change strategy to its organization culture, vision and mandate					
18.	Problems arising out of change are systematically identified and resolved					

Section VI: Others

- a) Kindly some of the challenges the judiciary has faced in implementation of change initiatives
