

INFLUENCE OF TOTAL QUALITY MANAGEMENT ON PERFORMANCE IN THE JUDICIAL SYSTEM OF KENYA

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Abstract: The purpose of this research study was to determine how application of Total Quality Management principles and practices affected performance in the Kenyan public sector with reference to the judicial system of Kenya. The specific objectives of the study were to examine the influence of customer focus, employee involvement, continuous improvement and commitment by top management on performance in the Judiciary of Kenya. The researcher used descriptive research design where target population was 880 employees from courts in Nairobi County and comprised of the top, middle, and lower levels of management that was constituted of Magistrates, Directors, head of stations and departments and paralegal staff. Stratified random sampling technique was employed to sample 88 respondents representing 10% of the target population. The data was collected through the use of structured and semi-structured questionnaires which was then analyzed and presented using mainly tables. The study results revealed that there was a significant relationship between customer focus and performance; there was a significant relationship between employee involvement implementation and performance; there was a significant relationship between continuous improvement and performance and that there was a significant relationship between top management commitment and performance. The study recommended that the judicial system of top management needs to be totally involved in quality management development and implementation strategies within their organizations by making this process their number one priority.

1. INTRODUCTION

Background of the Study

Provision of quality products and services by various industries has received significant attention in the global market leading to increased pressure for organizations to satisfy the need. Both private and public institutions therefore are now been seen to endeavor in excelling in this area of quality in their operations. Public and private sectors though, have different characteristics and goals which distinguish them and affect how each of them has adopted quality in its operations.

The private sector has widely adopted quality in the production and service provision with the aim of gaining competitive advantage above their competitors. This has been a successful means for survival and a way of achieving long term relevance in the market for such organizations. Zayed (2004) observed that public organizations are less threatened by competition; their survival is more secure, even in spite of a poor performance. Private industries are therefore more worried about their existence, especially in the long run, because of the competing forces in the marketplace. Lack of such factors has led to the public sector being characterized by inefficiencies in their service provision.

Effort to attain reforms in the Kenyan public sector date back to the year 2003 when civil service reforms were introduced. The government has further attempted to bring change in its ministries, departments and agencies in the way service is provided through application of tools such as strategic plans, the Vision 2030 and performance contracting

introduced in the year 2003. Several government institutions in Kenya have already adopted performance contracting and the introduction of quality in its processes which has been seen to assist in improvement in productivity and efficiency that have been a great contribution to the intended reforms.

Reforms in the Judiciary can be traced back to the year 2002 where since that time various taskforces and committees have been established to look into performance in the organization and give recommendations. Other tools towards this course have been the use of service charters, work plans, strategic plans, like the 2005-2008, 2008-2012, 2014-18 and the Judicial Transformation framework (2012-2016) and Sustaining Judiciary Transformation Blueprints.

According to the Judiciary Transformation Framework, JTF (2012), the Judiciary of Kenya, a department of the Kenyan government whose mandate is to deliver justice, has for a very long time been characterized by inaccessibility and undue delays in dispensing justice, leading to loss of public trust and confidence and huge case backlog.

The need for transformation in the Judiciary is indeed great with pressure from taxpayers who together with other stakeholders have very high expectations on how well the organization performs and adds value to the society after its capacity was enhanced through a significant increase in the organization's budget. Navaratnam & Harris (2005) observed that in times of limited resources, there is increasing demand on public agencies to demonstrate their value to society. All public agencies, whether they deal with education, health, transport or other social programmes, are increasingly required by public finance standards to use programme management strategies and performance indicators in order to justify their funding.

Statement of the Problem

The Judicial system of the country has failed to win public trust for a very long time now, and according to the JTF (2012), inaccessibility and undue delays in dispensing Justice have attributed to loss of public trust and confidence and huge backlog. Albers (2007) observes that as a result of a reduced public trust in the judiciary or even 'crises' in the judiciary, there is a tendency for introducing new measures to monitor the performance of courts and judges. In the United States most of the State Courts monitor their performance regularly and also in Europe there is a growing attention for evaluation and monitoring as well. Sometimes the Court performance information is open for the public, in other situations/countries this is not the case and it is only used for internal management purposes.

The Judiciary of Kenya having established a performance management directorate, has for a while now been desirous of seeing changes in the performance and productivity of the organization and the general outlook of the general public and stakeholders. The institution has therefore introduced a performance measurement system which has been rolled out in Courts across the country. According to (PMMSC 2015), one of the associated problems in the initial stages of introducing performance measurement, was that various groups like the judges opposed the use of performance standards in the Justice system, arguing that introduction of performance standards may interfere with the outcomes of the Judicial cases and deprive citizens of Justice and may affect the nation at large. This is despite the fact that research has consistently shown a significant correlation between the economic wealth of a given country and its Judiciary's independence and efficiency.

Since Organizational performance in the public sector is complex, contested and multi dimensional, Carter, Klein and Day (1992), as in the case of the Judiciary, Quality must be clearly outlined and consequently the performance measures. Albers (2007) notes that defining quality has proved to be a challenging task. For a very long time in the Judiciary, it has been perceived that the introduction of performance measurements towards increase in the rate of delivery of cases and the lack of proper definition of what quality was in its context, would impede on the independence of the judicial officers and thus the laxity in introducing such concepts. The concept of quality though cannot be ignored in the judicial system as Agus and Kandampully (2007) cites that, the concept of quality has been used by many institutions both the private sector and public to improve on performance and meet customer needs.

According to Karyotakis (2014) it was apparent then that the tools of TQM can contribute to a growth mechanism in the public sector, through combining compliance standards with the needs, requirements and expectations of the citizen - client to achieve efficiency, upgrading functions of services, reliability and consistency in performance, reducing failures, improving the productivity of services and changing attitudes of the workers while increasing their efficiency. TQM practices are crucial to the Justice System in achieving efficiency and effectiveness more specifically through ensuring customer satisfaction in which confidence in the system or lack of it, is expressed to show the system's relevance in the

society. Karyotakis continues to note that the public is now considering governments to have done well if they seek to improve in quality in its processes. Achievement of quality has been given priority in the Judiciary's strategic plan that clearly underscores improvement of performance as its key pillars. Quality cannot be ignored to be a huge contributor to the success of any government ministry, agencies and departments. It is therefore imperative that the Judiciary of Kenya as an arm of government puts up mechanisms to ensure accountability, increase of public faith and confidence.

Many global, regional and local studies have underscored the role of TQM practices in enhancing performance in an organization (Crosby, 2000; Oakland, 2003; Denning, 2006; Feigenbaum, 2006 and Boyne, 2002). These studies have, however, concentrated on the impact of TQM practices on performance of profit making organizations but not public sectors mainly focused on delivery of services to the citizens beside revenue collection. Although a number of studies have been carried out on the concept and context of TQM practice in the public sector in Kenya (Waithanji et al., 2006; Nganga, 2010 and Awuor, 2013), nothing has been done on the effects of application of TQM practices on performance in the judicial system. It is in this view that this study will seek to investigate how applying total quality management principles and practices will improve performance in the judicial system of Kenya.

Specific Objectives

1. To determine the influence of customer focus on performance at the Judiciary of Kenya.
2. To examine the extent to which employee involvement influences performance in the Judiciary of Kenya.
3. To establish the effect of continuous improvement on the performance of the Judiciary of Kenya.
4. To assess the effect of top management commitment on performance of the Judiciary of Kenya.

2. LITERATURE REVIEW

Total Quality Management (TQM) is a competitive approach to long-term success that's derived from a dedication to customer satisfaction. Within this system, every employee in a company endeavors to enhance the products, services and internal culture to produce a streamlined set of business processes that deliver an improved customer experience (Colgate, 2010). Customer Focus involves researching what customers or end users want from products or services. This information is collected in a variety of ways including focus groups, customer interviews, and/or detailed user specifications. Undoubtedly, this knowledge is invaluable when it comes to planning how to shape the service or product in order to meet the demands (and expectations) of its potential customers. There is an emphasis in this element on the belief that the customers are the central focus of the organization as these are the individuals who will purchase the manufactured goods or services being offered by that organization (Edwardsoft, 2011), and hence, their expectations must be met. Prajogo and Cooper (2010) argue that quality customer service is one of the most important aspects of TQM because in any customer-oriented business the customers are the organization's main stakeholders.

Employee involvement is the regular participation of employees in an organization with the aim of helping in the achievement of its goals and objectives. For any organization to be successful, employees must be involved in the improvement of the organization from planning stage to implementation of various policies and processes on the basis that they know the processes best.

Employee involvement therefore is a critical component during the implementation of total quality management. TQM requires total management commitment to ensure employees engage in quality work culture which results in creation of healthy corporate image by rendering quality services to the customers (Huq, 2005; Schalk and Dijk, 2005). Employees who are largely involved in building the organization through the proper understanding of the vision, mission and the objectives will be fully committed to seeing them achieved. Once employees are involved in the organization's decision making and processes they get a sense of ownership in every level of the processes and are thus committed to its success. According to Holzer and Marc (2009) It is necessary for every organization and government to have full level of its employee commitment in order to have outstanding performance on long term basis.

Continuous improvement is a powerful concept related to the pursuit of never-ending improvement in meeting external and internal customer needs (Taylor and Wright, 2003; Schalk and Dijk, 2005). Kanji points out that continuous improvement require management by facts and commitment of all employees with an emphasis on teamwork to promote a bottom-up thrust for quality improvement Kanji (2008). Continuous improvement is the philosophy of improvement

initiatives that increases success and reduces failure and must be integrated into the management of all systems and processes (Walsh, Hughes and Maddox, 2002; Vouzas and Psychogios, 2007). TQM is mainly concerned with continuous performance improvement. To achieve this, people need to know what to do, how to do it, have the right tools to do it, and be able to measure performance and receive feedback on current levels of achievement Kanji and Asher, (2003). Today, irrespective of the business domain, companies and governments must focus on speed, efficiency, and customer value to be globally competitive, and the long-term health of any organization depends on their commitment to continuous improvement Rother, (2010).

Top management in an organization is involved from the planning stage of any activities to the implementation stage. They best apply the Deming cycle of plan-do-check-act through control and continual improvement of processes and products. Senior management in an organization is therefore very critical in the success of the TQM principles and practices.

Andersson (2007) highlighted management concept as planning or organizing processes that will lead to control of all types of resources in an organization, in order to reach a common vision. This will eventually transcend to continuous evolution of modern quality management as government favorably respond to changes in business demands.

Total quality management in any organization must start from the top management who has the vision of the organization which is the cascaded down to the employees. Hence, leaders should be properly trained and apprised of the TQM concept in its entirety. Leaders in a TQM system view the government as a system; support employee development; establish a multipoint communication among the employees, managers, and customers; and use information efficiently and effectively. In addition, leaders encourage employee in decision-making and empower the employees. Top management commitment and participation in TQM practices are the most important factors for the success of TQM practices. Managers should demonstrate more leadership than traditional management behaviors to increase employees' awareness of quality activities in TQM adoption and practices Goetsch and Davis (2010).

The organization has to set clear performance standards which the workers have to meet in order for the workers to perform. Performance is essentially what an employee does or does not do and elements of employee performance are quantity output, quality output, timeliness of output, presence at work and cooperativeness (Mathis & Jackson, 2004). Fox (2006) states that performance depends on the motivation and ability of individuals. He continues to state that individuals must be willing to do the job, know how to do it, be able to do it and must receive feedback on how they are performing. He further states that the management duty must be to coach and provide support to workers. This statement shows the importance of management on the performance of workers. Mathis and Jackson (2004) indicate that performance provides a link between organizational strategies and results. Fox (2006) adds that the organizational performance is the product of factors which include organization structure, knowledge, non-human resources, strategic positioning and human processes. These factors play a role in the performance of the organization.

3. RESEARCH DESIGN AND METHODOLOGY

Descriptive research design approach was used in the study. This is a method used for gathering data through the measurement of some item or through solicitation from other documents David (2005). According to Oso and Onen (2008), descriptive study is concerned with finding out, who, what, which, and how a phenomenon that is the concern of the proposed study. Data was collected in order to test the hypotheses and answer the questions concerning the current status of the subject.

According to Kothari (2004), target population is a universal set of the study of all members of real or hypothetical set of people, events or objects to which an investigator wishes to generalize the result. In this case the target population was 880 employees from the Judiciary of Kenya which comprised judicial officers, represented by Magistrates, top, middle and lower levels of management, made up of directors and heads of departments and also Judiciary employees who at the operations level. The choice of the population was based on the fact that these are people involved in the day to day running of the courts and thus are well conversant with the information required in the study.

The researcher then took these sample size to represent the 4 courts stations in Nairobi County which was 10% of the target population. Ten per cent (10%) sample size was representative, diverse generalizable and produced accurate results that can be interpreted with certainty.

The researcher collected both primary and secondary data as the study aimed to achieve an in-depth understanding of the situation. Qualitative techniques of primary data collection employed were in-depth interview using questionnaires. Questionnaires were used as the main primary data collecting instruments.

According to Kothari (2004), data analysis procedure includes the process of packaging the collected information putting in order and structuring its main components in a way that findings can be easily and effectively communicated. After the fieldwork, before analysis, all questionnaires were adequately checked for reliability and verification. Editing, coding and tabulation were carried out.

Data was screened to ensure that responses are legible and understandable and that responses are within an acceptable range and are complete. The collected and coded data were entered into the Statistical Package for Social Sciences (SPSS) program for analysis. The analysis involved checking data reliability by applying Cronbach's Alpha (α). Multiple regression analysis was applied to test association of variables with each other and the extent of variance in the dependent variable as a result of unit change in the independent variable as indicated by the coefficient of determination factor (R^2).

4. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The study concluded that organization always meets customer needs and expectations. When an organization is looking to exceed expectations for a customer, they need to know what their expectations are for each moment in the experience. Organizations that are mindful of customer expectation include budget to exceed them. This budget is earmarked to exceed customer expectations. These resources enable the team to take action in cases where it is needed to surprise and delight customers. Every organization exists for the sole purpose of meeting customer needs through the products and services offered. An organization aiming to achieve customer satisfaction should therefore ensure that it focuses on their customers in order to understand their expectations and whether it is meeting them.

The study also concluded that training in skills that help employees to perform. An employee who receives the necessary training is better able to perform his/her job. He/she becomes more aware of safety practices and proper procedures for basic tasks. The training may also build the employee's confidence because she has a stronger understanding of the industry and the responsibilities of her job. This confidence may push her to perform even better and think of new ideas that help her excel. Continuous training also keeps your employees on the cutting edge of industry developments. Employees who are competent and on top of changing industry standards help your company hold a position as a leader and strong competitor within the industry.

From the findings, the study concluded that constant problem solving and streamlining of processes leads to performance. This implies that when everyone follows a well-tested set of steps, there are fewer errors and delays, there is less duplicated effort, and staff and customers feel more satisfied. Processes that don't work can lead to numerous problems.

The study also concluded that operations and processes are standardized hence improved performance of the system. This implies that the greatly increased impact of process standardization on control reveals the potential effect of the interplay between standardization and IT intensity on the dimensions of process performance through the strong mediating effect of control on efficiency and quality.

Recommendations

Based on the findings, the study recommends that the Judiciary of Kenya prioritizes on achieving quality as it will enhance its performance. A quality management system (QMS) should be set up to ensure TQM practices are clearly outlined and achieved.

Court users should be given priority and therefore more focus given to them as they are its Customers. Court user experience is not a matter of just win or lose situation but also involves the actual encounter with the courts. Therefore market research and survey should be carried out continually to establish needs and perceptions. Recommendations from CUCs need to be carried out with seriousness and expeditiously. The study also recommends a structured way of training employees so that the institutions ensures completeness where all employees go through all the courses needed on customer focus and no one is left out. Judiciary should also establish a clear system of handling customer complaints including timelines and clear communication channels.

The study recommends that employees are involved more in decision-making and their opinions listened to as they are integral part of the organization. That a clear channel of communication that is known to all be rolled out to ensure they are heard and are able to communicate with management. Since they are involved in the daily operations of the organization, they are able to know what need improvement. Training programs should be established with the focus on service delivery improvement. Teamwork should also be encouraged more through its deliberate inclusion in the organizations planned activities where everyone will be involved.

For the Judiciary to remain relevant to the society, it must ensure that it continues to improve in its processes. The study recommends processes are constantly reviewed to ensure constant problem solving and streamlining, to do away with bottlenecks in service delivery and reduce case backlog. Personnel also need to be up to date with best practices through continual learning thus the need for more training. There should also be a quality reward system set up to encourage better and higher achievements towards quality. Management should also do more and frequent benchmarking with courts in other countries that have successfully inculcated quality in their courts.

The study also recommends that top management be more committed in ensuring quality is achieved, they ensure that they is adequate resource allocation for quality management systems, quality policies are developed and fully supported. This can be ensured by making sure that they also lead in achieving quality in their engagements and entrenching the culture in the organization by leading from the top. There is also need for the management at the Judiciary to constantly seek feedback from the organizations' stakeholders, e.g. suppliers, clients and staff, on how they can improve on quality management and act on the feedback. The top management needs to set simple, clear, measurable and achievable objectives that will guide the organizations to the right path strategically. There is also need to allocate adequate resources both financial and human resource so as to facilitate the achievement of those objectives and subsequent improvement of quality management practices and performance of in the judicial system of Kenya.

Areas for further studies

This study examined the influence of TQM practices on performance in the Judiciary of Kenya. The study concentrated on four practices however it did not examine other TQM practice. This study therefore recommends that future studies test the influence of the other elements of total quality management practices (process-centeredness, integrated system, strategic and systematic approach, fact-based decision-making and communication) on organizational performance that were not part of this study. The current study also recommended a QMS for the Judiciary but it did not discuss its constructs and the implementation process. Hence further research should be carried out that would also test any barriers to implementation that would occur.

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