Managing human resources in the public service: Kenya

Margaret Kobia

The promulgation of Kenya’s Constitution in August 2010 was a major turning point in the history of the country’s public service. Whereas the primary motivation for the new constitution was a change in governance structures, the changes it heralded also invariably and fundamentally changed the structure of Kenya’s public service and its service delivery. One critical area of impact for the new constitution was the way human resources (HR) are managed and developed in the country’s public service. These HR changes were primarily necessitated by the transition from a highly centralised system of government to the devolved system of government comprising the national government and 47 county governments.

Not surprisingly, therefore, the establishment of the devolved system of government in Kenya ushered in fundamental changes in administrative procedures and functional structures and systems in the county’s public service. Of course, these changes are fraught with a number of challenges. To establish sustainable human resource management (HRM) systems under such circumstances, stakeholders in Kenya’s public service need to understand these changes and challenges so as to adjust HRM strategies, practices, systems and policies to achieve greater efficiency and effectiveness in the delivery of public services.

This paper reviews the formative HRM conditions of the devolved system of government, the interventions undertaken by various arms and agencies of the national and county governments and the current HRM situation of the public service in Kenya. The final part presents some of the strategic options for enhancing HRM in the county’s public service in the face of devolution.

HRM challenges

The establishment of county governments immediately after the March 2013 elections entailed a myriad of structural and systemic challenges and gaps. Foremost among these was the dilemma of how to co-ordinate and manage HR in the 47 newly established counties. The following section outlines some of the main HR gaps and challenges that Kenya has come up against under the devolved system.

One of the foremost challenges that the new county governments faced at the initial stages was the total lack of organisational structures. In most instances, available officers served in informally established positions with no proper chain-of-command or reporting structures within county public services. In the absence of formal organisational structures, county governments faced monumental challenges in matching staff to appropriate positions.

In the period immediately after the first general election held under the new constitution, 47 county governments were effectively established. When they started off, county governments obviously lacked staff in critical administrative positions. Even where some informal organisational structures had been established, there were no officers to discharge their functions. With no personnel of their own, the county governments were compelled to borrow staff from ministries, departments and agencies (MDAs) that existed under the centralised system of government. Further to this, with no formal administrative and governance structures, and without a skill and competency inventory or an audit of the competencies and skills of newly acquired staff, it remained difficult for most counties to match their staff to the new roles.

The formative stages of the establishment of county governments were faced with a number of major technical capacity challenges, among these were the public officers that these governments inherited from the defunct local authorities. For the most part, employees of the former local authorities were characterised by lower-level skills and competencies that were mostly suited for non-technical routine roles. Obviously then, the crop of officers that county governments inherited from local authorities were ill prepared for the emerging complex HR terrain under the new system. In the same way the organisational structures of county governments remained unresolved, the devolved units lacked any relevant policy to guide operations and administrative functions in HRM.

At establishment, county governments generally lacked any systems for managing the performance of their staff, measuring productivity, and measuring and evaluating performance. There were also issues involving existing legislation. A number of laws were enacted in preparation for the new governance system. However, these laws only provided macro-level frameworks to facilitate the transition from centralisation to devolution. Specific county-level legislation to guide HRM, and other functions of the devolved units, was conspicuously lacking.

Responses

In response to the evidently serious administrative, structural and policy challenges facing the management of the HR function in the nascent devolved units, various arms of government stepped in with policy, legislative and administrative interventions. Critical administrative interventions came from the Public Service Commission (PSC), parliament and the executive arms of the national government.

Interventions by the Public Service Commission

As the agency of government that is constitutionally mandated to undertake public HRM functions, the PSC has made tremendous efforts in developing the HRM function in county governments and the wider public service in a number of ways. The following section outlines some of the main actions of the PSC in this respect.
Taking cognisance of the skill and competency situation of the newly acquired staff in county governments, the PSC, in concert with other state and non-state agencies, has mounted numerous training programmes aimed at preparing public officers in both national and county governments to discharge their functions better. As well as this, the commission has made deliberate steps to second public officers for county governments so as to support the delivery of public services at middle and senior management levels.

Another of the major contributions of the PSC is in the implementation of new HRM architecture in the public service is the development of policies, guidelines and manuals that set the standards for the conduct and obligations of public officers, their rights and responsibilities, performance expectations and a framework for managing HR. Examples of these resources can be found in Figure 1. The following two policies are the latest examples of PSC policy implementation on enhancing HRM under the devolved system:

- **Policy on co-ordination of national government:** This policy provides a framework that establishes a bureaucracy of administrative officers headed by county commissioners to whom the head of state has delegated powers to co-ordinate and oversee national government functions at the county level.

- **Policy on decentralised HRM:** The broad objective of this policy is to decentralise HRM in each ministry in the civil service to ensure effectiveness and efficiency in service delivery, enhance transparency and accountability in recruitment and selection, and reduce bureaucracy.

### Interventions by the executive arm of government

In line with the requirements of the Fourth Schedule of the Constitution of Kenya, the national government, through the relevant ministries and agencies, has transferred 13 out of the 14 functions allocated to county governments. The transfer of these functions has been critical to the full function of the devolved

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**Figure 1: Selected PSC policies and guidelines**

<table>
<thead>
<tr>
<th>Policy/guideline/ manual</th>
<th>Scope of application</th>
<th>Policy objective/purpose</th>
<th>Implications for HRM</th>
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<tbody>
<tr>
<td>County human resource manual</td>
<td>County governments</td>
<td>This manual details the organisation of government, terms and conditions of employment, performance management, code of conduct, salaries and advances, allowances, medical benefits, training and development, labour relations, health and safety, and terminal benefits</td>
<td>• Decentralisation of public service  • Good governance in human resource management and development  • Provisions on ethical practice for public officers</td>
</tr>
<tr>
<td>Guidelines on management of public officers seconded to county governments</td>
<td>National and county governments</td>
<td>The broad objective of these guidelines is to inform the county governments on how to manage the various categories of public officers seconded to county governments effectively to ensure a seamless transition without interfering with service delivery</td>
<td>• Human resource management  • Decentralisation of public service  • Good governance in county governments  • Provisions on ethical practice for public officers</td>
</tr>
<tr>
<td>Policy on hearing and determining appeals from county government public service</td>
<td>County governments</td>
<td>To provide a framework for consistency, uniformity, fairness and efficiency in hearing appeals from the county public services</td>
<td>• Entrenches good governance by according county public offices the right to redress  • Entrenches fairness and timely delivery of administrative justice</td>
</tr>
<tr>
<td>Policy on decentralisation of human resource management in the civil service</td>
<td>Public service</td>
<td>The broad objective of the policy is to decentralise human resource management in the civil service to ensure effectiveness and efficiency in service delivery, enhance transparency and accountability and reduce bureaucracy</td>
<td>• Decentralisation of human resource management  • Efficiency and effectiveness in human resource management</td>
</tr>
<tr>
<td>Framework for strengthening the delivery of national government functions at the county level</td>
<td>National and county governments, and public service</td>
<td>Provides a framework that establishes a bureaucracy of administrative officers to whom the head of state can delegate powers to co-ordinate and direct national government policy at the county level</td>
<td>• Efficiency and effectiveness in the co-ordination of functions of the national government at county level</td>
</tr>
<tr>
<td>Guidelines on declaration of income, assets and liabilities</td>
<td>Public service</td>
<td>These administrative guidelines are issued to assist and simplify the administration of Part IV of the Public Officer Ethics Act, 2003. The guidelines amplify the Public Officer Ethics (Public Service Commission) Administrative Procedures, 2009 issued as legal notice No 76 of 2009</td>
<td>• Institutionalisation of ethical practice among public officers</td>
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units. The national government also continues to transfer funds to county governments to be spent on various HRM functions including remuneration, capacity building, and new recruitment and selection.

Through the National Treasury, the national government has set aside funds for an integrated financial management information system (IFMIS) academy based at the Kenya School of Government (KSG). The academy will offer training to build the necessary capacity in the public service to ensure successful smooth implementation of a fully automated and integrated IFMIS, through continuous training, capacity building and change management. The IFMIS initiative aims at providing lasting solutions to the government’s systemic, human capital, resource-management and strategic resource management challenges. Available data shows that by mid-2014 an estimated 5,000 public officers from the national and county governments had received IFMIS training and certification at the academy.

The National Treasury has stepped up efforts to enhance the adoption of IFMIS by requiring all public entities in national and county governments to acquire and install the system for all their financial and related operations. Although IFMIS is primarily used as a financial management system, it provides a critical interface between public financial management and HRM. The system also has a robust HRM application as one of its modules. Once its use in the management of financial systems between national and county government is optimised, it is expected to become an effective HRM tool in the greater public service as well.

Interventions by parliament

The period between the promulgation of the new constitution in August 2010 and the general election in March 2013 saw the enactment of a number of laws to assist with the establishment of new county governments. These include the County Government Act (No 17 of 2012), Intergovernmental Relations Act (No 2 of 2012), National Government Coordination Act (No 1 of 2013), Public Finance Management Act (No 18 of 2012), Transition to Devolved Government Act (No 1 of 2012) and Urban Areas and the Cities Act (No 12 of 2011). These laws set the administrative frameworks as well as the human resource management frameworks for the devolved units.

The present situation

Upon their establishment in March 2013, county governments, through their public service boards, commenced their own recruitment and selection processes to fill existing vacancies. Most county governments have now absorbed the majority of the officers who were seconded to them by the PSC from the national government. Furthermore, in a combined effort to improve the capacity and capability for effective and efficient service delivery, county governments are continuing to invest in training and other related forms of capacity building for their staff.

In collaboration with the national government, through the Ministry of Devolution and Planning, county governments have undertaken a capacity assessment and rationalisation of public service (CARPS) exercise. The overall objective of this exercise is to align government
structures, processes and programmes to the mandates and functions of national and county governments. This is done in order to enhance efficiency and effectiveness in public service delivery in line with the constitutions and the Vision 2030 development plan. Ultimately, it is hoped that the exercise will ensure that government functions are properly structured and staffed to facilitate transformation of the public service. In a move towards the adoption of formal administrative systems and the effective and efficient management of HR, county governments have engaged HR and organisational development consultants to provide technical support for establishing and operationalising their organograms.

As is to be expected, the process of adopting the new devolved system of government in Kenya has not been without its problems. The majority of county governments are currently facing rising wage bills and recurrent costs against stagnating or dwindling revenues. This has resulted in an inability to meet the remuneration and recurrent costs for public officers in some devolved functions like health.

**Recommendations**

Based on the formative challenges and the current HRM situation in the devolved system, the following strategic options are recommended for pursuance by national and county governments to enhance their HRM functions, improving the overall efficiency and effectiveness of public service delivery:

**Skills, competency and role alignment.** Public sector interventions aimed at improving performance and productivity must be backed by strategies to align staff skills and competencies to the roles that they perform. It is hoped that the CARPS exercise would be instrumental in achieving this goal.

**Formulation of county government policies and legislation on HRM.** It is recommended that county governments develop their own HRM policies and legislation that are responsive to their unique operational contexts. This can be guided by the existing HRM policy architecture established by the Public Service Commission.

**Improved budget for training.** The development of the devolved system of government in Kenya requires deliberate efforts to increase training budgets for the public service in the two levels of government.

**Productivity measurement.** It is recommended that national and county governments design systems for precision in productivity measurement so as to form the basis for remuneration. Success in this area will go a long way in supporting efforts to rationalise the public wage bill.

**Contracting of senior level staff.** With an ever-expanding public service in the face of devolution, there is a need for the introduction of renewable contracts, as opposed to permanent and pensionable terms of employment. The contract approach to public sector employment would be one strategic option towards achieving sustainability in the public sector wage bill and the pension costs for retirees.

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