EFFECT OF MAGISTRATES' COURTS' SERVICE CHARTER ON SERVICE DELIVERY IN SUBORDINATE COURTS IN NAKURU COUNTY, KENYA

BY

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DECLARATION

This dissertation is my work and has not been previously presented to any other institution for any award.

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We confirm that the work contained in this dissertation was carried out by the student under our supervision and is being submitted for examination with our approval as the University supervisors.

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DEDICATION

This dissertation is dedicated to my dear wife, Flora Namusonge. She has been very supportive and resourceful.

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I would like to express my gratitude to the Almighty God for His sufficient grace, mercies, and good health throughout the course work and proposal writing.

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May the God Almighty continue to bless you abundantly.

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ABSTRACT

Improving the delivery of services to citizens is one of the strategic goals of the Kenyan Judiciary. It is in this light that the administration introduced the Magistrates' Courts', Service Charter. This study aimed to examine the effect of this Service Charter on service delivery by Subordinate Courts in Nakuru County, Kenya. Particularly, the study sought to examine the effect of response to complaints, locating missing files, reconstruction of lost files, and receipt of proceedings on service delivery in Subordinate Courts in Nakuru County. The study was guided by the Record Life Cycle Model and the Procedural and Distributive Justice Theory. It made use of the case study design where data was collected from the population of 36 staffs working at the Subordinate Court using questionnaires and54 court users who requested for various services during January 2018 through interviews. Engaging research supervisors evaluated the construct and content validity of the instruments at St. Paul's University. Context validity and reliability were assessed by conducting a pre-test at the Nyandurua law courts. Quantitative data was coded and entered into the statistical package for Social Sciences (SPSS) and analysed using both descriptive and inferential statistics. Qualitative data collected through open-ended questions were analysed using the thematic technique. Findings revealed that response to complaints (r=.543, p=.000), locating missing files (r= .615, p=.000), reconstruction of lost files (r= .581, p=.000), and receipt of proceedings (r= .523, p= .000) had a significant positive association with service delivery at the Nakuru Subordinate Courts. The findings led to the conclusion that effective implementation of response to complaints, locating missing files, reconstruction of lost files, and receipt of proceedings standards and procedures stipulated in the Magistrates' Courts' Service Charter has a positive and significant effect on service delivery. The study recommends that to improve service delivery, the courts should focus on addressing delays in cases as this was identified as the most frequently reported complaint. The courts should also focus on improving the process of locating missing file as this component of the Service Charter had the strongest association with service delivery.

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ABBREVIATIONS AND ACROYNMS

ICT:	Information and Communication Technology
JTF:	Judiciary Transformation Framework
KCB:	Kenya Commercial Bank
Ksh:	Kenya Shillings
MCSC:	Magistrates' Courts' Service Charter
NACOSTI:	National Commission for Science, Technology, and Innovation
NPM:	New Public Management
SC:	Service Charter
SPSS:	Statistical Package for Social Sciences
UK:	United Kingdom
US$:	US Dollars
US:	United States of America

CHAPTER ONE
INTRODUCTION

1.1Background of the Study

The public sector is a critical component of any society and plays an essential role in development by providing basic services such as health, education, and justice. However, public sectors in all parts of the world face challenges when it comes to the delivery of services (Fourine & Poggenpoel, 2016). Many countries are good at formulating policies but are less successful when it comes to implementation. Public sectors are also characterized by high levels of inefficiencies, delays in service delivery, and delivery of services that do not live up to citizens' expectations. When public institutions are unable to satisfy the demands of citizens, discontentment and disillusionment begin to brew, leading to the breakdown of governance system (Montalvo, 2009).

With global media exposure and growing awareness, there has been a heightened level of peoples' expectations for the fairness and quality in the service delivery mechanism of the public sector. Citizens do not only demand efficiency, effectiveness, and economy in service delivery, but they also want public bodies to be more responsive to the users and consumers of public services (Acharya, 2010). In today's information society, the competitive market pressures have put the hierarchy-laden bureaucracy under pressure rendering it increasingly difficult to function. Members of the public now require flexible and adaptable institutions which can offer high-quality goods and services. Moreover, the dissatisfaction with the bureaucratic performance is pervasive, which witnessed a fundamental change in administrative values and the pattern of the governing system. In other words, the traditional bureaucratic system needs to be reinvented to make it efficient, effective, and fair as per the demand of citizens. In general, citizens demand accessible institutions, offering choices of services as per their need, which leads by persuasion and being inventive rather than commands. They demand institutions that empower them rather than merely serving (D'Ortenzio, 2012).

Countries have developed various strategies aimed at improving service delivery by public sector organizations. One of these strategies entails the development of service charters (SCs).

According to Kundo (2016), SCs exemplify an organization's commitment to shift from bureaucratic traditions to the way of doing things that meet citizens' needs and make the government more transparent, accessible, and open to the members of the public. Looking at the long list of countries that have introduced Charters, it shows that actual contents of Charters differ from one country to another depending upon their motives for introducing the Charter. In some states, it has been desired to improve the public performance; but in some cases, the driving motivation could be the pressure from aid donors (Bason, 2017). Hence, the socioeconomic characteristics of citizens in general, the developmental stage of the country and their predominant administrative culture should be considered while determining the actual contents of public offices, which would give the right results.

The Judiciary is the branch of government legally mandated to resolve all disputes in a country. It performs the above mandate through a system of courts and tribunals, which can be viewed as independent production units with a similar product, justice and service delivery (Ippolitti, Mecarne, & Ramello, 2015). It is the production of this "good"- service delivery, which makes the judiciary important in a country's economic prosperity. Gaps in service delivery by the judiciary have been observed in various parts of the world. Murillo (2014) observed that in the Costa Rica judicial system, there is a gap between the expectation of service users and the ideas embraced by judicial staff. SCs have been identified as one of the tools that can be used to improve service delivery in the judiciary.

Studies on the effect of SCs on service delivery are not new. In the global scene, the studies have either been on single country judicial systems or a comparison of several judiciaries. Examples are those by Ippolitti et al. (2015) and Deyneli (2012) which estimated service delivery of a sample of European countries' judiciaries using the scores later to establish relationships between other variables and judicial efficiency with Service Charter as a critical component. South American studies are mostly on Brazil; an example includes that by Yeung (2009), Yeung and Azevedo (2011), and De Sousa and Schwengber (2005) all of which focused on establishing an SC as a basis to identify and make recommendations on less efficient courts.

Research on SCs and its effect on public service delivery are scarce in African countries; among the widely accessible publications. Elbialy and Garcia-Rubio

(2011), taking cognizance of reforms on Egyptian first instant courts, used DEA to assess the effect of SCs on the technical efficiency of the affected courts. Although the study assessed the implementation of SC, it did not encompass a comprehensive assessment of service delivery as it only focuses on the technical efficiency components. In Kenya, Machage's (2014) study examined the role of ICT implementation on the performance of Mariakani Law Courts captured the status of service delivery in Kenyan courts but not in relation to SCs.

As the arm of government that is vested with delegated authority from the people to exercise judicial authority, the Judiciary has a Constitutional obligation to ensure access to justice for all Kenyans regardless of one's status, gender, income, background, ethnic or national origin,s and special needs. Access to justice is a Constitutional right enshrined in the Bill of Rights. The Judiciary Transformation Framework (JTF) 2012-2016 interpreted the constitutional delegation of authority as obligating the Judiciary to exercise this delegated authority for the benefit of all the people of Kenya and identified strategies aimed at creating a legal system which ensures equality of all people before the law. The JTF clustered strategies to ensure access to justice into three key result areas: Access to Delivery of Justice, People-Centeredness as well as Public Engagement, and Stakeholder Engagement (The Judiciary of Kenya, 2017)

Magistrate's courts were created under the Magistrates' Courts Act, (Chapter 10 of the Laws of Kenya) and reconstituted under Article 169 of the Constitution of Kenya 2010. They handle Civil and Criminal matters depending on the rank of the magistrate. The jurisdiction of these Subordinate Courts is determined on a territorial and pecuniary basis, and they are presided over by Magistrates. Such Subordinate Courts include; The Kadhi's Courts, the Children's Court and the Industrial Court (The Judiciary of Kenya, 2017). Magistrates' Courts handle the majority of civil and criminal cases in Kenya. They have jurisdiction over all criminal cases except cases of murder, treason, or crimes under international law as well as over civil cases up to a limit that depends on the seniority of the magistrate. There are 31 courts charged with this mandate in Nakuru County.

The Magistrates' Courts were marred with the reputation of poor service delivery before the enactment of Constitution of Kenya 2010. The courts were characterized

by prolonged delays in service delivery and numerous cases of missing files (Innovation for Successful Societies, 2015). Administrative processes were also varied across courts, and there was little transparency in the operations of the courts. Various reform programmes were introduced after the inauguration of the Constitution of Kenya 2010. One of the reforms entailed the introduction of an SC. Each court station was required to develop an SC in the form of a billboard that listed requirements, fees, and timelines for each court process (The Judiciary of Kenya, 2017). The charters aimed to prevent improper payment and clarify what citizens should expect from each court process. They were designed to provide a basis on which the performance of each court shall be evaluated.

1.2 Statement of the Problem

Judiciary is an independent arm of the government which is expected to dispense justice expeditiously. Mainly Subordinate Courts play an essential role in the dispensation of justice as they are the courts of the first instance for most criminal proceedings and civil matters whose value does not exceed Kenya shillings 20 million (The Judiciary Republic of Kenya, 2017).

In the past, the delivery of service in these courts was marred by various problems including inexplicable delays in processing counter services, missing files and other court documents, severe deterioration of records, lack of transparency, and case backlog (Nafula, 2018). The MCSC was introduced as a tool for addressing some of these service failures. Each court is expected to submit weekly and monthly reports on the implementation of the charter to the ICT department for onward transmission.

The same courts are usually evaluated annually by an independent department charged with the responsibility of assessing performance contracts of the courts countrywide (The Judiciary Republic of Kenya, 2017). The Magistrates' Courts never get feedback on their performance. However, the Chief Justice awards the best performing courts annually. Since its launch in 2012, few systematic studies have been conducted to examine how the SC has affected service delivery in the Magistrates' Courts. Therefore this study sought to evaluate how the MCSC has influenced service delivery in Subordinate Courts, an area that remains under-researched, thus forming a fundamental research base.

1.3 Purpose of the Study

The current study sought to evaluate the effect of Magistrates' Courts' Service Charter on service delivery in Subordinate Courts in Nakuru County, Kenya.

1.4 Specific Objectives of the Study

In achieving the primary purpose, the study was guided by the following specific objectives;

i. To establish the effect of response to complaints on service delivery in Subordinate Courts in Nakuru County
ii. To assess the effect of locating missing files on service delivery in Subordinate Courts in Nakuru County
iii. To determine the effect of reconstruction of lost files on service delivery in Subordinate Courts in Nakuru County
iv. To examine the effect of receipt of proceedings on service delivery in Subordinate Courts in Nakuru County

1.5 Research Questions

The proposed study focused on the following research questions;

i. What is the effect of response to complaints on service delivery in Subordinate Courts in Nakuru County?
ii. To what extent do locating missing files affect service delivery in Subordinate Courts in Nakuru County?
iii. What is the effect of reconstruction of lost files on service delivery in Subordinate Courts in Nakuru County?
iv. What is the effect of receipt of proceedings on service delivery in Subordinate Courts in Nakuru County?

1.6 Justification of the study

The study would be of benefit to following stakeholders:

1.6.1 Policy Makers

On policy-related significance, the study will promote efficiency and effectiveness of operations in Subordinate Courts as it has highlighted the shortcomings in the implementation of the MCSC and proposed recommendations to enhance service delivery.

1.6.2 Organizational Development Scholars and Researchers

Theoretically, the study has contributed towards the body of knowledge on SC as a tool for improving service delivery in support of the administration of justice. The findings will also help court staff, litigants, and advocates to understand the importance of SCs and how it can be used to enhance service delivery in the judiciary

1.6.3 Kenyan Judiciary

The study has also been justified on the relevance of its findings in guiding the general Kenyan judicial policy and specifically the Magistrates' Courts. Since 2011, the country has been implementing some institutional reforms, including those on its Judiciary. The reforms were generally meant to improve the institution‘s performance, including its efficiency in handling cases. The study, by showing the performance of the Magistrates' Courts through service delivery, has provided data upon which further reform actions can be based. In particular, it has to give results regarding the implementation of MCSC, whose further investigation may result in a better judicial system.

1.7 Scope of the study

The study was conducted in Nakuru County Magistrates' Courts. The target respondents comprised; the judicial staff and court users. Specifically, the study examined the effects of four components of the MCSC, namely; reconstruction of lost files, receipts of proceedings**,** locating of missing files and response to complaints on service delivery in Subordinate Courts. The case study research design was employed while primary data was used. The study was conducted between March 2019 and May 2019.

1.8 Assumptions of the study

The study assumed that the methods used provided an accurate assessment of how effectively Subordinate Courts have implemented the MCSC in Nakuru especially concerning the four service areas: response to complaints, locating missing files, reconstruction of lost files, and receipt of proceedings.

The study intended to examine how the implementation of four component of the MCSC has affected service delivery at the Subordinate Courts in Nakuru. It was assumed that the effective implementation of the four components of the MCSC would translate to better service delivery.

The study also assumed that target respondents would cooperate in terms of responding to all questions in the questionnaire honestly and correctly. Further, the study assumed that the respondents would divulge information that the researcher was eliciting and would not intentionally withhold any material information for the proposed research.

1.9 Limitations of the Study

A major limitation of the study was the relatively small sample size that was used owing to the size of population of staff at the Nakuru Law Courts and difficulty in accessing court users. The study could only access 36 staff even after using the census approach due to small size of study population. The small number of respondents limited the diversity of views. It was also difficult to locate and engage court users due to the schedules of the courts.

1.10 Delimitations of the Study

The study was confined to the population of staff in the Nakuru Subordinate Courts and court users who had requested services in month of January 2019. It used a case study approach where three data collection methods were combined to facilitate an in-depth inquiry of how the implementation of the MCSC has impacted service delivery. These data collection methods include use of questionnaire, interviews, and court records. Both quantitative and qualitative methods of analysis were used.

1.11 Definition of Operational Terms

Locating missing files: A component of the Magistrates Service Charter that communicates how missing files ought to be traced and outcomes that court users should expect (Judiciary Republic of Kenya, 2017).

Magistrates' Courts' Service Charter: A written policy by the Judiciary of Republic of Kenya that communicates the services offered at the Magistrates' Courts, how these services ought to be delivered, and the expected outcome

Receipt of proceeding: A component of the Magistrate Service Charter that directs the process of availing court records and communicates expected outcomes.

Reconstructing lost files: A component of the Magistrate Service Charter that prescribes the process of reconstructing lost files and communicates expected outcomes.

Response to complaints: A component of the Magistrate Service Charter that communicates how complaints raised at the Subordinate Courts should be addressed.

Service Charter: A written policy that communicates the services that an organization provides to customers, how the services are delivered, and the expected outcomes (Deyneli, 2012).

Service delivery: This is the manner in which an organization provides services to its customers (Aziz, 2015). The proposed study is concerned with manner in which Subordinate Courts provide services to court users.

1.12 Chapter Summary

This chapter focused on introducing the research issues. Particularly, the chapter has discussed the background issues that informed the study and specified the problem that study intended to address. The chapter has also presented the research objectives and research questions that guided the study. In addition, the chapter has discussed the scope of the study, justification, and assumptions of the study. The next chapter will present a review of theoretical and empirical literature related to the subject of service charters and its effect on service delivery.

CHAPTER TWO
LITERATURE REVIEW

2.1 Introduction

This chapter deals with literature related to the area of study. The chapter is organized into two sections: theoretical framework and empirical literature review. The first section discusses the theoretical framework while the rest of the chapter discusses the literature on the role of records management and administration of justice.

2.2 Theoretical Framework

The current study was guided by the Records Life Cycle Model and the Procedural and Distributive Justice Theory.

2.2.1 Records Life Cycle Model

The records life cycle model, as articulated by Theodore Schellenberg (1956) and others, has been the prominent model for archivists and records managers since the 1960s. According to Eastwood (2006), the records life cycle concept was founded and invented by the National Archives of the United States of America in the 1930s. The model is based on the premise that any record has life, and that like an organic being once it has been created it has an active life in maturity, less active life in old age, and in the end, is discarded, it dies and is either destroyed or transferred to the archives.

The model identified stages in the useful life of a record which provide opportunities for managers to intervene effectively (Yuba, 2013). In the first stage, the record is created, presumably for a legitimate reason and according to specific standards. At this stage, records are needed frequently by the organization. They are retrieved at least once per month, so they are stored in readily accessible office space. In the second stage, records are not needed for day to day business. Organizations need to keep them for reference, for legal reasons, or financial purposes (Issa, 2017). In the final stage, the disposition of records takes place because records have no more value to an organization. However, the model has weaknesses such as its strict adherence to principles which ignore the many ways in which the records management and archives operations are interrelated, even intertwined.

Kenosi and Moatlhodi (2012) rejected the life cycle idea of separation between records managers and archivists and argued that records must be managed, from the moment of creation, by the record keepers, that is, the records managers and archivists, working together because there is no distinction between a record and an archive especially in the digital era. The Records Life Cycle Model was chosen for the study because it formed the basis in understanding how records management aspects such as locating missing files, reconstruction of lost files, and receipt of proceedings enhance service delivery

2.2.2 Procedural and Distributive Justice Theory

Procedural and Distributive Justice Theory offers more insights to those aggrieved by the judicial processes and are seeking justice. According to Emami, Bjornland, and Johnston (2015), procedural justice is concerned with the fairness of institutional systems and processes while distributive justice is concerned with the fairness of the specific outcomes of a given institution or process. According to Tyler (2010), the way the court manages people and the issues have a significant influence on people's perception of justice regardless of the actual outcomes of cases. Therefore, if the procedures used by the Courts in the delivery of services are above reproach, parties are more likely to accept and abide by the decisions made by the Court. Court procedures include those used to resolve disputes and handle complaints.

Procedural equity concerns the decency and the straightforwardness of the procedures by which choices are made, and might be diverged from distributive equity (reasonableness in the dissemination of rights or assets), and retributive equity (decency in the discipline of wrongs) (Mason, 2014). Procedural equity hypothesis holds that reasonable method prompts impartial results, regardless of whether the prerequisites of distributive or remedial equity are not met (Tyler, 2010). The obvious way of taking care of a grievance is more critical to a representative's fulfillment than the apparent decency of a procedural result; equity openness has negative relations to work execution of a worker (Emami et al., 2015). This theory was relevant to this study as it helped in understanding how the response to complaints and complaints handling enhance service delivery.

2.3 Empirical Literature Review

This section contains past studies relating to the variables under study.

2.3.1 Service Delivery

Improving public service delivery has been a core reform agenda in most developing countries. The ultimate goal is often to transform public service from the bureaucracies to modern, flexible systems that are responsive to the changing needs of citizens and the state (Aziz, 2015). Various studies have examined service delivery in the Kenya public service context. Ndubai (2016) examined service delivery in 470 ministries, department, and agencies using secondary data from the World Bank. Results showed that nearly 73% of government service users were dissatisfied with the service delivered in the public sector. Although the study by Ndubai (2016) provides useful information regarding service delivery in the Kenya public sector, it did not link service delivery to implementation of an SC.

The study by Mwania (2015) is closer to the proposed study as it examined the effect of customer SC on service delivery. Specifically, the study assessed the extent to which employees' awareness of the SC, employees' adherence to the SC, and the strategies used to implement the charter affects the service delivery process. Indicators that were used to measure service delivery include timeliness of services, customer satisfaction, service reputation, and quality of service. Results showed that the three SC variables have a significant effect on service delivery as they explained 86% of the changes observed in service delivery. The study by Mwania (2015) however focused on Nairobi City Water and Sewerage Company, which is a private company and thus its findings may not reflect the existing situation in the public sector and particularly the judiciary due to the difference in culture, goals, and priorities, and operating environment.

The administration of justice is essentially a service delivered by the judiciary to the community to preserve social peace and facilitate economic development through the resolution of disputes, the enforcement of criminal justice, and the determination of laws (Muigua & Kariuki, 2015). Service delivery in the justice sector also entails simplifying and rationalising laws and procedures, expanding access to justice for the poor and other disadvantaged groups, providing alternative dispute resolution mechanisms, and strengthening the impact of court decisions on society at large (Berg

& Desai, 2013). All these elements are interrelated, multidimensional, and need attention over the medium and long term.

Various empirical studies have examined the service delivery process in the Kenyan judiciary. In his study focusing on effect of court record in the administration of justice at the Eldoret Chief Magistrate's, Kisongwo (2016) used various indicators to measure the service delivery process in the justice system including lengthy case delays; extensive backlogs of cases; limited access to justice; a lack of transparency and predictability in court decisions; a shortage of financial, physical and other resources; and weak public confidence in the judicial system. Result revealed that there were deficiencies in service delivery at the court, which were exemplified poor record management practices and delayed administration of justice. Kisongwo's (2016) study did not, however, link the service delivery process to the implementation of the MCSC, which is the focus of the proposed research.

Still, at the Eldoret Law Courts, Buluma, Cherere, and Mwaura (2016) examined the effect of performance benchmarks on the relationship between service quality dimensions and customer satisfaction. The study was guided by the SERQUAL model that measures quality using six dimensions: assurance, reliability, responsiveness, empathy, and tangibility. Results showed that there is a significant relationship between service quality dimensions, performance appraisals, and customer satisfaction. After the introduction of performance appraisal, the explanatory power of service quality dimension and customer satisfaction model increased from 0.3% to 4.6%. The study by Buluma *et al.* (2016) is, however, different from the proposed study as it examined the effect of performance appraisal on service quality and customer satisfaction rather than the effect of the SC.

The state of service delivery in the justice system was also captured in a survey conducted by The Judiciary of Kenya (2018) to examine satisfaction levels among court users. The survey involved 5000 respondents comprising of lawyers, police, prosecutors, litigants, and inmates. Results showed that 2 out 3 of respondents were satisfied with court services. Kadhi courts, which are part of the Subordinate Courts, had the highest level of satisfaction at 69%. Results also showed that the case clearance rate at the Magistrates' Courts had doubled to 87% with court reducing case backlog by 9%.

The Judiciary of Kenya (2018) survey findings reinforced the Judiciary Performance Evaluation Report 2016/2017, which found that services had improved across the entire judiciary as measured in terms of case clearance rate, number of cases resolved by judges, and backlog reduction rate. However, the two reports did not link the improvement in service delivery to the implementation of SC, which is the goal of the current study.

2.3.2 Response to Complaints

Complaint management is an essential component of service delivery. Service delivery cannot occur without a complaint, and resolution of complaints can build customer confidence in the organization (Komunda & Osarenkhoe, 2012). According to Gulland (2011), complaints management efforts help an institution to build long term relationships with its customers. Complaint management and service recovery have a significant implication on customer satisfaction. Public agencies are starting to recognize that complaints are a valuable source for learning and improving (Komunda & Osarenkhoe, 2012). Complaint procedures and associated mechanisms have been seen as providing insights on how the government is improving.

In his study, Aziz (2015) examined the effectiveness of the complaint management processes in the public service sector in the Asia Island of Brunei. Indicators that were used to examine the effectiveness of complaint management include the complaint recording process, complaint investigation, compliant follow-up, and complaint response time. Results showed that the Brunei public service has a long way to go in terms of accomplishing the required standards concerning the four indicators of service delivery. Although the study by Aziz (2015) provides a useful perspective on how to measure service delivery, it does not link the service delivery process to the implementation of SCs, which is the focus of the proposed study. The study was also conducted in Brunei, which is an autocratic state, and thus, its public service may be significantly different from the Kenya public service in terms of principles, values, and culture.

In their systematic literature review, Bortoli and Pizzutti (2017) examined the complaint management process in the public service and its effect on the perceived distributive justice. The study found out that failure in service delivery can adversely

affect an organizations effort to win public trust, and thus handling cases of service failure is critical. Restoring customer satisfaction is dependent on customers' perception on whether their complaint was handled fairly as well as the time that lapses before the complaint to be addressed. The study by Bortoli and Pizzutti (2017) however analysed empirical studies conducted in Europe, North America, and Latin America and thus findings may not reflect the current reality in the Kenyan public sector. This is because the public service in most of the stated region has been in existence for several centuries, and thus it is expected that these countries have more mature structures and systems when compared to Kenya.

In a different study, Subash and Balaji (2015) examined the effect of perceived distributive justice on customers' satisfaction with the complaint management system. Results showed that perceived distributive justice results in higher satisfaction with the organization's complaints management process. This implies that organizations can enhance their complaints management process by providing a greater sense of fairness and justice. However, the study by Subash and Balaji (2015) focused on complaint management in commercial mobile service providers rather than in the context of public service. Public service institution operates in a different context from private profit-oriented companies and thus finding of the study may not capture the reality regarding the complaint management process in the Kenyan judiciary.

The study by Gruber, Szimigin, and Voss (2009) examined factors that determine the effectiveness of the complaint management system. Results showed that customers' being taken seriously during the complaint management process, friendliness and competence of the staff handling the complaints, and active listening were among the factors that had the most significant impact on the effectiveness of the complaint management system. Gruber *et al.* (2009) however used qualitative methods only and thus, the effect of the identified factors on compliant management process was not statistically tested. Besides, the study did not examine how the complaint management process affects service delivery, which is the focus of the proposed research.

In his study, Gulland (2011) found out that the early stages of many complaint procedures were not always followed, and the complainants were often unclear when asked about where they were within the procedure. To some extent, the organizations

preferred not to publicize the complaint procedures, because they predicted that the chance of receiving a complaint against them was quite high. The study by Gulland (2011) however focused on the UK public service, and thus results may not reflect the situation in the Kenyan public service because of the difference in culture and operating environment of the two countries.

In Uganda, Basheka (2014) examined constraints that hinder the effectiveness of the public service. Findings revealed that despite the implementation of numerous reform programs, there are still numerous complaints against the public service, including slow and unresponsive services, corruption, and inefficiency. The study by Basheka (2014) highlights some of the complaints launched against public sector institutions in Africa. The study does not, however, assess how these complaints are managed and effect of the complaint management process on service delivery.

In Kenya, the Commission on Administrative Justice (2014) examined the complaints launch against public service institutions in the fiscal year 2012/2013. It was found that during the years, a total of 86,905 complaints against public institutions were filed across the country. The institutions to which most complaints were directed included the National Police Service (12.94%), Ministry of Interior and Co-ordination of National Government (9.28%), the Judiciary (8.04%), and Ministry of Lands, Housing and Urban Development (7.63%). The most frequently reported issues to include delays in service delivery (29.1%), administration injustice (26.6%), and unresponsive official conduct (9.1%). The study by the Commission on Administrative Justice (2014) highlighted complaints reported against public institutions but did not assess the process that was used to address these complaints and how complaint handling has impacted service delivery.

In the Kenyan Justice System, complaints are handled by the Ombudsman Office. According to the Judiciary Annual Report 2016/2017, slow services were the most frequent complaints dealt with by the Ombudsman during that fiscal year with 141 cases being reported (Judicial Service Commission, 2017). The second leading complaint was about missing files where 122 cases were reported while complaints about poor services came third with 79 cases. Complaints about corruption increased from 32 to 37 cases in 2016/2017 fiscal year.

2.3.3 Locating Missing Files

Records are fundamental to the administration of justice and the protection of citizens' rights. Not only are current records in daily use for legal reasons, but records of previous actions are also routinely retrieved and used by a range of legal agencies (Motsaathebe & Mnjama, 2009). Efficient and accountable Court systems are widely recognised as a critical component in the delivery of justice to citizens. Delays in registering cases, locating records, and filing documentation all have a direct impact on citizens and their legal rights. Mbote and Aketch (2011) argued that dysfunctional records management undermines legal and judicial reform. Decisions are made without full information about cases, and the absence of systematic recordkeeping and controls leaves scope for corruption or collusion between Court officials and lawyers. Court time is wasted, delays are created, and the judiciary‘s standing is lowered. The large volume of records passing through a typical Court system, their sensitivity, and time pressures on Courts makes effective records management essential.

Records contain information that is important and confidential. The issue of lost or missing files/documents, leakage of information clearly shows that there is a laxity in the security of records and this is a risk that needs to be addressed urgently (Ardia, 2017). The Court has records essential to its running, and if lost or destroyed, they would seriously impair or disrupt normal business. This might place the organization in fiscal or legal difficulty or might jeopardize the rights of citizens. Delays in the administration of justice can be attributed to poor management of records, which often leads to poor delivery of services to the clients (Makau, 2014). The staff wastes a lot of time looking for missing and/or misfiled records, which is not conducive to the functioning of the Court. This has contributed dearly to the delay in finalizing Court matters. Thus, justice delayed is justice denied. There is, therefore, a need for proper records management to allow for easy and timely retrieval of information, improved office efficiency, productivity, and administration of justice.

The importance of record management on the service delivery process in the Kenyan public sector is captured in the study by Oyaro (2011) where it was found that improved record management led to better service delivery by enhancing the accessibility of records. It was also observed that the effectiveness of the record management process was influenced by technology, leadership style, and staff

competence. The study by Oyaro (2011), however, focused on the department of immigration, which falls under the executive arm of the government. The practices observed in record management may thus fail to represent the existing situation in the Kenyan judiciary. The study by Makau (2014) found that missing files was a major hindrance to effective service delivery in the Kenyan justice system. The study observed that in the Kenyan judiciary, there were cases that had not been heard for more than 20 years because records were missing. Makau (2014) did not, however, focus on Magistrates' Courts, and thus, this study needs to capture the effect of the MCSC on the file locating processes.

The study by Nafula (2018) observed that the number of cases registered at Milimani Commercial Court increases day by day and thus the Court has been faced with problems of storage, retrieval, loss and or misplacement of records. The registries are congested with lots of files, thus creating a poor working environment for the staff. Files being found everywhere and heaps of unmanaged records on the floor are a clear indication that either the storage equipment is inadequate and/or unsuitable for these records. The yellowing of documents, mutilation of documents, dusty and stuffy registries clearly show that the storage conditions could be a challenge to the proper management of the records (Nafula, 2018). This could have contributed to problems such as lost documents and files; inadequate storage facilities and office equipment; severe deterioration of records; unwarranted waiting times for retrieval of records; uncoordinated recordkeeping practices and insufficient protection of records from environmental factors. This, in turn, hampers the administration of justice and leads to delays in concluding cases. Although the Nafula (2018) examined the record management process at the Kenya Judiciary, he study did not focus on the Magistrates' Courts and thus did not examine the implementation of the practices recommended in MCSC concerning locating lost files.

The Kenyan Judiciary has provided guidance on what should be done when a file is missing within the *Magistrate and Kadhi Courts Registry Manual.* According to the manual, when a file is missing, the Officer in Charge of the registry is expected to check the file movement to identify the person who was in possession of the file last as recorded and instruct him or her to trace the file (The Judiciary of Kenya, 2015). If the trace is not successful, the Officer in Charge circulates a memo to all staff asking

them to check whether the file is in their possession. If the file is not located within 24 hours, the Officer in Charge informs the Head of Station who initiates a special search (The Judiciary of Kenya, 2015). If the file is not found after the special search, the officer in charge records in the case register that the original file was missing.

2.3.4 Reconstruction of Lost Files

There are circumstances where the records of police and judicial authorities may go missing or are destroyed beyond redemption. In such a situation, proceeding with the concerned case is next to impossible. If the records of the proceedings are damaged due to natural calamities and their reconstruction is not possible, then the Court has no other option but to acquit the accused (Northern Cape High Court, 2008). The traditional record-keeping has this serious drawback that is absent when we adopt information and communication technology (ICT). For instance, if electronic records are maintained, the reconstruction of lost or destroyed records would be an automated process.

If a guilty person is acquitted due to inability to reconstruct the records or an innocent person is convicted due to a defective reconstruction of records, this would amount to a miscarriage of justice and violation of the right to a fair trial. Therefore, proper reconstruction of records is of utmost importance. In a case in this regard, a Division Bench of Delhi High Court, comprising of Chief Justice D Murugesan and Justice VK Jain directed a District and Sessions Judge to "reconstruct" within two weeks the records pertaining to a 20-year-old rape case, in which judicial and police files went missing (Ground Report, 2013). The bench also directed for appropriate action against the officers responsible for missing of the files. The bench further ordered for setting up a committee to examine the practices and systems prevailing in the matters of custody and maintenance of court records.

The magnitude of the problem of lost files in the judicial system is captured in the study by Namakula (2016). Results revealed that all Court officials who participated in the study had lost or misplaced files but could not tell the number of files they lost in a year. This problem was mainly attributed to the manual system of tracking files. The problem was further compounded by the fact that the Courts had not specified the period that an action officer could keep a file. Records were also kept in open shelves

exposing them to improper access. The study also found that loss of case file had a detrimental effect on the efficient conclusion of cases. It led to delays in civil cases and prolonged detection of individuals involved in criminal cases. Although the study by Namakula (2016) highlights the causes and effects of lost case files, it does not interrogate how SCs can enhance the handling of lost files leading to improved service delivery.

There is inherent power in every Court to reconstruct its records. This power has been reinforced by various court cases in a different jurisdiction. In an American case, McLendon versus Jones, the Judge of the Court of Alabama pointed out that "Cases must frequently have occurred in which, by accident, the records of Courts of Justice have been destroyed or lost, and it would seem strange if the Common Law had provided no adequate means by which the injuries growing out of such accident could be averted or remedied, " (Namakula, 2016, p. 15).

In South Africa, the issue of reconstructing court records was also deliberated in the Constitutional Court of South Africa, Case CCT 289/16; in the matter between Helen Suzman Foundation (applicant) and Judicial Service Commission (respondent). In this case, the applicant wanted the court to compel the respondent to provide records of its post-interview private deliberation with judiciary job candidates to assist in the reconstruction of a file in a prior case (Constitutional Court of South Africa, 2018). Congruently, to support its decision, the court asserted that if records regarding a judicial proceeding are missing, notes of the presiding parties that do not form parts of the official records may be used to reconstruct a record. The appeal was upheld.

In the Kenyan context, the issue of reconstructing court records was widely debated in the case involving Benjoh Amalgamated Limited, Muri Coffee Estate Limited, and Kenyan Commercial Bank (respondent). In this case, the Benjoh Amalgamated and Muri Coffee Estate sought to quash Court orders given to the respondent allowing the bank to auction a piece of land belonging to the applicants after they defaulted on a loan (National Council for Law Reporting, 2014). The case was first heard in the Nairobi High Court before Justice Githinji who ruled that where original records are lost, and certified records of the case are not available, a retrial should be held to facilitate the development of new records.

In this ruling, the high court judge seemed to have dismissed the idea of reconstructing Court records where certified copies of the original proceedings are not available. This ruling appeared to support the notion that cases should be started afresh whenever records are missing, and there are no certified copies of proceedings. The Kenya Commercial Bank appealed this decision in the Nairobi Court of Appeal. The case was heard before justice Kwach, Tunoi, and Bosire, who upheld the Banks appeal (National Council for Law Reporting, 2014). In references to the earlier ruling by Justice Githinji, the three court-of-appeal judges pointed out that to allow cases to start afresh whenever files are lost would not only disgrace the Court process but would also create a loophole for unscrupulous litigants who wish to obstruct the Court process by simply making Court records to disappear (National Council for Law Reporting, 2014).

Reconstruction of court records is also supported in the case between Daniel Karanja Mititu (applicant) and Wilson Mugwe Weru (respondent) that was decided on February 2016 in respect to missing court documents about Nakuru High Court Civil Case No.188 of 1974. The case involved a tussle over a piece of land where the applicant presented Court records showing that the court in the 1974 case had ruled in his favour granting him ownership (National Council for Law Reporting, 2017). He petitioned the court to grant him orders to evict the defendant from the land. The defendants had contradicting Court records showing the case was ruled in his favour and in his response pleaded for the reconstruction of the 1974 case file, which the applicant opposed(National Council for Law Reporting, 2017). In his final ruling, the Judge ordered that all parties should present all documents in their possession as well as all orders and ruling for purposes of reconstructing the case.

The process of reconstructing files in the Subordinate Courts is guided by the Magistrates and Kadhi Courts Registry Manual. This manual demands that all Magistrates' Court registry maintains a register of missing files with entries that include file number, parties, date the file was reported missing, last confirmed file location, last action officer, date recovered, and remarks (The Judiciary Republic of Kenya, 2015). The manual also requires that when a missing file is not found within 14 days after it has been reported missing, the Head of Station issues a written confirmation of the loss and authorizes the reconstruction of the file.

All parties involved in the case are notified, and a skeleton file opened. The skeleton file assumes the same number and parties as the missing file and its existence and movement are recorded as for other files (The Judiciary Republic of Kenya, 2015). A special printed skeleton file cover is used for the reconstructed files.

2.3.5 Receipt of Typed/Photocopied Proceedings.

In In many democratic countries, court records are considered to be among the information that should be generally available for public scrutiny in line with the principle of open justice (UK Ministry of Justice, 2012). This principle asserts that justice must not only be done but must also be seen to be done. This principle is founded on the rationale that the more people are informed about the activities of the justice system, the more confidence they will have in it. It recognizes that the legitimacy of the judicial system is hugely dependent on the level of public acceptance of its processes and outcomes.

According to Bailey and Burkell (2017), the openness of Courts serves various essential purposes, including promoting transparency of court systems and reinforcing access to justice. Clarke, Lewis, and Graski (2017) also noted that records of Court proceedings are the foundation of judicial integrity, and thus Courts have the onus of making this information accessible to increase their integrity image. In the United States, records of court proceedings are available to anyone and may be used for new publications and research (Indiana Supreme Court, 2010). The only exceptions are records that are considered to contain confidential information such as juvenile court proceedings, mental health commitment proceedings, financial accounts and social security numbers, and adoption and paternity proceedings.

In Canada, there is also presumptive access to almost all aspects of court proceedings including information contained in court judgments, documents filed in court offices, and personal information about parties and witnesses (Bailey & Burkell, 2017). In Ireland, the release of court records, including records of court proceedings is restricted tom parties concerned and their legal representatives (Winn, 2009). It is a similar situation in the state of New South Wale in Australia where parties can only obtain court proceedings records to the proceedings and their representatives. Parties

that are not involved in a case have to provide sufficient reasons in writing to access the records.

In their study, Eltis (2011) observed that judicial systems around the world have to maintain a balance between the open court principle that seeks to enhance transparency and improve public confidence, and the privacy principle that demands the need to protect the private information belonging to court users. The need to maintain this delicate balance underscores the importance of having effective and efficient policies and procedures for making records of proceedings available to court users. Chatterjee (2014) also noted that although disclosing case details allows the public to hold the judiciary accountable for their decisions, this action can undermine the right to privacy of parties involved in court cases. The threat to privacy is a significant concern where the cases involve vulnerable populations such as children, and victims of sexual assault and violence. Chatterjee (2014) also noted that there are instances where information accessed from the court has been used beyond the primary goal of maintaining transparency and accountability.

The Constitution of Kenya 2010, Chapter 4 Article 50 (5) gives an accused person the right to obtain a copy of the trial proceedings records on request within a reasonable period after they are concluded for a reasonable prescribed fee (Republic of Kenya, 2010). This provision demands that not only should an accused person be given access to copy of Court proceeding on request, but this should be done within a reasonable time and at a reasonable cost. The MCSC specifies that eligible persons who request for records of proceedings should receive it within 15 days. The cost of obtaining the records is set at Ksh. 60 per page of typed and certified proceedings and Ksh. 30 per page of typed but not certified proceedings.

2.4 Conceptual Framework

The hypothesized relationship between MCSC and service delivery in Subordinate Courts is shown on Figure 2.1.

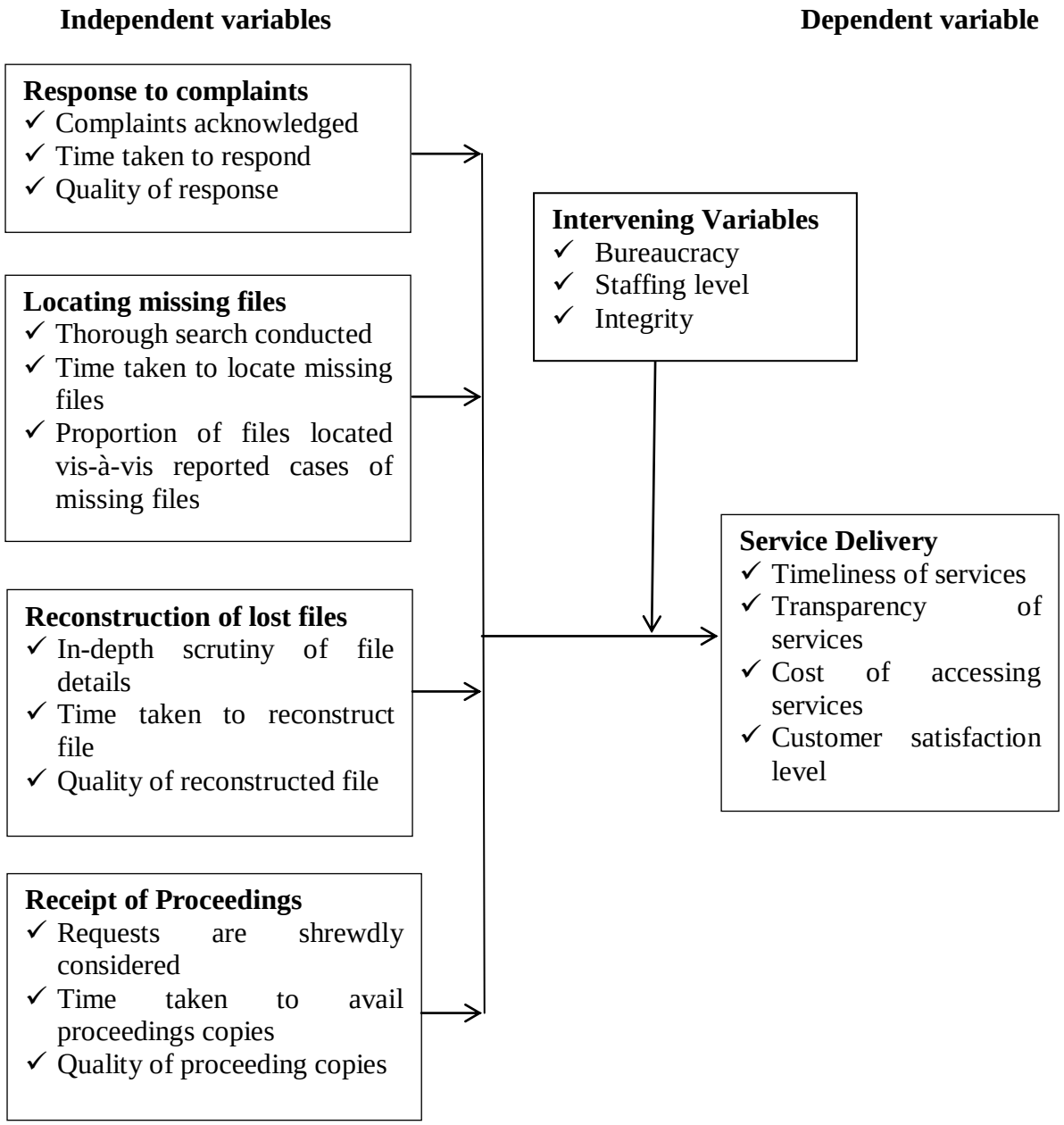


Figure 2.1: Effect of Magistrate Service Charter on Service Delivery

Source: (Author, 2018)

According to the Framework, the study will focus on four components of the MCSC, namely: Response to complaints, locating missing files, reconstruction of lost files, and receipt of proceedings. The study hypothesised that these components influence service delivery by making them easily accessible to Court users, ensuring the services are delivered in a timely and transparent manner, and ensuring that services are delivered at the lowest cost. The framework further posits that the relationship between the MCSC and service delivery by Subordinate Courts is influence by three intervening variables, namely: government bureaucracy, staffing levels, and integrity.

Government bureaucracy refers to systems designed to control government operations (Roth & Sonnert, 2010). Although bureaucratic processes are essential in maintaining order and controlling the use of public resources, they can be a hindrance to the service delivery process. Government bureaucracy can introduce ‘red tape' that tends to slow down the process of delivering services. The staffing level at the judiciary is also bound to have a significant implication on the implementation of the MCSC and thus affect service delivery. For instance, if the registry is understaffed, the timeline for performing various tasks such as locating missing files and reconstructing lost file may not be tenable. The integrity of the judicial staff also has a major implication on the implementation of the MCSC.

2.4 Summary and Gaps

Much of the literature on service delivery has focused on the private for-profit sector. Most of the studies on service delivery in public organisations have focused on defining how the concept of service delivery can be measured. In the Justice System, Kisongwo (2016) identified various indicators for effective service delivery, including timeliness of services, accessibility of services, cost of services, and transparency of service. Further, indicators of inefficient and ineffective administration of justice include lengthy case delays; extensive backlogs of cases; limited access to justice; a lack of transparency and predictability in court decisions; a shortage of financial, physical and other resources; and weak public confidence in the judicial system. Although these studies provide a basis for understanding how services delivery among public agencies should be measured, they have not examined whether there is any link between the implementation of SCs and the effectiveness of the service delivery process, which was the focus of the current study.

Specifically, the current study sought to examine how the implementation of the MCSC has influenced service delivery within the Subordinate Courts. The MCSC has various components with the study focusing on four main parts: handling customer complaints, locating missing files, reconstructing lost files, and receipt of proceeding.

CHAPTER THREE
RESEARCH METHODOLOGY

3.1 Introduction

This chapter highlights the methodology by which the research process was carried out. These include research design, target population, sample and sampling technique, data collection instrument, pilot testing, as well as the methods that were employed to analyse data. Research methodology illustrates the procedure of carrying out a research study.

3.2 Research Design

The research design was a case study of Nakuru Magistrates' Courts. This was an in-depth study of Nakuru Central Courts. The case study approach helps to narrow down a vast field or population into an easily researchable one, and seeks to describe a unit in details, in context and holistically (Bryman, 2016). Hence the study considered a case study as a suitable research design since the study sought to generate an in-depth understanding of how the MCSC has influenced service delivery at the Magistrates' Courts.

3.3 Study Site

The study was conducted at the Nakuru Law Courts and focused on the Subordinate Courts. These courts include the Magistrates' Courts, the Kadhis' Courts, the Court Martial, and local tribunals established by an Act of Parliament. The Subordinate Courts are essential in the dispensation of justice as they are the court of the first instance for most criminal and civil matters. The experiences of court users at this level determine whether they would be willing to pursue justice in higher courts. Therefore, the quality of service delivery at this level is essential in promoting justice and cultivating public confidence towards the entire judiciary.

3.4 Target Population

The target population was 90 respondents comprising 36 staff working at various capacities within the Nakuru Magistrates' Courts and 54 court users who had either filed a complaint at the Magistrates' Courts, had reported an incident of missing file, had their files reconstructed, or had applied to be supplied with copies of typed

proceedings in January 2019. The 54 court users were targeted because they had encountered the Court services particularly with regard to the four components of the MCSC and thus, they are in a position to provide useful information regarding the research issue. The 36 staffs were selected because they are directly involved in the implementation of the MCSC and thus were privy to the information regarding the implementation of the Charter and its impact on service delivery.

3.5 Census Survey

Since the target population of the study was small and heterogeneous, a census approach was adopted where data was collected from the 36 employees and 54 court users. According to Creswell (2014), the larger the sample size for a small population, the more accurate the results are likely to be, and hence the choice of the census technique in the study.

Table 3.1: Census Breakdown

Respondents Category	**Number**
Staff	36
Court users	54
Total	**90**

3.6 Data Collection Instruments

Two instruments were used to collect data: questionnaire for staff and interview guide for Court users.

3.6.1 Questionnaire for Staff

Questionnaires were used to collect quantitative data from Court staff. According to Bryman (2106), questionnaires are useful in obtaining valuable information about the population. Further, a questionnaire is the best tool for the researcher who wishes to acquire the original data for describing a population (Creswell, 2014). The questionnaires were appropriate data collection instruments for this study because they enabled the collection of quantitative data that facilitated the statistical analyses of the relationship between the implementation of the MCSC and service delivery at the Courts.

3.6.2 Interview Guide for Court Users

An interview guide was used to collect qualitative data from Court users. The interview guide was structured, meaning that there was a set of uniform questions for all respondents. The interview was the most appropriate approach for collecting data from this population as it encouraged conversation and thus facilitated the collection of in-depth data regarding the study issues. Also, the interview approach helped the study to overcome the language and literacy barrier as the presence of the researcher helped clarify and interpret the interview questions.

3.7 Pilot Study

The data instruments were pretested in Nyandarua Subordinate Courts, where 18 respondents (equivalent to 20% of the sample for the main study) were involved. This location was selected because of its close similarities with the Nakuru Subordinate Courts. The pilot sample comprised of 9 staff and 9 Court users. The goal of the pilot study was to assess the validity and reliability of the instruments.

3.7.1 Validity of Study

To ensure content and construct validity of data instruments, the researcher's university supervisors were engaged, and their inputs were taken into account to ascertain validity. Validity of the instruments was also evaluated by assessing the pilot study data for completeness, relevance, and appropriateness in addressing the research issue. The data collected from the respondents were also triangulated with the analysis of documented complaints from the designated Ombudsman to enhance validity.

3.7.2 Reliability of the Study

The reliability of the research instrument was assessed by analysing data from the pilot study using the Cronbach alpha method. This analysis was used to generate an alpha value for the Likert scales that correspond to each study variables, which was then compared to a threshold figure set at 0.7. Scales that yielded an alpha of 0.7 and above were deemed reliable. Only the questionnaire was subjected to this analysis. Results of the analysis are presented in Table 3.2.

Table 3.2: Cronbach Alpha Results

Variable	No. of Items	Cronbach Alpha
Response to Complaints	6	0.815
Locating lost files	6	0.786
Reconstructing files	6	0768
Receipt of Proceedings	6	0.786
Service Delivery	6	0.812

As Table 3.2 illustrates, the scales measuring all the five variables of the study had an alpha of above 0.7, suggesting that they had an acceptable level of reliability.

3.8 Data Collection Procedures

Questionnaires were administered directly to the respondents to make clarifications as may be required. The researcher paid visits to the study area for familiarisation before the primary data collection began, to seek permission from the administration/management concerning the intended study and make arrangements for the dates of data collection. The researcher proceeded to collect primary data from the respondents after receiving permission from St Paul's Post Graduate Office and National Commission for Science, Technology, and Innovation (NACOSTI). The questionnaires were dropped in the morning and picked on the same day in the afternoon to ensure a 100% response. Where staffs were absent; appointments were rescheduled.

3.9 Data Analysis and Presentation

Data collected were arranged, coded while missing values were treated through missing values analyses with the aid of SPSS version 25. Descriptive statistics such as frequencies and percentages were used to summarise data on individual variables. Further, inferential statistics were used to analyse quantitative data while qualitative data were analysed using thematic analysis by organizing the information into themes. Analysed data was presented using the research output tables together with graphs and charts where necessary. Qualitative data were presented using illustrative quotes.

3.10 Ethical Considerations

Research approval was sought from all the relevant bodies, including St. Paul's Postgraduate School, the National Commission for Science Technology and Innovation, and the person in charge of the Subordinate Courts in Nakuru County.

Voluntary participation by the respondent was applied in a bid to protect their rights. No person was coerced into participating in the study. All targets were informed about the study as well as their right to refuse to participate or pull out of the study without any repercussion.

The information obtained from respondents was treated with the utmost confidentiality. Similarly, respondents were instructed not to write any information that could disclose their identity, such as their name or staff number on the questionnaire.

The researcher also explained the purpose of the study and how the information obtained would be used. The report would be submitted to the management for possible recommendations.

3.11 Chapter Summary

This chapter has discussed the methods and procedures that were used to collect and analyse the data needed to realize the research objectives. Particularly, the chapter has discussed the research design, target population, sample size and procedure, data collection instruments and procedures, data analysis and presentation method, and ethical considerations. The next chapter presents and discusses the findings of the study.

CHAPTER FOUR
FINDINGS AND DISCUSSION

4.1 Introduction

This study aimed to investigate the effect of MCSC on service delivery. Data was collected from court staff and users at the Nakuru Law Courts and analyzed using quantitative and qualitative methods. This chapter presents and discussing the findings of the study. The chapter is organized into several sections including response rate, respondents' background information, service delivery at the Magistrates' Courts, response to complaints effect of service delivery, locating missing file effect on service delivery, reconstructing lost files effect on service delivery, receipt of proceedings effect on service delivery, and chapter summary.

4.2 Response Rate

The first issue of analysis was the rate of response for the study. According to Fincham (2008), analysing response rate helps the researcher to estimate the level of nonresponse bias; errors that emerge when those who fail to respond differed significantly from those who responded. Table 4.1 presents the response rate for the study.

Table 4.1: Response Rate

Respondents category	Expected No.	Actual No.	Response rate
Staff	36	34	94.4%
Court users	54	50	92.6%
Total	**90**	**84**	**93.3%**

As Figure 4.1 illustrates, 84 out of the 90 targets individuals were able to complete the study making a response rate of 93.3%. The respondents comprised of 34 staff representing 94.4% of the targeted number and 50 court users representing 92.6% of the expected number. According to Fincham (2008), a response rate of more than 60% is acceptable is social research. A high response rate helps to minimize nonresponse bias and enhance the representativeness of findings. Table 4.1 presents the distribution of the responses across the two categories of respondents.

4.3 Respondents' Background Information

The study also assessed the respondents' background information, including their gender, age, and the number of years worked at the judiciary. According to Bryman (2016), analysing and presenting respondents background information helps research consumers to evaluate the representativeness of the sample and whether the findings can be applied in their own settings.

4.3.1 Gender of Participants

The study sought to establish the distribution of staffs that respondents to the question by gender. Results are summarized in Figure 4.1.

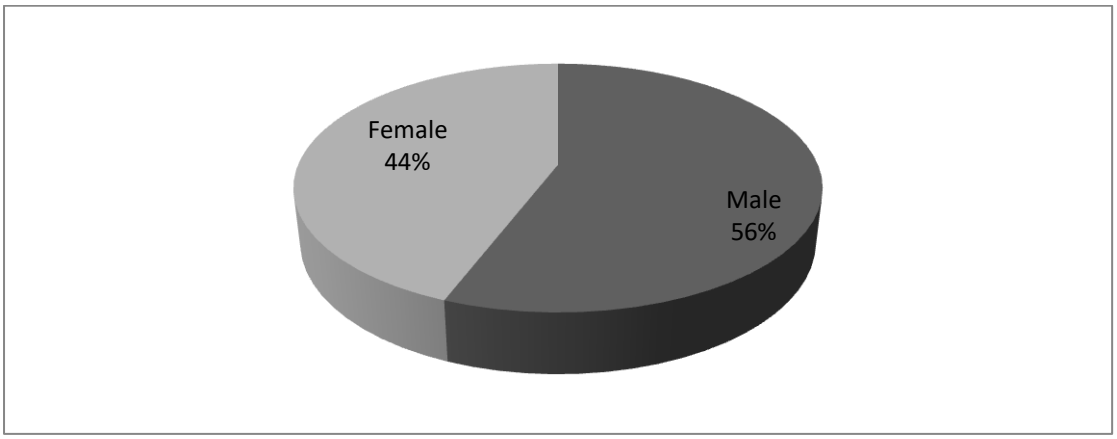


Figure 4.1: Distribution of Staff Respondents by Gender

As Figure 4.1 above illustrates, 56% of the 34 staff who completed and returned their questionnaires were males, while 44% were female. From the finding, it is evident that the study adequately captured the views of both female and male employees. The finding also implies that the sample was a close representative of the population given that the gender composition of the sample was close to the gender composition in the genera judicial staff as documented in a study by Domingo, McCollough, Simbiri, and Wanjala (2016), where it was found that women constituted about 44% of the staff in Kenya high courts. The study also found out that women were well represented in the middle and lower positions in the Judiciary. The study also examined the distribution of court users who participated in the interview by gender. Results are presented in Figure 4.2.

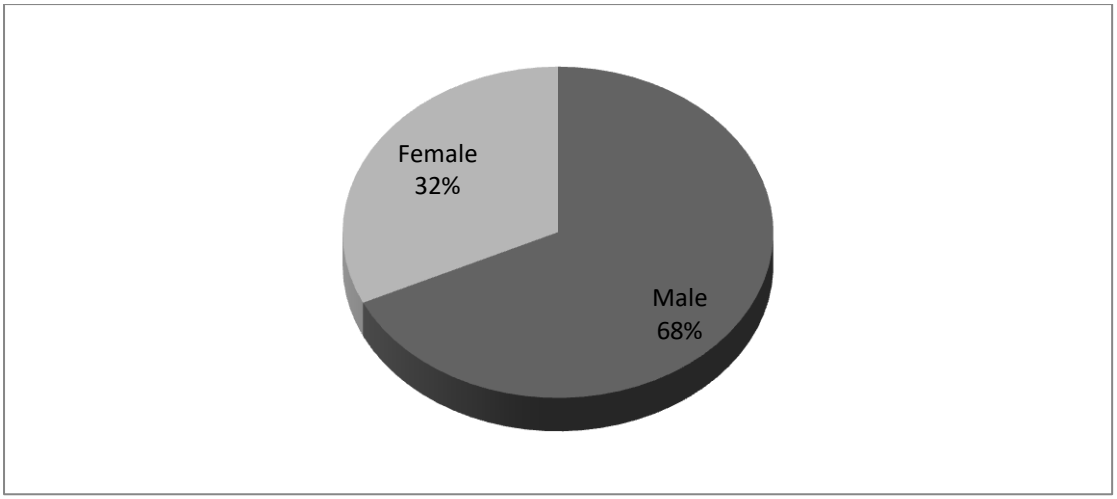


Figure 4.2: Distribution of Court Users Respondents by Gender

As Figure 4.2 above demonstrates, 68% of the 50 Court users who participated in the interview were males, while 32% were female. This finding also indicates that the views of both male and female Court users are represented in the study, although the representation of female court users was low.

4.3.2 Age of Participants

The distribution of staff that completed the questionnaire by age category was also assessed. Results are presented in Figure 4.3.

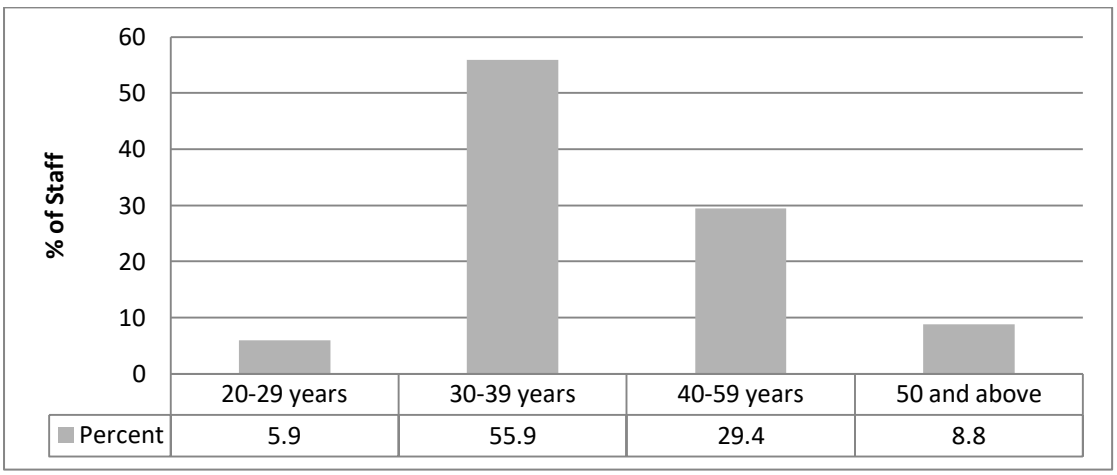


Figure 4.3: Distribution of Staff by Age Category

As Figure 4.3 above shows, the majority of 34 staffs who completed the questionnaires (55.9%) were in the 30-39 age brackets. Another 29.4% were in the 40-59 years age bracket.

About 8.8% were 50 years, and above, while about 5.9% were 20-29 years. The findings show that the study was inclusive of staff from all age categories. The distribution of Court users who completed the interviews by age was also analysed. Results are presented in Figure 4.4.

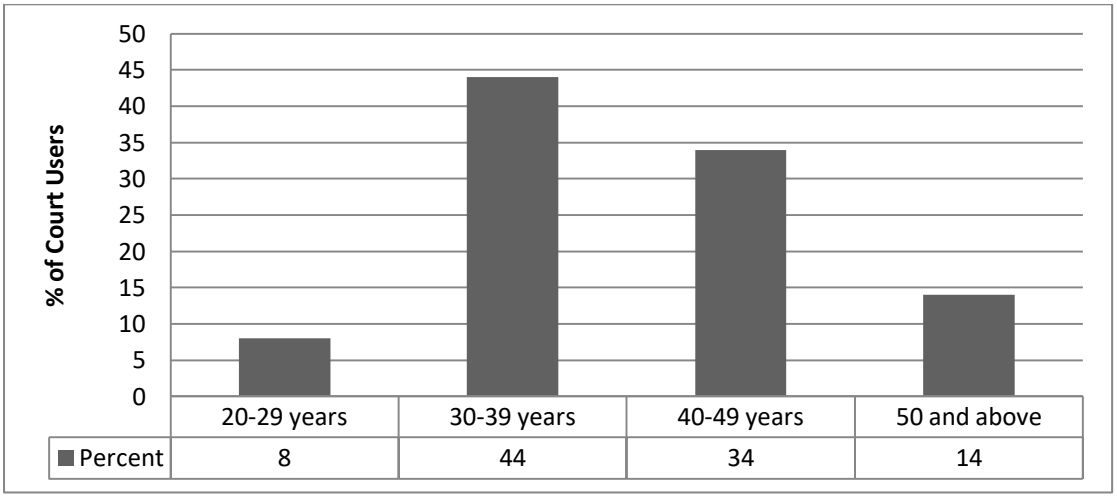


Figure 4.4: Distribution of Court Users Respondents by Age

As demonstrated in Figure 4.4 above, individuals within the 30-39 years age bracket formed the largest segment of court users who participated in the interview with a representation of 44% followed by those in 40-49 years bracket who had a representation of 34%. Individuals of 50 years and above formed 14% of the interviewees while people in the 20-29 years had the least representation at 8%. Court users of all age groups were represented in the study and thus the study is likely to be representative of the court users' population with regards to age.

4.3.2 Number of Years Worked at Nakuru Subordinate Courts

Another issue that was of interest to the study was the number of years that the staffs who completed the questionnaires had worked in the Nakuru Subordinate Courts. Analysing this enabled the study to evaluate the accuracy of information provided by the participants. It was assumed that respondents with long service duration were in a better position to provide an informed opinion regarding the study variables. Results are presented in Table 4.2.

Table 4.2: Respondents Years of Service at Nakuru Subordinate Courts

Statistic	Value
N	34
Mean	3.23 Years
Minimum	2 years
Maximum	5 years

As Table 4.2 above illustrates, the staffs who completed the questionnaire had worked at the Nakuru Subordinate Courts for an average of 3.23 years. The respondents with a shorted length of stay had worked at the station for 2 years while the respondent with the longest length of stay had worked at the station for 5 years. From this findings, it is evident that the majority of the respondents had worked at the Nakuru Subordinate Courts long enough to enable them to provide an informed opinion regarding the implementation of the MCSC and its effect on service delivery.

4.4 Service Delivery at the Magistrates' Courts

The focus of the study was to examine the effect that the introduction of the MCSC has had on service delivery at the Nakuru Subordinate Courts. Service delivery was the dependent variable of the study, and thus, it was essential to establish the status of service delivery at the Nakuru Subordinate Courts. Moreover, to realise this goal, staffs were asked to indicate their level of agreement with six statements relating to service delivery on a five-point scale: Strongly Disagree =1, Disagree=2, Not certain =3, Agree =4, strongly Agree=5. The responses were analysed using mean and standard deviation. Table 4.3 presents the results of the analysis.

Table 4.3: Descriptive Analysis Results for Service Delivery

S/N	Statement	Mean	SD	Rank
1.	Services have become more accessible to the public after introduction of the MCSC	3.615	.724	5
2.	Users can now get prompt services at the Magistrates' Courts.	3.729	.705	4
3.	Services at the Magistrates' Courts have become more transparent	3.997	.519	2
4.	The cost of obtaining services at the Magistrates' Courts has decreased	2.698	.675	6
5.	There is general increase in the satisfaction level of court users	4.374	.856	1
6.	Access to justice has generally improved at the Magistrates' Courts.	3.863	.499	3
	Aggregate score	**22.676**	**.876**	

As shown in Table 4.3 above, delivery of service was measured from various perspectives. The first perspective was the accessibility of services. This item had a mean score of 3.615, which indicates that there was a general agreement among the surveyed staff that services have become more accessible to the public after introduction of the MCSC. This finding is in line Kundo (2016) who argue that SCs improves service delivery by communicating the services that the organization offers and how they should be provided. This view was also echoed by one of the court users who expressed that:

> *Things have become better in our Courts. It has become a lot easier to get records of the courts. In the past, you could not even know what is contained in your file.* (Interview, CU39, 2019)

The second item on the service delivery scale measured the speed of service delivery. Speed of service delivery was ranked fourth with a mean of 3.729, which indicate that there was a general agreement among staff that Court users were getting prompt services at the Magistrates' Courts after the introduction of the SC.

The finding is also consistent with Kundo (2016), who argued that charters are effective tools for enhancing the timeliness of services as it outlines the standard of

services, including the timeline for each service. This finding is also backed by the views of one of the Court users who were impressed with the time it took to get her file located:

> *I heard that my file was missing. The registry people promised that they will locate it in the shortest time possible. I did not believe them because I have had negative things regarding the file management practices in our Courts. I was surprised the file was located in less than two weeks.* (Interview, CU26, 2019)

Another court user pointed out that the provision of a mobile payment option for various court services has speeded up the process of service delivery:

> *I am happy because the Courts are now allowing us to make payment through mobile money. This has increased the speed of service.* (Interview, CU37, 2019)

The third indicator that was used to measure service delivery was transparency of services. Similarly, the staff perceived that there was a major improvement in the transparency of the Magistrates' Courts (Mean=3.997, SD= .519). Lack of transparency in court decision is one of the service delivery problems that were identified in the study by Kisongwo (2016) that focused on the Eldoret Chief Magistrate's Courts. Current findings suggest that there is an improvement in this aspect. The views expressed by the staff regarding improved transparency of Magistrates' Courts were reinforced by data from the interviews where one of the participants narrated that:

> *Being able to view court documents had made it easy for us to understand what is going on in the court. In the past, it was difficult to know what was happening.* (Interview, CU36, 2019)

The above sentiments were given in relation to the receipt of proceedings component of the MCSC. This particular court user' feels that the charter has now made it easy for them to access court document leading to greater transparency.

The fourth indicator in the service delivery scale was concerned with the cost of accessing services. Reduction in cost was ranked sixth a mean 2.698 indicating that staffs were not sure whether the cost of obtaining services at the Magistrates' Courts

had decreased after the introduction of the MCSC. This view is mainly concerning the fee charged on services such as obtaining copies of proceedings. One of the goals of introducing SCs in Kenyan courts was to streamline the fees required for various services. From the respondents' point of view, the charter has not led to a decrease in the cost of obtaining services by court users.

The fifth item on the service delivery scale was the level of customer satisfaction. From the findings, the level of customer satisfaction emerged as the most improved indicator of service delivery with a mean of 4.374. Therefore, according to the majority of the surveyed staff, there is a general increase in the satisfaction level of Court users at the Nakuru Subordinate Courts. This finding is consistent with the survey by The Judiciary of Kenya (2018), which found that 2 out 3 court users were satisfied with the services of the court.

The final indicator that was used to assess service delivery was access to justice. According to the surveyed staff, access to justice had also improved significantly with a mean of 3.863. The staff generally agreed with the statement that access to justice has generally improved at the Magistrates' Courts. Berg and Desai (2013) defined access to justice as the ability of people to seek and obtain a remedy through available institutions. Improved access to justice was also captured during the interview, where one of the interviewed expressed satisfaction with the way the ombudsman office handled his complaints:

> *I was not satisfied with the way my case was progressing. I went to file a complaint at the Ombudsperson's office. The people there were very receptive; they told me what I had to do and how to complete the complaint form. They advised me that the matters will be looked and resolved and in the soonest time possible. I am confident that they will resolve the issue.* (Interview, CU9, 2019)

Another interview expressed approval of the process of obtaining a receipt of proceedings. She was pleased on how easy it had become to access records of the Court:

> *We were in the dark regarding the progress of our case. We wanted to know what was going on. We went to registry to apply for records of proceedings. They took down details of the case, accessed our eligibility to receive the records, and we were asked to pay Ksh. 60 per*

> *page. We received the typed and certified proceedings within a few days.* (Interview, CU45, 2019)

The mean aggregate score for service delivery was 22.676. The score was obtained by summing the score assigned on individual items that made up the service delivery Likert scale for all participants and then dividing it by number of participants. Since there were 6 items (statements) in the scale and the maximum score for each item was 5, the highest possible score for this scale was 30 (6 items *5 highest score in the Likert scale). This result implies that according to the staff, Subordinates Courts in Nakuru met 75.6% of the criteria used to measure the effectiveness of service delivery (22.676/30 * 100).

4.5 Response to Complaints effect on Service Delivery

The first objective of the study was to examine the effect of response to complaints on service delivery at the Nakuru Subordinate Courts. Response to complaints is one of the components in the MCSC. The charter prescribes how judicial officials should handle complaints raised by court users. Before determining the effect of this component of the MCSC, the study first examined the types of complaints raises at the Nakuru Magistrates' Courts as well as how effectively the response to complaint component of the MCSC has been implemented.

4.5.1 Types of Complaints raised at the Nakuru Subordinate Courts

Information on types of complaints that were mainly raised at the Nakuru Magistrates' Courts was obtained through analysis of documents from the designated Ombudsperson for one year period spanning 31st January 2018 and 31st January 2019. This information is summarized in Table 4.4 below.

Table 4.4: Types of Complaints filed at Nakuru Subordinate Courts

Complaint Type	Frequency	Percent
Delayed cases	96	57.5
Missing files	20	12.0
Corruption	9	5.4
Administrative injustice	14	8.4
Misuse of office	2	1.2
Unresponsiveness of officials	22	13.1
Ineptitude	4	2.4
Total	**167**	**100.0**

From Table 4.4, there were a total of 167 complaints filed the ombudsman at the Nakuru Subordinate Courts in the 12-month period. Delayed cases were the most frequently reported complaint with 96 cases representing 57.5% of all cases reported during the period. This finding is congruent with a report by Commission on Administrative Justice (2014) where it was found that delays in service provision were the most common complaints against public sector organizations accounting for 29.1% of all complaints made in the year 2012/ 2013. The report also ranked law courts fourth in terms of many complaints regarding delays in service provision after the Ministry of Lands, Retirement Benefits Authority, and National Bureau of Statistics.

Twenty-two cases of unresponsiveness of officers were also reported accounting for 13.1% of all complaints that were reported during the period. According to Basheka (2014), responsiveness to citizens need is one of the hallmarks of an effective and professional public sector. Unresponsive official conduct was also captured in the report by the Commission on Administrative Justice (2014), but the report indicated that the most affected institutions were Kenya Wildlife Service and the Ministry of Lands.

Complaints on missing file came in third with 20 cases accounting for 12.0% of all cases reported during the period. This finding reinforces the study by Makau (2014) which found that missing files was a major hindrance to effective service delivery in

the Kenyan justice system with some cases stalling for more than 20 years because records were missing.

The findings are also echoed in the study by Nafula (2018) the Mililani Commercial Court was struggling with problems of storage, retrieval, loss, and or misplacement of records. The registries are congested with lots of files, thus creating a poor working environment for the staff, which contributes to loss of documents and files and severe deterioration of records.

Fourteen cases of administrative injustice were reported representing 8.4% of all filed cases. This is where the complainant felt that they had been treated unfairly by the administrative processes of the court. The report by the Commission on Administrative Justice (2014) also found that administrative injustice was a major problem in the Kenya public sector, accounting for 26.6% of all complaints made in year 2012/2013. According to the report, the Office of the President, Ministry of Lands, and the Judiciary were the public body mostly affected by the administrative injustice problem.

Nine cases of corruption were reported during the period representing 5.4% of all cases. The term corruption encompasses a myriad of misconducts including bribery, extortion and exploitation, and favouritism. The finding is consistent with the study by Basheka (2014), which found that corruption was one of the major factors hindering effective service delivery in the public sector. The study by the Judicial Service Commission (2017) also found that complaints about corruption in the Judiciary increased from 32 to 37 cases in 2016/2017 fiscal year.

Four cases of ineptitude were reported representing 2.4% of all cases. Ineptitude refers to situations where the complainant feels that the judicial staffs exhibited an inability to perform their duty effectively. Service professionalism and performance is a vital indicator of an effective public sector. Cases of ineptitude were also captured by Judicial Service Commission (2017) in the Judiciary Annual Report 2016/2017 where it is recorded that complaints about poor services were the third most frequently reported cases with 79 cases.

At the end of the list were complaints relating to misuse of office by judicial staff. Two cases were reported representing 1.2% of all complaints. Misuse of office entails the use of position held by a judicial staff for own benefit or to the benefit of a person close to him or her. As Basheka (2014) explained, public service officers are often given some room to exercise discretion during the delivery of services.

Public servants are often expected to exercise this discretion with diligence, transparency, neutrality, and impartiality. Abuse of this discretion by public officials, especially in vital institutions such as the judiciary, leads to poor service delivery and dissatisfaction.

4.5.2 Implementation of Response to the Compliant Standards

Next, the study sought to establish how effectively standards stipulated in the MCSC regarding response to complaints have been implemented at the Nakuru Magistrates' Courts. Respondents were given a set of statement and asked to indicate their level of agreement on a five-point scale: Strongly Disagree =1, Disagree=2, Not certain =3, Agree =4, strongly Agree=5. Table 4.5 presents a summary of the findings.

Table 4.5: Descriptive Analysis Results for Response to Complaints

S/N	Statement	Mean	SD	Rank
1	All complaints made by aggrieved parties are appropriately acknowledged	4.347	.653	1
2	All complaints are meticulously reviewed and investigated	3.934	.634	3
3	Aggrieved parties received feedback on their complaints in the shortest time possible	4.124	.617	2
4	In most cases, the responses provided give clear and open answers to complaints lodged	3.698	.675	6
5	The complaint responses often explain what happened and why to the aggrieved party	3.875	.656	4
6	Complaints are used to make improvement in court processes and systems.	3.746	.764	5
	Aggregate score	**23.724**	**.645**	

From Table 4.5 above, acknowledgment of complaints made emerged as the most effectively implemented standard relating to the response to complaints component of the MCSC with a mean of 4.347.

The mean indicates that the staff generally agreed that all complaints made to the designated ombudsperson by aggrieved parties are appropriately acknowledged as prescribed by the MCSC. The importance of acknowledging complaints was also emphasized in the study by Gruber *et al.* (2009) where it was found that the effectiveness of a complaint management system was determined by factors such as customers being taken seriously. The effectiveness of the process of acknowledging complaints was also captured during the interview. One of the interviewees narrated that:

> *The person at the complaints desk was very friendly. He listened to my concerns and directed me on how to fill the complaint form. He assured me that the issue will be addressed and asked me to return at a later date.* (Interview, CU6, 2019)

Another standard that has been effectively implemented as par the surveyed staffs is the provision of timely feedback to those who file complaints. This item had a mean of 4.124, which suggest that staffs generally agreed that aggrieved parties receive feedback on their complaints in the shorted time possible. The timeliness of handling complaints is critical to shaping the experiences of the service user. The importance of timely feedback was also captured in the study by Bortoli and Pizzutti (2017) where it found that restoring customer satisfaction is dependent on customers' perception on whether their complaint was handled fairly as well as the time that lapses before the complaint to be addressed. A slow complaint handling process often leads to fatigue that discourages service users from lodging complaints in the future. Aziz (2015) also emphasized that an effective complaint management system should resolve the complainant's issue as soon as practically possible. Several court users supported the staff views during the interview. One of the court users stated:

> *I filed a complaint regarding my file that was missing. The court official told me that they will look into the issues. They called me within a week and told that my file has been found*. (Interview, CU 21, 2019)

Another Court user narrated that:

> *I made complaints about my case that has been dragging for months. The person at the desk showed me how to fill the complaint form and told me that the matter will be looked into. They called after two weeks and explained to me the reasons behind the delays….. They promised that the case will be given priority in the court schedule.* (Interview, CU11, 2019)

Another standard that emerged top of the list entails the review and investigation of conflict. The staff agreed that all complaints filed at the courts are meticulously reviewed and investigated as indicated by the mean of 3.934. This is line with Komunda and Osarenkhoe (2012) who argued that an effective, complaint management system should be transparent in such a way that the complainant can be able to track the complaint as it goes through the resolution stages. An effective system should have an open approach to resolving complaints rather than a defensive approach. It should be thorough and comprehensive.

The staff were also in agreement that complaint responses usually explain what happened and why to the aggrieved party (Mean= 3.875). This standard also relates to the transparency of the complaint management process and the quality of the feedback. The MCSC stresses that the designated ombudsman should provide adequate feedback to the complainant, which provide sufficient details regarding what had contributed to the complainant negative experiences and why it occurred. The staff's position was also reinforced during the interview where one of the court users who had complained about delays in his case affirmed that he was given a satisfactory explanation as to why the delay occurred.

> *The court official explained to me that the delay was mainly due to understaffing of prosecutors resulting in one prosecutor handling multiple separate cases simultaneously.* (Interview, CU7, 2019)

Another respondent whose file went missing and had to be reconstructed had this to say:

> *The Officer in charge of the registry called us after four weeks and told us that our missing file could not be located. She explained all the steps that he had taken to trace the file. She advised that the next step is to have the file reconstructed.* (Interview, CU34, 2019)

Another standard whose implementation was examined entails the use of complaints to improve. With regard to this standard, the staff generally agreed that complaints are used to improve the Court processes and systems (Mean=3.746).

As Aziz (2015) explained, one of the main aims of the complaint handling system is to ensure continuous improvement of services rendered by public institutions. It enables institutions to understand the weakness of their processes and workmanship.

The standard that got the lowest score entails providing clear and open answers to the complainants. Nonetheless, this item had a mean score 3.698 suggesting that there was a general agreement among staff that in most cases, the responses provided give clear and open answers to complaints lodged. As Bortoli and Pizzutti (2017) explained, an effective complaint management system should be able to give reasonable solutions to the complaints raised. The people in charge of handling complaints should be empowered to take action once the claims have been authenticated.

The mean aggregate score for implementation of response to complaints standards was 23.724 out of a maximum possible score of 30 (5* 6 items). This implies that according to the staff, the response to complaints standards was 79.1% fulfilled.

4.5.3 Correlation between Response to the Complaint and Delivery of Service

In determining the effect of implementing standards relating to response to complaints on service delivery in the Subordinate Courts, data on the aggregate score for the response to complaints was correlated with the aggregate score for service delivery. Results are presented in Table 4.6 below.

Table 4.6: Response to the Complaint and Service Delivery Correlation Results

		Service delivery score
Response to complaint score	Pearson Correlation	.543**
	P-value	.000
	N	34

As shown in Table 4.6 above, the correlation coefficient for the relationship between the implementation of response to complaint standards and service delivery was

0.543. Since this coefficient is positive, it implies that there is a positive relationship between the implementation of response to complaints standards and service delivery. This implies that if the effectiveness of implementing the response to complaint standards is increased the effectiveness of service delivery would also increase.

The p-value for the relationship was .000. Since the value is less than 0.05, it implies that the relationship is statistically significant. These results lead to the conclusion that there is a significant positive association between response to complaints and service delivery at the Nakuru Subordinate Courts.

The findings are consistent with the study by Mwania (2015) that examined the effect of customer SCs on service delivery at Nairobi City Water and Sewerage Company. Results showed that employees' awareness and adherence to the SC had a significant positive effect on service delivery. The findings are also in line with the study by Subash and Balaji (2015) where it was found that effective handling of complaints had a significant effect on customers' satisfaction with the services rendered by public institutions as it increases a sense of distributive justice.

4.6 Locating Missing Files effect on Service Delivery

The second objective of the study was to examine the effect of implementing locating missing files standards stipulated in MCSC on service delivery at the Nakuru Subordinate Courts. Indeed, to realise this objective, the study first examined how effective the locating missing file standard has been implemented in the study area.

4.6.1 Implementation of Locating Missing Files Standards

To determine how effective the locating missing file standards have been implemented in the study area, staff were given a list of six statements relating to the standards and asked to indicate their level of agreement on a 5-point scale: Strongly Disagree =1, Disagree=2, Not certain =3, Agree =4, strongly Agree=5. Results are presented in Table 4.7.

Table 4.7: Descriptive Analysis Results for Locating Missing Files

S/N	Statement	Mean	SD	Rank
1	The registry maintain a register of files	4.271	.564	1
2	Once a file is reported missing, the officer in charge take appropriate details about the file	4.132	.534	2
3	The officer in charge often takes appropriate step to trace the movement of missing files.	3.914	.597	3
4	A thorough search is conducted to locate the missing files	3.858	.605	4
5	The registry often adheres to 14 day time limit set for locating missing files.	3.412	.556	6
6	Over 75% of the files reported to be missing are usually located.	3.727	.664	5
	Aggregate score	**23.314**	**.586**	

The first standard that was assessed is whether the court registry maintains a register of all files as stipulated in the MCSC. The mean for this item was 4.271 suggesting that the staff general agreed that the registry maintains a register of files. The finding is quite different from those captured in the study by Nafula (2018) where it was observed that the registries at the Milimani Commercial Court were congested with lots of files thus creating a poor working environment for the staff. Files were scattered everywhere, and there were heaps of unmanaged records on the floor. The registry was also characterized by yellowing of documents and mutilation (Nafula, 2018). The present finding suggests that there is a marked improvement in the way files are managed.

The second standard relates to the process of taking details of files reported missing. Results in Table 4.7 shows that the mean for this item was 4.132, implying that the staff generally agreed that once a file is reported missing; the Officer in Charge takes appropriate details about the file. According to the MCSC, taking sufficient details for missing files improves the chances of locating the file. The position of staff that the officer in charge usually takes sufficient details of missing files was supported by the interview data from the court users. One of the court users narrated that:

> *When I reported that my file was missing, the person at the registry recorded details of the file including file number, parties, last*

> *confirmed file location, and last action officer. He got this information from the file register*. (Interview, CU25, 2019)

Another court user stated:

> *The person of the registry asked me what the case was about and when it was filed. She then checked the details on the register and recorded it on the missing file report. She told me that she has initiated the process of locating the file and will get back to me within 14 days.* (Interview, CU29, 2019)

Another standard concerned the action taken by the Officer in Charge to trace the movement of missing files. As indicated by the mean of 3.914 in Table 4.7, the staff generally agreed that the officer in charge often takes an appropriate step to trace the movement of missing files. The MCSC prescribes that using details from the file register; the officer in charge of the registry should check the file movement to identify the person who was in possession of the file last as recorded and instruct him or her to trace the file (The Judiciary of Kenya, 2015). Findings show that this standard has been implemented at the Nakuru Subordinate Courts.

The study also examines whether a thorough search is usually conducted to locate missing files. The mean of 3.858 presented in Table 5.7 points out that the staff generally agreed that a thorough search is usually conducted to locate missing files. The MCSC details that when the person who was in possession of the file last is not successful in tracing the file, the officer in charge should circulate a memo to all staff asking them to check whether the file is in their possession (The Judiciary of Kenya, 2015). If the file is not located within 24 hours, the officer in charge informs the Head of Station who initiates a special search. According to results in statement 4 in Table 4.7, these search procedures are usually implemented at the Nakuru Subordinate Courts.

The effectiveness of the locating missing file was also assessed in terms of whether the registry adheres to the 14-day time limit set for locating missing files. The mean of 3.412 presented in Table 4.7 suggests that the staff were generally not sure whether the registry often adheres to the 14-days' time limit for locating missing files. The staff could not provide a definite position on whether the 14-days' time limit is usually adhered to when locating files. This finding is echoed in the study by Makau (2014), where it was found that there were cases in the Kenyan judiciary that had not been

heard for more than 20 years because records were missing. Such huge time lags in the location of file hinder delivery of service. When asked about this issue, most of the interviewees that had their file located said that they had to wait three to five weeks.

The last indicator that was used to measure the effectiveness of implementing locating missing files standard is the proportion of files that are usually located. As signified by a mean of 3.727 presented in Table 4.7, the staff generally agreed that over 75% of files reported to be missing are usually located. Thus according to the staff, over 75% of the process of locating missing files are usually successful. This finding was also reinforced during the interview where 7 out of the 9 Court users who reported missing files in the month of January 2019 had their files successfully located. This translates to a success rate of 78%.

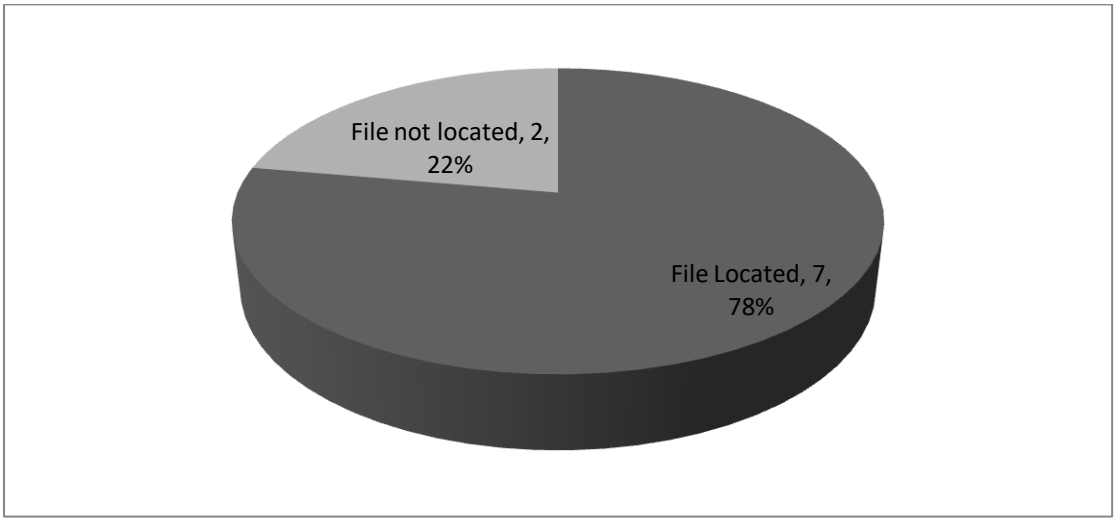


Figure 4.5: Proportion of files that were successfully located in January 2019

The mean aggregate score for all the item was 23.314 out of a maximum possible score of 30 (5 * 6 items). This implies that according to the staff, the Nakuru Subordinate Courts have fulfilled 77.7% of the indicators used to measure the implementation of locating missing file standards.

4.6.2 Correlation between Locating Missing Files and Service Delivery

Moreover, to examine the effect of implementing locating missing file standards on service delivery at the Nakuru Subordinate Courts, data on the aggregate score for

locating missing file was correlated with the aggregate score for service delivery. Results are presented in Table 4.8.

Table 4.8: Locating Missing Files and Service Delivery Correlation Results

		Service delivery score
Locating missing files score	Pearson Correlation	.615**
	P-value	.000
	N	34

From Table 4.8 above, the correlation coefficient for the relationship between locating missing files and service delivery was 0.615. Since the coefficient is positive, it implies that there is a positive association between implementation of locating missing files standards and the service delivery effectiveness. It implies that if the effectiveness of implementing the standards for locating missing files is improved, the effectiveness of the service delivery process at the Nakuru Subordinate Courts will also improve. The p-value for this relationship was .000. Since the value is less than 0.05, it implies that the relationship is statistically significant. These findings led to the conclusion that there is a significant positive association between locating missing files and service delivery at the Nakuru Subordinate Courts.

These findings are congruent with the study by Oyaro (2011), where it was found that improved record management led to better service delivery at the Kenya Immigration Department by enhancing the accessibility of records. The findings are also consistent with the study by Makau (2014), which found that missing files were a major hindrance to effective service delivery in the Kenyan justice system. The study observed that in the Kenya judiciary, there were cases that had not been heard for more than 20 years because records were missing. The findings are also reinforced by earlier results that showed that missing files were the second most frequently reported complaints at the Nakuru Magistrates' Courts. It makes sense that a process that addresses the problem of a missing file would have a significant impact on the perceived quality of service delivery.

4.7 Reconstructing Lost Files effect on Service Delivery

The third objective of the study was to determine the effect of reconstructing lost files on service delivery in Subordinate Courts in Nakuru. Congruently, to achieve this objective, the study began by assessing how effective the reconstructing lost files standards stipulated in the MCSC have been implemented.

4.7.1 Implementation of Reconstructing Lost Files Standards

To establish how effective the reconstructing lost files standards have been implemented in the Nakuru Subordinate Courts, staff were given a list of six statements relating to the standards and asked to indicate their level of agreement on a 5-point scale: Strongly Disagree =1, Disagree=2, Not certain =3, Agree =4, strongly Agree=5. Results are presented in Table 4.9.

Table 4.9: Descriptive Analysis Results for Reconstructing Lost Files

S/N	Statement	Mean	SD	Rank
1	When a missing file is not located within 14 days, the Head of Station declares it officially missing and initiate the reconstruction process	2.165	.764	6
2	All parties to a case are informed about the missing files and decision to reconstruct the file	3.937	.534	2
3	A skeleton file is open within 21 days after the original file is declared missing and given the same number as the missing file	3.649	.655	5
4	The process of reconstructing missing files adheres to the practice note of the registrar	3.667	.679	4
5	After a file is declared missing, an official report is usually made to the registrar.	3.812	.796	3
6	Missing files are adequately reconstructed to the satisfaction of all parties involved.	4.136	.675	1
	Aggregate score	**21.386**	**.663**	

The first item that was assessed is the process of initiating file reconstruction. The MCSC requires that when a missing file is not located within 14 days, the Head of Station declares it is officially missing and initiates the reconstruction process. As indicated by a mean of 2.165, the staff generally disagreed that this standard is implemented to the letter at the Nakuru Subordinate Courts. From the open-ended

question, it emerged that files are usually not declared missing after 14days to exhaust all options available for locating the file. One of the respondents stated:

> *At the registry, the first priority is usually to locate the missing file. The reconstruction option is often considered as last resort. Before moving to this option, the registry ensures that all possible avenues for locating the missing file are exhausted. This process often takes longer than the 14 days stipulated in the MCSC.* (Questionnaire, CS12, 2019)

The second item that was examined was whether all parties are usually informed of the decision to reconstruct the file. As indicated by the mean 3.937 in Table 4.7, the staff generally agreed that all parties to a case are informed about the missing files and decision to reconstruct the file. According to the MCSC, involving all parties in the file reconstruction process is vital to ensuring the accuracy and acceptability of the information contained in the reconstructed file (The Judiciary of Kenya, 2015). The involvement of all parties in file reconstruction was also affirmed during the interview with two court users who had their file reconstructed in January 2019. One of the Court Users recounted that:

> *After about four weeks, we were summoned by Court officials. All parties to the case were asked to appear. We were informed that attempts to locate our missing file had failed and that a decision has been made to reconstruct the file. They explained to us how the reconstruction will be done and what was expected of us.* (Interview, CU34, 2019)

Another item that was assessed is the opening of a skeleton file. The MCSC prescribes that a skeleton file should be opened within 21 days after the original file is declared missing and given the same number as the missing file (The Judiciary of Kenya, 2015). As the mean of 3.649 (Table 4.9) signifies, the staff generally agreed that this standard is fulfilled at the Nakuru Subordinate Courts. The responses to the open-ended questions also reinforced this finding. One of the staff details:

> *When a file is declared missing, the officer in charge opens a skeleton file after 21 days. The new file assumes the same number as the old file. The registry staffs then fill in the information regarding the movement of the file as the old file*. (Questionnaire, CS17, 2019)

This information is also corroborated by the account provided by one of the court users during the interview.

> *The court official told us that our file could not be located and that the file needed to be reconstructed……A new file was opened and given the same number as the old file*. (Interview, CU35, 2019)

The fourth issue to be interrogated was the process of reconstructing lost files. The drafters of the MCSC noted that the process of reconstructing file is laborious and is not foolproof (The Judiciary of Kenya, 2015). Consequently, strict procedures are vital to protecting the integrity and accuracy of information being reconstructed. As results, the MCSC provides instructions on how the construction should be undertaken. As indicated by the mean of 3.667 (Table 4.9), the surveyed staff generally agreed that the process of reconstructing missing files adheres to the practice note of the registrar.

The next issue that was examined was the official reporting of the decision to reconstruct file to the registrar. The MCSC instructs that when a file cannot be located, the officer in charge of the station should issue a certificate to confirm the loss and recommend the reconstruction of the file (The Judiciary of Kenya, 2015). The purpose of this procedure is to avail documented evidence that a file has been reconstructed. As the mean of 3.812 indicates (Table 4.9), the staff generally agreed that after a file is declared missing, an official report is usually made to the registrar.

The final item that was probed was missing file are adequately reconstructed. The MCSC recognizes that for the reconstruction process to be considered effective, all parties to the case must be contented with the reconstructed file (The Judiciary of Kenya, 2015). As suggested by the mean of 4.136 (Table 4.9), the surveyed staff generally agreed those missing files are adequately reconstructed to the satisfaction of all parties involved. This view was also echoed during the interview. One of the court users asserted that:

> *The new file was okay. It contained most of the details that were in the old file. All parties agreed to proceed with the new file. No one had an objection.* (Interview, CU35, 2019)

As shown in Table 4.9, the mean aggregate score for all the six items used to measure the effectiveness of implementing the reconstruction of files standards was 21.386 out of a maximum possible score of 30. Thus according to the surveyed staff, the Nakuru Subordinate Courts had fulfilled 71.3% of the standards for reconstructing lost files.

4.7.2 Correlation between Reconstructing Lost Files and Service Delivery

In examining the effect of implementing reconstructing lost files standards on service delivery at the Nakuru Subordinate Courts, data on the aggregate score for reconstructing lost files was correlated with the aggregate score for service delivery. Results are presented in Table 4.10 below.

Table 4.10: Reconstructing Lost Files and Service Delivery Correlation Results

		Service delivery score
Reconstructing lost files score	Pearson Correlation	.581**
	P-value	.000
	N	34

As Table 4.10 above illustrates, the correlation coefficient for the relationship between reconstructing lost files and service delivery at the Nakuru Subordinate Courts was 0.581. Since the coefficient is positive, it implies that there is a positive relationship between reconstructing lost files and service delivery. This implies that if the effectiveness of implementing the reconstructing lost file standards stipulated in the MCSC is improved, the effectiveness of service delivery would also improve. The p-value for the relationship between the two variables was .000. Since the value is less than 0.005, it indicates that the relationship was statistically significant. The findings led to the conclusion that there is a significant positive relationship between reconstructing lost files and service delivery at the Nakuru Subordinates Courts.

The findings are consistent with the study by Namakula (2016), where it was found that the disappearance of court files and documents jeopardized the successful and efficient conclusion of cases in Botswana. Civil matters end up losing their place in the court calendar when records go missing while missing criminal records lead to prolonged detections. The findings are also congruent with the study by Makau (2014) where it was found that lost file has contributed to delay in some cases by more than 20 years. These studies highlight how lost case file can hamper the quality of service delivery in the courts and thus reinforce current findings, which show that effective file reconstruction leads to better service delivery.

4.8 Receipt of Proceedings effect on Service Delivery

The final objective of the study was to examine the effect of receipt of proceedings on service delivery in Subordinate Courts in Nakuru County. To accomplish this objective, the study began by examining how effectively the receipt of proceedings standards that are stipulated in the MCSC are being implemented at the Nakuru Subordinate Courts.

4.8.1 Implementation of Receipt of Proceedings Standards

To establish how effective the receipt of proceedings standards have been implemented in the Nakuru Subordinate Courts, staff were given a list of six statements relating to the standards and asked to indicate their level of agreement on a 5-point scale: Strongly Disagree =1, Disagree=2, Not certain =3, Agree =4, strongly Agree=5. Results are presented in Table 4.11 below.

Table 4.11: Descriptive Analysis Results for Receipts of Proceedings

S/N	Statement	Mean	SD	Rank
1	All requests for copies of court proceedings are appropriately acknowledge by the registry	4.511	.454	1
2	All requests for copies of proceedings are shrewdly considered	4.127	.467	3
3	Payments for copies of proceedings are appropriately processed in line with the amounts stipulated in the MCSC.	4.275	.534	2
4	Eligible parties receive copies of proceedings within 5 days after making a formal request	2.463	.546	6
5	All copies of proceeding provided to eligible parties are usually well typed and legible	3.766	.489	5
6	The copies of proceedings provided to eligible parties are usually accurate representation of court proceedings	3.965	.467	4
	Aggregate score	**24.287**	**.489**	

The first item that was examined concerning the receipt of proceedings is the acknowledgment of request for copies of proceedings. The MCSC advises that all requests for copies of court proceedings should be appropriately acknowledged by the registry. As indicated by a mean 4.511, the participants strongly agreed that this standard was being implemented at the Nakuru Subordinate Courts. The staffs' views were reinforced by court users accounts captured during the interview. One of the court users narrated that:

> *We wanted to know how our case was progressing. Our friends advised as to go to the registry to request for copies of proceeding. At the registry, we were given a form to fill which was stamped received. We were given a copy of the form.* (Interview, CU45, 2019)

The second item that was analysed was the process of scrutinizing the request. In the Kenyan judiciary, only parties that have a legitimate interest in the case are eligible to receive copies of proceedings. Therefore, the MCSC prescribes that each request for a copy of proceedings be interrogated so as to establish the eligibility of the applicant. As the mean of 4.127 (Table 4.11) suggests, the staff generally agreed that all requests for copies of proceedings are shrewdly considered.

The next item that was assessed was the processing of payment. The MCSC stipulates the amount that should be paid for copies of proceedings. The cost of typed and certified proceedings is set at Kshs. 60 per page while that of uncertified typed proceedings is set at Kshs. 30. The staff generally agreed that payments for copies of proceedings are appropriately processed in line with the amounts stipulated in the MCSC (Mean= 4.275). This finding is reinforced by the accounts providing by court users during the interview. The 21 court users who had requested for copies of proceedings either paid Kshs. 30 or Kshs. 60. Figure 4.6below shows the distribution of the 21 court users based on the amount paid for a copy of proceedings.

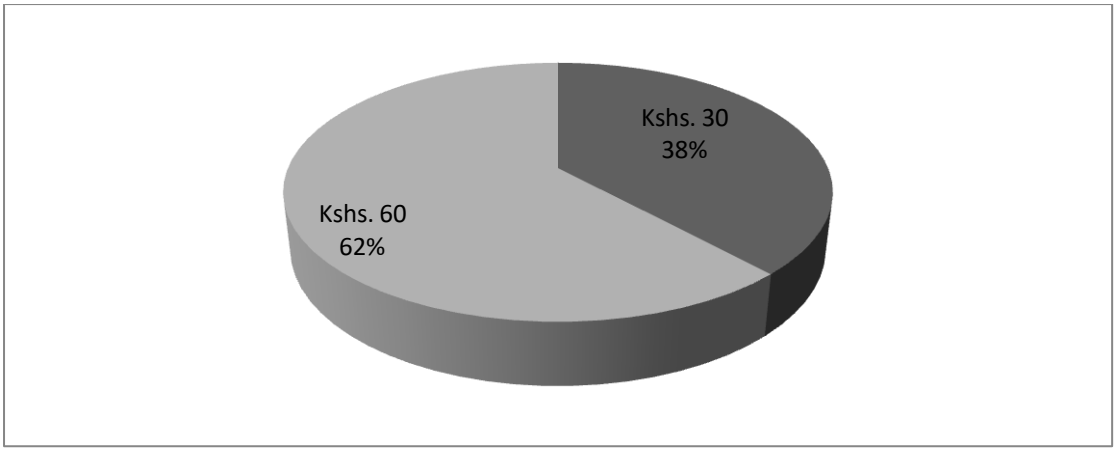


Figure 4.6: Distribution of Court Users based on amount paid

As Figure 4.5 shows, 62% of the 21 interviewees who had applied for copies of proceeding in January 2019 paid Kshs. 60 for certified copies of proceedings. The remaining 38% paid Kshs. 30 for uncertified copies.

The fourth item that was interrogated was the time within which the copy of proceeding was processed and handed to the applicants. The MCSC prescribed that copy of proceedings should be processed and delivered to eligible applicants with five days after the formal request was made. As indicated by the mean of 2.463 (Table 4.11), the staff generally disagreed that copies of proceedings are usually delivered to eligible applicants within five working days. The views of the staffs on this issue were also supported by the information providing by the court users during the interviews. Indeed, seventeen out of the 21 interviewees who had requested for copies of proceeding reported that they did not receive their copies within five days.

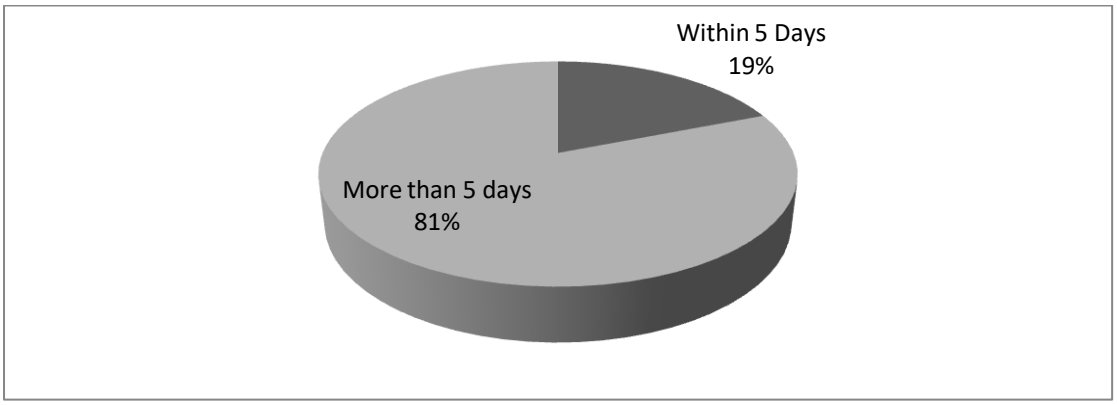


Figure 4.7: Distribution of Court Users based on Waiting Duration

The fifth issue was about the clarity of the typed proceedings. The MCSC stipulates that copies provided to applicants should be well-typed and legible (The Judiciary of Kenya, 2015). The staff generally agreed that all copies of proceeding provided to eligible parties are usually well-typed and legible (Mean= 3.766) (Table 4.11). This position is also supported by data provided by court users during the interviews. One of the court users expressed that: *"the copies of proceeding were well typed... The notes were easy to read and follow."* (Interview, CU39, 2019)

The final issue that was interrogated concerned the quality of the typed proceedings. The MCSC stresses that the copies provided to interested court users should accurately represent the actual proceedings of the court (The Judiciary of Kenya, 2015). It recognizes that providing copies that are misleading could lead to loss of public trust. As indicated by a mean of 3.965 (Table 4.11), the staff generally agreed that the copies provided to eligible parties are usually an accurate representation of court proceedings.

The mean aggregate score for all the six items that measured the implementation of the receipt of proceedings standards stipulated by the MCSC was 24.287 (Table 4.11) out of a maximum possible score of 30. The score implies that according to the surveyed staff, 81% of the standard relating to the receipt of proceedings has been effectively implemented at the Nakuru Subordinate Courts.

4.8.2 Correlation between Receipt of Proceedings and Service Delivery

To examine the effect of implementing receipt of proceedings standards on service delivery at the Nakuru Subordinate Courts, data on the aggregate score for receipt of proceedings was correlated with the aggregate score for service delivery. Results are presented in Table 4.12 below.

Table 4.12: Receipt of Proceedings and Service Delivery Correlation Results

		Service delivery score
Receipt of proceedings score	Pearson Correlation	.523**
	P-value	.000
	N	34

As Table 4.12 demonstrates, the correlation coefficient for the relationship between receipt of proceedings and service delivery was 5.23. Since the coefficient is positive, it implies that there is a positive relationship between receipt of proceedings and service delivery at the Nakuru Subordinate Courts. It implies that if the effectiveness of implementing the receipt of proceedings standards stipulated in the charter is improved, the effectiveness of service delivery at the Nakuru Subordinate Courts will also improve. The p-value for the relationship between the two variables was .000. Since the value is less than 0.05, it implies that the relationship is statistically significant. The findings led to the conclusion that there is a significant positive association between receipt of proceedings and service delivery at the Nakuru Subordinate Courts.

The findings are consistent with the views expressed by the UK Ministry of Justice (2012) that the more people are informed about the activities of the justice system, the more confidence they will have in it. The legitimacy of the judicial system is hugely dependent on the level of public acceptance of its processes and outcomes. Justice must not only be done but must also be seen to be done. The findings are also consistent with Bailey and Burkell (2017), who argue that the openness of courts serves various essential purposes, including promoting transparency of court systems and reinforcing access to justice. The findings are also supported by Clarke*et al.* (2017), who noted that records of court proceedings are the foundation of judicial integrity. Therefore courts have the onus of making this information accessible to increase their integrity image among the public and thus increase public confidence in the judicial system.

4.9 Chapter Summary

The aim of the study was to examine the effect of MCSC on service delivery at the Nakuru Subordinate Courts. The study focused on the effect of four MCSC components, namely response to complaints, locating missing files, reconstructing lost files, and receipt of proceeding on service delivery. This chapter has presented and discussed the findings of the study. Results showed that effective implementation of response to complaints, locating missing files, reconstructing lost files, and receipt of proceeding standard stipulated in the MCSC has a significant positive effect on service delivery at the Nakuru Subordinate Courts.

CHAPTER FIVE
SUMMARY, CONCLUSIONS, AND RECOMMENDATION

5.1 Introduction

The aim of the study was to examine the influence of MCSC on service delivery at the Nakuru Subordinate Courts. Data was collected from 34 staffs and 50 court users and analysed using qualitative and quantitative techniques. This chapter presents a summary of major findings, conclusions of the study, recommendations of the study, and area for further research.

5.2 Summary of Major Findings

This subsection presents a summary of the key findings of the study in line with the research objectives.

5.2.1 Response to Complaints effect on Service Delivery

The first objective of the study was to establish the effect of response to complaints on service delivery at the Nakuru Subordinate Courts. Results revealed the most prevalent complaint at Nakuru law court revolve around the issue of delayed cases followed by the unresponsiveness of officials and missing files, respectively. According to the surveyed staffs, 79.1% of the standards stipulated in the MCSC in regards to response to complaints have been effectively implanted at the Nakuru Law Courts. The staff's position was reinforced by qualitative data where Court users expressed that their complaints were acknowledged, their issues were looked into, and that they received feedback. The Pearson correlation test showed that there was a positive and statistically significant relationship between response to complaints and service delivery ($r=.543$, $p=.000$). This implies that effective implementation of response to complaints standards is associated with effective service delivery.

5.2.2 Locating Missing Files effect on Service Delivery

The second objective of the study was to assess the effect of locating missing files on service delivery at the Nakuru Subordinate Courts. The MCSC prescribes various standards with regards to locating missing files including maintaining a register of files, taking appropriate details of a missing file, tracing the movement of files, and conducting a thorough search.

According to the surveyed staff, 77.7% of the standards relating to locating missing file standards have been effectively implemented at the Nakuru Subordinate Courts. This position was also echoed by the interviewed court users who expressed that the details of their files were taken when they reported that the file was missing and that a search process was initiated. Seven out of the 9 court users who reported that their files were missing in the month of January 2019 said that their files were successfully located. The Pearson correlation test showed that there is a significant positive relationship between locating missing file and service delivery (r= .615, p=.000). This implies that the effective implementation of locating missing files standards is associated with effective service delivery.

5.2.3 Reconstructing Lost Files effect on Service Delivery

The third objective of the study was to determine the effect of reconstructing lost files on service delivery at the Nakuru Subordinate Courts. The MCSC also prescribes standards for reconstructing lost files including when to declare that a file is missing, the involvement of all parties, the timeline for initiating the reconstruction process, and how the reconstruction should be done. According to the surveyed staff, 71.3% of the standards relating to reconstructing lost files have been effectively implemented at the Nakuru Subordinate Courts. This view was supported in the interview by court users who expressed that once their file could not be located, the registry initiated the reconstruction process where all parties were involved. However, there were problems in terms of adhering to the timelines stipulated in the charter. The Pearson correlation test revealed that there is a significant positive relationship between reconstructing lost files and service delivery (r= .581, p=.000). This implies that effective implementation of standards relating to reconstructing lost files is associated with effective service delivery.

5.2.4 Receipt of Proceedings effect on Service Delivery

The final objective of the study was to examine the effect of receipt of proceedings on service delivery at the Nakuru Subordinate Courts. The MCSC also provides the standard for issuing copies of proceedings including acknowledging of applications, review of an application, the timeline for processing the application, payment for the services, and quality of the copies.

According to the surveyed staff, 81% of the standards relating to the receipt of proceedings have been effectively implemented at the Nakuru Subordinate Courts. This position was reinforced by court users during the interviews where they expressed that their application for copies of proceeding was duly acknowledged, and reviewed and that the copies they received were of the required quality. However, the majority of the court users said that they did not receive the copies within the timelines stipulated in the charter. The Pearson correlation test showed that there was a significant positive relationship between receipt of proceedings and service delivery ($r= .523$, $p= .000$). This implies that the effective implementation of receipt of proceedings standards is associated with effective service delivery.

5.3 Conclusions of the Study

Findings of the study led to the following conclusion:

Effective implementation of response to compliant standards and procedures has a positive and statistically significant effect on service delivery at the Nakuru Subordinate Courts. Findings suggest that when standards and procedures stipulated in the MCSC relating to response to complaints are effectively implemented, the quality of service delivery is likely to improve.

Effective implementation of locating missing files standards and procedures has a positive and statistically significant effect on service delivery at the Nakuru Subordinate Courts. Findings also revealed that when standards and procedures stipulated in the MCSC relating to locating missing files are effectively implemented, the quality of service delivery is likely to improve.

Effective implementation of reconstructing lost files standards and procedures has a positive and statistically significant effect on service delivery at the Nakuru Subordinate Courts. Similarly, findings showed that when standards and procedures stipulated in the MCSC relating reconstructing lost files are effectively implemented, the quality of service delivery is likely to improve.

Effective implementation of receipt of proceedings standards and procedures has a positive and statistically significant effect on service delivery at the Nakuru Subordinate Courts.

Findings also disclosed that when standards and procedures stipulated in the MCSC relating to the receipt of proceedings are effectively implemented, the quality of service delivery is likely to improve.

5.4 Recommendations of the Study

Relating to response to complaints, the study found that delayed cases were the most frequently reported complaints at Nakuru Subordinate Courts. Therefore, to improve service delivery in these courts, there is a need to address this problem. Digitizing court files can help minimize incidents of lost files. With a mean of 3.698, the standard relating to clarity of responses given to Court users' complaints had the lowest rank. This implies that there is a need to improve the quality of responses provided to Court users' complaints. The responses provided should be appropriate and satisfactory to the court user.

Regarding locating missing files, the standard on a timeline for locating missing file had the lowest rank with a mean of 3.412. This implies that staffs were not certain that registry adheres to the 14 days' timeline for locating missing files. To improve service delivery, Courts need to hasten the process of locating files so as they comply with the timeline. If the timeline is unrealistic, it should be revised to avoid offering false expectations to Court users. A more appropriate timeline should instead be determined. There is also a need to improve the success rate of locating missing file as this standard had the second-lowest mean score implying many staff had reservation regarding the number of files that are located after being reported missing. To improve service delivery, there is a need to strengthen the tracing and search processes to increase the success rate for locating missing files.

Concerning the reconstruction of a lost file, the courts also seem to have a problem adhering to the timelines set for reconstruction procedures. With a mean of 2.165, the staff disagreed that the process of declaring that a file is missing and initiating the reconstruction process is done within 14 days after a file goes missing. Furthermore, to improve service delivery, there is also a need to improve the implementation of this timeline or revise the timeline if it is unrealistic.

There is also a need to improve adherence to the 21 days' timeline set for opening a skeleton file as this standard had the second-lowest mean score. The courts should

ensure that a skeleton file is opened within the stipulated time to avoid further delays of cases.

In relations to receipt of proceedings, the issue of timeline also had the lowest rank with a mean of 2.463. This implies that the majority of the staff disagreed that parties that apply for copies of proceeding often receive these copies within 5 days as stipulated in the MCSC. Again, there is a need to improve on the implementation of this timeline or revise the timeline if it is unrealistic. There is also a need to improve the quality and legibility of the typed copies of proceedings as this standard had the second-lowest rank.

Overall, the locating missing file component of the MCSC had the strongest association with service delivery as indicated by the Pearson correlation coefficient (r= .615). This implies that to have a significant improvement in service delivery, the Subordinate Courts in Nakuru should focus on improving the implementation of this component of the MCSC.

5.5 Areas for Further Research

The current study was confined to Nakuru Subordinate Courts. To enhance the generalizability of findings, future studies should consider exploring the effect of implementing these components of the MCSC on the service delivery in other courts.

The current study was also limited to four components of the MCSC: response to complaints, locating missing files, reconstructing lost files, and receipt of proceedings. Future studies should examine the effect of implementing other components of the charter, such as the implementation of bale and bond standard and procedures.

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APPENDICES

Appendix 1: Letter of Introduction

Ndururu Victor
PO BOX 000
NAKURU

TO:

……..

Nakuru Law Courts

DEAR SIR/MADAM

RE: REQUEST TO COLLECT DATA FOR RESEARCH

I am a Postgraduate student at St Paul's University pursuing a Master Degree in Development Studies. As part of the program I am supposed to conduct research titled **effect of Magistrates' Courts' Service Charter on service delivery in Subordinate Courts in Nakuru County.**

I kindly request you to fill in the questionnaires. The information you provide will be used for academic purposes only and will be treated with utmost privacy and confidentiality. Your contribution will be highly appreciated

Thank you in advance

Yours faithfully,

Ndururu Victor
MDS/NKR/3132/18
Student

Appendix 2: Questionnaire for Staff

Instructions

- Please answer all the questions honestly.
- Tick (√) or fill up the box at the appropriate blank.

Part A: Bio data

1. Please indicate your gender

Male [ ] Female [ ]

2. Kindly indicate your age bracket

Between20-29 [ ] 30-39 years [ ]40- 49years [ ]50 and above [ ]

3. For how long have you worked at your current station…….

Part B: Effect of Magistrates' Courts' Service Charter on Service Delivery

This section has items that relate to Service Charter and service delivery

Section I: Response to Complaints

The following statements relate to response to complaints. On a scale of 1-5 where (Strongly Disagree =1, Disagree=2, Not certain =3, Agree =4, strongly Agree=5). Please tick appropriately. Please tick appropriately your agreement on these statements

S/N	Statement	5	4	3	2	1
1.	All complaints made by aggrieved parties are appropriately acknowledged					
2.	All complaints are meticulously reviewed and investigated					
3.	Aggrieved parties received feedback on their complaints in the shortest time possible					
4.	In most cases, the responses provided give clear and open answers to complaints lodged					
5.	The complaint responses often explain what happened and why to the aggrieved party					
6.	Complaints are used to make improvement in court processes and systems.					

Section II: Locating Missing Files

The following statements relate to the process of locating missing files. On a scale of 1-5 where (Strongly Disagree =1, Disagree=2, Not certain=3, Agree =4, strongly Agree=5. Please tick appropriately your agreement on these statements.

S/N	Statement	5	4	3	2	1
1.	The registry maintain a register of files					
2.	Once a file is reported missing, the officer in charge take appropriate details about the file					
3.	The officer in charge often takes appropriate step to trace the movement of missing files.					
4.	A thorough search is conducted to locate the missing files					
5.	The registry often adheres to 14 day time limit set for locating missing files.					
6.	Over 75% of the files reported to be missing are usually located within 14 days.					

Section III: Reconstruction of Lost File

The following statements relate to the process of reconstructing missing files. On a scale of 1-5 where (Strongly Disagree =1, Disagree=2, Not certain=3, Agree =4, strongly Agree=5. Please tick appropriately your agreement on these statements.

S/N	Statement	5	4	3	2	1
1	When a missing file is not located within 14 days, the Head of Station declares it officially missing and initiate the reconstruction process					
2.	All parties to a case are informed about the missing files and decision to reconstruct the file					
3.	A skeleton file is open within 21 days after the original file is declared missing and given the same number as the missing file					
4.	The process of reconstructing missing files adheres to the practice note of the registrar					
5.	After a file is declared missing, an official report is usually made to the registrar.					
6.	Missing file are adequately reconstruction to the satisfaction of all parties involved.					

Section IV: Receipt of Proceedings

The following statements relate to the receipt of proceedings. On a scale of 1-5 where (Strongly Disagree =1, Disagree=2, Not certain=3, Agree =4, strongly Agree=5. Please tick appropriately your agreement on these statements.

S/N	Statement	5	4	3	2	1
1.	All requests for copies of court proceedings are appropriately acknowledge by the registry					
2.	All requests for copies of proceedings are shrewdly considered					
3.	Payments for copies of proceedings are appropriately processed in line with the amounts stipulated in the service charter.					
4.	Eligible parties receive copies of proceedings within 5 days after making a formal request					
5.	All copies of proceeding provided to eligible parties are usually well typed and legible					
6.	The copies of provided to eligible parties are usually accurate representation of court proceedings					

Section V: Service Delivery

The following statements relate to service delivery at Magistrates' Courts in Nakuru. On a scale of 1-5 where (Strongly Disagree =1, Disagree=2, Not certain=3, Agree =4, strongly Agree=5. Please tick appropriately your agreement on these statements.

S/N	Statement	5	4	3	2	1
1	Services have become more accessible to the public after introduction of the service charter					
2	Users can now get prompt services at the Magistrates' Courts.					
3	Services at the Magistrates' Courts have become more transparent					
4	The cost of obtaining services at the Magistrates' Courts has decreased					
5	There is general increase in the satisfaction level of court users					
6	Access to justice has generally improved at the Magistrates' Courts.					

The End

Appendix 3: Interview Guide for Court Users

1. Gender Male { } Female { }

2. Age _____

3. Category

Has filed a complaint in the court { } (go to questions 4, 5, and 6)

Had a case of missing file { } (go to questions 4, 7, and 8)

Had a file reconstructed { } (go to questions 4, 9, and 10)

Had applied for records of proceedings { } (go to questions 4, 11, 12, and 13)

4. Please describe your overall experiences with the service delivery process at the Nakuru Magistrates' Courts?

5. Please share your experiences with the courts complaints management process?

6. Please share the number on the number of days that it took the Court Officials to respondent to your complaints?

7. Please share your experiences with the process of locating missing files within the court?

7. Was your file located?

8. Please share on the number of days that it took the registry to locate your file?

9. Please share your experiences with file reconstruction process within this court?

10. Please share on the number of days that it took the Court Officials to have your files reconstructed?

11. Please share your experiences with process of obtaining typed records of court proceedings?

12. Please share on the number of days that it took for you to receive the typed copies of proceedings?

13. Please share on the amount of money that you paid to obtain the copies of proceedings?

Thank you for your participation!

Appendix 4: Approval Letter from the University

ST. PAUL'S UNIVERSITY

Private Bag 00217 LIMURU, KENYA
Email: postgraduatestudies@spu.ac.ke
Website: www.spu.ac.ke

Tel Office: +254 (0) 20-2020505/10
Mobile: +254 (0) 728-669000
(0) 728-062420
(0) 736-424440

BOARD OF POSTGRADUATE STUDIES

National Commission for Science, Technology and Innovation
Off Waiyaki Way, Upper Kabete
P.O Box 30623, 00100
Nairobi, KENYA.

Dear Sir/Madam,

RE: NDURURU Victor Wakumile- MDSNKR313218

This is to confirm that the above named is a final year student of St. Paul's University registered for Master of Arts degree in Development Studies.

The final year consists of a major research work leading to a dissertation comprising 20,000 words. The student's selected topic is:

Effect of Magistrate Courts Sevice Charter on Sevice delivery in Subordinate Courts in Nakuru County, Kenya.

The research will take place in Nakuru County from March 2019 to May 2019.

Kindly grant the student the required permit.

Yours Faithfully,

Regina Ndinda
For: Dr. Sammy Githuku
Director, Postgraduate Studies

BOARD OF POSTGRADUATE STUDIES ST. PAUL'S UNIVERSITY 25 FEB 2019 KENYA TEL: 020 - 2020505 / 2020510 P.O. PRIVATE BAG - 00217, LIMURU.

Appendix 5: Research Authorization Letter from NACOSTI

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone:+254-20-2213471,
2241349,3310571,2219420
Fax:+254-20-318245,318249
Email: dg@nacosti.go.ke
Website : www.nacosti.go.ke
When replying please quote

NACOSTI, Upper Kabete
Off Waiyaki Way
P.O. Box 30623-00100
NAIROBI-KENYA

Ref: No. **NACOSTI/P/19/66222/28682**

Date: **14th March, 2019**

Victor Wakumile Ndururu
St. Pauls University
P.O. Private Bag - 00217
LIMURU.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on ***"Effect of magistrate courts service charter on service delivery in subordinate courts in Nakuru County Kenya"*** I am pleased to inform you that you have been authorized to undertake research in **Nakuru County** for the period ending **13th March, 2020.**

You are advised to report to **the County Commissioner and the County Director of Education, Nakuru County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioner
Nakuru County.

The County Director of Education
Nakuru County.

National Commission for Science, Technology and Innovation is ISO9001:2008 Certified

Appendix 6: Research Authorization Letter Ministry of Education

MINISTRY OF EDUCATION

STATE DEPARTMENT OF EARLY LEARNING OF BASIC EDUCATION

Telegrams: **"EDUCATION",**
Telephone: **051-2216917**
When replying please quote
Email:cdenakurucounty@gmail.com
Ref.CDE/NKU/GEN/4/1/21 VOL.VIX/71

COUNTY DIRECTOR OF EDUCATION
NAKURU COUNTY
P. O. BOX 259,
NAKURU.

17th May,2019

TO WHOM IT MAY CONCERN

RE: RESEARCH AUTHORIZATION – VICTOR WAKIMILE NDURUR
PERMIT NO. NACOSTI/P/19/66222/28682

Reference is made to letter NACOSTI/P/**19/66222/28682**
Dated 14th March, 2019

Authority is hereby granted to the above named to carry out research on "***Effect of magistrate courts service charter on service delivery in subordinate courts in Nakuru County, Kenya***" for a period ending ***13th March, 2020***

Kindly accord him the necessary assistance.

For: COUNTY DIRECTOR OF EDUCATION
NAKURU COUNTY

AKOKO OKAYO
FOR: COUNTY DIRECTOR OF EDUCATION
NAKURU

Copy to:

- St.Pauls University
  P.O Private Bag – 00217
  LIMURU

Appendix 7: Research Authorization Letter from County Commissioners Office

THE PRESIDENCY
MINISTRY OF INTERIOR AND
CO-ORDINATION OF NATIONAL GOVERNMENT

Telegram: "DISTRICTER" Nakuru
Telephone: Nakuru 051-2212515
When replying please quote

COUNTY COMMISSIONER
NAKURU COUNTY
P.O. BOX 81
NAKURU.

Ref No. CC. SR . EDU/12/1/2 VOL.IV/93

17th May, 2019

Deputy County Commissioners
NAKURU EAST SUB COUNTY

RE:- RESEARCH AUTHORIZATION – VICTOR WAKUMILE NDURURU

The above named from St. Pauls University, Limuru has been authorized to carry out research on "***effect of magistrate courts service charter on service delivery in subordinate courts***" in Nakuru Town, Nakuru County for a period ending 13th April, 2020

Please accord him all the necessary support to facilitate the success of his research.

MARY W. MWANGI
FOR: COUNTY COMMISSIONER
NAKURU COUNTY

Appendix 8: Research Authorization Letter from Judiciary

REPUBLIC OF KENYA
THE JUDICIARY

Telephone: Nakuru 051-2216489/90/91
Telegrams: "COURTS", Nakuru

Chief Magistrates Court
P.O. Box 61
NAKURU

9th October, 2018

Victor Ndururu,
P.O Box 61-20100,
NAKURU.

RE: AUTHORITY TO CONDUCT RESEARCH

Following your request to conduct research on Effects of Magistrate's Court Service Charter on delivery of Justice at Nakuru Law courts, we are glad to inform you that you have been authorized to proceed with your research .

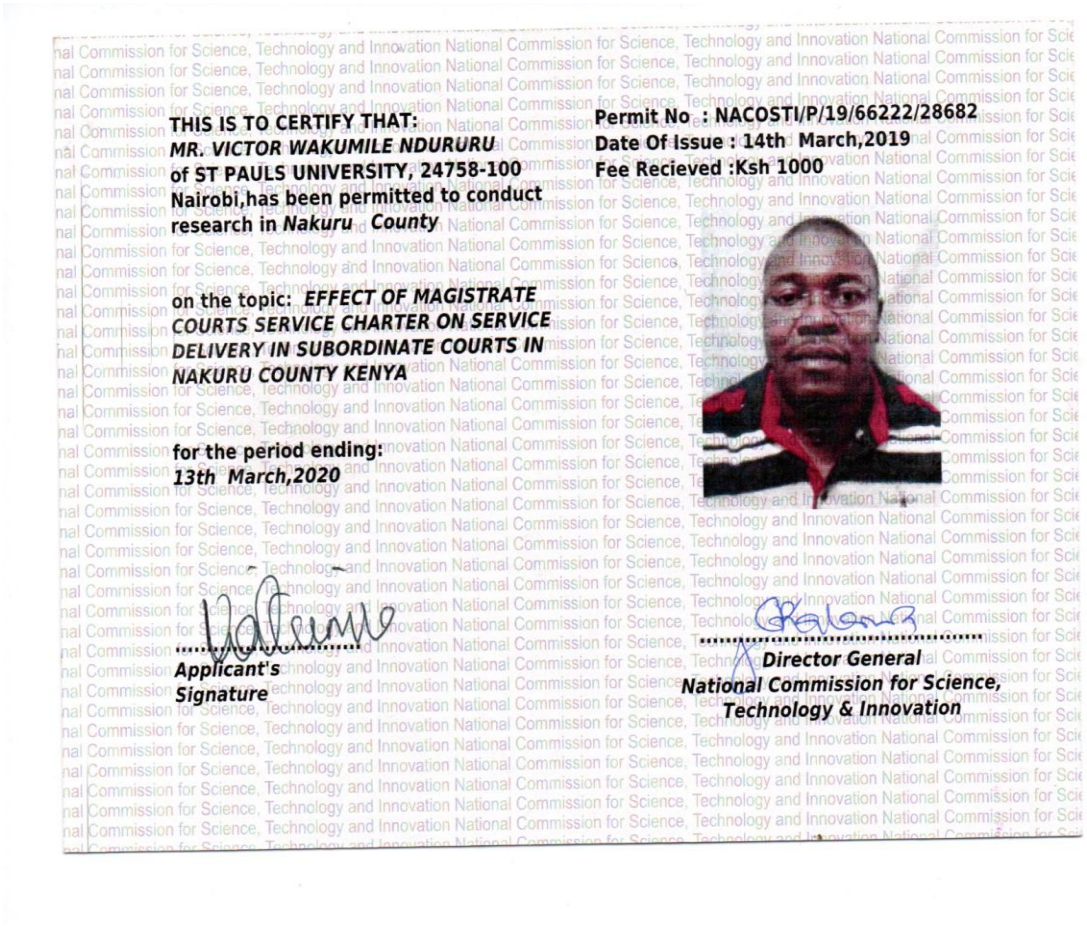
We will be glad to offer you any additional assistance that you might need.

We wish you the best in your research.

THE COURT ADMINISTRATOR
P.O. Box 61-20100,
NAKURU.
Date 9/10/2018

Bridgid Kong'a
Executive Officer I
NAKURU LAW COURTS.

Appendix 9: Research Permit



THIS IS TO CERTIFY THAT:
MR. VICTOR WAKUMILE NDURURU
of ST PAULS UNIVERSITY, 24758-100
Nairobi,has been permitted to conduct
research in *Nakuru County*

on the topic: *EFFECT OF MAGISTRATE COURTS SERVICE CHARTER ON SERVICE DELIVERY IN SUBORDINATE COURTS IN NAKURU COUNTY KENYA*

for the period ending:
13th March,2020

.....
Applicant's Signature

Permit No : NACOSTI/P/19/66222/28682
Date Of Issue : 14th March,2019
Fee Recieved :Ksh 1000

.....
Director General
National Commission for Science, Technology & Innovation