

**Research Article****THE EFFECT OF MANAGEMENT STRATEGIES, LEGAL FRAMEWORK AND DELIVERY OF DEVOLVED SERVICES. MODERATION APPROACH. EVIDENCE FROM KENYA DEVOLVED SYSTEM****\*Dr. Fauziya Brek Karama**

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**Abstract**

**Purpose:** This study investigates the moderating effect legal framework on relationship between management strategies and devolved services in selected counties Kenya. **Material/methods:** The study adopted correlation research design with positivism approach. The study targets a population of 35,444 staff from 8 counties. Structured questionnaires were used, from a sample 384 employees selected from eight counties. **Findings:** from hierarchical regression showed that. That legal framework had positive and significant moderating effect on the relationship between management support, financial resources and service delivery. **Conclusion/recommendation:** The study concludes that despite county government limited management support and financial resources; under high and effective legal framework the existing resources will improve service delivery. Moreover, in better legal framework, management provides more support to devolved systems, hence improve in service delivery.

**Keywords:** Financial Resources. Management Support, Legal Framework, Service Delivery.

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**INTRODUCTION**

Devolved service delivery is the main machinery for county and the national government in implementation of public policies and decisions. It therefore the responsibility of government is to deliver, promptly and efficiently, quality services to its citizens at affordable prices. Service delivery is the most important pillar for all developed government. It's therefore important to have citizen involvement in decision making in government and has compelled governments everywhere to seek to increase the quality of government services at a time when the available resources for delivering services have declined (Olowu 2008). According to Sarkar (2003), devolution, is a form of governance that could be seen as a means which governments are able to provide quality services that citizen's value, increasing managerial autonomy particularly by reducing central administrative controls, creating receptiveness to competition and open-mindedness. This is aimed at encouraging players such as the private sector, civil society and empowering citizens through their enhanced participation in decision making in development planning and management. Ekpo (2008) concluded that, Decentralization has become a theory of ensuring good governance and effective service delivery in most developing countries. However reality shows that decentralization to succeed it needs the confidence and commitment of central governments by putting in place the right policy and appropriate institutional framework. In a study by Ngubane (2006), Policies, legal frameworks and legislations have been put in place by the South African Government to enable effective service delivery to its people. The White Paper on the transformation of public service (WPTPS, I 95) sets out eight transformation priorities, amongst which transforming Service Delivery is the key. This is because a transformed South African public service will be judged by one criterion above all.

This criterion is the effectiveness in delivering services that meet the basic needs of all South African citizens. Improving service delivery is, therefore, the ultimate goal of the public service transformation programs and has to be the main target for all government institutions. In Kenya, according to Khaunya, Wawire and Chepng'eno (2015), deliberated that devolution provides opportunity to rationalize the service delivery, legal framework in Kenya for increased efficiency and accountability, by making counties the hub for organizing services at the local level. Further on recommended the need to co-exist all public administrations, clarify roles and responsibilities of each administration and political unit, align administrative boundaries to county boundaries, transfer staff formerly employed in local authorities, those transferred from the national government and those in the former districts in a way that avoids redundancies and maintains an economically viable public service in the counties. Ondieki (2015) asserts that operations strategy and service delivery and performance of county government of Kisumu as a devolved system of government. The study established that roads and public works department was the most efficient followed by health and education sector. There was an overlap of role of national government and county government in delivery of service in some functions and this has led to conflict in service delivery which has affected performance of county government. There was lack of resources for service delivery that match level of devolved functions. There was a positive relationship between operations strategy, legal framework and service delivery in county government of Kisumu. That means Kisumu county government should adopt a more cost effective and efficient legal system. The relationship between decentralization of operations and the performance of county governments is very important factor that improves service delivery in any devolves system of government. The operations which have been decentralized, effect of decentralizing operations, legal framework on the performance and constraints facing decentralization of operations in county governments may not be accounted by any leader due to its complexity. For instance,

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in Nyeri, Machakos and Tharaka Nithi counties, Wambua (2014) clarified that there was an overlap of role of national government and county government in delivery of service in some functions due to legal system and this has led to conflict in service delivery which has affected performance of county government. There was lack of resources for service delivery that match level of decentralized functions and a positive relationship between, legal system, decentralization of operations and performance of county governments. On the other hand Kibanya and Karugu (2015), found out that Corporate Governance with a weak legal system negatively affected the customer service in Nairobi County to a great extent and lack of periodic forums to discuss performance and the poor attendance for the affected both performance, and accountability. Again the researcher discovered that poorly inculcated legal system contributed to poor service delivery. The leadership of the county had little done to develop the staff competence over their lifetime on education, training and experience. Thus, without attention to these effective management strategies, devolution will still remain a blue print in many African countries that are now in the process of implementation. While on other hand Ayuso (2011) showed that county leaders' accountability had great influence on services delivered as they were not accessible to citizens as expected among several counties in Kenya. As such, understanding the moderating effect of service delivery, on the relationship between management styles and the implementation of devolved system of government services. This will avoid the negative effects and straighten the way forward towards implementation of key functions. Hence a study as the present one will be a strategic so as to unearth what impairs successful devolution in Kenya.

### Theoretical Framework

The contingency theory of management provides the tools for assessing organizational behaviour by providing insights on how the different external factors affect it and its constituent parts (Islam and Hui, 2012). The intricate relationship between organizational behaviour and its leadership and performance necessitate an active development and evaluation of strategies and policies to ensure organizational flexibility and sustainability. The contingency theory of Management was developed by Fred Fiedler in 1964 and discussed that organization can be classified into three variables. First, the presence of structures and frameworks enhances the effectiveness of leadership and governance because of the well-defined roles and responsibilities of all players in an organization. As such, it facilitates evaluation and monitoring or the performance of all processes and relationships. Second, active strategy management is instrumental in ensuring that an organization remains effective and sustainable in the face of a dynamic operating environment especially if the size of its operations is considerable. Larger structures increase an organization's contact points with different elements and factors both internally and externally and, therefore, require a more active performance management than their smaller counterparts. Last, is the evaluation of managers using a fielder's contingency theory measurement tool this is by measuring if the line managers are task-oriented or relationship-oriented. According to Khan (2016), for leadership to be effective and flexible, it should keep adjusting to the changes in its organization's operating environment and the needs of the organization itself. As such, leadership styles must evolve together with their organizations and environments or

else run the risk of obsolescence and ineffectiveness. The constitutions of Kenya of 2010 create devolved government in order to bring in services closer to the people of Kenya. However, citizens are still having challenges in getting some basic services through the devolved functions. Therefore, this calls for change of strategies by county management including putting contingency measures in place to ensure devolved services are implemented as per the constitution of 2010. Systems theory is a tool that helps in understanding the relationships between the different autonomous elements and functions of an entity whose different parts work towards a singular goal, such as an organization. While each unit has its goals and targets according to the roles it plays and the responsibilities it holds, when all their efforts are brought together they give shape to the overall organizational goals, mission and vision (Tanuja, 2015). The key to enhancing the overall organizational progress, therefore, lies in improving communication channels amongst the different units to enhance coordination and collaboration. In addition, it enhances performance management within individual units that increases their performance, the synergies of which are instrumental in improving overall goal attainment and both the efficiency of the organization and the sustainability of its competitive advantages. Also, it improves the organizations ability and capacity to interact with its external environments because of the increasing influence they have on its structures, systems and processes (Bertalanffy, 1940). Devolved service delivery is a system and each system in the devolved structure must fulfil specified demands on interaction with other systems like the central government, citizen and other implementing agencies.

### Hypothesis development (literature review)

The legitimate and administrative system ought to likewise be intended to perceive contrasts in administration limit. Coordinating level of self-rule and benefits to an arrangement of execution markers which may incorporate aggregate use, level of independence, spending administration execution, and devolved service delivery execution would permit the lawful and administrative system to modify for changes in neighborhood limit. The fitting era for reassessments and pointers would should be connected to nation conditions and additionally the particular subtle elements of the decentralization system, (Litvack, 2014). The legitimate and administrative system can bolster this by indicating the conditions under which nearby governments may get, the cutoff points of those borrowings, the announcing prerequisites for obligation and obligation benefit and the punishments for abusing the standards (Mezzera, 2010). Litvack (2014) contends that the lawful/administrative framework needs to accommodate, at least, full, auspicious and effectively open divulgence for instance Uganda is getting ready to structure and distribute promptly available spending plans for all levels of government as a major aspect of a use administration change program which accentuates yield/result introduction. For a district to flourish it needs a solid legitimate system dependent on four key standards: straightforwardness, straightforwardness, decency and responsibility. The legitimate structure should encourage a moral methodology, which may appear as a willful code. Accordingly region government should mean to set up a steady domain for business. This incorporates ingraining a level of trust in the region and stressing that it is steady to its residents reliably applying laws and empowering normal correspondence among government

and subjects, (Fisher 2017). Devolved service delivery has turned into a measure for characterizing the level of fulfillment among customers in many organizations. Contributing on improvement and rebuilding of most organization and reshaping its predetermination politically, financially, socially, naturally and earth. Concurring Kalava (2016) region governments' staffs have looked with extraordinary difficulties of conveying quality administrations to the general population. A portion of the reasons for poor devolved service delivery are; and political control, defilement and absence of responsibility and straightforwardness, deficient resident support, poor human asset approach, inability to oversee change, absence of worker limit, lack of common sense, and poor observing and assessment.

Management support is a prerequisite for effective and quality service delivery because it sets the tone for the standardization of products and services (2015). Therefore, management support will shape organizations and provides enabling environment for effective devolved service delivery. As such, for any organization to effectively make changes in its structures, systems and processes, it has to ensure that all its top management are for the change because of the trickle-down effect top management endorsement has (Heathfield, 2018). Most organizations face challenges and problems in their implementation of changes because of resistance from their decision makers that reduces its uptake down the rank and file and in most cases disgruntlement among top management results in the rejection of changes.

Devolved system leadership should develop a clear vision of the expectations of the new system and how they expect to reach that desired goal if they are to influence the strong following of their staff and publics. It is especially important that the vision development takes on a dimension that is greater than that of either the leaders or their publics and not just what the latter want to hear. Developing a vision that transcends the short-term expectations and challenges in society gives counties more bandwidth to innovate changes and improvements that should improve the quality of life of their people significantly and sustainably. In addition, it provides it with considerable opportunities for knowledge development that improve the ownership of the resulting new systems and interventions (Heathfield, 2018).

In outline, the legitimate system stipulates that the area government ought to accommodate open cooperation in the lead of the exercises of the County Assembly as required under Art. 196 of the Constitution. Look to guarantee that the network and social assorted variety of a County is reflected in its County Assembly and County Executive Committee to enhance benefit service delivery. Endorse systems to secure minorities inside districts. This structure and other gave and authorized by the region government straightforwardly or in a roundabout way impact the level of devolved service delivery (Constitution of Kenya, 2010). The area government as new framework is confronting different unfortunate rivalry between province governments inside and outer and national government between arms of government an ordeal that may impact benefit service delivery. The protection from give up administration specialist to County Governments, especially by organs that profited from the darkness of a concentrated arrangement of government and frequently referring to limit holes in County governments don't twist drill well to the execution procedure and full devolved service delivery

(Kilonzo, 2014).The strategy is the rule for this situation of vulnerability. The devolution strategy likewise neglected to perceive the way that lion's share of districts have not set up the financial plan and monetary discussion compliant with article 1377 of the Public Finance Management Act 2012. The arrangement ought to elucidate the establishments that have a command to guarantee that province governments conform to this sacred arrangement (Kilonzo, 2014). The Constitution of Kenya doles out capacities, orders and jobs to the two levels of government. In any case, there are laws ordered preceding the proclamation of the constitution that built up various foundations whose capacities are currently regressed. Thus, there is a contention of laws and a contention between the two levels of government and duplication of jobs. For instance, some Regional Development Agencies keep on performing capacities that are recorded as area capacities (Mezzer, 2010). Under some administrative frameworks, for instance, India and Canada, neighborhood governments are totally under the specialist of the State/Provincial level governments. The Federal government is in this manner restricted in the connections it might set up with the neighborhood level and should look to influence nearby conduct and results through the states/areas (Litvack, 2014). Some unitary frameworks may practice to a great degree brought together command over nearby governments. The legitimate and administrative system ought to likewise be intended to perceive contrasts in administration limit. The legitimate and administrative system can bolster this by indicating the conditions under which nearby governments may get, the cutoff points of those borrowings, the announcing prerequisites for obligation and obligation benefit and the punishments for abusing the standards. Thus, the lawful/administrative framework needs to accommodate, at least, full, auspicious and effectively open divulgence. Thus, the study hypothesized;

**H<sub>01</sub>:** Legal framework does not moderate the relationship between management support and the delivery of devolved services in selected counties in Kenya.

**H<sub>02</sub>:** Legal framework does not moderate the relationship between financial resources and the delivery of devolved services in selected counties in Kenya.

### Material Literature

This study employed correlational research design. This study utilized mixed techniques approach. Positivism paradigm approach was used to focus on improvement of devolved service delivery and take a deeper philosophical position stance with regard to the nature of the social phenomena. The study used pragmatism philosophical paradigm that supports the use of revenue mobilization approaches for county socio-economic development. This is because pragmatist advocates for reality. The unit of analysis was the investigation of population which comprised of every one of the 47 district government in Kenya. The unit of enquiry was 35,444 staff from 8 counties areas that are reachable based on land portrayal. The study used probability 384 sampling methods in selecting the respondents for the study. This study gathered information using close and open ended questionnaires. The survey incorporated Likert scale going from 1-5 where every respondent was required to rate every single proclamation given depicting a given variable. To assess this type of validity, expert opinion and correlation analysis was used. Construct validity can be either convergent or discriminant construct validity (Huck, 2007). Discriminant construct

validity is established when, based on theory, variables are predicted to be uncorrelated, and the scores obtained by measuring them are indeed empirically found to be so (Mohajan, 2018). To assess construct validity, the study used factor and correlation analysis. Pearson correlation and multiple linear regression analysis was conducted to establish the strength of relationship between the independent and dependent variable. This study tested the validity of the multi regression models using ANOVA, F-distribution and T-test. To test the significance of regression coefficient, t test was performed. The study adopted a significance level of 0.05. Suggested by Baron and Kenny’s (1986), and Frazier et al. (2004) regarding the use of hierarchical multiple regression analyses to test for moderator effect was followed. The test of the interaction is whether a significant proportion of variance is accounted for by interaction terms after partially the main effects of the predictors in the first step of the analysis. The study hypotheses were tested hierarchical moderated regression as modelled by Barron and Kenny (1986). The foremost step was the regression of the control variables versus devolved service delivery. Second, determinants variables regressed with devolved service delivery for direct effects. Third, the interaction term was brought in in opposition to the dependent variable. Fourth, the interaction term between each independent and moderator variable will be calculated by multiplying the two variables yielding a product term that represents the interaction effect which will be done at different stage for each individual interaction.

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \varepsilon \dots\dots\dots 1$$

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 m + \varepsilon \dots\dots\dots 2$$

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 m + \beta_{4m} X_1 * m + \varepsilon \dots\dots\dots 3$$

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 m + \beta_{4m} X_1 * m + \beta_{4m} X_2 * m + \varepsilon \dots\dots 4$$

Where:

Y=Devolved Service Delivery,  
 $X_1$ = Management Support,  $X_2$  = Financial Resources  
 M=legal framework,  $\varepsilon$  = error term,  $\beta_0$  -constant (Y- intercept)  
 $\beta_i$  - are the regression coefficients of each  $X_i$  (i=1, 2, 3, 4, 5)

**FINDINGS**

This chapter presents results of data analysis and hypotheses testing. In the first section, a description of the demographic profiles of the respondents is presented. This is followed by a section that provides a descriptive analysis of the study variables in conjunction with the results of thematic analyses of the questionnaires. The third section presents results of the hypotheses tests of devolved services in selected counties in Kenya

**Descriptive Results**

Management support is without doubt critical in the provision of an enabling environment for effective devolved service delivery. It is a precondition for both effective and quality service delivery. The findings should that county government management are not adequate supportive (M= 3.47, SD=0.73, Skew -0.5) and there are few financial; resource for county operations (M=3.26, SD=0.61, Skew -0.28). The implication is

that management support is a lacking in county government. Financial resources are also insufficient to support better service delivery. Further the county government has not effectively established a platform and framework (M = 3.26, SD = 3.26). The findings on devolved service delivery had an aggregate mean of 3.27, standard deviation of 0.87 and a skewness of -0.38. The standard deviations for all the variables were less than 1 indicating fewer variations in the responses. There was a strong relationship between management support with service delivery ( $r = 0.642, p\text{-value} < .01$ ). Besides, there was a strong relationship between financial resources with service delivery ( $r = 0.606, p\text{-value} < .01$ ) and legal framework with service delivery ( $r = 0.590, p\text{-value} < .01$ ). All relationships were found to be positive at a  $p < 0.01$  level of significance. This gave ground for performing regression analysis.

**Test of Hypotheses**

The present study used the hierarchical regression model since it indicates precisely what happens to the regression model as different predictor variables are introduced. Thus, enabled the researcher to systematically acknowledge the contribution of each independent variable in explaining the predictive power of the model. The moderating effect of legal framework was presented in table 2.

**H<sub>01</sub>:** Legal framework does not moderate the relationship between management support and the delivery of devolved services in selected counties in Kenya.

The findings show that after introduction of the interaction effect (legal framework), results showed that the relationship between management support and the delivery of devolved services R<sup>2</sup> Change with increase of 5% (R<sup>2</sup> Δ=.051) and the F change of 56.945 with  $p < 0.05$  hence significant indicating presence of significant moderation effect of legal framework on the relationship between management support and service delivery. In addition the findings showed that legal framework had positive and significant moderating effect on the relationship between management support and service delivery ( $\beta=0.74, p < 0.05$ ). This shows that having a legal framework is likely to positively strengthen the relationship between management support and service delivery.

**H<sub>01</sub>:** Legal framework does not moderate the relationship between management and the delivery of devolved services in selected counties in Kenya.

The findings show that after introduction of the interaction effect (legal framework), results showed that the relationship between financial resources and the delivery of devolved services R<sup>2</sup> Change with increase of 32% (R<sup>2</sup> Δ=.032) and the F change of 40.021 with  $p < 0.05$  hence significant indicating presence of significant moderation effect of legal framework on the relationship between financial resources and service delivery. Further findings show that, legal framework had positive and significant moderating effect on the relationship between financial resources and service delivery ( $\beta= 0.53, p < 0.05$ ). This indicates that the presence of a legal framework enhances the relationship between financial resources and service delivery. The implication is that a legal framework ensures that the allocated funds are directed towards delivering public goods and services at the county level.

**Table 1. Correlation analysis**

	Mean	Std. D	Skew.	Service delivery	Management support	Financial resources	Legal framework
Service delivery	3.27	0.87	-0.38	1			
Management support	3.47	0.73	-0.5	.642**	1		
Financial resources	3.26	0.61	-0.28	.606**	.585**	1	
Legal framework	3.26	0.8	-0.02	.590**	.487**	.513**	1

\*\* Correlation is significant at the 0.01 level (2-tailed).

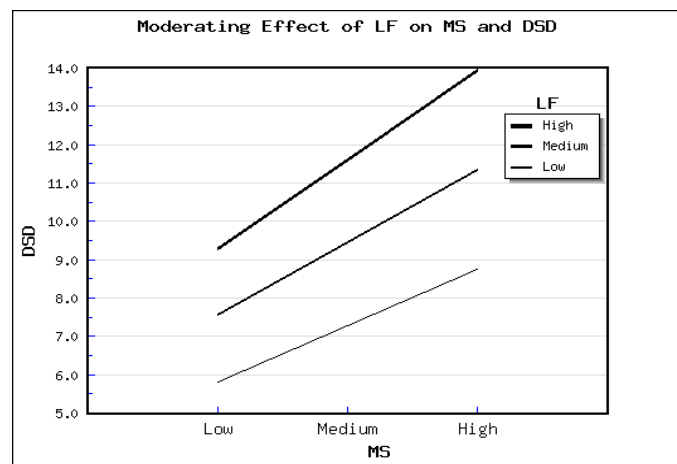
**Table 2. Moderated effect of Legal Framework**

	Model 1		Model 2		Model 3		Model 4	
	B	Std. Error	B	Std. Error	B	Std. Error	B	Std. Error
(Constant)	0.03	0.03	0.03	0.03	0.02	0.03	0.02	0.03
Zscore(MS)	0.17	0.051*	0.18	0.05*	-0.15	0.064*	0.04	0.07
Zscore(FR)	0.14	0.044*	0.12	0.045*	0.12	0.041**	-0.08	0.05
Zscore(SP)	0.21	0.064*	0.16	0.065*	0.14	0.06**	0.11	0.057*
Zscore(ME)	0.41	0.057**	0.37	0.058**	0.32	0.054**	0.3	0.051**
Zscore(LF)			0.14	0.044**	-0.28	0.068**	-0.33	0.065**
Zscore(MS_LF)					0.74	0.097**	0.32	0.113**
Zscore(FR_LF)							0.53	0.084**
<b>Model Summary</b>								
R	0.799		0.805		0.836		0.855	
R Square	0.638		0.648		0.698		0.73	
Adjusted R Square	0.634		0.642		0.693		0.725	
<b>Change Statistics</b>								
R Square Change	0.638		0.010		0.051		0.032	
F Change	150.168		9.364		56.945		40.021	
Sig. F Change	0.000		0.002		0.000		0.000	

a Dependent Variable: Zscore (devolved service delivery)

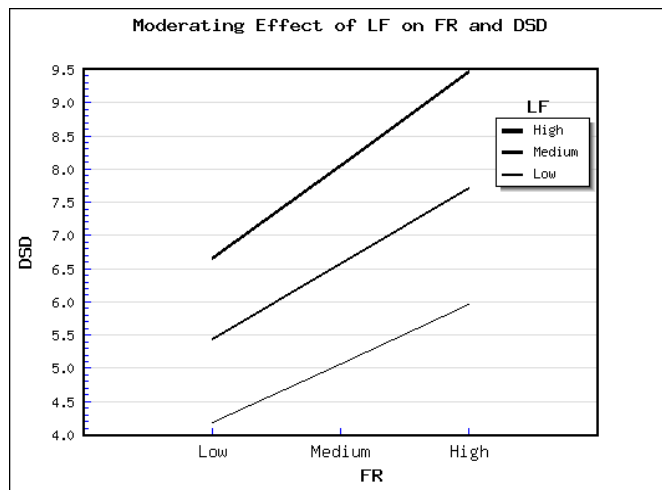
**Testing for Moderation Effect of Legal Framework using Graphs**

The most optimal way to know the nature of interaction effect in hierarchical regression model is to plot them in a graph (Jose, 2008; Aiken & West, 1991). Mod graphs help to simplify the interpretation of complex nature of interactions in model. The present study utilized mod graphs to provide logical interpretation of interaction effects of both legal frameworks on the relationship between management support, financial resources and strategic planning. Therefore, the significance of the regression coefficient of management support, financial resources and strategic planning was assessed at low, medium and high levels of both legal framework as presented in figure 1 and figure 2 respectively. The slopes in figure 1 showed that at higher levels of legal framework, the effect of management support on delivery of devolved services is positive and significant as compared when it is at low or medium levels. Therefore, legal framework in county governments reinforce management support thus increasing the propensity to service delivery.



**Figure 1. Mod graph for legal framework on the relationship between management support and delivery of devolved services**

Further, the graph in figure 2 revealed that legal framework positively moderates the link between financial resources and delivery of devolved services. As shown in the figure below, at high levels of legal framework, the effect of financial resources and delivery of devolved services is stronger and significant as opposed to when it is at low or medium levels. Therefore, it can be concluded that when a county have high legal framework there is high prospects that financial resource will help in service delivery.



**Figure 2. Mod graph for legal framework on the relationship between financial resources and delivery of devolved services**

**Conclusion and Recommendation**

The findings showed that legal framework had positive and significant moderating effect on the relationship between management support and service delivery ( $\beta=0.74, p< 0.05$ ). The legal framework provides the management with the mechanisms to facilitate service delivery. Particularly, through the legal framework, the management are given a mandate to steer the devolved functions in a way that the public gain utmost benefit. Further findings show that, legal framework



had positive and significant moderating effect on the relationship between financial resources and service delivery ( $\beta = 0.53$ ,  $p < 0.05$ ). Undoubtedly, the legal framework is an essential ingredient in the devolved government. The legal framework enhances the relationship between financial resources and service delivery because it provides the criteria within which revenue is allocated from the national government to the county government. Also, it dictates the manner in which the resources are utilized in the specific functions. Besides that, it gives a framework in which the county staff accounts for resources thus reducing the likelihood of mismanagement. As such, legal framework enhances the relationship between financial resources and service delivery. Thus, legal framework in county governments reinforces management support, financial resources thus increasing the propensity to service delivery. Hence, at high levels of legal framework, the effect of management support and financial resources and delivery of devolved services is stronger and significant as opposed to when it is at low or medium level. Thus, clear policy on devolution does not duplicate functions between county and national government which may influence service delivery. For example, having clear devolved function to the County government in the constitution will give county government opportunities to concrete in delivery those functions. In addition, clear legal framework on transfer of liabilities and assets from local government to the county government. Establishment of an agreed framework to guide intergovernmental fiscal transfers and allocation of resources between the two levels of Government enhances service delivery. Further, developing and implementing legal framework in the county to clarify and cohesive oversight framework for fiscal flows between the two levels of government for better service delivery. The county government has a legislation provision that establish a mechanism through which counties can seek support from the national government to perform their functions. Improving effect of management support on delivery of devolved services, members of the County assembly should enacted legislation to provide a framework for uniform norms and standards for public service at the county and need established and support a platform and a framework to facilitate dialogue for all elected leaders at both levels of government for better service delivery. In addition, the county government to establish a mechanism through which counties can seek support from international partnersto perform their functions.

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