

Revitalization of the Teaching Fraternity in Kenya Through Performance Contracting

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Abstract

In order to transform a public service that by and large is characterized by low service delivery, Kenya is struggling to adopt the New Public Management approach. Performance contracting in particular has attracted a lot of debate in the recent past as a strategy in attaining performance in public institutions. In view of this, the education sector has attempted to adopt performance contracting in schools but little has been achieved due to resistance. However a number of insights and lessons have been learnt that can guide reformers and policy makers in education to revitalize the teaching fraternity through the re-introduction of performance contracting. This paper therefore discusses performance contracting as a New Public Management mechanism in education; highlights the indicators and pre-requisites for performance contracting; discusses the experience of the performance contracting in the teaching fraternity in relation to its failure and lessons learnt and finally gives suggestions to be undertaken if the strategy has to be re-introduced to re-vitalize the service delivery in Kenyan schools.

Keywords: Re-vitalization, Teaching Fraternity, New Public Management, Performance Contracting

1. Introduction

Introduction of New Public Management (NPM) models in Africa was influenced by challenges emanating by African countries trying to maintain a macro-economic stability, lowering inflation, reducing scope and cost of government and cutting deficit spending by deregulating public enterprises and ensuring they run as private sector business (World Bank, 1989).

Jones and Thomson (2007), use the term NPM widely to label changes occurring in the conduct of the public sector business in 'managerialism'. In pursuit of the goal of performance improvement within the public sector, New Public Management emphasizes on the adoption of private sector practices in public institutions (Balogun, 2003). NPM models have therefore been invariably seen through the public service reform initiatives in many developing countries as the solution to reversing falling service delivery. In quest of this same goal, Kenya introduced performance contracting not only to improve service delivery but also to refocus the mind set of public service away from a culture of inward looking towards a culture of results.

Performance reform programs often emphasize on performance measurement. According to Armstrong (2001), performance measures are agreed on when setting the objectives. It is quite necessary to define not only what is to be achieved, but also how those concerned will know that it has been achieved. Parameters should provide evidence of whether or not the intended results have been achieved and the extent to which the jobholder has produced performance results. Despite public enterprises playing important roles in many countries, there have been increasing concerns about their performance measurements.

Performance Contracting is a branch of management control systems and a part of strategic management. It is defined as a binding agreement between two or more parties for performing some stipulated act(s) over a specified period of time. Kumar as cited in Kobia (2006), defines performance contract as a Memorandum of Understanding (MOU) which is rooted in an evaluation system, which ensures improvement of performance management comprehensively. In education sector it is expected that the government through the Teachers' Service Commission (TSC) takes responsibility to ensure that all teachers understand their function in ensuring quality and efficient services delivery. Performance is multi-faceted (Williams, 1998). In that case, it is measured in terms of output and outcome, profit, internal processes and procedures, organizational structures, employee attitudes and organizational responsiveness to the environment. Performance Contract has been viewed as a management process that is supposed to improve staff performance. What is measured and rewarded gets done. The performance of teachers is based on results that are focused on financial management; human resource management; physical facilities indicators and academic performance indicators (Too et al, 2013).

Before the advent of performance contracting in Kenya, the basis for determining a manager's performance was purely on perception and processes, and managers were not comfortable being evaluated on the basis of perceptions (Daily Nation, 2009, p. 40). According to Samba (2010) every school, Board of Management (BOM) has the powers to recruit teachers at their discretion. This could compromise quality when there is no standard format for recruitment which in return affects performance of teachers. Performance contracts have specifications in terms of roles and responsibilities and expected outcomes and results. Teachers are expected to deliver effectively in their services to stakeholders, which can be drawn out in the performance contracts. The quality assurance and standards officers, who are government agents, have the mandate to follow up and ensure efficiency in learning institutions.

The unifying theme in performance contract is a core focus on three key objectives, namely, savings, effectiveness and responsiveness (PUMA/PAC, 1999: 2). State owned organizations in Kenya should also be responsive to the demands and requirements of their clients and customers. There are established structures that ensure quality service delivery. Teachers are expected to deliver effectively their services and are accountable to education stakeholders within the established systems and with support from quality assurance offices that the government has put in place. However, the parameters of performance contracting in teaching have not been explicitly outlined in the existing structures thus a need to refocus on this.

1.1 International experiences with implementation of performance contracts

The last fifteen years has seen implementation of Performance Contracts in over thirty countries in Asia, Africa and Latin America. Almost all Organizations for Economic Cooperation and Development (OECD) countries use it in managing their public sectors. Others include UK, USA, Canada, Denmark and Finland, has ensured performance contracting is utilized in the public sector for effective and efficient service delivery. Performance Contract system originated in France in the late 1960s. It was later developed with great deal of elaboration in Pakistan and Korea and thereafter introduced in India. It has been adopted in developing countries in Africa, including Nigeria, Gambia, Ghana and now Kenya (Kobia and Mohammed, 2006).

Different approaches and interpretation have been taken by some countries in regard to Performance Contracting. United Kingdom uses Public Service Agreements; Malaysia adopts to Programme Agreements which are less linked-up with the government instead, focuses on agencies executing Malaysian vision 2020 targets which require funding from Treasury. Different countries have variation in design and architecture of performance contracts, New Zealand has increased accountability and manages public activities efficiently because of use of Performance Improvement System which uses three types of contracts: an employment contract, a purchase agreement and a performance agreement (Bale, 1998). There is also variation in which performance contract is linked to the budgeting system, the legal framework and the institutional arrangement for management of performance in different jurisdictions (Wanyama, 2013).

The quest for productivity, quality and speed has spawned a remarkable number of management tools and techniques; total quality management, benchmarking, re-engineering and change management to mention just a few. All these, if not pursued from a strategic angle leads to emphasis being put on the wrong place. Typically, public agencies either are not clear about their goals or are aiming at the wrong goals. This lack of clarity can be attributed to the fact that most public agencies have to deal with multiple principals who have multiple (and often conflicting) interests (Triveldi 2000). This leads to fuzziness in the agencies perception of what is expected of them. The teaching fraternity too has no clear demarcations on performance contracting hence negative perceptions due to misunderstanding the key expected outputs.

1.2 Performance contracting in Kenya

Performance Contracting in Kenya is a more recent reform measure introduced by the Government in 1995 (Republic of Kenya, 2005a) in an effort to improve efficiency and enhance cost effective service delivery to its citizens. Nonetheless, achieving superior performance through improved organization management has been the pre-occupation of management. Successful generations of corporate leaders recognized that superior performance should be based on measurable criteria. The government accords high priority to economic recovery and improving the performance of public service to deliver results to the people. Up to this point, the goal of public sector reform was the restoration of its glory so as to equip it well in order to play a pivotal role in national development. This called for fundamental changes in the way the public sector operates in institutional organization and relationships, and in individual and collective behavior of those serving in the sector.

The performance contracting commenced with the establishment of a Performance Contracts Steering Committee in August 2003 and the issue of Legal Notice No. 93, The State Corporations (Performance Contracting) Regulations, August 2004. The expected outcomes of the use of PCs in Kenya include: Improved efficiency in service delivery to the public by ensuring that holders of public office are held accountable for results of where they work; Improvement in performance and efficiency in resource utilization and ensuring that public resources are focused on attainment of the key national policy priorities; Institutionalization of a performance-oriented culture in the Public Service; Ability to measure and evaluate performance; Ability to link reward for work to measurable performance; Instilling accountability for results at all levels in the government; Ensuring that the culture of accountability pervades all levels of government; Reduction or elimination of reliance on Exchequer funding by public agencies; Ability to strategize the management of public resources; and Recreating a culture of results-oriented management in the Public Service (OPM/PCD, 2011).

With these above thoughts, more efforts would be focusing on where performance measurement systems are not institutionalized such as in the teaching fraternity. Education sector can consider collection of performance data to be used to: inform useful deliberations among key stakeholders about why and where change is needed in teaching to improve deliverables and standards of education country-wide; focus on aspects of programmatic and

intervention performance which would most likely be affected by change; and track the effects of changes to reinforce and reward employees for achievement of desired outcomes of change efforts. Teachers would be sensitized on these efforts and in a participatory approach set targets that can inform for change to be effected. Similarly, objectives of performance contracting as expected in the education sector include the following: facilitating the attainment of desired results; improving service delivery to the public by ensuring the top –level managers such as head teachers and education officials are accountable for results; reversing the decline in efficiency and ensuring that resources are focused on attainment of key national policy priorities of the government; institutionalizing performance oriented culture in the teaching through introduction of an objective performance appraisal system for all teachers; measuring and evaluating performance; linking reward to measurable performance; instilling accountability for results at the highest level of the government; ensuring that the culture of accountability pervades all levels of the government machinery; and, strengthening and clarifying the obligation required of the government and its employees in order to achieve agreed target.

2. Experience of performance contracting in the teaching fraternity in Kenya

Since independence in Kenya performance of Education sector has been deteriorating largely as a result of management systems which put emphasis on compliance with processes rather than results. This coupled with the absence of clear well formulated objectives made it difficult to assess institutional and individual performance (Government of Kenya, 2005a). Thus performance contracting in learning institutions is part of broader educational reforms aimed at improving efficiency and effectiveness in teaching and management of public schools (Odhiambo, 2008). Performance contracting is a new development in schools in Kenya especially in secondary and primary schools. Information obtained from Ministry of education, performance management in public primary and secondary schools has been done and still being done by quality assurance officers based at every administrative unit. The area of interest of the quality assurance officer is scheme of work, lesson plan, content coverage, enrolment capacity, and performance of student at national examinations, procurement, expenditure and general working and learning environment of the institution (MOEST, 2012).

The use of Performance Contracts has been acclaimed as one effective and promising means of improving the performance of teachers and secondary schools and Government departments Kwedho, 2015. However this idea has been met with a lot of resistance by the teaching fraternity. The union's Secretary General in relation to performance contract is quoted in local dailies saying, *'Teachers are permanent and pensionable and they should reject any persuasion put on them'* (Kenya Standard Newspaper May 28th 2008), and *"teachers should keep and honour the eleventh commandment- that they should never ever agree to work under performance contracts as demanded by the government."* (The Kenya Daily Nation dated 15th July 2008)

2.1 Indicators of Performance Contracts in Schools

The Economic Survey in Kenya, 2004 indicates that the recurrent government spending on education has been higher than any other social sector spending, that is, 73% of the social sector expenditure. Further the education recurrent budget rose from 35% of the public sector recurrent budget in 2000 to 39% in 2004. Therefore the ever increasing spending on education, stakeholders and financiers require evidence of effective and responsible use of resources allocated. Wagner, (ibid) further asserts that there is general agreement that school performance and the quality of school programmes are best understood in terms of results and output and that agencies, have no right to know about these results and the cost/benefits associated with their schools. He also points out that many proposals on accountability focus on the accountability of teachers because they assume that teachers are responsible for student performance. Of the various forms of accountability proposed for education, the concept of Performance Contracting is often cited as the most effective strategy to assure accountability for results (CER, 1997).

According to Kogei et al (2013) performance contracting is an accountability framework that only functions effectively when certain conditions are enabling. Some of these pre-conditions are: Legal and Regulatory Framework; Structural Efficiencies; Enabling Political Environment ;Eradication of corruption; Competencies for effective implementation of PC; Competitive culture and Management Practices for good measure. According to Kwedho (2015), Proponents of PC have identified a number of secondary school preconditions for successful implementation of PC in any school. First there is need for the Government (as principals) to explicitly state their objectives, prioritize and translate them into performance improvement targets. Second, the principals need to credibly signal their commitment to the contract such as through delegation of meaningful autonomy to senior managers. All necessary is functional managerial systems where quality information is available and well managed. Monitoring and Evaluation of activities and outcomes is also necessary to ascertain the level of performance. There are also critical management tools which are pre-requisite for effective performance management. These include strategic plans, work plans, service charters, balanced score cards and performance appraisal systems to which performance contracts are aligned. These tools are essential in establishing standards, objectives and targets to be met; as well as measuring of performance.

Therefore, indicators that teachers can focus on include: finance management; human resource management; physical and academic performance.

Financial Management Indicators: Financial management in schools is concerned with the cost of education, sources of income to meet the educational costs and the spending of the income in an objective manner in order to achieve the educational objectives (Okumbe, 1999). Head teachers serve as accounting officers in schools and are therefore responsible for preparation of estimates for recurrent and development expenditure for the school (Silsil, 2008).

Human Resource Management Indicators: Human Resource Management is the strategic and component approach to the management of an organization's employees who collectively contribute to the achievement of the organizational goals (Ghosh, 2005). In education it entails teachers and education personnel who work together to ensure performance.

Physical Facilities Indicators: Physical facilities in a school include buildings, land, machines, equipment and other moveable assets. Inadequacy and poor maintenance of such facilities impinge on the provision of services to students and staff in school (Birgen, 2007).

Academic Performance Indicators: It is widely believed that the best achievement any head teacher can make during his/her tenure in office is to get good results in national examinations.

In response to the demand for quality services, the government provides school committees with funds to hire an extra teacher on a short-term contract. This had a generally positive effect on learning, as measured by test scores. Contract teachers were present in school more than their civil-service counterparts, and their students scored higher on exams. However, the impact depended heavily on how the program was implemented. Training school committees to monitor teachers in conjunction with hiring contract teachers increased program effectiveness. Dedicating one class to help those students with weak academic preparation substantially improved test scores for all students. On the other, attempts by the government through TSC to recruit teachers on performance contract were faced with resistance by the teachers union on the grounds that there were no laid down structures for performance contracting. A major constraint was the inadequate consultation of the key stakeholders on the adoption of the performance contracting. Hiring supplementary contract teachers can be part of the solution to Kenya's teacher shortage. To get the most out of these teachers, implementation details matter. The biggest gains come when local school committees are empowered to effectively monitor these teachers and when extra classes are structured so as to target instruction to students' initial achievement level. All in all, this is a highly cost effective way to cut absenteeism and promote learning in developing countries (Kremer, 2010).

Teachers, however have continuously rejected the signing of PCs as they consider them punitive and untenable. Teachers seem to be reluctant in signing PCs due some reasons not yet established through research Kwedho, 2015. Kenya Daily Nation dated 11th August 2008, reported "*thorny issues have emerged in the countries educational sector with the implementation of performance contracting for teachers and a fresh battle looms now between the government and KNUT with the Central Organization of the Trade Union (COTU) threatening to call a national wide teachers strike*". The renewed pressure piling on teachers to yield to individual monitoring of performance continues to come from Parliament. Odhiambo (2009) in his study "*implementation of performance contracting in Kenya*" concluded that factors such as, performance indicators, organizational strategic plan as well as organizational resource influences acceptance of performance contracting by employees. Waal de (2008) also found out that lack of clarity and inadequate understanding of the strategy and goal may bring rejection of performance contracting between teachers and the government

2.2 Failure of performance contracting in teaching

According Kwedho (2015), reasons that hindered effectiveness in implementation of performance contracts in secondary schools in Kenya include: Lack of training of teachers in performance contracting and its principles hence majority were not aware the expectation and the benefits of performance contracting; Failure to involve their unions was a reason given by majority of the respondents; The terms of performance contracts were unclear and/or non-existent; Poor communication about a new policy with majority of the teachers noting they had not received any official communication requiring them to sign the Contracts; Teachers also felt the PCs could nullify the existing contracts the teachers already had with performance in the national examinations and would determine their fate on the employment; Some also noted that the position taken by the government for those who failed to sign the contract was more of a threat thus there was need for consensus before they could sign the contract to be implemented in schools.

Performance contracting of teachers was frustrated by a number of factors hence did not pick up. Inadequate sensitization and lobbying for its implementation among teachers as stakeholders public agencies including teachers either are not clear about their goals or are aiming at the wrong goals. This lack of clarity can be attributed to the fact that most public agencies have to deal with multiple principals who have multiple (and often conflicting) interests (Triveldi 2000). This leads to fuzziness in the agencies perception of what is expected of them. Teachers were also not sufficiently involved in drawing up contracts; a task despite exhortations from central government

is still largely the preserve of managers. In management terms, this means that performance goals are all too often perceived as being imposed from above rather than from a collective thought process. There was general lack of ownership of the reforms and commitment to the implementation by those involved in the public sector. This could have greatly influenced the uptake of performance contracts in the teaching fraternity. There was also little public support for performance contracts and this hindered union from embracing the process and Lack of proper rewarding systems of outstanding performance. Without these guidelines, teachers like civil servants may lack the impetus to work hard and give outstanding performance. As Armstrong (2006) puts it that, there is need to reward outstanding work which should be recognized from the evaluation reports. The top performers need to be rewarded in various ways ranging from recognition to award of medals and other material endowments to encourage uptake of the contract. Aspects related to performance contracts of restructuring and downsizing may not have gone well with public sector personnel including teachers. With glaring gaps in ration of teacher to pupils, fear of losing employment were coupled with anticipated freezing of recruitment, the union leaders representing teachers felt that the interventions and strategies had little or no direct link to improvement in service delivery.

There is no clear cut performance work statement or statement of objectives for teachers towards expected results. This usually involves conducting an analysis of work to be performed, capturing the results of the analysis in a matrix, writing the performance work statement, and allowing the contractor solve the problem, including the labor mix. There is inadequate measurement and management of performance. This involves a review of the success determinants (this includes where do you want to go and how will you know when you get there), relying on quality standards and assurance plan. Inadequate selection of the quality assurance officers who should advise and guide through supervision on the best practices and trends in performance in teaching based on the agreed contract. The culture of non-performance and lack of accountability is fighting back to resist this change. This change is seen as a threat to their livelihood, yet quality service delivery continues to deteriorate or stagnate under new management of performance contracting .Political understanding and support for management change in education sector reforms and use of management systems such as performance contracts remain narrow and difficult to sustain. Those directly responsible for managing as leaders have seized all opportunity to block or reverse the gains that could benefit citizens through performance contracting.

2.3 Lessons learnt

The underpinning for the initiatives for performance contracting needed a shift to focus on cost reductions and improve service delivery. As much as public sector had challenges that impeded the efficiency in performance, there are lessons that have been drawn to show possibility of improving the performance contracts among civil service including teachers.

- a. Good governance and committed leadership in learning institutions
- b. Performance contracting tool is emerging as a very efficient and effective planning tool which bring to the fore various aspects of an organization, some of which are often ignored. Institutional planning and the itemization of annual work plans, adequately supported by budgetary provisions and levels of responsibility for performance as well as effective measurement is an effective tool for management of public resources in teaching. This would improve teaching as clarity is given on levels of performance per school and other factors in place
- c. There is need for Adequate planning of change before implementation and the action plan should be flexible enough and responsive to perceived needs of beneficiaries
- d. There is need to streamline a credible scheme of service in the education sector before reforming it in order to reduce resistance to PC.
- e. There is need to create effective and efficient recruitment of teachers before performance contracting them.
- f. There is also need for creating a conducive internal environment for teaching to promote performance before contracting teachers
- g. Training and development through continuous in service ensures teachers are adequately prepared for change in ensuring performance and quality education service
- h. Salary enhancement should be given attention in teaching as compensation management promotes performance.
- i. Inculcating ethics and new value systems of honesty, probity, patriotism and respect for the nation's diversity;
- j. Enlisting the support of stakeholders from the private and other sectors to participate in growing the education sector in resource mobilization;
- k. According to Samba (2010), the current decentralized forms of recruitment of teachers and the required subject specific needs may be inadequate. Schools fail to recruit teachers because they lack subject combination personnel; hence there are gaps in education resulting in quality services compromised.

3. Transforming teaching through performance contract

The management structures and systems would ensure performance contracting if the human and financial resources are availed to all levels of education sector. With the current trend that Teachers Service commission's mandate to ensure human resources gears their efforts to set goals and standards. The teaching fraternity should not be different from the public sector. It would be effective if the ultimate goal is shared and each ministry to find ways to ensuring delivery and performance build towards the realization of the national goals across the counties. If each county is doing their evaluation separately, then it would be futile efforts to have unified efforts to realizing results of performance contracting.

The introduction of performance contracts without keen consideration of the skills of various levels of staff slowed the uptake of the process. There would be need to enhance the skills of the top managers in education sector to understand the goal and objectives of contracts and expected outcome. This should be in line with the education goals, this would enable supervisors implement the process when their skills are in line with the requirements of the service provision. Capacity enhancement is critical in change management to reinforce performance contracts (Armstrong, 2005).

Performance within the teaching fraternity would be enhanced when incentives and improved pay would be made clear. Motivation and awards of best performing institutions in a competitive way would ensure healthy competition. However, measures should be put in place to support those who have weak infrastructures and other challenging conditions and categories would help fair competition. With awards, careful considerations have to be made to ensure those who do not comply with the new codes of ethics and performance has to be reprimanded and face punishment. Guest (2007) is of the view that organizations would do better to increase their focus on rewards if they are to improve commitment as a key ingredient for performance contracting.

For any person to perform and deliver services that are of quality, considerations have to be made on the working environment. Budgetary allocation for facilities and equipment in all schools need to be considered. All learning institutions are different and competing among schools would be a futile efforts. Classification of schools and minimum required standards would be a way to ensure schools have a set standard to meet. Then competition would work among same schools. Other factors include the environmental challenges like climatic conditions in places such as the arid and semi-arid regions and the informal settlement. Senge (1990) indicates that creating the right environment for learning enhances continuous improvement and capacity to change.

Performance contracting indicators can only be attained through resource allocation. The focus on improvement of service delivery and stated expected results would enable the supervisors to work towards these results. The results based management would benefit learning institutions and this would also enhance the academic focus to be in line with other new public management requirements. Efforts in Public Sector Reforms have used the political and administrative leaders to show the need for results that would encourage a sustainable process. This has been done in other countries like Tanzania where focus was diverted to 'quick wins' in service delivery (Kiragu, 2002). The Tanzanian 'quick wins' was a deliberate initiative to demonstrate that PSRs were not about sacrifices and pains afflicted by such measures as retrenchment, employee freeze and other costs containment measures. The initiative focused on key areas such as timeliness, quality of service/customer care; and responsiveness to public. This can be applied to the teaching fraternity to enable results to be achieved and encourage public sectors to enforce the initiative.

The continued concern for transparency, integrity and accountability would enrich the education sector if taken into a new level by the government. The inadequate systems and structures to ensure public service delivery are rid of corruption. The growing demand for teachers to improve service delivery and also to demonstrate value-for-money in public expenditures, in schools can be achieved if there is good will from all stakeholders to implement the actions and focus on holistic results. The teacher recruitment, postings and ambivalent promotions that are not based on performance denies service to the very needy schools from unreached areas. The TSC should enforce its policy balancing work force and ensuring that all teachers understand their mandate for quality results.

The performance indicators are agency specific and are developed by the respective TSC upon agreeing on the targets. To improve on the performance and better service delivery among teachers, there is need for viable performance measurements and evaluation. The evaluation will look into comparison of achievements against the targets agreed at the signing of the contract. The negotiation of targets to be included in the contract is conducted by TSC in its continuous assessment of teachers with consideration of other environmental factors that affect performance. These then will be entered into the final contract between the government in this case Ministry of Education, Science and Technology and TSC as an agency.

Appelbaum et al (2000) are of the view that employee involvement is central to high performing organizations as it enables workers to have a voice on how to structure routine tasks and processes. Participatory approach in performance contracting would enable teachers and their representatives to ensure quality service in a sustainable process.

The teaching fraternity would strengthen uptake of performance contracting at the onset of recruitment of teachers by ensuring that as they enter into the sector, they understand, accept and commit to the requirements as

stipulated in the contract. Forums for follow up and feed – back should be held periodically for continuous improvement. This can promote sharing of best practices in performance contracts and finding ways that would enhance the role of teachers in better service delivery within their mandate.

4. Conclusion

The performance contracting has been embraced by many developing countries; however its implementation and results vary within countries. The inadequate understanding of performance contracts and limited exposure, good will and commitment may have been a reason for resistance to change in the teaching fraternity in Kenya. Performance Contracting is an important part in managing systems for better results. When integrated in institutional strategic plan, it can encourage positive perception. Therefore Performance Contracting process needs to be institutionalized and mainstreamed in teaching fraternity in order to establish greater accountability, commitment for results, focus on national goal and priorities of the Kenyan Vision 2030, Medium Term Plan, and MDAs Strategic Plans. Embracing achievements of other countries would be an added advantage but the greatest consideration would be a political good will and commitment by the government to ensure that performance contracting would benefit all. The teaching fraternity requires a well-designed component that can be implemented to ensure sustainability and help educational institutions in achieving competitive advantage through consensus decision making and empowerment of the key stakeholders.

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