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Procedural and Institutional Challenges on the Practice of Integrity and Ethical Practices in the Public Sector in Kenya

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Abstract:

World over, public officials have often been embroiled in scandals of varying magnitude. The genesis for most of these scandals is the gradual deterioration in ethical behavior of public officials, which has given rise to all kinds of malpractices. This has triggered an outcry from various stakeholders, especially the general public, for the development and implementation of policies that address ethics, integrity, transparency, accountability and professionalism, to promote accountability in the management of public resources and improve public sector results. This study sought out to investigate the challenges of ethics, accountability, transparency, integrity and professionalism in the public service. It specifically discussed how procedural factors and institutional factors impede the practice of integrity and ethical practices in Kenya's public service. The paper anchored its study on the Public Choice Theory and Broken Window Theory. The paper relied on primary data collected from the ethics and anti-corruption commission office. Procedural factors and institutional factors were found to be satisfactory in explaining integrity and ethical practices in the public sector. This is supported by coefficient of determination also known as the R square of 72.4%. This means that procedural factors and institutional factors explain 72.4% of the variations in integrity and ethical practices. The R^2 before moderation was 72.4% but after moderation the R^2 improved to 75.9%. This implies that legal framework enhances the provision of integrity and ethical practices in the public sector. Regression analysis indicated that procedural factors and integrity and ethical practices in the public sector had a positive and significant relationship ($r=.228, p=0.030$). It was also found that institutional factors and integrity and ethical practices in the public sector have a positive and significant relationship ($r=.390, p=0.000$). The study concluded that procedural factors and institutional factors, challenge integrity and ethical practices in the public sector in Kenya. The study recommends the revision of procedures in investigating and prosecuting individuals who commit economic crimes. The procedures should be systematic and supported legally. The study recommends the cooperation of various government institutions in taming and fighting graft. The various institutions include department of Criminal Investigation, EACC, the Judiciary, civil society and the religious groups. When this entire group pulls together, graft in Kenya will be rooted out. The study recommends the facilitation of all institutions by enhancing their capacity and capability in fighting graft. There should be clear law on economic crime that is testable in the court of law

Keywords: Accountability, corruption, ethics, ethical practices, impediment, integrity

1. Introduction

In the last few decades, an increasing number of governments from around the world have adopted measures and policies to reform and revitalize their public sectors. These governments have been forced to embrace change in the management of their public sector by contemporary forces such as globalization, liberalization and democratization. Some of the changes involved delineating government functions and responsibilities, restructuring government to address challenges that the private sector cannot address because of resource limitations, empowering public agencies with more tools and resources to be able to fulfil their mandate, adopting modern technological systems and processes in public management, restructuring procurement and financial systems in order to promote accountability, and equipping public servants with the skills necessary to execute their functions (Allan, 2016).

Despite the milestones achieved in restructuring and refining the public sector across the world, a significant number of countries are still bedeviled with many challenges, principally, how to win back the eroded public trust in public service and to make citizens willing partners with their governments in the reform process. The erosion of trust in public service and governments is demonstrated in citizen apathy towards elections, the entrenchment of extremist and radical ideologies, and the pervasive negative perception of government agencies by the public (UNDESA, 2016).

In the highly dynamic environment that characterizes the modern workplace and society at large, values such as integrity, ethics and accountability are relegated to the background by public servants while personal survival takes center stage. The government is still expected to deliver even with dwindling resources and budget shortfalls, and this burden is

transferred to public servants. In situations of dire resource shortfall, for instance during or after conflicts, the strain on resources and the pressure on public services can pose an existential danger to citizens (UNDESA, 2016).

Citizen unrest and government overthrow is an increasingly common feature where the public loses confidence in the check and balances instituted by the law, especially where gross conduct of public officials or misappropriation of public resources is brought to the public limelight. As literacy levels rise over the world and the public becomes more sensitive to public governance issues, governments are being compelled to establish mechanisms for the detection, flagging and punishment of unethical practices.

Western democracies led by the United States have led in this campaign by adopting stringent mechanisms to enforce ethical standards in the public and private sector. For over a century, the United States has been at the forefront of driving debate and developing policy frameworks on ethical standards acceptable at the workplace (Allan, 2016).

The United States is a good model for other countries on how to tame corruption and impunity through regulation. The size of the country, its long history of public governance, and its diversity makes it a unique case study for other countries, since almost all of them can identify with most of the challenges already faced by the United States.

Despite being a federal government, the country has delegated substantial political and legal authority to the states. This has afforded each state the ability to make laws that address their unique challenges in regard to ethics and accountability. The overlap between federal and state laws guarantees that almost every imaginable scenario in respect to public accountability and ethical behavior has been factored into the country's laws, which informs the daily functions of public servants.

According to Bayart (2013), African governments have an oversized role in their respective economies with very little oversight, a situation which makes public office a ladder to wealth. The attendant benefits of democracy in regards to accountability as witnessed in western societies have not been replicated in Africa even with democratization. Governance is still rooted in unethical practices with power and resources shared on the basis of patrimony, while citizens hardly participate in political decision making. Unethical behavior in public service has flourished in Africa due to lack of robust laws that address this behavior, and in cases where laws are there, there is a lack of political will to implement them (Camerer, 2010). Institutional corruption has been entrenched in a majority of African countries. This has been made worse by the large network involving the private sector, government and the politicians (Githongo, 2015). With institutions and high levels of poverty there is strong visibility of the high levels of unethical practices in Africa. Anti-corruption commissions have been established to respond to both internal and external pressure by governments and donors. Anti-graft agencies have attracted criticism for not being effective in their duties (Khameni, 2012).

Across the world, and particularly in Africa, there is a growing political and societal willingness to address the challenge of unethical behavior in both the public and private sphere. Various bodies have been formed with the mandate of eradicating the vice at the national, regional or international level. Bodies such as the United Nations Convention against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption (AUCPCC), and the Southern Africa Development Community (SADC), the Economic Community for West African States (ECOWAS) and the East African Community protocols have been formed to advance accountability, transparency and ethical practices within their areas of mandate. A significant number of African states have also formed anti-corruption bodies to stem the rampant graft that has plagued the continent. Despite these commendable efforts, corruption continues to be a major challenge to growth and development across the continent (Regional Anticorruption Programme for Africa, 2016).

While a lot of efforts and resources have been directed in detecting and investigating corruption cases there is little empirical evidence on the gains made. While scholars have differed on the gains made in the fight of this vice the opinion is unanimous that new ways need to be identified to fight this scourge. It is the intention of the researcher to identify the challenges to integrity and ethical practices in the public sector in Kenya as they will provide solutions in the fight against corruption. The researcher proposes to identify the challenges which if tackled will arrest the problem before it is compounded and nets other people in the process of its execution.

Among the factors that challenge integrity and ethical practices are procedural factors. These are factors that relate to the procedure of conducting government business, access of information of government businesses, prosecution and the collection of evidence in cases relating to integrity and ethical practices (Transparency International, 2015). These factors significantly slow the progress in cases against graft and lead to acquittal of most graft related cases.

Institutional factors also challenge the fight against graft and ethical practices. These factors majorly relate to cooperation among various institutions that are charged in the fight against graft, the powers and privileges that the institutions charged with the fight against graft are given (World Bank, 2015). The cooperation amongst the relevant institutions mandated to investigate graft and unethical practices, the safeguards to ensure longevity amongst institutions mandated to fight graft, and the goodwill accorded to the institutions charged with the fight against graft and unethical practices.

1.1. Objectives of the Study

- Establish how procedural factors impede integrity and ethical practices in the public sector in Kenya.
- Examine how institutional factors impede integrity and ethical practices in the public sector in Kenya.

2. Research Methodology

The research used a descriptive research design. A descriptive study tries to discover answers to who, what, when, where and how questions (Cooper & Schindler, 2013). The research collected data from officers in the

Investigations, legal, Preventive service, Ethics and Leadership and Preventive services. The researcher focused on the above population segment because of the direct role they play in prevention and investigation of corruption cases.

2.1. The Population Sample

Category	Frequency
Investigations	120
Preventive Services	56
Ethics and leadership	30
Legal Department NSE	7
Total	213

Table 1: Target Population
EACC (2018)

2.2. Limitation of the Study

The research faced limitation in collection of data for the study. This is because integrity and unethical practices is a hot button issue and is rarely discussed in public neither is information regarding it easily shared. The researchers held a briefing session with the respondents in order to assuage their fears and answer queries regarding the research instrument. This briefing session was used to gain confidence and approval from the respondents who were key to the research undertaking.

2.3. Research Instrument

A questionnaire was used as the primary tool for data collection. A questionnaire with structured and unstructured questions was used to collect the data. The questionnaire had standardized questions to ensure all respondents replied to the same questions in a defined manner.

2.4. Data Analysis

This study employed quantitative and qualitative data analysis techniques. All quantitative data collected were analyzed with the aid of SPSS. The information was checked for completeness, it was coded, categorized and entered on the data master sheet.

The regression model to test the relationship between the challenges and ethical practices in the Kenya public sector. The equation is as follows:

$$Y = \beta_0 + \beta_1 \text{PRC} + \beta_2 \text{INT} + e$$

Where:

Y: independent variable: Integrity and Ethical Practices (Ethics Score Card)

PRC: Procedural factors

INT: Institutional factors

2.5. Results of Reliability and Validity of the Instrument

The validity and reliability of the tools resulted from the extent to which responses of the field reflected theories and empirical evidence of other scholars who have studied similar variables. The main tool of data collection used was the Likert-scale questionnaire. The instrument was reviewed and tested by experts in public policy and administration fields using Cronbach's alpha test. Nachmias and Nachmias (2016) have explained that a Cronbach's alpha test confirms the reliability and consistency of a research instrument. The results of the test are summarized in Table 4.1.

Variable	Cronbach's alpha	No of items
Procedural factors	0.7221	5
Institutional factors	0.7145	2

Table 2: Reliability Results

3. Findings

The general objective of this study was to assess the challenges to integrity and ethical practices in the public sector in Kenya. The specific objectives were to establish how procedural factors and institutional factor challenge integrity and ethical practices in the public sector in Kenya. Primary data was collected through 75 self-administered questionnaires where 73 were filled and returned. Cronbach alpha was above 0.07 indicating that the data was reliable. Pearson correlation was used to establish the association between the independent variables and the dependent variable and it was found that procedural factors and institutional factors relate to integrity and ethical practices in the public sector.

Multiple regressions were used to answer research questions. Procedural factors and institutional factors were found to be satisfactory in explaining integrity and ethical practices in the public sector. This is supported by coefficient of

determination also known as the R square of 72.4%. This means that procedural factors and institutional factors explain 72.4% of the variations in integrity and ethical practices.

3.1. Procedural Factors

The first objective of the study was to establish how procedural factors impede integrity and ethical practices in the public sector in Kenya. Correlation analysis showed there was a significant positive association between procedural factors and integrity and ethical practices in the public sector ($r=.689$, $p=0.000$). Regression analysis indicated that procedural factors and integrity and ethical practices in the public sector have a positive and significant relationship ($r=.228$, $p=0.030$).

3.2. Institutional Factors

The second objective of the study was to establish how institutional factors impede integrity and ethical practices in the public sector in Kenya. Correlation analysis showed there was a significant positive association between institutional factors and integrity and ethical practices in the public sector ($r=.746$, $p=0.000$). Regression analysis indicated that institutional factors and integrity and ethical practices in the public sector have a positive and significant relationship ($r=.390$, $p=0.000$).

3.3. Conclusion

Based on research finding it can be concluded that procedural factors impede integrity and ethical practices in the public sector in Kenya. These factors relate to the procedure of conducting government business, access of information of government businesses, prosecution and the collection of evidence in cases relating to integrity and ethical practices. These factors significantly slow the progress in cases against graft and lead to acquittal of most graft related cases.

3.3.1. Institutional Factors

Based on research finding it can be concluded that institutional factors influence integrity and ethical practices in the public sector in Kenya. These factors majorly relate to cooperation among various institutions that are charged in the fight against graft, the powers and privileges that the institutions charged with the fight against graft are given. The cooperation amongst the relevant institutions mandated to investigate graft and unethical practices, the safeguards to ensure longevity amongst institutions mandated to fight graft, and the goodwill accorded to the institutions charged with the fight against graft and unethical practices.

3.4. Contribution of the Study to Theory

The study made contributions to Public Choice Theory. The study found that the impediments to integrity and ethical practices in the public sector in Kenya are related to procedures of investigating and prosecuting corruption cases, the corporation between various institutions including department of Criminal Investigation, EACC and the Judiciary. All these institutions require sufficient resources to carry out their duties diligently without partiality. Public choice theory also argues that corruption levels within a county have more to do with the institutional makeup of the country and less to do with the personal values of its public servants.

The study also makes a contribution to criminology theory that posits that urban disorder and vandalism directly impact crime levels and anti-social behavior. The study established that social cultural factors impede integrity and ethical practices in the public sector in Kenya. In the violation of socio norms guiding the society, the aspects of integrity and honest tend to go down. As a result of this, people tend to have the urge to acquire wealth even in illegal ways.

3.5. Recommendations

Based on the results of the findings and the conclusions drawn from the study, the various recommendations are made to the policy makers, institutions and interested stakeholders charged with ensuring ethical practice in the public sector.

3.5.1. Procedural Factors

The study recommends the revision of procedures in investigating and prosecuting individuals who commit economic crimes. The procedures should be systematic and supported legally. The procedures should be easy to follow and implement. Enhancement of existing anti-graft laws which lay out the procedures to be followed in prosecuting graft related cases.

3.5.1. Institutional Factors

The study recommends the corporation of various government institutions in taming and fighting graft. The various institutions include department of Criminal Investigation, EACC, the Judiciary, civil society and the religious groups. When all these group pull together, the graft in Kenya will be rooted out. The cooperation amongst the relevant institutions mandated to investigate graft and unethical practices, the safeguards to ensure longevity amongst institutions mandated to fight graft, and the goodwill accorded to the institutions charged with the fight against graft and unethical practices.

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