Review Article

Devolution of records management to county governments in Kenya challenges and opportunities

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ABSTRACT

This article is condensed from a doctoral dissertation that aims to investigate devolution of records management to sub national governments or county governments: a case of four selected counties in Western Kenya. The key findings of the study were: counties lacked preparedness to receive records of the devolved functions; failed records systems in the central government were imposed on the newly established county governments; the constitution of Kenya does not designate archives other than the national archives as a functional area of the counties and archaic records management infrastructure was being used to support DORM. DORM is under resourced because its significance is unacknowledged leading to inadequate records management in the county departments. Despite the challenges DORM offers many opportunities: records of devolved functions are key tools of efficient administration and planning by the counties, the means by which citizens hold counties accountable to them and sites of ongoing consideration of the past in order to enable a better future. Counties through their respective archives will have the responsibility to approve records systems, determine the criteria by which records are appraised and identified for transfer to archives and authorizing disposal of records that are no longer required. DORM may lead national government to enact legislation that applied to national archives and counties to enact legislation that applied to county archives. County legislation will have provision made for county application and relevance. Investment in records management infrastructure of in support of DORM will define the responsibilities of the programme ensure survival of the programme during budgets cuts, accountability by assigning to the national archives and county archives specific responsibility for the management of records throughout their life cycle. The study recommends: a criteria be used in the closure and transfer of records of the devolved functions; review of existing records systems based on requirements of records and business of the counties; anchor devolution of records management in the country's constitution and review the existing national archives act and enact county government archive act to empower counties establish and maintain their own records management infrastructure.

Keywords: Kenya, Devolution, Devolution of records management, Challenges, Opportunities

INTRODUCTION

Devolution of records management (DORM) is public sector reform effort being attempted world over where there is devolution. The goal of DORM is to ensure management of records confirm with the general principle that administrative responsibility should be vested in the lowest capable level of government. However DORM reforms present various challenges and offers diverse opportunities for countries implementing it. According to implementing any

devolutionary reform like any other public reform is a challenge. That organizational culture is transformed, new roles learned, leadership styles altered from controlling to supporting behaviors, communication patterns reversed, planning procedures revised to bottom up rather than top down, and regional policies and programs are developed [1,2]. Wamukoya argued that devolution of records management bringing services closer to the people but barriers that militate against meeting the needs of the local government and the people at regional and grass root levels need to be confronted. In a number of African

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countries devolutionary reforms such as DORM reforms has been more de facto than de jure as central governments have simply become unable to exercise their financial and administrative responsibilities, instead passing them along to the local level. Studies by Ngoepe, Chachage Ngulube, Mnjama, explained that developing an appropriate records management programme for a country is a highly complex and difficult task and that it was not common for records management projects to exceed scheduled completion dates or not be completed at all [3-6].

Background of devolution of records management to county government

Devolution of records management is a challenge for any country implementing it in terms of scope, scale and complexity, and risks inherent in the transformation process. Prior to the adoption of the new constitution of 2010, Kenya's governance was informed by strong centric policies. The central government was supreme but there was delegation of powers to sub-national units at six levels, namely, sub-locational, locational, division, district, provincial and national. The official rationale then was that national unity could only be harnessed through a strict central ordering of politics and the economy.

Devolution in Kenya became a reality upon the promulgation of the Constitution of Kenya, 2010. Devolution for Kenya means at once post independence eight provinces and over two hundred districts were constitutionally replaced by forty seven new counties. Each county government has an elected assembly, a governor and an executive committee. The local governments have been performing constitutionally assigned functions such as health and agriculture using different types and formats of records [7]. The effective use of records and is governed by the extent to which the records and archives have been organized and managed and by the extent to which the users are able to obtain access to and use records and archives.

The constitution of 2010 Kenya does not however designate archives as a functional area of county government legislative competence. Archives are service organisations which cater for records created by different levels of government such as national and local. The constitution provides archives the legislative authority required for these services to operate. Therefore the Kenya National archives and a network of six regional archives namely Nairobi, Mombasa, Nakuru, Kakamega, Kisumu and Nyeri controlled by the Kenya national archives are responsible for management of public record at the national and subnational governments Kemoni and Ngulube have argued that the problem with the Kenya's archives and records management programme is that the network of regional archives were established line with the District Focus Strategy for Rural Development strategy (DFFRD). The regional archives were established to provide professional opinion to public offices in the districts on disposal of non-current records. That the regional archives do not have the requisite autonomy for effective decision making in the care of local government records. That the regional archives operate as extensions of the KNADS and are not availed of adequate financial and human resources that are commensurate with their growing responsibilities in records management. That as a result the records creators at the local governments are faced with diverse problems on a recurring basis. These problems are: lack of comprehensive and efficient file classifications systems, inadequate filing equipment for records, insufficient records storage space, lack of training for personnel working in registries, and inadequate knowledge of records disposition procedures.

Statement of the problem

Devolution of records management is a public sector reform effort being adopted world over where there is devolution. The scale, scope and complex of devolution of records management adopted by Kenya entails major challenges and risks but at the same time it creates opportunities for the country to improve management of public records. The exercise of closure and transfer of records devolved functions is a challenge due to lack of adequate space for both the records and for the incoming county government officers. This was compounded by failure to appraise records before their relocation to CGs which resulted in either moving of records which are valueless hence continued to occupy valuable CG space and or essential records being left behind at the predecessors of CGs in insecure places such as corridors or basements. The county government that does not have essential records experiences problems in decision making as they lack the old files to cross reference However, transfer of records of devolved functions offer a chance for Kenya to raise awareness of the importance of records in supporting accountability, good governance and operations agenda of devolution. Successful DORM require appropriate records system comprising of people, equipment and supplies, space, procedures, hardware and software and sub systems to manage the capture, classification, maintenance and disposal of records and to provide access to them and ensure they remain accessible in the future. However, inadequate records system and sub systems in the central government were imposed on county government dysfunctional record keeping systems undermine the ability of county government agencies to formulate, implement and sustain effective policies and programmes, and are a hindrance to information access and use. Besides, poor record keeping systems cannot protect citizens' rights and fundamental freedoms.

A records management infrastructure provides for the programmers existence and operation, define what it is expected to do, give it a basis for appealing for a budget and support each year, establish its authority to act including issuing its own regulations and define minimum retention periods for records, give justification for continuing in hard budgetary time. However, the constitution of Kenya 2010 does not designate archives other the national archives as an area exclusive of county legislative competence. The Public Archives Act cap 19 which predates the constitution of Kenya only relates to the national archives. This means counties have not promulgated their own archives Act as evidence that records management has been acknowledged as county government responsibility. There is need to investigate devolution of records management in Kenya with a view to identifying specific opportunities and challenges and propose ways opportunities created by devolution of records management could be harnessed.

Aim of the study

The aim of the study was to investigate devolution of records

management to county governments in Kenya a case of four selected counties in Western Kenya with a view to identifying specific challenges of devolution of records management and opportunities created by devolution of records management.

Objectives of the study

The specific objectives of the study were to:

- Establish the nature of closure and transfer of records of devolved functions to county governments to the four selected counties of western Kenya,
- Examine the contribution of current records management systems in promoting devolution of records management to county governments,
- Assess the adequacy of existing records management infrastructure in supporting devolution of records management to county governments.

Research questions

The research questions which guided the study were:

- What was the nature of closure and transfer of records of devolved functions to county governments?
- How adequate are current records management systems in supporting devolution of records management to county governments?
- How suitable are the existing record management infrastructure in promoting devolution of records management to county governments?

Assumption of the study

The study is based on the assumption that identification of challenges and opportunities created by devolution of records management will enable Kenya develop and implement appropriate devolution of records management programme.

Significance of the study

The study has practical, policy legal and research significance to records managers, policy makers and researchers. Practically, the study is likely to be of benefit to the records managers and archivists at the national and the county governments. This is because it systematically establishes for them the challenges and opportunities created by devolution of records management programme to counties. Policy makers are likely to benefit from the study as they can use the findings of the study to propose amendments to address inadequacies in records management infrastructure supporting devolution of records management. Theoretically, the research finding can enhance further research by scholars on testing of the principle of subsidiarity to devolution of records management to sub national governments.

LITERATURE REVIEW

The reviewed literature on challenges and opportunities created by devolution of records management are centred on three areas namely: records closure and transfer, records management systems and records management infrastructure. The first part of this paper reviews literature on challenges of devolution of records management while the second part on opportunities created by devolution of records management.

Challenges of devolution of records management related to closure and transfer of records of devolved functions

Devolutionary changes have a far reaching impact not only on government agencies but also on records of the functions are devolved. Success in closure and transfer of records of devolved functions is when during the process records are undamaged by either the transfer or the new environment in the devolved units into which they are put. Also, that access to the records during the transfer is interrupted for as little time as possible. Records closure and transfer is a challenge [8]. Wakeling has examined the relationship between closure and transfer of records and organizational change. This study indicated that organizational change not only disorders the certainty of normal business life but also there is a risk records can be lost or destroyed; they may move around the organisations without an audit trail; and successor agencies might not realize their business value. Forde and Rhys-Lewis observed that there are diverse challenges in the exercise of closer and transfer of records of devolved functions. These include: lack of clarity about the scope and purpose of the records transfer agencies from which records are transferred may not understand the requirements for transfer; transfer of records involves many factors and requires logistical expertise which might not be available; if the material is in poor condition or is not adequately protected it risks additional damage in transit and subsequent inaccessibility to readers. The new accommodations into which closed records are transferred may not be completed in time for the planned closer and transfer. Suggested that using criteria to manage the closure and transfer records of devolved functions could minimize the adverse effects. The first being planning and implementing the closure and transfer of the records as project. The plan entails the determination of the scope and scale of the operation and the condition of the records. The second is the appointment of the right staff that includes: temporary staff, students, personnel on secondment, contractors, administrative staff, and volunteers. It is essential to appoint a project manager who is thoroughly conversant with the records and their current location, know about maintenance standards, has a good track record in project management, and has good leadership and communication. Third is a budget which is vital to cater for staff, contractors, packaging and preservation materials, and equipment in form of hardware and software required to log the closure and transfer of records and create a database of new locations and remedial conservation. Fourth, access to records during closure and transfer, the standards such as for ensuring all items being transferred have a protective packaging, use of containers of correct size, supervision of temporary staff, training all staff involved in records transfer on preservation to be applied. Sixth a timetable to cover activities such as setting contracts, days off, and reviewing progress. Seventh a database of locations of records being moved and a computer tracking system so that it is possible to locate any record at any time, review of disaster plan and a report on the whole project obtain information from those who were involved. Despite the assumption that records transfer is once in lifetime experience, government can undertake a further closure and transfer of records as devolution evolve in the future or other governments will ask for advice.

Challenges of devolution of records management emanating from Records management systems

Devolutions of records management offers diverse opportunities for a country to design appropriate record systems and sub records systems to support the records management approach [9,10]. Smith Judith avers that a records management system is a group of interrelated resources such as people, equipment and supplies, space, procedures and information acting together according to plan to accomplish the goals of a records management programme such as devolution of records management [11]. Shepherd and Yeo emphasized the requirements of a records management system where they suggested that a records management system needs a physical infrastructure in terms of stationery and storage equipment while electronic records require hardware and software. The other requirement is accommodation that provides adequate security. People also have an essential role in a records management system in the design, implementation and supporting the system. In addition, subsystems are needed to manage the capture, classification, maintenance and disposal of records and to provide access to them and to ensure that they remain accessible in future. A records management system also need an intellectual basis in form of organizational records management policy, a set of operational procedures and staff training in their use, directives that enforce them, and monitoring their application.

Smith Judith on the other hand has stressed the common challenges and typical symptoms of a records management system. First, are management problems where there is no overall plan for managing records, no plan for retaining or destroying records and no standards for evaluating workers. The other is human problem where there is lack of concern about the importance of records, hoarding of records, and assuming people know how to use the files for storage and retrieval of records. Third is inefficient filing procedures where there is overloaded and poorly labeled drawers and folders, failure to protect records, misfiles resulting in lost records or slow retrieval and records removed and placed in files without proper authorization. Fourth, is the poor use of equipment expressed in form of no equipment standards, no use of fire resistant equipment, improper type of storage containers for records, and lack of or improper use of automated systems. The fifth challenge is inefficient use of space leading to crowded working conditions, poor layout of storage area, inadequate use of or absence of microfilmed records and resistance to the use of magnetic media. Lastly are excessive records costs [12]. Bank has observed that the real challenge of devolution of records management is that as devolution of central government functions to local authorities is increasingly being recognized as a key factor in improving governance at all levels. Less attention was paid to improving records management systems accordingly. Instead inadequate records systems in the central government were imposed on the county governments. Cautioned that deployment of dysfunctional record keeping systems in support of DORM limited sub national government's ability to formulate, implement and sustain effective policies and programme and are a hindrance to information access and use. Besides, poor record keeping systems could not protect citizens' rights and fundamental freedoms.

Challenges of devolution of records management emanating from records management infrastructure

A successful records management programme depends on a supportive records management infrastructure consisting of laws, subsidiary rules, regulations, and circulars [13]. Dearstyne avers that a records management infrastructure provide a basis for a records management programmer's existence and operation, define what it is expected to do, give it the basis for appealing for a budget and support each year, establish its authority to act, including issuing its own regulation and defining minimum retention periods for records) and gives justification for continuing in hard budgetary.

Archaic records management infrastructure cannot support devolution of records management programme. This is because they are not clear, updated and able to protect and provide access to archives, and to cater for new development, business orientations and new records laws that have competing priorities and emphasis [14]. Netshakhuma and Ngulube and Tafor have addressed the relationship between a records management infrastructure and records management programme. They have stressed the view that most Africa countries implemented records management reform programmes without supportive records management infrastructure frameworks. That where records management infrastructure existed they were not reviewed and updated to clarify the role of the archives agencies in records management. This means there are legislations which affect records management that existed before the promulgation of a country's devolution constitution which have not been reviewed to align them with the letter and spirit of the constitution. Also there are records management laws that have been passed but have not been audited to identify amendments that will affect the implementation of a country's constitution or remove any gaps, lack of clarity, and consistency in the legislation [15]. Walch compared the contribution of enactment of a records management infrastructure and of funds in the success of devolution of records management programme. Suggesting that enactment of a records management infrastructure supportive of DORM is an acknowledgement that information in local records is a strategic resource and government needs policy for managing it. However, enactment of a records management infrastructure is never a guarantee that the programme will become a functioning part of the local governments. That sometimes many years elapsed between the creation of a DORM programme in law and the provision of appropriation, staff and facilities. In some local governments, DORM may flourish for a while, and then disappear. Walsh concluded that it is the adequate allocation of funds that made devolution of records management a functioning part of government but not a records management infrastructure alone.

Opportunities created by closure and transfer of records of devolved functions

Closure and transfer of records of devolved functions to sub national government creates diverse opportunities. Wakeling provides a case study which indicates the benefits that closure and transfer of records caused by organizational changes generates. Chang offers the records and archive center the operational gateway into working with departments facing closure or substantial change. The guidance provided by archives is designed to offer such departments concise and

practical policy statements and operational pointers. The records and archive center staff to de mystify the problem and change it into a practical and achievable piece of work, the aim being to help practitioners and administrators make sense of their filing systems, and give them the tools and skills to finish the job the change management group setting also allows records and archive center staff to explain the reasons why records were such an important issue. Change also affords the records management process the support of senior management, thus reinforcing and nurturing the awareness of records as a vital organizational asset in a closure or hand-over setting, that needed to be considered as carefully as human resource issues, the project's finances or the sale of the property issue as a key feature of the change situation, that records and archive service become acknowledged as being responsible for providing a professional advice to managers, volunteers, students to help them deal with closing and transfer of records. Closure and transfer provide a detailed records profile, together with information about retention, decisions, the reasons behind them and a breakdown of transfer or disposal actions. The information allows staff to make the correct decisions about selecting files for retention or destruction. The key drivers governing this decision centers on issues of legal liability, good governance, accountability, and the ability to provide evidential records

Possibilities created by record systems in support of devolution of records management

Devolution of records management systems offers a range of possibilities. When records are required frequently or urgently decentralized records storage system is preferred. Besides speed of access, devolution provides a sense of ownership by records creators and users. Records systems created by devolution of records management ensure records of local government are successfully managed. Shepherd and Yeo a records system manages the capture, classification, maintenance and disposal of records, provide access to them and ensure that they remain accessible in future. A records creation and capture ensure the requirement of the local government for records that provide evidence and information for operational use, and accountability is met. The characteristics of such records are: authenticity, integrity, usability and reliability. The development of records management system in the planning, designing and implementing sub systems for capture, classification, and maintenance and disposal records management involves many people. Records system improvement requires input from records management unit, managers and staff of business units, legal advisers and auditors, computing specialists, directors and senior manager. Discussing every aspect of the records system with each staff member is important not only for fully understanding the record system but also forms a basis of the ownership. Wamukoya argued that proper record keeping systems supports the ability of local governments to formulate, implement and sustain effective policies and programmes, and are a gateway to information access and use. Besides, record keeping systems can protect citizens rights and fundamental freedoms.

Opportunities created by records management infrastructur e in support of devolution of records

Records management infrastructure which is adopted by a

country in support of devolution of records management may create several opportunities reforming records management infrastructure in support of devolution:

Reviewing and updating records management infrastructure enable accommodation of the records management changes brought by administrative changes such devolution. Change in records management infrastructure ensure inadequate arrangements in existing legislation provisions and administrative arrangements is rectified. According to Florestal and Cooper records management infrastructure in support of devolution should be comprehensive enough to clearly define the rights and obligations of the respective entities involved; it should be flexible enough to allow for efficient implementation; and it should be realistic, primarily in taking into account implementation constraints. Legislative change is required to give greater emphasis to record keeping standards and the need for chief officers to assume responsibility for records management [16]. Also comprehensive and up to date records management infrastructure ensure complete protection for all government records and give the archival administration wide powers for securing and protecting records. Equally, through records management infrastructure the relationship of government records as instruments of accountability by the government to the people, evidence of public and private rights and obligations, and information source on matters involving the continuous administration and management of government is acknowledged ; and provides exclusive authority to carry out archives and records management functions on a government wide basis. Further, through statutory changes archivists at the local government are made stewards of government records. As a result the archivists and records managers establish the institutional by identifying and ensuring the preservation of records which document the work and impact of different levels of government [17]. Netshakhuma observes that archives and records legislation provide for the establishment of an archives with clear mission and broad functions that enable it to plays a key part in making policies for and management of records throughout their entire life cycle. It establishes the legal and administrative base that allocates functions, power and responsibilities among accountable bodies within the country, and expresses the rights and expectations of citizens with respect to recorded information and documentary heritage.

METHODOLOGY

The study was informed by qualitative approach and adopted interpretivism stance as the goal of the study was to assess devolution of records management using those who experienced it. Multiple case studies research design was regarded as suitable strategy due to exploratory nature of the study. The choice of the study area of the county governments of Kakamega, Bungoma, Busia and Vihiga was made on conceptual grounds and pragmatic considerations but not on reasons of representativeness. Typical case sampling strategy was used where cases which characterize features that are normal or 'average' are selected [18]. Flick qualitative data for the study was iteratively generated from forty three (43) participants using mainly interview guide supplemented by document analysis and observation schedule research instruments. The study used four different non-probability sampling strategies at different stages of data production namely: purposive, convenience, snowball, and criterion

sampling saturation. The selection of a sample of 43 who comprised 15 head of departments, 4 Heads of Records Management Units (HRMU), 16 Departmental Records Management Officers (DRMO) and eight (8) archivists of Kenya National Archives and Documentation (KNADS) was in order to obtain maximum multiple context-specific realities of the nature of devolution of records management and how it manifested itself. Data analysis was iteratively done using grounded theory techniques of open, axial and selective coding

Findings of the study

The findings are grouped into two themes namely the challenges of devolution of records management and opportunities of devolution of records management. The challenges and opportunities of devolution of records management are presented according to the research question.

Challenges

In reference to the first research question on closure and transfer of records of devolved functions the study inquired into the challenges undermining the transfer of process. According to the head of records management units' lack of clarity about the scope and purpose of the transfer, the county government did not fully understand the requirements for records closure and transfer records. Another head of records management units based in another county government cited lack of space where transferred records of devolved functions would be kept. Further, unavailability of logistical expertise to support the complicated task of closure and transfer of records was mentioned as challenge by the head of records management unit. Another head of records of records management unit indicated that lack of adequate time for planning the exercise and budget leading to inadequate equipment and enough staff being involved to guarantee the safety of the records was a challenge of closure and transfer of records. The study inquired about the criteria governing the public records closure and transfer to county governments. According to the head of records management unit, the set conditions on records transfer translated to: establishment of sound records management units, acquisition of appropriate equipment such as mobile shelves where devolved records are to be stored, and availability of quality staff to manage records once transferred. According to head of records management units CG of Bungoma the conditions on records transfer were issued by the Transitional Authority which was established under the Transition to devolved Government act 1 of 12 act laws of Kenya to oversee devolution in Kenya. The head of records management unit, further, revealed that confirmation of fulfillment of the set conditions by a county government had to be ascertained by the transitional authority itself for a county to receive records. This notwithstanding, according to head of records management unit, the ministry of devolutions against the recommendations of Transitional Authority, using a big bang approach closed and transferred to county governments at once all records even to the unprepared counties such as Bungoma. Apart from the records closure and transfer, the study inquired about the challenges related to records systems in support of devolution of records management. According to the head of records management unit the records management systems supporting devolution of records management were: records management systems, information file management systems and integrated

records management system (IRS). A major challenge according to head of records management unit were: is the design of appropriate records systems for the newly established functional areas and for records of functions and process that have been in operation before devolution such local government. Paper records systems were congested and were used to store non records materials such as fertilizers and broken chairs, proving of access to records transferred to counties by authorized users were undermined by processing of transferred records, records stored on personal computers are inaccessible when the staff is absent, records storage buildings and areas are exposed to risks from natural hazards and human threats such as fire, flood, pest infestation, unauthorized access and computer system failures. According to archivists at the Kenya National archives, the Kenya National Archives had a mandate under the public archives act cap 19 to advise and assist county governments on records management. However, the county governments largely ignored the Kenya national archives advice especially on the establishment of records centers and in recruitment of records management staff. According to the departmental records management officers, this was caused by the unclear working relationship between county government and the national archives Document analysis of the transition to devolved government mechanisms for closure and transfer of public records and information, regulations of 2016 revealed that records retention and disposal guidelines supporting devolution of records management were contained in several national government of Kenya circulars and legislations. The diverse retention and disposal demands were contained in the public archives act cap 19, Public procurement and disposal act, 2005 and public financial management act, 2012, and Ministry of state for public service (DPM) circular on retention and disposal of personnel records which might have complicated compliance by county government. The findings showed that the devolution of records management was being supported, albeit by inadequately pre and post devolution of records management systems. The records systems lacked capacity for the purpose as they were profoundly unresponsive to the records management requirements in a devolved government. A number of deductions can be drawn from the presented plans for records management systems in the counties: To begin with, the overall plans to establish records management committee, enterprise resource program, a records centre, county archives and integrated records management system in county governments of Kakamega, Vihiga and Busia respectively to support devolution of records management suggest that the capacity of existing records systems in the counties were weak. Additionally, use of silo records management units in managing records in the county government of Bungoma and Busia showed action officers in the two county governments had lost confidence in the officially established records management units therefore had come up with innovative ways of managing records. The use of district health information systems and local authority integrated financial operations management systems in county government of Busia, Kakamega and Bungoma revealed that some of the electronic records systems being used by county governments in supporting devolution of records management were business information systems inherited from their predecessors. The inherited electronic records management systems were not designed for managing records. According to The Australian National Audit Office (2012) deciding whether an electronic business system should be treated as a records

management system requires consideration of a variety of factors but more importantly whether the electronic business system has appropriate records management functionality for the information that it holds. In this theme the study attempted to answer the third research question on the capacity of records management infrastructure to support devolution of records management to county governments. According to the head of departments the records management infrastructure supporting devolution of records management comprised of the constitution of Kenya of 2010, and the national government records management related laws. According to the archivists, the weakness of the constitution of Kenya 2010 is that devolution of records management was only implied in the constitution but it was not one of the functions exclusively assigned to the county government. According to the Head of records management unit, the weakness of the public archives act cap 19 laws of Kenya in support devolution of records management is that it is predating devolution of records management. Specifically, the failure of the act is lack a particular provision on devolution of records management to county government. According to the head of records management unit, county government of Bungoma, transition to devolved government act was riddled with various weakness among them: failure to have a clause on division of records management functions between the national and the sub national governments, failure to establish appropriate records management systems to be responsible for management of records in The counties, and failure to require minimum standards to be complied with by the county governments in records management.

Opportunities

In regard to opportunities in closure and transfer of records of devolved function the study finds on opportunities. According to departmental records management officers the closure and transfer of records of devolved functions made it possible for counties to have uninterrupted access for as little time. This will made it as possible for counties to have records for verification of facts; find precedent; for policy formulation, planning and implementation; handling of legal claims; litigation; administration; and protection of county governments' interests. The records being used by county committee executive members, chief officers, county development officers, weights and measures officers, procurement, ministers and administrators the process of designing of records systems provides opportunity to learn how county government functions, structures and environment have affected the creation and maintenance of records. It also provide the opportunity to discover how the existing system match up to the requirements that have been identified and where they fall short. The constitution of Kenya of 2010 constitutionally approved a process meant for better way of managing records of sub national governments in Kenya in which records management responsibilities and requisite resources are transferred from the central government to the devolved units. The transition to devolved government 2012. The mechanisms for closure and transfer of public records and information, regulations, 2016, provide opportunities for protecting the interests of all the stakeholders, including the citizens, national and county governments, through good record keeping practices. Also ensure county government competent and qualified records management personnel as per the scheme of service for record

management officers; adequate and appropriate records storage facilities that include both physical storage as well as equipment. The county integrated development plan and county records management policies. Minimum Service Standards (MSS) emerged, ensuring that there was a budget for records management by the county government, transition to devolved government act 2012 counties lost an opportunity because during the transition period the transitional authority was strong, they will demand for space and equipment such as mobile shelves for records and governors could listen to them and provide the same.

DISCUSSION

Records

This study has attempted to fill the gap established by the extant studies that little seems to have been written about the relationship between devolutionary changes and records closure and transfer. Past studies by Wakeling, Biggs, Lihoma have observed that closure and transfer of records during organizational change is common but is complex. The extant studies by Forde and Rhys-Lewis have identified the various risks encountered in the records closure and transfer of records but emphasis risks of transfer of archives. The archives movement risks were: lack of clarity scope, purpose and roles of the parties involved, failure to understand the requirements of archives being transferred, and absence of technical skills for records migration, resource intensive terms of time, budget and accommodation. This study has identified risks and opportunities experience by transfer of records from the national to sub national units. Such risks include: deciding how to share existing files among agencies in a ministry when devolution happens; lack of adequate storage space for the newly created devolved units; lack of space for records management units to operate independently and having to change the whole range of stationery to reflect the new names of the agencies established due to devolution which is costly. Also, this study unlike extant studies by, Wakeling, Lihoma, Biggs has underscored the place of a criterion on closure and transfer of records. A criterion introduce structures and systems into the transfer process which ensures the retention of records required to meet the county governments' needs for good governance, accountability, research. The key features of such criteria are: records shall be transferred on written request by a county government and confirmation of readiness capacity to manage records by a county must exist which shall include: the availability of competent and qualified records management personnel as per the scheme of service for record management officers. In addition, adequate and appropriate records storage facilities should be available that includes both physical storage as well as equipment [19,20].

Records systems

The significant finding of this study is that record management systems are crucial in achieving the goals of devolution of records management which is bring services closer to the people. That there are different records systems which can be used to support devolution of records management depending on the size of the devolved units established. Success in devolution of records management depend on the clarity and simplicity of the records systems, the ability of the

implementing staff to interact with higher level authorities, and the degree to which components of the DORM programs are integrated. Past study by Bank confirmed this study finding that records systems were increasingly being recognized as a key factor in DORM. However, the records systems currently be used have been structured to support centralized government. This study unlike the past studies has emphasized the need for sub records systems to manage the capture, classification, maintenance and disposal of records and to provide access to them and to ensure that they remain accessible in future. This was: ii) absence of standards records management units' iii), absence of records center, absence county archives and archival infrastructure IV) lack of appropriate records retention and disposal schedules and v) information systems not dedicated to records management. The implication on this finding is that sound records management system should be in place as a pre-condition for devolution of records management to sub national units and are reviewed and improved regularly as devolution programme evolve

Records management infrastructure

The other crucial finding of the study is that devolution of records management provides a country a chance to establish records management infrastructure at different levels of government. Florestal and Cooper Affirmed this study finding by suggesting that a records management infrastructure provide a chance for a country to realize the objective of devolution to improve the efficiency and equity in delivery of records management services by transferring responsibility to local authorities. This study finding also concurs with past studies by [21] Kemoni which postulated that devolution of records management provides an opportunity for Kenya to address perennial records management problems. Identified the various challenges of Kenya's centralized records management approach. This is that the regional archive does not have the requisite autonomy for effective decision making in the care of local government records. This is because the regional archives operate as extensions of the KNADS. Also, the regional archives are not availed of adequate financial and human resources which are commensurate with their growing responsibilities in records management. As a result the Kenyan records creators at the local governments are faced with diverse problems on a recurring basis. These problems are: lack of comprehensive and efficient file classifications systems, inadequate filing equipment for records, insufficient records storage space, lack of training for personnel working in registries, and inadequate knowledge of records disposition procedure.

The current study unlike previous studies by Kemoni has identified strengths and weakness of existing records management infrastructure in supporting devolution of records management and goes further to make recommendations on which section of the records management infrastructure could be amended. Accordingly a model constitution supportive of devolution of records management should devolve Archives as functional area of exclusive legislative competence of the county governments. The fourth schedule of the constitution of Kenya 2010 on the list of functional areas of exclusive county government legislative competence should be amended to include archives other than the Kenya national archives and documentation serviced the constitution of Kenya required the

government to enact the transition to devolved county government act no 1 of 2012 of the laws of Kenya to provide a legal framework for transfer of functions to county governments. Though the act is explicit on devolution of functions to CGs devolution of records management function is less explicit. The 2010 act only states that the transition authority of Kenya should a develop a mechanism on the closure and transfer of public records and information.

In line with the transition to devolved county government act no 1 of 2012 in 2016, Kenya developed and issued regulations on closure and transfer of records. The purpose of these regulations is to provide for an operational mechanism for closure and transfer of public records and information. The specific objectives of the regulations are to ensure the capturing of complete, accurate and useable records; to ensure the records created, maintained and preserved remain useful and secure at all times; protecting the interests of all the stakeholders, through good record keeping practices and the closure and appraisal of public records and information. A review of the Kenya Gazette supplement No. 29 of 11th March, 2016 reveals that after the transition period, Kenya national archives and documentation service was required to continue taking a central role in guiding implementation of the 2016 regulations in partnership with relevant institutions mandated by law. However other key factor in the success of DORM such as funds, staff and facilities has scantly been addressed in the 2016 regulations.

CONCLUSION

The study was about devolution of records management to the county governments in Kenya. Devolution of records management presents various opportunities such as potential of improving the care of local records by the county governments. Counties care for their records through enactment of records management infrastructure and allocation of resources necessary for operation of devolution of records management programme. Devolution of records management to the county government in Kenya has experienced some success and drawbacks. In terms of achievements, the transition to devolved government (mechanisms for closure and transfer of public records and information) regulations, 2016 has been formulated to facilitate the closure and transfer of records previously held by the defunct local authorities, former provincial administration an and national government ministries to county governments. In spite of this success, much work to full devolution of records management still remains. This study concludes that inadequate records systems originally structured to meet information needs of a central government were imposed on the county governments without regard to the business and records management requirements of the devolved units. In addition, this study concludes that the major undoing to devolution of records management is the weakness in the existing records management infrastructure and inadequate resources allocated to the national archives and records management services which limits the archives service's capacity to advice, set standards and oversee devolution of records management programme county government wide.

It is also concluded that the study confirmed the assumption that development of a framework according to some well-defined specifications will lead to the realization of effective devolution of records management to county governments in western Kenya

Recommendations of the study

- There is need for the intergovernmental technical relations committee with stakeholders including the Kenya national archives and documentation service to retain records of devolved functions required by either the county or the national government to implement devolution by developing and enforcing a criteria to guide the exercise of transfer of records of devolved functions to county governments as devolution programme in Kenya evolve.

- The county head of records management unities and should use opportunities presented by devolution of functions to counties develop appropriate records systems and subsystems needed to manage the capture, classification, maintenance and disposal of records, to provide access to them and ensure that they remain accessible in future.

- The Kenya national archives should make use of the on-going process of devolution to improve the care of local records by making an inventory of inadequate records management infrastructure and request parliament and counties assemblies legislate or modify the gaps in the law governing devolution of records management. Specifically, the national archives working with stakeholders should amend the constitution of Kenya of 2010 with the aims of constitutionally devolving the archives other than Kenya national archives to county governments. Thereafter the National Assembly should amend the Public Archives act cap 19 and each of the forty seven county assemblies should enact a records and archives legislation modeled after the revised public archives act but with relevant application to each county.

- The amended public archives cap 19 laws of Kenya and enacted county government archives acts should mandate the Kenya national archives and the county archives establish standards, provide guidance and assist sub national units in undertaking their records management responsibilities. The role of the Kenya national archives and county government archives and records service are to: advice the county governments on creation and maintenance of current and semi current records, approval records retention and disposal schedules, grant permission for disposal of valueless records, approve electronic records management systems to be used by county government.

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