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Ethical issues: a cases study of secondary school leaders in Kenya

Abstract

Over recent years secondary school leaders in Kenya have been bedeviled by ethical challenges. These challenges emanate from the governance structure of the education system and changes in the socio-cultural environment as well as change in the political environment. The outcomes include school leaders being faced with the necessity of having to take increased decision making responsibilities with the expectation that they will engage in the resolution of conflicting stakeholder interests. Such competing interests are almost invariably based on differing personal, community and organizational values. Using a social constructivist theoretical framework for analysis and interpretation and drawing on both Eurocentric and Afrocentric paradigms, this case study undertaken in one province of Kenya with 40 participants, highlights some of the ethical issues faced and the ways in which school leaders respond to them.

Key words: *ethical issues, ethical dilemmas, ethical governance.*

This paper examines the ethical dimension of public administration – an aspect that has often been neglected in comparison with legal, political, technical, and financial aspects.¹ It highlights the paradoxes and complexities public secondary school leaders in Kenya encounter in their day-to-day work environments, which have the potential to result in value conflicts - and thus make ethical governance in the secondary education sub sector difficult. Preliminary findings indicate that many of the ethical issues encountered by secondary school leaders are associated with complexities resulting from Eurocentric approaches to educational development in Kenya often being incorporated without due consideration to contextual factors. The subject matter of this paper is a part of my PhD thesis.

In recent years, global concern with good governance in public institutions has resulted in a growing interest in moral leadership – and, in particular, the ethics of school management. Educational leadership has become more complicated, and moral and ethical problems more difficult.² Leaders in schools handle more tasks today than they did before.³ According to Samad and Noor, such leaders are under more “pressure to deal with the everyday realities of schooling, including accountability, fiscal constraints and drugs, dealing with irate parents, bullying, sexual harassment, discrimination, verbal assaults and sabotage”⁴ Public sector reforms impacting on schools in Kenya, include those associated with the adoption of the New Public Management approach (NPM). This according, to Kolthoff, Huberts and van den

¹ See Kenneth, Kernaghan “Promoting Public service the Codification Option”, in R.A. Chapman eds. *Ethics in Public Service* (Edinburgh: Edinburgh University Press, 1993), 15-30.

² See Spencer, Maxcy, *Ethical School Leadership*. (Lanham, MD: Scare Crow Press, 2002).

³ Katarina. Norberg and Olof, Johansson, “Ethical dilemmas of Swedish School Leaders: contrasts and common themes,” *Educational Administration and Leadership* 35 (2007): 277-294.

⁴ Rahmad, Samad and Mariam, Noor, “Do School Leaders need Moral Leadership to create Effective Schools.” *Masalah Pendidikan* 30(2), (2007): 145.

Heuvel, is characterised by decentralisation, performance measurement and managerialism aimed at replacing the traditional public administration with a new public management approach.⁵ Dempster and Mahoney, citing Boylett and Finlay, note that when policy parameters dictate a particular course of action irrespective of context this adds to the complexity of the climate in which decision-making occurs at the school level.⁶ Thus, according to Boylett and Finlay, new conditions are created under which school leaders must exercise their leadership – often placing them in increasingly difficult positions.

A few studies in Africa indicate that changes in the social and economic environment of the school have extended the work undertaken by school leaders in Africa to include the management of social issues such as poverty, HIV/Aids, and others that affect learning – but with only meagre resources.⁷ Other studies show that school leaders deal with teacher absenteeism, laziness, teacher discipline, drunkenness, teacher conduct with colleagues and students, incitement of students against authority, and misuse of school property.⁸ Leaders sometimes withhold student certificates for non-payment of school dues. They have to deal with delays in remission of funds from the government, with dignitaries and political leadership, with student discipline matters, with scarce resources, and with issues of non-payment of school fees.⁹ These issues are evidently sources of ethical challenges for African and specifically Kenyan school leaders; however their elaboration does not necessarily bring out underlying ethical, value or moral conflicts.

The next section of the paper gives a brief outline of the study context and an elaboration of the problem under investigation. Subsequent sections outline the study methodology and describe the perception school leaders have of the contextual issues and challenges impacting on their ethical performance as school leaders in Kenya. Finally, a key implication of the study is identified in the Conclusion.

Rationale and background of the study

Kenya, like other postcolonial states in Africa, inherited an education system, which Mungwini describes as “Eurocentric in its cultural content and orientation” and influenced by

⁵Emile, Kolthoff, Leo, Huberts and Hans, Van den Heuvel (2007). The Ethics of New Public Management: Is integrity at stake? *Public Administration Quarterly* 30 (4): 399- 439.

⁶ See Neil, Dempster and Pat, Mahoney, “Ethical challenges in School leadership” in John, MacBeath eds, *Effective School Leadership: Responding to Change* (London: Chapman, 1998), 128.

⁷ Tony, Bush and George, Oduro, “New principals in Africa: preparation Induction and practice,” *Journal of Educational Administration* 44: 4 (2006): 359-375.

⁸ See Ozigi,1984 in Clive, Harber and Lynn, Davies, *School Management and Effectiveness in Developing Countries*. (London: Cassel, 1998), 54.

⁹ Harber & Davies,1998, 62

developments associated with modernity.¹⁰ Her educational system and processes continue to be developed and managed by elites who believe that western conceptualizations of knowledge are the only source with a “potential for economic development and a way forward to industrialization and economic progress.”¹¹ She explains that the adoption of a nationalistic approach to solving economic problems rather than local and communal level approaches has meant that little prominence is given to indigenous knowledge, practices and innovations as a measure for addressing the needs of learners and communities. Owuor confirms that the assimilation of indigenous knowledge in the curriculum is the result of the recommendations of the first (1964) commission report Republic of Kenya,¹² which proposed that education planning should draw from the best of African perspectives, its incorporation into the approaches for leadership and management in schools is lacking.

Some of the foreign ideologies adopted by the government are the Structural Adjustment Programs (SAPs), an ambitious public sector reform developed in the 1980s and which the World Bank and the International Monetary Fund (IMF) prescribed. This policy reform is associated with the New Public Management (NPM) framework and it has had an impact on the education sector as well as school leadership task.¹³ Others include the Poverty Reduction Strategy Paper (PRSP), a condition tied to a host country receiving debt relief through the Heavily Indebted Poor Countries (HIPC) initiative.¹⁴ The adoption of the SAPs in the 1980s and 1990s led to a slump in the economy leading to increased poverty, unemployment, increased domestic and foreign debt and decline in the quality of life.¹⁵

The Ministry of Planning and National Development, [MPND], explains that the Economic Recovery Strategy (ERS) was developed as a blue print to guide the development of economic policies in Kenya following the failure of the SAPs when little attention was given to economic governance. The ERS resulted in the implementation of bold structural reforms and enactment of legislation directed at fighting corruption, as a result public ethics measures were introduced to curb malpractice and to provide direction to public institutions - including schools, and thus Ancillary statutes namely the Anti-corruption and Economic Crimes Act (2003), the Public

¹⁰ Pascah, Mungwini (2011) “The Challenges of Revitalizing an Indigenous and Afrocentric Moral theory in Postcolonial Education in Zimbabwe,” *Educational Philosophy and Theory* 43: 7 (2011): 774.

¹¹ Jenipher, Owuor, “Integrating African indigenous Knowledge in Kenya’s formal Education system: the potential for sustainable development,” *Journal of contemporary Issues in Education* 2:2 (2007): 21-37.

¹² Owuor, 29.

¹³ Joseph, Rono, “The Impact of the structural adjustment programs on Kenyan society,” *Journal of Social development in Africa* 17:1 (2002).

¹⁴ Godfrey, Bahiigwa, “Assessment of Poverty Reduction strategies in Sub-Saharan African a case of Uganda,” 2006.) www.ossrea.net (Accessed October 20th, 2011)

¹⁵ Ministry of Planning and National Development, *Economic Recovery Strategy for Wealth and Employment Creation*. (Nairobi: Ministry of Planning and National Development, 2003).

Officers Ethics Act (2003) and the Public Procurement and Disposal Act (2003) accompanied by the revision of Codes of Conduct were instituted.¹⁶

Similarly the sessional paper no.1 of 2005, a policy framework established after the review of the education sector in 2003 was set up to direct the conduct and practice of education through identified policies and strategies meant to address the challenges facing the sector.¹⁷ The Kenya Education Sector Support Program (KESSP) oversaw its implementation currently in its second phase 2011-2015 using a sector wide approach, as developed with World Bank technical support and advice.¹⁸ Through KESSP, fiscal decentralization and decision-making was transferred to the districts and to education institutions giving school leaders more decision making power. Schools have thus been able to manage funds for the implementation of free primary and day secondary education as well as other developments at the school level.¹⁹

The vision 2030, a development blueprint was later established in 2007.²⁰ Within it are sectoral reform programs earmarked for the attainment of key global strategies: the Millennium Development Goals (MDGs) and Education For All (EFA) by 2015. This blue print seeks to transform Kenya into an industrialized country capable of providing quality life to her citizens by the year 2030. Because education is regarded as important for social and economic development, the biggest concern is the expansion of access through the implementation of the free primary and day secondary education policies.²¹

The secondary education sub sector on which the study is concentrated consists of both public and private schools and is crucial because it forms the critical base from which manpower is generated for national development and for participation in the global economy.²² Public schools are categorized as national, provincial and district schools. Governance in the sub sector is highly centralized. High-level decisions for schools are made at the Ministry of Education and the Teachers' Service Commission and subsidiary ones at provincial, district, and zonal levels.²³ The Ministry provides the regulatory framework through

¹⁶ Republic of Kenya, Public Service Code of Conduct. (Nairobi: Government Printer, 2006)

¹⁷ Ministry of Education, The Kenya Education Sector Support Program (Nairobi: Ministry of Education, 2005).

¹⁸ Ministry of Education, National Report of Kenya. *Paper presented at the International Conference of Education, Geneva, November 2008*, (Nairobi: Ministry of Education, 2008).

¹⁹ Ministry of Education, 2005, p. xv, xxvi.

²⁰ International Monetary Fund, Kenya: Poverty Reduction Strategy Paper no. 10/224 (2010). www.imf.org. (accessed October 23,2011).

²¹ Leah, Keriga and Abdalla, Bujra, *Social Policy Development and Governance in Kenya*, (Nairobi: Development policy management Forum, 2009).

²² George, Saitoti, Current status of Secondary Education, Kenya. Paper presented at the 3rd conference on secondary education in Accra, Ghana. April 2007. www.worldbank.org. (Accessed January 18, 2010).

²³ Ministry of Education, *Taskforce on Affordable Secondary Education*. (Nairobi: Ministry of Education, 2007).

policies and guidelines mobilizes resources for the education sector and coordinates human capital development through education and training and audit of resource utility.²⁴ Provincial and district administrations are charged with monitoring and evaluation of programs, and capacity building roles, while at the school level leadership and management is undertaken by three important bodies: the school Board of Governors [BOGs], the Parent Teachers Associations [PTAs], and the school administration which comprises of the school principal and deputy, heads of department, and the school bursar. These bodies are expected to work harmoniously towards a common objective.

The problem

From the aforementioned it can be assumed that the initiatives including the establishment of laws to direct the moral and ethical conduct of leaders in secondary school are practical and well adapted within the public sector and in schools. Empirical and theoretical literature however demonstrates that reforms can result in clashes with school leaders' personal and professional values. For instance Cranston, Ehrich and Kimber found that restructuring of the public sector in Australia resulted in a complex milieu, rife with ethical problems because public managers had to confront conflicting demands as they struggled to meet their needs and obligations to the organization, community and government.²⁵ Indeed, ethical lapses in education associated with the change in policy direction and leadership task were confirmed in Kenya in a report by Transparency International.²⁶ There is evidence that reforms emanating from the adoption of the NPM practices and others can result in public service leadership and management having to deal with a "multitude of competing obligations and interests."²⁷ No documented evidence highlighting the experiences of school leaders in African contexts specifically Kenya, in implementing policy initiatives as well and how they negotiate between social norms and personal values, morals, laws, ethics, policy when they perform their moral leadership task was found. Moreover the importance and meaning attached to these domains in these contexts remain unexplored.

Whereas the Transparency International (2010) study sought to identify the effectiveness of the integrity mechanisms,²⁸ it did not explore the experiences of school leaders in implementing public sector reforms as well as the ethical implications in the way this study was undertaken.

²⁴ Ministry of Education. National Report of Kenya. International Conference of Education. Geneva, 2008

²⁵ Neil Cranston et al., *Right Versus Wrong and Right versus Right: Understanding Ethical Dilemmas faced by Educational leaders*. (Melbourne, Australian Association for Research in Education, 2004).

²⁶ Transparency International, *The Kenya Education Sector Integrity Study Report 2010* (Nairobi: Transparency International, 2010)

²⁷ Terry, Cooper, *The Responsible Administrator: An approach to Ethics for Administrative role*. (San Francisco: Jossey Bass, 1998), 244.]

²⁸ Transparency International, iv

This inquiry specifically sought to identify the myriad issues encountered by public secondary school leaders with the intention of providing an agenda for discussion and revision by policy makers in Kenya concerning ethical governance issues. It also aimed at contributing to theoretical knowledge and international debates by providing an understanding of school ethical governance in a non-Western context. To achieve this, a number of questions were asked; however this paper focuses on participant's response to one question: What key ethical issues do school principals and BOGs, HODs, school bursars, and key stakeholders identify in their leadership task?

METHODOLOGY

A social constructivist theoretical framework was used to undertake the study because it allowed as indicated by Patton for exploration of the "multiple realities constructed by people and the implications of those constructions for their lives and of others."²⁹ An ethical approval was sought from the Victoria University of Wellington Human Ethics Committee (HEC) and the National Council for Science and Technology, Kenya before undertaking the research. A single case study approach over five sites in Nyanza province of Kenya and qualitative methods, mainly face to face individual and focus group interviews and documentary reviews, was used to in this study. Data was collected for three months with 44 consenting participants identified through purposive sampling namely: school principals, Board members, Heads of department, school bursars and parents representing stakeholders affected by leaders' decisions.

Following an initial focus group discussion with provincial school principal's, four principals consented to having their schools participate in further discussion. Subsequent to this, contacts were made with the other participants for each of the schools. A fifth school, with unique characteristics, was identified through snowballing. The support of an advisory group consisting of education officials helped ensure potential legal and ethical issues did not overlap in the study. The participating schools included a mix of provincial girls and boys' day schools located in different geographical settings, urban and rural. One of the schools was a district day mixed school located in an informal settlement.

FINDINGS

The data presented in this paper are the results of a thematic analysis process undertaken following transcription and coding of participants responses using the NVIVO 8 program. They represent the contextual challenges hindering ethical performance of leaders viewed from both a Eurocentric and Afrocentric lens because the study context portrays both perspectives. These challenges have a potential for creating conflicts about what is considered morally right as defined by the culture, law and policy, on how education should be conducted. For the purposes of this paper they are broadly categorized as follows:

²⁹ Michael, Patton, *Qualitative Research and Evaluation Methods*, (London: Sage, 2002), 96.

Limitations of policy

Most of the participants said that their ethical performance was constrained by policies that were unclear, or unworkable and sometimes conflicted with one another.

- E.g., whereas the law required parents to take responsibility for the education service provided in school, the MOE policy required that students be allowed in school regardless of whether school fees had been paid
- Participants reported that some policy directives did not take into account the state of the school including its financial position and the socio-cultural aspects of the community (E.g., the policy requiring that school workers be paid civil servants rates failed to take cognizance of the schools ability to pay). Similarly the failure of the policy reform transferring the responsibility for the management of school workers to schools to provide a uniform structure for this had resulted in ad hoc management of workers;
- The teachers' disciplinary policy was also found to pose ethical challenges because: it took too long to deal with errant teachers. In some instances, the outcomes failed to take cognizance of the loss of student learning time. The policy failed to provide a clear direction about an often-encountered issue surrounding teachers with a perpetual drinking problem.

Unclear leadership roles

A number of participants noted that lack of clearly defined roles was a hindrance to their ethical performance in schools often resulting in injustice, demoralization or even conflict. For instance:

- The bursars noted that even though their role was to manage school finances, this was not clearly understood by the school principals who believed that they had to take complete charge of everything including finances. As a result there was inadequate internal control within the school finance system, which gave rise to ethical problems.
- Similarly the BOG members noted that even though they were expected to oversee the financial management of the school, they did not have access to financial records and could not effectively monitor the use of funds.
- Some participants were concerned that appointments to leadership positions made internally by school leaders were sometimes hardly recognized after the expiry of the mandatory period for confirmation by the Teachers Service commission (TSC).

Inadequate resources

Most of the participants mentioned that inadequate resources in schools were a source of ethical problem because it meant that leaders were under a lot of pressure to meet the demands of the school:

- For instance, financial deficit and accumulating debt was a major issue reflected in the financial accounts for all schools. The participants identified the problem as originating

from the abrupt withdrawal of government funding for secondary schools in the 80s following the adoption of the SAPS.

- Participants concurred that the allocation of funds to schools for the FSE program were both delayed and insufficient; moreover the school fee guidelines were not revised to reflect changes in a cost of living index.
- Most of the participants reported that they had to contend with shortage of both teaching and non-teaching staff in the school. Ethical dilemmas then rose because they had to weigh between taking action against errant teachers and the possible drastic effects on students due staff shortage. A similar situation was encountered with the school workers who were forced to work longer hours without adequate free time.

Challenging values & competing priorities

All the participants reported encountering ethical problems when interacting with people whose values could be interpreted as unethical but which could also mean that they had different priorities.

- For instance bursars had a challenge working with school principals who did not value fiscal accountability or when a school principal discovered that officials from the employers office (TSC and the MOE) were ready to assist an errant teacher escape disciplinary action or similarly an encounter with a district school auditor who demanded for bribes instead of providing direction on the school accounting and financial management process.
- Others reported instances where leaders were seen to promote their own interests: for e.g. when the school board members sought for favors such as tenders to supply goods, or when school principals did not account for the funds they got from the school.
- Participants mentioned that dealing with people who did not value professionalism was challenge e.g. when participants met school principals demonstrating high handedness in handling students with discipline problems or when school principals encountered teachers who denied poor performing students a chance to select subjects of their choice.
- Similarly participants' reported that it was challenging to deal with parents who failed to demonstrate care for their children and for their performance, or did not pay for services provided by the school or chose to rent houses for their children instead of living with them.
- Ethical challenges also arose when sponsors of needy students failed to show their commitment to provide for needy students or when some chose to take advantage of students for their own motives.

Perceived threats

Most of the participants mentioned that threats were a hindrance to their ethical performance for instance:

- School bursars reported that because the structural system did not empower them nor support them they were unable to pinpoint ethical malpractice because the structural system did not empower them adequately to do so.
- Most of the participants expressed that failure of the community to see the school as distinct from the community meant that they believed that the school resources belonged to them and this resulted in conflicts between meeting obligations to the school and the interests of the wider community.
- Most of participants reported experiencing pressure when politicians made interfered with their leadership task. These leaders also interfered with the Education Ministry plans, and had disregard for recommendations of the District Education Board, allocated Constituency development funds to schools based on political affiliation, and withdraw development funds from schools that did not support their political ideals. As a result of this leaders were likely to find themselves torn between adhering to political interests and meeting the demands of policy and law.

Accountability issues

The participant's recounted ethical challenges associated with the expectation that teachers and school leaders were answerable to education officials for high academic achievements and outcomes:

- This requirement led to an exam-oriented approach, which placed excessive demands on learners, leaders and teachers. e.g., Students were made to work under strenuous conditions with overcrowded learning programs for more hours than approved by policy standards. In some cases, participants reported that weak students were denied entry into some subjects for fear of poor examination results for the overall mean grade.
- Participants revealed that unreasonable demands were made on teachers, including being made to work beyond the approved working hours, scrutiny by non-professionals such as the Board and even PTA members, and being blamed indiscriminately for the poor examination performance of students without consideration of underlying factors related to performance. School leaders were likely to face the challenge of choosing between satisfying this requirement and outcomes considered beneficial for the student and the school.
- Most of the participants reported that inadequate supervision and evaluation of the quality of outcomes government policies posed an ethical challenge because of its negative impact on the quality of services provided in schools.

Societal issues

All participants recounted diverse socio-cultural issues that presented ethical problems and impacted on the schooling process. These include:

- Frequent encounters with health related matters affecting staff and students. They confirmed that dealing with delicate matters such as prolonged teacher absenteeism due to illness, as well as the psychological effects associated with it was ethically challenging.
- They all confirmed that poverty matters were a source of ethical challenges. For instance one of the participants reported that half of the student population in the school were orphaned and some of them headed households
- Participants also mentioned that they encountered ethically problematic situations when the media or the adults celebrated negative values, contradicting the ethos and values of the school. For e.g., one participant explained that dissuading students against drug abuse was challenging when adults thrived on it and used the proceeds to pay school fees.

Culture related issues

Some of the potential ethical problems emerged due to a clash between the laws and even policies with some of the leader's values for instance:

- Some participants reported that ethical problems arose from differences in cultural values, norms, expectations and beliefs. For instance they expressed difficulty in implementing the free day secondary education policy because it allowed the re-entry of adults in classrooms normally occupied by young students. Leaders found it difficult to pass key moral values to the youth, as the adults involved were not always good role models. This problematic situation seemed to have been culturally derived because; in terms of traditional culture, adults had a distinct role and were expected to be good role models for children.
- Most of the participants were uncomfortable with the policy requirement allowing the re-entry of girls to school following pregnancy because it often conflicted with leader's cultural values and beliefs. The low status and blame culturally accorded to victims of pregnancy outside wedlock in the cultural context meant that it was difficult to implement. Moreover the policy was seen to have a negative effect on the overall perception and conduct, of students, teachers – including the overall efforts of schools to control unwanted student pregnancy.

CONCLUSION

These findings illustrate the complexity of ethical thinking and ethical leadership. It demonstrates that leaders in Kenya face an endless complex interaction between the contexts and their own deeply held personal values and beliefs as well as the expectations and directives of policy, which pose a challenge for their ethical leadership role. The demands of policy are linked to the Eurocentric approaches that fail to take into account the contextual factors including the recognition of the African ways of managing ethics, while others are linked to economic hardships and its resultant effects on health and the well being of the

society. This conflict resonates with the on going debates in ethics involving universalism as represented by adherence to policy and law often associated with Eurocentric's and particularism which requires that contextual factors or particularities of an issue be taken into account when deliberating upon an ethical matters (Dancy, 2009).³⁰ My conclusion leans towards the particularism as an approach and suggests that an assessment of the impact of the Eurocentric ideologies on non-western contexts is necessary to ascertain their compatibility and especially to minimize the potential ethical problematic situations that emerge from their adaptation. These seem to suggest that contextual factors including cultural knowledge and approach influence ethical governance for leaders of secondary schools in Kenya.

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³⁰ See Jonathan,.Dancy, Moral Particularism. Standford Encyclopedia of Philosophy, www.stanford.edu (accessed October 30,2011)

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