

INSIDE THESE PAGES

The role of a certified secretary was previously viewed as that of an administrative and clerical “minute taker”. Today, however, these professionals are viewed as individuals pivotal to the implementation of effective governance practices within an organization and are the vital conduit between boards and enterprises. Certified secretaries are an essential sounding board for board chairpersons as they not only recommend how to ensure that sound governance practices are embedded in the organizational culture, but also navigate the dynamics of evolving corporate practices.

This publication jointly commissioned by the Institute of Certified Secretaries (ICS) and Registered Certified Public Secretaries Board (RCPSB) and actuated by the eminent CS Dr Kenneth Wyne Mutuma, seeks to throw light on previously undocumented criteria affecting the modern-day CS profession in the country. In this way, the ICS strengthens its mandate to inform policy, support, strengthen and encourage delivery of innovative and efficient services not only to its members, but also to the public. Through in-depth research, candid and timely analysis, meticulously carried out by Dr Mutuma, the study culminates in the proposal of key recommendations to achieve greater relevance and sustainability for the CS profession in Kenya. This insight springs directly from the viewpoint of practitioners, regulators and users and being a first of its kind, will most certainly form a basis for future research in this area.

The Institute of Certified Public Secretaries of Kenya (ICS)

The ICS is a Professional Body created under Chapter 534 of the Laws of Kenya. It promotes the practice of good governance in both the public and private sectors including through the development of the profession of corporate secretaries. The Corporate Secretarial profession plays a critical role in promoting the practice of good governance. This publication has been enabled through the partnership of the Institute and the Registration of Certified Secretaries Board.

Registration of Certified Public Secretaries Board (RCPSB)

The mandate of the Board is to register qualified secretaries and issue practicing certificates to those registered secretaries who are eligible to offer services to the public as Certified Secretaries.

The Researcher

Dr. Kenneth Wyne Mutuma is a Certified Secretary, Governance Auditor and Chartered Arbitrator. He holds several academic qualifications including a PhD and Masters from the University of Cape Town and an undergraduate law degree from the University of Liverpool. As a governance practitioner he remains actively engaged as a trainer and consultant of corporations within the public, private and non-profit sector.

THE STATE OF THE CS PROFESSION IN KENYA



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This Research was commissioned and undertaken for the Institute of Certified Secretaries (ICS) and Registration of Certified Public Secretaries Board (RCPSB) by CS Dr. Kenneth Wyne Mutuma

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Foreword

In furthering our mandate of promoting good governance, ICS puts central focus on Research and Publication that serves to inform policy, support, strengthen, and encourage delivery of innovative, and efficient services not only to members, but also to the public.

Over the years, Research has formed part of our strategic objectives. Through rigorous research, the Institute has developed several products including: Newspaper Articles, Peer Reviewed Governance Journal, Case Studies, Codes of Governance, Governance Researcher of the Year Awards, establishment of Governance Academy and collaboration with other partners in doing industry-specific research among others.

The Institute has signed Mutual Agreements and MOUs with its key stakeholders with the main aim of harnessing and collaborating in the area of research. These partnerships and collaborations have borne fruit, and placed ICS on the map, with the Peer Reviewed Governance Journal, which has global reach, ongoing Research on State of Implementation of *Mwongozo* done in collaboration with University of Essex and most importantly Research on the State of CS Profession in Kenya done in collaboration with RCPSB which this publication focuses on.

The Corporate Secretaries play a significant role in the governance of institutions thus ensuring institutional productivity and sustainability. The number of CS professionals working in private sector is a major factor towards promotion of good corporate governance. Getting a better understanding through empirical research on the state of CS profession is

therefore of great importance if good governance is to be achieved. The aim of carrying out this research is to assess the state of the CS profession in Kenya and therefore inform policy by creating a better understanding of the role of CS and what needs to be done to increase the demand of the profession.

This research has been conducted as a joint initiative of RCPSB and ICS. We extend our appreciation to RCPSB for funding this research project and our partner, KASNEB, for their invaluable support.

The Institute appreciates CS Dr. Wyne Mutuma, the Researcher for meticulously handling this assignment and ensuring quality work was done. This work would not have been done without the input of the Council and Secretariat who provided the necessary support. Special thanks to the immediate former CEO, CS Obare Nyaega, for conceptualizing this project and ensuring its partial implementation.

Lastly, appreciation also goes to ICS Members, Stakeholders and Respondents for their contributions.

It is our hope that this publication will enrich your knowledge and give greater insights on the State of the CS Profession in Kenya, and the way forward in defining the future CS Profession.

**FCS JEREMIAH N. KARANJA,
CHIEF EXECUTIVE OFFICER**

Acronyms and Abbreviations

APSEA	Association of Professional Societies in East Africa
ASS	Advocates Association of Sarawak
CCM	Company Commission of Malaysia
CCMA	Companies Commission of Malaysia Act
CIArb (K)	Chartered Institute of Arbitrators (Kenya Branch)
CGI	Chartered Governance Institute
CGQP	Chartered Governance Qualifying Program
CLE	Council for Legal Education
CPA	Certified Public Accountant
CPD	Continuing Professional Development
CPE	Continuing Professional Education
CPS	Certified Public Secretaries
CS	Certified Secretary
CSIA	Corporate Secretaries International Association
ESG	Environmental, Social, and Corporate Governance
GDPR	General Data Protection Regulations
HELB	Higher Education Loans Board
ICS	Institute of Certified Secretaries
ICSA	Institute of Chartered Secretaries and Administrators
ICSI	Institute of Company Secretaries of India

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ICPAK	Institute of Certified Public Accountants of Kenya
IFAC	International Federation of Accountants
IFC	International Finance Corporation
IGSA	Institute of Chartered Secretaries and Administrators
JKF	Jomo Kenyatta Foundation
JSE	Johannesburg Stock Exchange
KACE	Kenya Advanced Certificate of Education
KASNEB	Kenya Accountants and Secretaries National Examinations Board
KCE	Kenya Certificate of Education
KEWI	Kenya Water Institute
KISM	Kenya Institute of Supplies Management
KMP	Key Managerial Personnel
KNEC	Kenya National Examinations Council
KNQA	Kenya National Qualifications Authority
KPIs	Key Performance Indicators
KSG	Kenya School of Government
KSL	Kenya School of Law
KUCCPS	Kenya University and Colleges Central Placement Service
LSK	Law Society of Kenya
MACS	Malaysian Association of Company Secretaries
MAICSA	Malaysian Institute of Chartered Secretaries and Administrators
MIA	Malaysian Institute of Accountants
MICPA	Malaysian Institute of Certified Public Accountants
NEMA	National Environmental Management Authority
NHS	National Health Service
PPDA	Public Procurement and Asset Disposal Act
RCPSB	Registered Certified Public Secretaries Board
RPL	Recognised Prior Learning

SCAC	State Corporations Advisory Committee
SDGs	Sustainable Development Goals
SLA	Sabah Law Association
SME	Small and Medium Enterprise
SSP	Secretarial Standards Board
TVETA	Technical and Vocational Education and Training Authority
UK	United Kingdom
UNODC	United Nations Office on Drugs and Crime

“... as key governance professionals, certified secretaries are the conduit between boards and organisations.”

CHAPTER ONE

INTRODUCTION

As the dynamics of corporate governance evolve and progress, so does the role of a certified secretary (CS) who is tasked with implementing governance. Notably, the role of a certified secretary was previously viewed as largely administrative and clerical and often times exclusively within a company setting. Today however, thanks to the robust development and expansion of the profession, certified secretaries are viewed as individuals who are pivotal in the implementation of effective governance practices within an organisation and the development of highly effective and functional boards. Indeed, presently, chairpersons of boards look to certified secretaries not only for advice on compliance but also for recommendations on how to ensure that sound governance practices are embedded in the organisational culture. Ultimately, as key governance professionals, certified secretaries are the conduit between boards and organisations. Emphatically, within any organisation, governance is not an exercise that should merely be delegated, but one that should be owned by all board members and buttressed by the certified secretary.

In Kenya, like everywhere else in the world, the role of the CS has gained more prominence over time. As such, there are various tenets affecting the modern-day CS profession in Kenya that have not previously been documented. Fundamentally, it is paramount to assess the current state of

the profession within the country. It is as a result, that the Institute of Certified Secretaries (ICS) in collaboration with the Registration of Certified Public Secretaries Board (RCPSB) has deemed it fit to conduct research on the state of the CS profession in Kenya to collect information that will assist in the promotion and fostering of good governance in Kenya.

To achieve this goal, the study adopted a research plan under three broad themes namely: access; quality assurance and awareness/acceptance, employing both quantitative and qualitative empirical data to tease out relevant information on the state of the profession. The study reviewed relevant literature pertaining to the CS profession including a comparative study of like professions as well as the profession in varied jurisdictions. Furthermore, the study engaged in primary research as further explained below (see part two on Approach and Methodology). The outcome is an analysis of the current state of the CS profession in Kenya drawn from the experiences of CS practitioners, users of CS services and sector regulators as well as accounts and lessons drawn from comparative professions and jurisdictions. The report thus culminates in the proposal of key thematically oriented recommendations to achieve greater relevance and sustainability for the profession.

The study is arranged in six (6) parts namely:

- Part 1 is an introduction providing an overview, contextual background and objectives of the study.
- Part 2 outlines the approach and methodology employed in undertaking the study.
- Part 3 outlines key aspects of the state of the CS profession in Kenya including a discussion of the key findings of the primary and secondary research.
- Part 4 highlights the outcomes of the comparative study of CS in other selected jurisdictions.

- Part 5 highlights the outcomes of the comparative study of CS vis a vis other selected professions in Kenya.
- Part 6 focuses on the recommendations and conclusion.

Contextual Background

The position of the CS is fast evolving globally and quickly moving beyond the traditional role of “minute taker” into a compliance and governance leader (Hartin et al., 2014). Whelan & Shier (2021) note that by and large the description of what constitutes the role of a certified secretary varies according to a country’s peculiar and specific legal framework and conditions. Notwithstanding, the traditional role of a certified secretary can be summed up as including, [a] ensuring compliance with corporate laws and regulations, [b] maintaining the register of members of a corporate outfit, [c] filing returns e.g., annual returns and certain fundamental changes such as those made concerning share capital and company officials.

Even so, certified secretaries are increasingly not just concerned with compliance but have evolved to become the conscience of the board (CSIA, 2021). The International Finance Corporation (IFC) in 2016, summarised this emerging role as that of a ‘governance professional’ (*The Corporate Secretary*, n.d.). The observed evolution can be attributed to several factors. According to Hodge (2021) the dynamics in the boardroom are changing and as a result, boards are realising that they need technical know-how in the area of governance.

Additionally, Hartin, Dabski & Saffron (2014) posit that certified secretaries remain crucial to the process of board development because they are tasked with the responsibility of assisting with processes like board evaluation, training and induction. Further, certified secretaries act as an important

interface between boards and management. As a result, their role in ensuring that there exists effective communication between all parties including investors cannot be gainsaid. Additionally, due to increased emphasis on the quality of corporate governance reporting as well as pressure for increased transparency, the certified secretary is required to draft the governance section of a company's annual report as well as see to it that the report is available to investors pursuant to regulatory and listing requirements.

To an increasing extent, there is also a new expectation that boards guarantee sustainable governance (Zahid, Rehman & Khan 2019). This can be defined as an organisation's ability to deliver long-term value to investors and society at large ethically, financially, socially, and environmentally. Indeed, several factors are driving board awareness on corporate sustainability. To start with, there is increased knowledge of the opportunities and risks that arise from sustainability trends like climate change and their effect on customer expectations, organisational value and regulatory requirements.

That said, certified secretaries are in an authoritative position to promote sustainability by leveraging their relationships with boards and committee chairs to introduce the topic as an emerging governance trend. Closely related to this is the nexus between climate change and corporate governance. Though climate change is not a new risk, it is only now gaining increased attention from investors, stakeholders and regulators. This has thus provided organisations with an opportunity to rethink and reanalyse the capacity of existing dynamics to address the effect of climate change on organisations with the certified secretary at the fore. To this extent, Whelan & Shier (2021) notes that the role of a CS has evolved to one of stewardship in the climate change agenda with the mandate to educate and advise the board to align their strategic objectives with the global vision specifically relating to climate change, as embodied in the Sustainable Development Goals (SDGs).

Clearly, there is consensus on the evolution that has occurred in the corporate secretarial profession. This global shift has also been witnessed in Kenya with the role of the CS gaining more prominence than it ever has in the history of the profession within the country. This research assignment thus comes at a critical time as it seeks to provide useful fodder on the state of the CS profession in Kenya for the present as well as future policy decision making.

OBJECTIVES

The overall aim of the research is to assess the state of the CS profession in Kenya. It is based on the hypothesis that the profession faces specific challenges and threats, for instance, the unprecedented changes that companies have to contend with in this digital era, vis a vis the competence and agility of corporate secretaries to stay ahead of the curve and quickly take requisite action. It is further based on the hypothesis that the profession equally possesses unique strengths and opportunities at present that can foster sustainability and good corporate governance. Within this overall aim, this research adopts three broad parameters which are: access, quality assurance and awareness/acceptance. These parameters will act as the guiding beacons of this study on the state of the CS profession in Kenya.

ACCESS

This thematic area aims at assessing the level of access that users and practitioners have to the profession. For users, this thematic area seeks to assess the measures that have been put in place to make the CS services obtainable to consumers, their viability and the challenges that the schemes in place face. Some of the questions that will be answered are as follows; (i) how much are in house CSs across different sectors paid? (ii) How much do outsourced CSs charge for their different consultancy services? (iii) Are CSs services affordable in comparison with other professions? (iv) Are CSs' readily available for users looking to procure their services?

From the practitioners' perspective, this thematic area aims at assessing whether the CS profession is accessible to practitioners. Questions herein will include:

- i. Is the profession affordable to prospective practitioners?
- ii. What is the geographical spread of CS training institutions?
- iii. What are the requirements to join the course?
- iv. Is the CS course marketable and is there an awareness of the prospective career opportunities?
- v. This thematic area will conduct a comparative study with similar professions, for example the legal as well as the accounting professions, and the CS practice in other jurisdictions to determine how their level of access compares to that of the CS profession in Kenya.

QUALITY ASSURANCE

This theme seeks to find out what efforts have been taken to ensure that quality is guaranteed in the CS profession. The questions that this theme seeks to answer are as follows:

1. Are the CS qualifications as set out under section 20 of the CPS Act satisfactory or ideal?
2. How can ICS support development of the CS profession across borders?
3. What is the quality of customer service offered by KASNEB, RCPSB and ICS?
4. What is the level of member satisfaction?
5. Do the CS regulatory institutions possess the capacity (both structural and procedural) to support the evolving needs of the profession?

6. How can the Institute enhance professional mentorship?
7. How can the linkages be enhanced between the four main CS regulatory institutions: ICS, RCPSB, KASNEB, and CS training institutions?
8. What are some of the practical strategies that the profession should embrace to adopt a collective intelligence and knowledge management strategy to influence innovation and competitiveness?
9. How can CSs play a more proactive role in the corporate governance process?
10. What are the new possible areas of practice for CSs? (
11. What are the practical ways that the Institute can leverage the competencies and experience of its members to soar to the next level?
12. How should the profession position itself to upgrade from mere service delivery (which is gradually being taken over by technological advancements in this digital age) to more of value addition?
13. How should the profession position itself to take advantage of emerging environmental debates and be part of influencing the environmental governance agenda?

AWARENESS AND ACCEPTANCE

Lack of awareness among the general public and prospective practitioners is one of the main obstacles to the advancement of the CS profession in Kenya. This study therefore seeks to determine what it takes to promote knowledge of the profession. This will be determined by answering the following questions:

1. What is the extent of compliance of the entities legally required to employ the services of CSs?
2. Are there any compelling reasons for non-compliance?

3. How can the CS profession be mainstreamed in the public service?
4. What can be done to create awareness among pupils and students so that they know that CS is one of the careers they can pursue?
5. How can the governance standards and guidelines developed by the institute, obtain national recognition and application?
6. What are some of the ingenious affordable options that the Institute may pursue to meet its basic strategic obligations like advocacy despite its financial challenges?
7. How can the CS student's association be strengthened as a seedbed for the profession?

“The position of the CS is fast evolving globally and quickly moving beyond the traditional role of “minute taker” into a compliance and governance leader”.

CHAPTER TWO

APPROACH AND METHODOLOGY

DESKTOP RESEARCH

In line with the research objectives of this study, the first aspect of data collection was desktop research. This involved gathering and analysing information that is relevant to the context and objectives of the research in books, journal articles, statutes, policy and reports by scholars, practitioners and professional institutions, as well as the internal documents of key professional and regulatory institutions (such as ICS, RCPSB and KASNEB). It is noteworthy that the researcher still operated within the three thematic areas which are: access; quality assurance; and awareness/acceptance.

The other aspect of the desktop review process was the comparative studies which were undertaken two-fold. The first part of the comparative study sought to correlate and contrast the CS profession in Kenya with that of selected countries namely: United Kingdom (UK), India, South Africa, and Malaysia. The aim was to use the lessons learnt to enhance the functionality of the CS profession locally. The best practice will be in resonance with the local context based on such considerations as shared legal traditions as well as shared historical, geographical or developmental contexts.

The second sought to juxtapose the corporate secretarial profession against other professions to determine comparatively, their level of accessibility, quality assurance and awareness. The choice professions for this comparative study were the legal, accounting, ADR practice as well as procurement & supplies management professions given the relative similarities.

PRIMARY RESEARCH

The second layer of research was meant to corroborate the findings of the desktop research and address the gaps that arose. The researcher used online questionnaires and semi-structured interviews to engage with the various groups of stakeholders. The researcher administered the online questionnaire tool at the onset to 500 relevant stakeholders and supplemented this with 20 phone and in-person interviews for select respondents drawn from the following eligible units: practitioners, employers, industry regulators, CS institutions and other professional institutions etc. To incorporate primary research findings from the four countries selected for the comparative study, the researcher identified key contact persons from the CS institutions of these countries (based on their accessibility) and conducted virtual and phone interviews. The researcher made provisions for anonymity and privacy of respondents where necessary.

“Access to the CS profession has increased over the years as a result of the initiatives taken by the institute and other regulators to draw awareness to the profession.”

CHAPTER THREE

REVIEW OF THE STATE OF THE CS PROFESSION IN KENYA

In Kenya, the CS profession has its roots in the Institute of Chartered Secretaries and Administrators (ICSA) in the UK, which was established in London in 1891 with the mandate of supporting the formation of various associations in Commonwealth countries (Institute of Certified Secretaries, 2021a). The Institute was represented in Kenya by the Kenya Association of the Institute of Chartered Secretaries and Administrators. Subsequently, the Certified Public Secretaries Kenya Act (“the Act” or the “CPSK Act”) was enacted in 1988, establishing the CS profession in Kenya and the Institute of Certified Public Secretaries Kenya and necessitating the dissolution of the Kenya Association of the Institute of Chartered Secretaries and Administrators (Mulili, & Wong, 2011). Currently, however, the global umbrella body is the Corporate Secretaries International Association (CSIA) which has a membership of 14 professional associations including Kenya (Institute of Certified Secretaries, 2021a).

The statutory institutions that are established under the CPSK Act include the Institute of Certified Public Secretaries Kenya (ICPSK) (now known as the Institute of Certified Secretaries-ICS) and the Registration of Certified Public Secretaries Board (RCPSB) (Biwott, 2020). The role of the ICS is to

regulate, promote, and develop the CS profession in Kenya (Institute of Certified Secretaries, 2021b).

The Institute also has membership in the Association of Professional Societies in East Africa (APSEA) and CSIA and currently has 3800 registered members (Institute of Certified Secretaries, 2021a; Institute of Certified Secretaries, 2021b). Currently, the ICS has spearheaded the initiative to have the CPS Act amended for various reasons, some of which include:

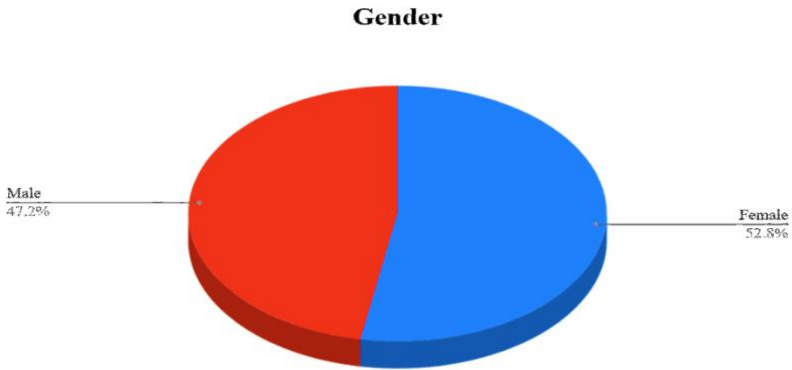
[A] the need to rebrand the name of the ICS to capture its core mandate i.e., governance;

[B] addressing ambiguities and redundancies in the prescribed qualifications of membership;

[C] introduction of an accelerated route through affiliated membership to increase the number of institute members;

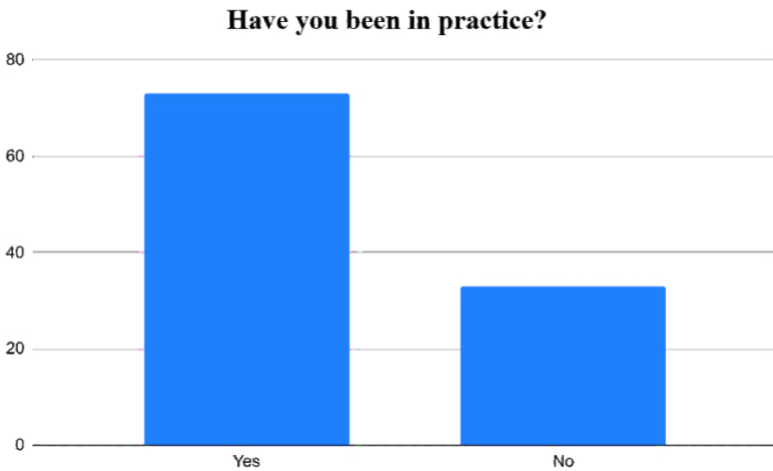
[D] introduction of the annual renewal of practising certificates etc. (Institute of Certified Secretaries, 2021a). The chapter below thus seeks to give a candid and timely assessment of the CS profession in Kenya from the frame of reference of three key themes namely: access, quality assurance and awareness/acceptance.

RESPONDENTS' DEMOGRAPHICS



ACCESS

NUMBER OF RESPONDENTS WITH CS TRAINING WHO HAVE BEEN IN PRACTICE



Access to the CS profession has increased over the years as a result of the initiatives taken by the institute and other regulators to draw awareness to the profession. A lot of work is being done both in legislation and practice to ensure that both users and practitioners of the profession understand the role of the CS profession and can access the services. Access to the profession for both practitioners and users correlates to the issue of costs. The results of the study revealed that CS practitioners found the amount necessary for one to study CS to be relatively fair and affordable. The fees charged at the learning centres are on average Kshs. 28,000 per level while the exam fees charged by KASNEB are approximately Kshs. 2,000 per paper.

From participant responses, the practitioners are comfortable with raising these fees and believe that getting into the profession is straightforward and easily attainable. The process is dependent on a prospective practitioner meeting the requirements to join the course, making fee payments for learning and examinations, and passing the exams set by the examining body - KASNEB. One challenge that was noted is that not all colleges that offer the CS course doubled up as exam centres. Accordingly, only a portion of these institutions have been certified by KASNEB as examination centres and this forces students in such colleges to pay other institutions, other than their institutions of study, to take the exams. (*Universities and Colleges in Kenya Offering Certified Secretaries CS, Professional Course Program, Examined by KASNEB.*, n.d.). Respondents also admitted to having pleasant engagements at the examining body when they went to register for their exams. Access to the RCPSB is also straightforward and from the responses, the practitioners stated that they did not encounter any particular difficulties in this regard.

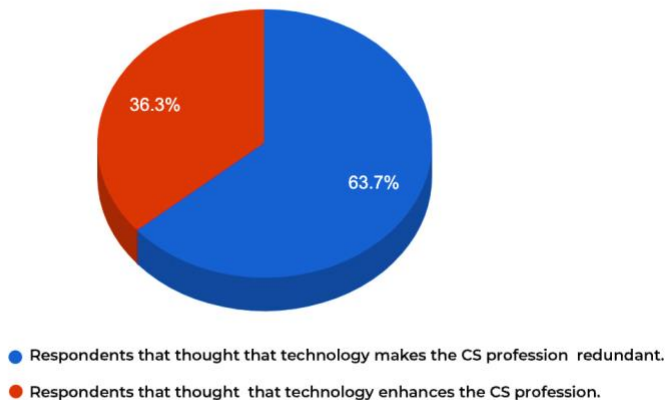
From the users' perspective, CS professional services in Kenya are generally affordable. The fee is dependent on the level of experience of the practitioner whereas consultancies are billed based on the scope of work as well as the experience of the CS consultant. From the questionnaire responses, fees ranged between Kshs. 10,000 and Kshs. 100,000 for CS employees and between Kshs. 100,000 and Kshs. 1,000,000 for consultancy

services. The users also felt that the affordability of learning fees had a positive effect on the availability of CS services as this has increased the number of practising CSs within the country.

Respondents were also of the opinion that technological advancements have also assisted with overall accessibility. As a result of COVID-19 regulations, online learning and virtual classes have become a new reality. In this regard, most of these colleges have adopted online learning and offer virtual classes to the students. This has made the study process more accessible to persons that have busy schedules and are unable to attend the classes physically. There is also an option for self-study where students can study the course material by themselves and then sit the professional exams. This has also made the study process more accessible in that the students do not have to worry about class attendance.

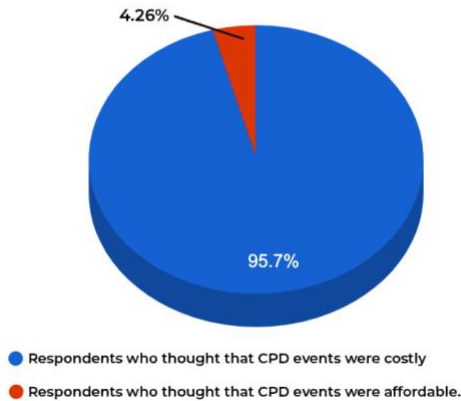
In contrast to the above, we found that there was a conflicted view on the role technology plays in the performance of CS duties. From the user responses, 36.28% felt that the growth in technology meant that they did not require the services of CSs. The remaining 63.72% however felt that the growth in technology only made the work of the CS easier and is therefore a tool for enhancing the CS services and not replacing them entirely. Some

Repondents' perspective on the impact of technology



of the reasons given are that the growth in technology led to a growth in regulatory compliance. The rules, regulations and guidelines of a firm can be shared electronically via email and are available on the firm's website. Technology has made it easier and more efficient for CSs to undertake administrative tasks giving them more time to handle other duties like advising the board which is a role that is unlikely to be taken over by the growth in technology.

While access into the profession is relatively easy, the respondent's general view was that actual practice presents key challenges for practitioners owing to the continuing practice requirements such as Continuing Professional Development (CPD) essentials which must be met by the practitioner annually to obtain their practising certificate. 95.74% of the practitioners who took the questionnaire were of the view that the reason practice was problematic is because of the cost of achieving CPD compliance. Only 4.26% of the practitioners felt that the fees charged for CPD events were affordable. Most practitioners intimated that they struggled to pay for the CPD events and sometimes missed out on attaining the requisite points and were unable to get their practising certificate. The age of the respondents also appeared to play a role in perceptions around the affordability of CPD events with the younger practitioners appearing to face more financial difficulty in this regard. The practitioners suggested that the cost of the trainings be reduced to make them more affordable and accessible by all. The users also felt that high CPD costs caused many practitioners to miss out on taking out their annual practising certificates and decreased the number of CSs available to offer relevant services. From the CS regulators' perspective, one of the innovative ways of ensuring CS practitioners can attend these trainings is by having the users, who are their employers, sponsor them to attend the training.

Respondents' perspectives on the cost of CPDs

A key contributor to accessibility is the geographical spread of CS institutions where it was noted that CS was mostly offered within colleges as opposed to universities (there are obvious exceptions like the KCA University). It was established from the research that the CS training centres and institutions are accessible to students around the country. The practitioners who took part in the study stated that they did not have a hard time finding an institution that offers the CS course. Some of the respondents felt that having the course offered in colleges helped with decentralisation making CS training available to anyone who meets the entry criteria in the country. However, others thought that decentralisation has a negative effect on the learning environment as most colleges operate from office complexes. The environment is not ideal for learning unlike being in a stand-alone university or college. The reaction from this group is that this is what has lowered how people view the profession. The regulators responded to this concern by saying that they are working on integrating the course into major education centres. For instance, the Kenya School of Law is set to start offering the CS course to students undertaking the Advocates Training Program and others who wish to enrol.

Another aspect of accessibility relates to the joining requirements for prospective practitioners seeking to do the CS course. One is required to have a Kenya Certificate of Secondary Education (KCSE) with an overall grade of at least C plus (C+) and a minimum grade of C plus (C+) in both English and Mathematics or a KASNEB technical or professional examination certificate, a degree from a recognized institution and other certificates or diplomas as may be approved by KASNEB and other examination bodies in East Africa. However, the older aspiring practitioners felt that these requirements are only attainable by the younger generation. Older people have been locked out of this and find a challenge in joining the profession. Many of these people possess considerable experience in corporate governance as academics or administrators in the public sector. It is therefore important to integrate this experience through a credit system hinged on recognised prior learning (RPL). This can be addressed through amendments seeking to introduce alternative routes to entry as will be discussed in the recommendation section.

QUALITY ASSURANCE

In a world of continuous and rapid evolution, it is essential for any profession to find ways of staying relevant. One of the most fundamental elements of quality assurance that ensure continued relevance within professional spaces is CPD training. According to respondents drawn from CS practice, the quality of CPD training offered is adequate and relevant to the present and future needs of the CS profession. However, a majority felt that more could be done to enhance knowledge and training around the emerging areas of environmental governance, data protection and cyber security. CPD training enables an individual to regularly apply focus and attention to important areas of their development and provides the framework for a professional to take appropriate action to reduce any shortfalls in knowledge. Despite the general feeling that training was relatively adequate, when queried about hurdles experienced in this aspect, many felt that CPD training was quite costly, especially for the younger practitioners. The respondents also pointed out that this training was done majorly by the same facilitators, year in year out and that there was an urgent

need to infuse new and fresh ideas by inviting facilitators with diverse experiences.

Another aspect of quality assurance relates to the CS curriculum. KASNEB, the professional examination body mandated to develop the CS curriculum (in consultation with other key stakeholders such as ICS and RCPSB), recently reviewed the curriculum. According to the examining body, this was necessitated by global practice that required the curriculum to be reviewed after every five (5) years. CS practitioners have applauded this effort to refurbish the curriculum to accommodate the current global trends. The new syllabus is a competence-based one that will help to produce all-round candidates compared to the older curriculum which was more knowledge-based. The previous syllabus lacked soft skilled programmes however, the new curriculum consists of short-term skilled based programmes in the areas of entrepreneurship and innovation, graphic design, Information and cybersecurity and blockchain technology. This is in a bid to enable learners to move hand in hand with current technology trends. New modes of assessment have also been adopted to include workshops to enable candidates to interact with industry players, develop critical soft skills and appreciate new technologies. KASNEB has also called upon employers to collaborate with them in the provision of internship opportunities to students and the government to ensure graduates are considered in the internship program facilitated by the Public Service Commission.

The research also paid special attention to the self-study that is available to individuals seeking the CS qualification. Upon interrogation, respondents stated that they preferred this mode as it saves costs on their end, gives one the freedom to try different models of learning and creates a stress-free learning environment. However, some of the respondents felt that the self-study model was not useful as accessing learning materials is a challenge and the fact that students tend to waste vast amounts of time attempting to learn new and often times challenging topics without any guidance. This according to them affects the quality of CS practitioners entering the profession as the majority study only to pass the exams. Noteworthy, some

respondents felt that the challenges of self-study appear to stem from an uneven emphasis by KASNEB on the CS related courses than other courses e.g., the Certified Public Accountant (CPA) courses where the numbers enrolled are much larger.

In a bid to remain relevant, there is an increasing call for CS professionals to embrace contemporary areas of practice. As earlier alluded to, the majority of users and practitioners suggested new areas of practice that the CS profession should consider including data protection, cyber security and environmental governance. Several CS practitioners felt that data protection is a key emerging area of practice as their organisations handle various forms of data in their day-to-day running (some of which touch on the privacy of their clients). As such, certified secretaries will increasingly need to ensure that the institutions they are affiliated comply with data protection laws prescribed. Furthermore, in this technological age, awareness about cyber security is a necessity for all CS practitioners as confidential and sensitive information relating to the institutions they work for may be at risk of cyber-attacks. Similarly, other practitioners cited environmental governance as an area of new practice that CSs need to take full advantage of. Respondents were unequivocal that there was an urgent need to put in place formal refresher courses in these areas. This can be done through collaboration, linkages and networking with other professions and policymakers – including KASNEB, NEMA, and the Communications Authority of Kenya – to evaluate how CSs can participate in certified training programmes.

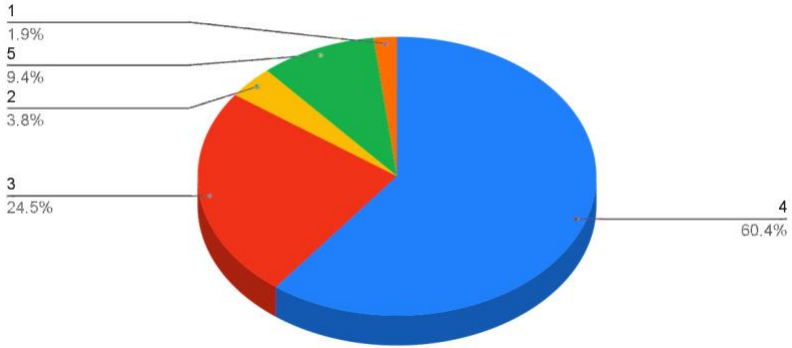
In addition, another aspect of quality assurance that elicited frequent responses in this study was in connection with mentorship. According to the CS practitioners that took part in the research, there are evident gaps in the CS mentorship structure. In their view, the Institute ought to do more to enhance mentorship by tapping into the existing knowledge and experiences of senior or high performing CS practitioners and transfer these skills to newer or less experienced CS practitioners. Some of the suggestions that were made in this regard include the following: the regulating institutions should run mentorship and coaching programmes where it links mentors to mentees, hold annual seminars to discuss the latest employment

trends and career opportunities and organise periodic workshops on career development etc. Moreover, linkages between the four main CS professional institutions i.e., ICS, RCPSB, KASNEB and training institutions in furtherance of mentorship need to be enhanced. This can be done mainly by enhancing multi-institutional activities, implementing cross-institutional programs and forming a committee or working group with actors from the four institutions with specific focus on mentorship.

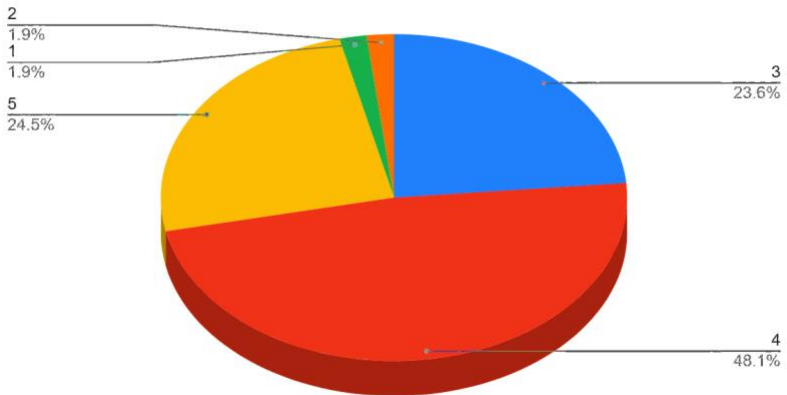
Following an interview with a respondent from RCPSB, it was established that one of the ways that RCPSB can contribute to the quality assurance of the CS profession is if the board was given more power to regulate the profession as it has limited capacity to do so at the moment. This is exemplified in the role that the Board plays in the registration process which is currently pegged on references without avenues for further scrutiny. This unique challenge may stem from capacity and human resource constraints within RCPSB. Suggestions were made on whether these constraints could be cured by transferring the Board's functions to the Institute. A few respondents (practitioners) went further to suggest the amalgamation of the Board, the Institute and KASNEB for greater efficiency and effectiveness in this regard. However, expert opinion from regulatory agencies suggests that it would not be prudent to merge the functions of the three key CS regulators i.e., KASNEB, ICS and RCPSB, as this would jeopardise the quality of the profession in various respects. For one, tying questions of discipline from the Board and linking them to a forum made of peers, may erode the independence necessary in such a process. The rationale is that deliberation undertaken by your peers (including disciplinary proceedings) lack the austerity needed to maintain high levels of professionalism among the practitioners. Similarly, placing the examination process in the hands of the Institute (and removing this from KASNEB) may have the unintended consequences of compromising the quality of examinations given the potential conflict that the Institute may have towards growing membership and yet ensuring quality among entrants.

THE STATE OF THE CS PROFESSION IN KENYA

Ranking from 1-5, with 1 being the lowest and 5 the highest, what is the quality of customer service offered by KASNEB?

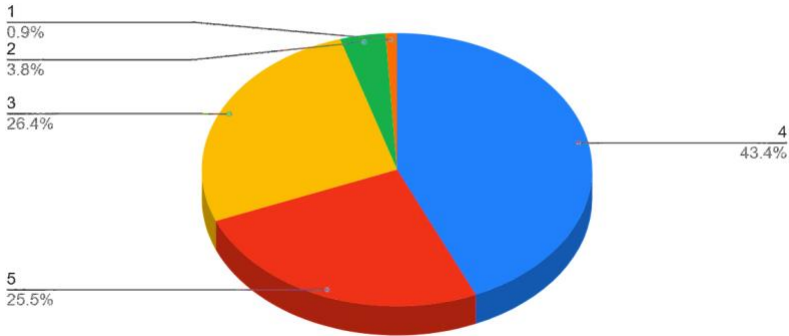


Ranking from 1-5, with 1 being the lowest and 5 the highest, what is the quality of customer service offered by RCPSB?



AWARENESS AND ACCEPTANCE

Ranking from 1-5, with 1 being the lowest and 5 the highest, what is the quality of customer service offered by ICS?



The study revealed that lack of awareness and acceptance is one of the key challenges facing the CS profession in Kenya. Raising the profile of the CS profession has been a topical issue in Kenya for a long time. According to the responses collected in the course of the study, there remains many misconceptions as to what it means or entails to be a certified secretary. The persistent idea of a CS is still that of the traditional secretary who is only involved in managing diaries, booking meeting rooms and note-taking in the board meetings. This can perhaps be hinged on use of the term's 'company' and 'secretary' in the Companies Act 2015, where people perceive this as someone performing secretarial work within the context of a company.

The fact that the CS is someone who is involved in the legal, compliance and governance aspects of the organisation, is something not clearly understood by many. The effect of this misconception is that many may not pursue this professional path, while on the other hand, prospective users do not see the value and need of employing a CS in their entities. However, the sector regulators noting this problem are shifting focus in their strategies to ensure that there is a clear understanding of the CS profession. As a first step, the proposed amendments to the CPS Act aim to do away with the

term ‘company secretary’ and introduce ‘corporate governance secretary’. Further approaches to change this perspective will be discussed in the recommendations section.

Alongside the challenge arising from the misconception of the CS role, is the low levels of awareness among prospective entrants at university level. 90% of the respondents got to know about the profession through chance encounters with practitioners. This means there is little awareness among students about the CS profession. The effect is that a significant number of tertiary students do not pursue it as a career option. This may be explained by the little efforts in raising awareness at this level and further, the absence of formal integration of the CS profession in the university curricula. Thus, those who pursue the CS profession tend to choose it later on in their career as a complementary course to other careers.

While KASNEB has attempted to market the CS courses at tertiary level, many respondents felt that those tasked with this function focus have relatively little understanding of the profession and therefore lack the passion necessary to inspire recruitment (including the ability to answer critical questions from prospective entrants that could influence their choices). All of this points to the absence of strategic market campaigns (including through the media) to raise awareness of the CS profession and its role in an organisational setting. At a time when there is a high demand for governance professionals, it is appropriate to ensure that more students understand the profession and are absorbed into the sector.

Discussions with various regulators suggest that the integration of the profession in key sectors may stem from the challenge of awareness is compounded by either statutory gaps and/or general non-compliance with legal/policy frameworks regarding how the CS is to be integrated into key sectors. Across sectors, there is a lack of legislative provisions that require state corporations to have a CS in the organisations. For instance, a look at the education sector in Kenya illustrates that many of the key education organs are not mandated by their establishing statutes to have a CS. The information collected from twenty-three (23) institutions in the said sector

indicates that the relevant acts do not provide for the position of a CS. Notwithstanding, certain regulators in these sectors (such as TVETA, KNQA, KNEC, HELB, KUCCPS, KEWI, KNEC and JKF) and are in agreement that they should employ a CS given the nature of their mandate. Another example of a statutory gap relates to the Companies Act 2015.

The Act provides that a private company is required to have a secretary only if it has a paid-up capital of five million shillings or more. This creates a statutory gap that leaves out the SMEs which may fall below the required share capital, but would still require the services of a CS. Finally, it is worth noting that, for similar reasons, the levels of integration of the CS profession in the Public Service and national constitutional/statutory Commissions is extremely low. While the law recognises the importance of corporate governance in relation to these organs and bodies, it is relatively silent on how this can be done. The result is that the potential value that CSs can add has gone unrealised.

In many instances, the challenge lies not in gaps in the legislation/policy, but rather in the acceptance of the profession, and the lack of integration of the CS is indicative of non-compliance with specific legal or policy requirements that require the engagement of CS.¹ Responses received from public sector regulators (state corporations and county boards) indicate that an average of 66.6% of the entities within their ambits do not engage CSs, though they are required to do so. The entities that tend to comply with the legal requirements are mostly state corporations and this has been credited to the implementation of the Mwangozo Code of Ethics. The Code mandates the state corporations to create the space for the CS in their entities in a bid to ensure good governance.

A diversity of reasons may explain this general non-compliance. Small sized public entities have pointed at the inability to afford the services of the CS and legal officers at the same time as some of the reasons why entities are

¹ Public companies are required to have at least one company secretary.

unable to comply with the set-out regulations. As far as the Mwongozo Code is concerned, although it offers good guidance around the role of the CS, it still lacks statutory force and implementation is left to the general willingness of the state corporations. In addition, the absence of sanctions for non-compliance in such instruments and the reluctance to enforce sanctions remains a deficit to integrating the CS in the public sector (including among county boards).

In summary, addressing non-compliance necessitates a multipronged approach involving legislative reform, advocacy and lobbying relevant stakeholders. Practitioners were of the view that ICS should take an active role in advocating for legislative reforms as well as lobbying sector regulators around the role that the CS can play to ensure good governance is entrenched extensively. In the situation discussed above (e.g., the education sector and state corporations), this may involve initiating, reviewing and amending enabling Acts to provide for the role of the CS that is enforceable.

Responses from regulators suggest that ICS has yet to leverage its direct links to the government to achieve this result. For example, currently ICS nominees account for a majority of the members in the board, i.e., four members out of the nine. The other members come from high profile ministries, and this could present an opportunity for ICS to lobby and influence policy on the profession. The Institute therefore still has a lot to do in a bid to ensure awareness and acceptance by the public. In this regard, a discussion of the way forward will follow in the recommendations section.

“...addressing non-compliance necessitates a multipronged approach involving legislative reform, advocacy and lobbying relevant stakeholders.”

CHAPTER FOUR

LESSONS AND BEST PRACTICES FROM OTHER JURISDICTIONS

The centrality of the role played by certified secretaries in ensuring that corporate organisations conduct themselves in strict compliance with the regulatory frameworks underpinning such an organisation's niche is one of the primary reasons for which the profession exists. A comparative analysis of this profession in other jurisdictions will provide unique insights into similarities, differences and practices that ought to be emulated. This section will look into the CS profession in the following countries: the United Kingdom, South Africa, Malaysia and India. The selection of these countries is due to their similarity to Kenya's legal system and corporate governance framework. Malaysia has been particularly selected due to its acclaimed corporate governance framework. The analysis will proceed to interrogate the parameters of access; quality assurance, and awareness/acceptance.

United Kingdom

In the United Kingdom (UK), the corporate secretarial profession (CS) traces its history to the work of Thomas Brown who established a professional body to govern the interests of secretaries of publicly-traded stock companies in 1891, that is, the Institute of Secretaries of Joint Stock Companies (Chartered Governance Institute, 2022a). The profession and its regulation have developed extensively over the years as the exigencies surrounding corporate governance have evolved. In terms of the legal and regulatory framework, the primary instrument regulating the CS profession in the UK is the Royal Charter granted to the Institute of Secretaries of Joint Stock Companies in 1902. The Privy Council has further amended this charter through the Royal Charter of 22 June 1966 (CGI: Charter and Bylaws, 2022). Other legislation such as the Charities Act, 2021 and the Companies Act, 2006 provide specific provisions governing the CS profession.

ACCESS

For would-be practitioners in the CS profession, the main route is through the Chartered Governance Programme offered by the Chartered Governance Institute UK and Ireland (*ICSA Qualifying Programme/IPE*, n.d.). The programme takes approximately 150-200 hours per study module and can be undertaken either by self-study or through a tutor, with the latter being the recommended mode. The course is offered at selected institutions in partnership with the Institute through MOU agreements (*ICSA Qualifying Programme/IPE*, n.d.). The CS course is offered in a number of universities around the UK making it accessible to all who want to pursue the career.

Furthermore, the Chartered Governance Institute (CGI) in the UK is both the membership body as well as the examining body (*Best Courses in Secretariat in United Kingdom 2022*, n.d.). In this regard, the institutions that offer the course have been certified to do so by the Institute and therefore offer

examinations to the students (*Chartered Governance Qualifying Programme*, n.d.). This is in contrast to the Kenyan situation where the examining body is KASNEB. Financial assistance is also available to the students pursuing the course and they can apply for financial aid and school loans to help them cover the fees (*Company Secretary Job Profile | Prospects.Ac.Uk*, n.d.). One of the institutions offering financial aid is the Worshipful Company of Chartered Secretaries and Administrators (*Home*, n.d.).

Access to the profession is easier for individuals with selected professional qualifications from other fields. This route, known as the “related degree entry” provides expedited access to individuals with a background in professions such as business, law and finance. This highlights the place of targeted sectoral partnerships in enhancing access. Further, the cost of the entry and subsequent study usually depends on whether the student elects to self-study or procure a tutor. If the latter is selected, the cost ranges from £ 350-£600 per module depending on the tuition provider. This makes the tuition fee fairly expensive by Kenyan standards (however this may still be moderate when viewed from a UK perspective).

To guarantee quality in practice, the CS is required to undergo CPD training. There are broadly five (5) avenues for attaining CPD points ranging from virtual classroom training to bespoke training. Cumulatively, the cost of CPD is fairly high. On a positive note, the Institute has partnered with various organisations to offer tuition for the course across the country (*Registered Tuition Providers*, n.d.). Moreover, the shift to virtual learning, occasioned by the COVID-19 pandemic has made the program much more accessible.

From the users’ perspective, access to CS services is arguably restricted owing to the issue of cost making the profession fairly expensive to users (*Company Secretary Job Profile | Prospects.Ac.Uk*, n.d.). However, the study revealed that the CS profession is held in high esteem in the UK and thus users are willing to pay the practitioners their worth. Unlike Kenya, the Institute in the UK has created a unique synergy with public administrators that has opened up a continuous flow of persons into the profession.

QUALITY ASSURANCE

Institutionally, the Chartered Governance Institute (CGI) (formerly the Institute of Chartered Secretaries and Administrators - ICSA) is charged with the task of training, examining, registering, admitting members and regulating all persons in the CS profession (Chartered Governance Institute, 2022a). This task is undertaken with strict adherence to the organisation's charter, by-laws, and values to guarantee that standards within the profession are maintained.

Moreover, membership to the CGI is tiered in multiple levels: Chartered Membership, Graduate Membership, Affiliate Membership and Student Membership. Chartered Membership encompasses graduates of the Chartered Governance Qualifying Programme with GradCG status (Chartered Governance Institute, 2022b). In addition, to become an associated chartered member, one ought to have six years of experience; with an alternative of three years for those with a degree or are members of other professional bodies. Fellow chartered members need to have eight years of experience, with three being in a senior role of management (Chartered Governance Institute, 2022c). Notably, graduate members are simply those that have completed the training programme, while affiliated members are those who have completed a non-chartered course offered by the body. Any person undertaking the training program is a student member under this fact and may apply for affiliate membership (Chartered Governance Institute, 2022d).

Further, the CGI provides training and examination for prospective chartered secretaries. To qualify for entry into the profession, one must have undertaken the Chartered Governance Qualifying Programme, whose entry requirements vary depending on the qualifications obtained earlier on (Chartered Governance Institute, 2022e). For instance, an individual with a law or finance background would not have to undertake all the courses in the module. The training programme is divided into two parts. Part one covers aspects such as corporate governance, health service governance, company compliance and administration, interpreting financial and

accounting information, and company law. Part two covers development of strategy, risk management, and boardroom dynamics. Each module in the course requires 200 hours of study and is examined through a 3-hour exam.

Emphatically, the CGI endeavours to participate in efficient mentorship based on their devotion to improving the profession. The Institute facilitates rigorous mentorship programmes in a bid to ensure the career development of members. It organises quality professional development events usually focusing on regional governance issues, creates networking opportunities for members to connect and share knowledge and ideas, connects members with local employers, and holds discovery events for those who would like to know more about the profession and the Institute.

Furthermore, affiliate organisations to the CGI, such as the Worshipful Company of Chartered Secretaries and Administrators, participate in the professional development of the persons in the trade. This is based on the model where persons above the age of thirty mentor those below this age ('Apprentices and Mentees', 2022). This collaboration increases the effectiveness of persons in the profession and guarantees efficacy and compliance to the set standards insofar as professional development and posterity in the organisation are concerned.

Certainly, CSs play a critical role in ensuring that the companies they work at adhere to the required standards of environmental preservation. Corporate governance entails the specific element of environmental awareness as is expected of any corporate entity. This is the crux of ESG. In the UK, CSs contribute to ESG by addressing how the organisation's model affects the environment (Hodge, 2021). This is done to align the organisation's policies and investments to attain sustainability. As Hodge (2021) discussed, for the ESG efforts to be accepted in organisations, it is integral for the CSs to be part of the process and assist in achieving a paradigm shift in the organisation.

With the coming into effect of the GDPR on May 25th, 2018, across Europe, the UK recognized its value in protecting consumer rights and even

confirmed its continued application to UK companies even after it left the European Union. It was pretty much clear that the GDPR would touch every part of an organisation and different departments would need to examine their processes through the lens of data protection. This broad remit required a sound reporting framework and CS practitioners were well positioned to carry out this role (The perfect storm - GDPR -whitepaper, 2018). The UK Governance Institute ICSA produced its own guidelines for CS to help them contribute to the practical implementation of GDPR (The Governance Institute, 2017).

In addition, according to the Chartered Institute of Governance, as of 2022 the state of cybersecurity remains at the top priority of most organisations, and regardless of size it continues to be a challenge to deal with in the UK. This imposes an overall accountability over cybersecurity to the highest level in the organisation (Villanueva, 2022). It has become essential for board directors to ensure that there is a robust structure to build cyber resilience.

The Institute offers ways in which an organisation can build a more robust approach to cyber resilience i.e., carrying out an annual audit of governance policies, processes and procedures; drive a culture of good governance from the top that embeds appropriate workforce behaviours; and allocating sufficient budget to cyber and information security related projects to ensure they are completed to an appropriate standard. The Institute further suggests that organisations should employ a virtual chief information officer to increase focus and understanding on cyber within the organisation as this will be important to foster a strong collaboration between the CS and the virtual chief information officer (Isidro, 2021).

AWARENESS AND ACCEPTANCE

The CS profession is one of the UK's fastest growing professions as it provides a wide array of rewarding opportunities. Organisations are working increasingly hard to secure and maintain public trust. Therefore, there is great emphasis on the important role that the CS plays in helping

the organisations of all kinds to build that trust through good governance. The CS profession is thus a viable and common career path for most students and in particular the law graduates, enabling them to expand their horizons and put their expertise to good use. It can therefore be concluded that the CS profession is one that is well known by the users together with the students who are prospective practitioners. The effect is that the level of awareness contributes to the large number of CS practitioners.

Further, there are varying degrees of compliance with the requirement to have a CS in the UK. The coming into force of the Companies Act 2006 (Commencement No. 6, saving and Commencement Nos. 3 and 5 (Amendment)) Order 2008 removed the requirement of limited companies to appoint CS practitioners. Private companies are therefore not duty-bound to have, and this has led to a reduction of the number of limited companies appointing CSs (Duties of a Company Secretary, n.d.). However, public companies are obligated to have a CS under the Companies Act. To this extent, the CS profession has been largely streamlined in various spheres of the public service. They, for instance, play pivotal roles in the health, sports and education sectors.

With regard to the National Health Sector (NHS), CSs are often found working in Centres for Corporate Governance, as well as in NHS trusts. Their responsibility is mainly to guarantee high governance standards in health service administration. In the sports sector, CSs help publicly funded sports organisations to focus on their goals and visions while adhering to key principles of the UK Sports Code for Sports governance. Finally, CSs are also employed in academy schools in the UK. They support these schools in achieving their educational aims by ensuring that the legal and regulatory requirements are met to the highest governance standards.

The Institute collaborates with various stakeholders to ensure the robust development of the CS profession in the UK. These include higher education institutions like universities, membership organisations like CSIA and the law society, as well as research institutions such as the Henley Business School. To adapt to the evolving needs of the profession, CSs have

had to take up unique roles in the management of their organisations. For instance, CSs have had to create a platform for discourse between companies and stakeholders through effective communication amid the changing trends (Whelan & Shier, 2021).

Malaysia

CS practitioners have been designated to play a very pivotal role in enhancing corporate governance in Malaysia (Syed Mohd Fuzi et al., 2019). This is evidenced by among other things, the elaborate statutory requirements prescribing their appointment, the thorough educational and professional qualifications which precede their appointment and how their membership in the various professional bodies is regulated. The legal framework governing the CS profession in Malaysia includes the Companies Act, 2016 and the Companies Commission of Malaysia Act (CCMA), 2001. The provisions of the Companies Act which pertain to the CS are further operationalized by the Companies (Practising Certificate for Secretaries) Regulations, 2019. Under section 235 of the Companies Act, it is prescribed that a company (whether public or private) must have at least one company secretary. The CS must be a natural person of 18 years and above, a citizen or permanent resident of Malaysia. Section 235 of the Companies Act further provides that a CS shall either be a member of a professional body outlined in the Fourth Schedule of the Act or a person who has been licensed under section 20(G) of the CCMA.

ACCESS

In Malaysia, there are varied opportunities for the CS both in the public and private sectors. From the practitioners' perspective, entry into the profession is relatively easy. This is evidenced by the diverse number of institutions mandated with training, examination, registration and membership (Syed Mohd Fuzi et al., 2019). Under the fourth Schedule of

the Company Act, there are seven such institutions and bodies and this multiplicity enhances access to the profession.

On the integration of the curriculum at the university level, there are selected universities such as UTAR University and Brickfields Asia College which offer the CS program. However, not all universities have incorporated the course into their curriculum. The curriculum is relatively flexible in all the training institutions. For instance, the MAICSA curriculum is segmented into 3 stages making it flexible for would-be practitioners. The newly revised CS syllabus by KASNEB highly mirrors this Malaysian model. The tuition providers for the CS curriculum under MAICSA are broadly spread in the 3 major territories of Kuala Lumpur, Selangor and Sarawak and considering the vastness of the country, these can be said to limit access for prospective practitioners.

The cost of undertaking the course is relatively expensive compared to that in Kenya. Under MAICSA, the fees for the three years of study with maximum exemptions sum up to RM 4950.00. There is an option of self-study which allows students to purchase the reading material, study the course by themselves and pay for the exams. The fees as a result of this are usually relatively lower as compared to having to attend classes and engage a course instructor (*Institute of Chartered Secretaries & Administrators - UCISS Malaysia*, n.d.). The course is also offered on virtual platforms as a result of the online learning initiative brought about by the COVID-19 pandemic. Students can take the course from anywhere and do not necessarily have to be at the school. It makes the course more accessible and the study accessible to those who may not be able to attend physical classes (*Institute of Chartered Secretaries & Administrators - UCISS Malaysia*, n.d.).

The costs of CPD are equally higher in Malaysia with CS practitioners being required to undergo a cumulative 20 CPD hours annually. This implicates negatively on sustained participation in the profession for practitioners. For the users, the access to the CS professional services is also relatively restrictive with the average annual salary for a CS in Malaysia being higher than in Kenya. Considering that the company law regime requires all

companies (private or public) to have a CS, the expected salary makes the profession profitable for practitioners but burdensome on the user.

QUALITY ASSURANCE

The institutions mandated with training, examination, registration, membership and regulation are broadly listed under the fourth schedule of the CA as “approved bodies” They include the Malaysian Institute of Chartered Secretaries and Administrators (MAICSA), the Malaysian Institute of Accountants (MIA), the Malaysian Bar, the Malaysian Association of Company Secretaries (MACS), the Malaysian Institute of Certified Public Accountants (MICPA), the Sabah Law Association (SLA) and the Advocates Association of Sarawak (ASS). In addition to these, the Company Commission of Malaysia (CCM) also plays an important role in licensing and providing practising certificates. There are two broad avenues for attaining a professional qualification for the CS profession (How to Be a Company Secretary in Malaysia - UTAR, n.d.). The first is the Chartered Governance Qualifying Program (CGQP) under the auspices of the MAICSA and the other is through the professional examinations under the auspices MACS.

Regarding the curriculum content under the CGQP, the qualifying syllabus as of the year 2020 is divided into two levels (Chartered Secretaries Malaysia (MAICSA), n.d.). Under level 1, the following subjects are covered: corporate law, corporate governance, corporate secretarial practice, and interpreting financial and accounting information. Under level 2, the following subjects constitute the curriculum: development of strategy, risk management, and boardroom dynamics. The curriculum under the MACS covers three broad stages: the foundation stage, pre-professional stage and professional stage and the entire curriculum is composed of 16 subjects/units (MACS Examination Syllabus, n.d.).

Broadly, under the MAICSA there are two membership grades: associateship and fellowship, with a temporary membership grade of graduateship. Membership in these positions is attained by voting upon

being qualified. The graduateship membership is attained by all successful candidates who pass the institute's examination. The associateship position is attained by graduates who have had at least 6 years of working experience. Furthermore, fellowship is the highest and senior-most membership grade. To be elected to this membership, the eligible associates must have at least 8 years of working experience with 3 of these being at the senior level.

In addition to that, when it comes to mentorship, both the MACS and the MAICSA ensure progressive professional development and mentorship of the members through mandatory continuous professional development exercises and training. As from 1st January 2015, MAICSA made mandatory CPD implementation for its members (i.e., fellow and associate members). This was in line with the regulators' expectations to ensure professionalism of members, particularly those who are in the company secretarial practice sector. All members who are in the corporate secretarial sector must undertake a minimum of 20 CPD hours per calendar year and those in the corporate secretarial sector. However, there is a full waiver for members who are not in the corporate sector ("Chartered Secretaries Malaysia (MAICSA)", 2022).

Environmental governance is an area that has also gained recognition in Malaysia with many institutional investors investing in those companies that provide environmental, social and governance performance reporting. On the 25th of February 2022, MAICSA organised a webinar series on environmental, social, governance and sustainability reporting. The targeted audience were company secretaries, company directors and governance professionals amongst others (Governance Institute, 2022). Additionally, MAICSA acknowledges data protection as an important area for company secretaries. It published its 2022 module two syllabus document and one of the key study areas under the regulation and disclosure subject is data protection. This is guided by the Malaysian Data Protection Act of 2010 and focuses on data protection principles, registration regime and obligation of companies in this area (The Governance Institute, 2022).

AWARENESS AND ACCEPTANCE

As much as Malaysia has made great headway in having legislations that support the importance of the CS profession, there are still misconceptions of the role of the CS. The common misconception is that the CS is simply an administrator whose primary role is to simply prepare documents and ensure that the correct filings are made. Such misconceptions influence perceptions on the CS profession and in effect many fail to realise the importance of the CS in advising the Board and steering the organisation towards good governance.

That said, the level of compliance with the requirement to employ CSs is arguably robust in Malaysia (University, 2011). This is demonstrated by the elaborate institutional arrangements put in place to realise this, mainly through the CCMA. Within it is the corporate compliance division whose main objective is to raise the corporate compliance rate by implementing a continual education campaign as well as strong monitoring and enforcement activities (Pages - Corporate Compliance Division, n.d.). Specifically, the 'Secretary Surveillance Unit' is the wing that ensures compliance by CS with the provisions of the Company Act.

Some of the activities undertaken by this unit include carrying out enforcement against company directors who allow company secretaries to continue to practise despite expired licence as well as companies operating without a company secretary for more than one month. This level of compliance was hailed by the United Nations Office on Drugs and Crime (UNODC) as a significant step in reducing corruption (Country Review Report of Malaysia, n.d.). This enforcement and activism has raised awareness on the part of companies to ensure that they hire a CS.

In regard to integration in the school curriculum, the Tunku Abdul Rahman University College which is one of the leading education providers has collaborated with the Malaysian Association of Company Secretaries with the hope to build on this strategic partnership to promote the CS profession and produce professionally qualified CS practitioners in Malaysia.

Separately, TAR UC has also been undertaking virtual campaign activities to raise awareness on the importance of the CS profession in Malaysia. This step has seen an uptake in the number of students who choose to undertake the CS courses in university.

South Africa

The legal and regulatory framework underlying the CS profession is primarily governed by the Companies Act, 2008 (from sections 86-89), the Johannesburg Stock exchange listing requirements (para. 4.8) and the King IV Report on Corporate Governance for South Africa. Section 86 of the South African Companies Act mandates all public and state-owned companies to appoint a company secretary and such an appointment must be registered within 10 days from the date thereof per section 85(3). While the mandatory requirement for the appointment of a CS applies strictly to public and state-owned companies, other companies are not subjected to the same requirement (King IV Report on Corporate Governance for South Africa 2016, 2016). Section 86(2) of the Act stipulates that a CS must be a permanent resident of the Republic and must remain so during the pendency of the appointment. Section 87 allows for the appointment of a juristic person to hold the CS position provided that the employee of that juristic entity has not been disqualified under sec 84(5) and meets the requirements of section 86. Section 88 broadly lists the duties of the CS to include among others, providing guidance to directors whereas section 89 provides the parameters for the removal or resignation of a CS.

The regulatory framework of the CS position can further be found under section 4 of the Johannesburg Stock Exchange Listing Requirements, entitled: “Conditions for Listing” (Listing on the JSE | Johannesburg Stock Exchange, n.d.). Section 4.8(c) makes it obligatory for a company seeking listing in the JSE to appoint a company secretary in compliance with the

Act and who also satisfies the practices set out in the King Code. The King Codes III and IV on the other hand provide comprehensive recommendations on the skills and duties which are befitting of a CS (King IV Report on Corporate Governance for South Africa 2016, 2016).

ACCESS

The Chartered Governance Institute of Southern Africa (CGISA) has accredited selected institutions including universities to offer the CS program and this has as a result been widely integrated into the university curriculum (Registered Tuition Providers, n.d.). A majority of these institutions offer the program virtually through online learning making access easier. Moreover, CGISA recognizes six broad routes through which one can join the program, including the professional entry route and the MOU entry channel (Chartered Governance Qualifying Programme, n.d.). These diverse avenues of entry facilitate easy access to the program.

In terms of geographical spread, the institutions of learning in South Africa have been well spread out (*Corporate Governance and Administration Programmes - Wits University*, n.d.). CS courses are offered in universities and colleges accredited by the CGISA (*Chartered Secretary (CGISA)*, n.d.). The CGISA is also responsible for issuing examinations and students are allowed to take the exams from their institutions of study. This is unlike Kenya where the membership institution and the examination body are separate.

From the practitioner's perspective, accessing the program is relatively expensive (*Corporate Governance and Administration Programmes - Wits University*, n.d.). There is also a requirement for CS practitioners to undertake a total of 20 CPD hours (*Webinar Schedule 2022*, n.d.). This, according to practitioners and the regulator, is a fairly manageable expense. Technology has also been hailed as increasing the level of access to the profession. For instance, the advent of online learning has facilitated continued learning in the various institutions offering the program during the pandemic. Moreover, emerging technologies such as webinars are increasingly facilitating on-demand training and programs. Of notable

mention is the e-community platform established by the Institute as a global forum for accessing and sharing knowledge among members (CGI: Join the E-Community, n.d.). From a consumer/user's perspective, the cost of hiring a CS can be fairly expensive, (Company Secretary Salary in South Africa - Average Salary, n.d.). The cost in major cities such as Johannesburg is even higher and this poses an affordability challenge for end-users (Corporate Secretary Salary in Johannesburg, South Africa, n.d.).

QUALITY ASSURANCE

The CGISA is mandated and accredited to oversee training and membership for the corporate secretarial, accounting, compliance, risk and governance disciplines (CGISA's Offering, n.d.). The training curriculum consists of 17 subjects including advanced corporate governance, risk and compliance, corporate governance, company secretarial practice, finance for decision making, as well as strategy development (New Curriculum, n.d.).

To ensure quality is guaranteed during the professional journey of the CS, the institute prescribes a mandatory 20 hours CPD to maintain good standing. These are conducted through seminars and webinars. Roxanne Bain, a technical advisor at CGISA stated that all members are subject to a code of professional conduct and are also required to do continuing professional development. He further stated that approximately 70 webinars are held per year on topics relevant to members and that CGISA also provide training to members through various publications.

Additionally, the CGISA supports mentorship of members by establishing an e-community where members can access and share knowledge and insights (CGI: Join the E-Community, n.d.). On-demand webinars are held on this platform with key industry experts who discuss sector-specific governance issues. Members are also provided with an avenue to network with professionals globally. The platform also allows members to partake in discussions on trending topics and current issues in corporate governance. Moreover, community members can access resources such as

technical papers, and news features and are exposed to thought leadership. In this way, members can gain insight and grow their professional network.

At CGISA, membership has been grouped into four broad categories: affiliates, graduates, associates and fellows (Members Home Page, n.d.). The affiliate's category is for students who have completed three-board level examinations and have paid their first membership subscription fee. The graduate category is for those who have completed the final board examination and have paid their first membership subscription fee. The associate membership category is granted by discretion to persons who have the requisite academic accomplishments and proven personal and professional integrity. The fellowship category is attained by practitioners with a minimum of 8 years with a further requirement of at least 3 years of service in a senior position (Become a member, n.d.).

The role of the CS in ESG has also evolved significantly and entails advising the governance committee and having full information on corporate sustainability trends. Financial factors are no longer the primary and pre-eminent drivers for corporate value, seeing as sustainability has become a key strategic issue (PricewaterhouseCoopers, n.d.) This is captured under principle 3 of the King IV report which requires practitioners to take account of sustainability considerations (King IV Report on Corporate Governance for South Africa 2016, 2016).

AWARENESS AND ACCEPTANCE

The King IV Report on corporate governance for South Africa highlighted the importance of the role of the company secretary as the custodian of governance in SA. Even though this is not a requirement by law, the report recommends all organisations to consider appointing a professional to provide corporate governance services as appropriate to the organisation's mandate. As much as the report offers a step towards the acceptance of the CS, it still lacks the force of a statute. Further, despite the importance of the CS being highlighted, many practitioners are of the view that the various

organisations and particularly the board members misunderstand the role of the CS within the organisation.

Through the governance exchange program, the Institute collaborates with academics, commentators, and experts to have robust conversations around corporate governance thereby providing a unique perspective to members (Adams, 2020). This multi-dimensional approach to advocacy serves to publicise the CS profession amongst different avenues. Further, the role of a CS has evolved through the years. CSs are now moving from performing only administrative tasks in a company to taking up more roles in the governance department. The Institute has recommended that the Companies Act be amended to encompass and give authority to these new roles. Training has been conducted by the Institute to both the CS practitioners and service users on the new roles. At the moment with the current legislation, companies have started to appreciate the role a CS plays and the yearly training has helped to equip CSs with the necessary skills.

As a result of the trainings and the initiative of the regulators to drive awareness to the profession, companies now understand that a CS is also coming in to offer a supervisory role to officials within the company to ensure that the laws are being applied as they should. CSs attend board meetings and clearly know what the board authorised and ensure that such matters are enforced. They also train the board on matters of governance and offer them advice that helps in the better running of the affairs of the company. The various activities aimed at enhancing awareness of the CS profession has enabled the integration of the profession across different sectors. As witnessed, the profession is integrated across various sectors including private, public and non-profit sectors. However, there are concerted efforts to do more to increase the spread of the CS profession in the public sector.

India

The legal and regulatory framework governing the CS profession in India can be broadly found in the Company Secretaries Act, 1980 and the Companies Act, 2013. The former makes provision for the regulation and development of the CS profession while the latter makes provision for the incorporation of CS within the Company's legal regime. These are further bolstered by the Company Secretaries Regulations, 1982(as amended in 2020). The Company Act, 2013 provides a formal structure for corporate governance by enhancing disclosures, reporting and transparency through enhanced as well as new compliance norms. This legislation repeals the former Company Act, 1956 in a bid to encompass in the law the new evolved roles of CSs in the profession.

Aside from regulatory bodies making laws that govern the CS profession, non-regulatory bodies have also published codes and guidelines on corporate governance periodically (*Corporate Governance in India – Practices, Framework*, n.d.). For instance, the Confederation of Indian Industries in 2009 published the Desirable Corporate Governance Code (*CII*, n.d.). The issues of corporate governance arose with a report published by the Kumar Mangalam Birla Committee (2000) set up by Securities and Exchange Board of India (SEBI) to suggest the inclusion of a new clause (Clause 49) in the Listing Agreement to promote good corporate governance (*Corporate Governance in India – Practices, Framework*, n.d.).

The Institute of Certified Secretaries of India (ICSI) is the regulatory body that ensures that secretarial standards are met and applied in terms of the provisions of the New Companies Act (*Corporate Governance Framework In India - Corporate/Commercial Law - India*, n.d.). Since it was formed, it has issued secretarial standards on general meetings and meetings of the board of directors (*Corporate Governance Framework In India - Corporate/Commercial Law - India*, n.d.). The standards came into force in 2015. The same has been enforced in the Companies Act that provides that every company (other

than one person company) shall observe secretarial standards specified by the ICSI with respect to general meetings and board meetings.

ACCESS

Access to the profession for practitioners commences by undertaking the 3-staged program offered by the Institute of Company Secretaries of India (ICSI). This is often followed by practical, on-the-job training before a grant of membership with the Institute. The cost for the course varies based on the level and increases as the student advances (Company Secretary, 2013). As compared to the other jurisdictions highlighted above, the cost in India is relatively cheap and is almost comparable with Kenya where the average cost is Kshs. 28,000 per level. Moreover, from the user's perspective, the services are relatively affordable which is quite similar to the Kenyan user experience. The fees paid to CSs usually depend on the level of experience with experienced consultants earning much higher. The geographical distribution of the institutions that offer the CS course is also fairly well spread. This means that students that would like to take up the course can do so easily as the schools are readily available.

During practice, the CS is expected to undergo constant professional development i.e., Continuous Professional Education (CPE) which is quantified in terms of credits (Company Secretary, 2013). The CPE is broadly divided into two categories: structured CPE credits and unstructured CPE credits. The former relates to credits earned for the member's attendance at designated learning events while the latter refers to credits given to members for undertaking various learning activities such as publishing of relevant books and journals. The costs for attaining CPE credits therefore depend on whether it flows from structured or unstructured learning activities, with the former being the most prominent mode.

From both a practitioner and regulator's perspective, the CS profession in India is highly devolved. The ICSI, though headquartered in Delhi, has 72 chapters spread across the country. Further, the Institute also has a strong

overseas presence in the Middle East, USA, UK, Singapore and Australia. Additionally, the virtual presence ensures that members who are overseas still access the Institute's services such as CPE through digital modes (Continuous Professional Education Guidelines, 2019). The availability of the colleges and institutions offering the CS program is equally impressive with a total of 18 colleges spread across the country that offer the CS program (CS Colleges in India | Shiksha, n.d.). Moreover, the Institute facilitates online digital learning which ensures greater inclusion and access.

Additionally, increasing innovation in technology offers varied prospects for CS practices through increased efficiency and cost-effectiveness (Portal, 2019). The changing dynamics in corporate governance as a result of technological developments require the CS to also keep up with the pace. In India, CS practitioners are increasingly using technology for administrative and compliance tasks such as e-filing (Portal, 2019).

QUALITY ASSURANCE

To assure quality, the CS profession in India has deployed a range of measures including curriculum requirements, CPE and strong mentorships. The ICSI's curriculum is segmented into three (3) stages and spans a period of three (3) years to train and educate the CS professional effectively and progressively. The Institute allows examinations to be written in English as well as in Hindi. For each of the 3 stages, a student will be deemed to have passed if he/she scores at least 40% in each paper and at least 50% in the aggregate of all subjects (Stages to Become a Company Secretary, n.d.) The ICSI's CPE guidelines of 2019 provide that CPE credits can be attained through structured and unstructured learning methods. The guidelines require the CS to attain at least 20 CPE credits over a year and strictly provide that only a maximum of 12 credits can be attained through the unstructured method. This ensures that at least 8 credits are attained through the structured learning activities.

Additionally, the Institute plays a proactive role in mentorship and provision of opportunities for upcoming and young CSs. Worthy of

mention is the mechanism of placement cells developed by the ICSI. It is a framework through which CSs are exposed to potential employers. The placement cell is coordinated by the Institute through its 70 chapters and CSs can register their profiles free of charge through the placement portal (*ICSI Delhi Placements 2021: Average & Highest Package, Top Companies*, n.d.). This increases the visibility of the CS to potential recruiters. For instance, in the year 2018, a total of 178 students participated in the placement drive which saw 120 secure placements with different organisations. Moreover, through this programme, the Institute developed a mentorship drive whereby the senior professionals were registered as mentors. Such a framework would be beneficial for the young CS in Kenya to increase their visibility to potential recruiters/employers and enhance their professional skills and knowledge.

Another important mechanism for guaranteeing quality in the profession is the Secretarial Standards Board (SSB) which was established by the ICSI in 2000. It consists of various stakeholders within the CS industry. Its mandate extends to the integration, harmonisation and standardisation of the diverse secretarial practices within the corporate sector (Gyan, 2021). Through the SSB, the ICSI has so far issued three standards on meetings of the board of directors (SS-1), general meetings (SS-2) and a standard on dividend (SS-3). These standards have helped to enhance quality assurance in secretarial practice in India.

When it comes to data protection, India is on the cusp of adopting a comprehensive and new data protection legislation. It is modelled along the lines of the European Union's GDPR but is different and broader in scope as it includes non-personal data, regulations on social media platforms and data localisation. This broadens the role of company secretaries in organisations as this comes with additional obligations under the new Data Protection Bill (Grover, 2022). On issues of environmental governance, the ICSI in its journal for governance professionals affirm the role of company secretaries in environmental protection. In accordance with the Indian Companies Act of 2013, directors have a duty to ensure compliance with all applicable laws and CS should facilitate compliance. The Indian Ministry of

Corporate Affairs issued national guidelines on Responsible Business Conduct to provide impetus to corporates to take environmental, social and governance initiatives. With this, CS practitioners have the opportunity of bringing out this transformation by ensuring compliance with environmental laws as well as guiding the boards in adopting environmentally friendly policies and guidelines ("Environmental Legislation, The Role of CS in Practice and Employment", 2021).

AWARENESS AND ACCEPTANCE

The CS profession is one of the most respectable and lucrative professions in India. The level of awareness of the CS profession in India is quite impressive as there is high demand for the CS both in employment and practice. This is because most of the organisations are giving more importance to compliance and governance. Similarly, the growth of the CS profession in India has been influenced by the shift in the profession from secretarial work to compliance and advisory roles.

The boom in the practising company secretaries has seen the emergence of practising firms that are regularly consulted by the various organisations regarding governance and compliance. The attractive jobs offered have therefore pushed more people especially those in the commercial sector to pursue the CS courses.

As regards to compliance with the obligation to appoint a CS, sec 203 of the Companies Act, 2013 lists the CS as a Key Managerial Personnel (KMP). The following categories of companies are thus obligated to ensure that a KMP is on-board: All listed companies, public and private companies that have Rs. 100,000,000.00 or more paid-up share capital. Compliance has been attained through the imposition of offences under the Company Act. A stringent fine is to be imposed on company directors for each day of the default to hire the CS. This has fostered deterrence leading to greater compliance.

As the custodian of the CS profession, the ICSI has embarked on diverse activities to create awareness for the CS profession. Some of the initiatives include the signing of strategic MOUs with key stakeholders such as the Indian Institutes of Management. Furthermore, the ICSI has embarked on scaling up its outreach in the semi-urban and rural parts of India, with the target of highlighting the CS as a career option for the students in these areas through orientation programmes. Further, the ICSI is making it possible for students in remote areas to be included in such programmes by facilitating distance learning courses and providing online study materials.

“...the profession is integrated across various sectors including private, public and non-profit sectors.”

CHAPTER FIVE

LESSONS AND PRACTICES LEARNT FROM OTHER PROFESSIONS

Several other professions mirror the core characteristics of the CS profession, particularly on matters relating to entry requirements, training, membership subscriptions and CPD requirements. It thus follows that a discussion on the current state of CS in Kenya cannot be done in isolation but ought to be done in comparison to other professions so as to establish the similarities, differences and best practices that CS can borrow. This section will analyse the practice in the following professions in Kenya: procurement and supplies management, accountancy, law and ADR practice. As has been done throughout the study, the analysis will proceed to interrogate these professions along the parameters of access; quality assurance, awareness/ acceptance.

Procurement and Supplies Management

Procurement and supplies management plays a critical role in the growth of organisations and as such calls for an enhanced legal and institutional framework that will ensure the quality, efficiency and effectiveness of this profession. The guiding legislation for the procurement and supplies management practice is the Supplies Practitioners Management Act of 2007 which also establishes the Kenya Institute of Supply Management (KISM) as an institution to promote learning, development and practice in the profession (KISM, 2021). The procurement and supplies management profession is a very useful profession with which to compare the CS profession. This stems from the evident similarities between the two as statutorily established professions. The profession is gaining more prominence owing to an emerging need for supplies management in all businesses as well as its growing membership (KISM, 2021).

ACCESS

The cost of studying procurement and supplies management is relatively higher than that of studying CS. This course is offered in higher education institutions either as a diploma or degree course. Notably, this has acted as a barrier for those intending to join this profession (Njeru, 2015). For instance, at the South Eastern Kenya University, the course takes 8 semesters and each semester costs nearly Kshs. 60,000 (Njeru, 2015). From the responses we got, the amount paid while undertaking the CS course is an average of Kshs. 28, 000 per level. From this comparison, it is evident that the cost of training has made it difficult for people to join the procurement and supplies management industry. Granted, to improve access the costs need to be re-evaluated to make it possible for ordinary individuals to acquire these skills. The minimum entry requirements to become a professional in procurement and supplies management were found to be similar to those of CS i.e., a minimum KCSE grade of C plus (+) with a minimum grade of C plus (+) in English and Mathematics.

Practice within the procurement and supplies management profession also attracts its own costs since professional development is an essential part of professional life. According to practitioners, the cost of CPD events is manageable and there is little difficulty in accessing such events. Moreover, the cost of membership subscriptions for procurement and supplies management professionals were found to be reasonable. The membership subscriptions entail a mandatory one-off membership fee and annual renewable fee (KISM, 2021.).

Regarding the geographical spread, the study's findings point to the fact that training institutions offering procurement and supplies management are not as accessible as those offering CS. To study a course in procurement, one must attend a chartered higher institute of learning which is often found in major cities and towns. In comparison, the CS course is offered in mid-level colleges that are spread across the country making geographical access highly convenient. Besides, individuals taking CS have the option to self-study before applying to sit for the KASNEB exams. This has promoted accessibility for CS while procurement and supplies management lags behind.

Digitization denotes efficiency in processes and innovation but in certain professions, the deployment of technology increases the risk of redundancy. The feedback from respondents' points at this conflict – some being of the opinion that digitization has lessened the profession's popularity, while others believing that technology has made their role as practitioners easier through e-procurement. This position is also true of the CS profession where a majority of the respondents felt that the growth in technology only made the work of the CS easier.

On the affordability of services, the users indicated that the services rendered by procurement officers are affordable and largely dependent on the level of experience. Also, the nature of work that the procurement officer is contracted to do determines the amount they are paid. Most practitioners reported that for consultancies the fees could go up to Kshs.1,

000,000 while normal fees were between Kshs. 10,000 and Kshs. 100,000. This mirrors the costs for users of procuring CS professional services.

QUALITY ASSURANCE

The law has set strict quality standards within the procurement and supplies management profession. As earlier indicated, the guiding legislation for procurement and supplies chain management is the Supplies Practitioners Management Act of 2007. Further, article 227 (1) of the Constitution of Kenya entrenches fairness, equity, transparency, competitiveness and cost-effectiveness as foundational principles upon which procurement of public goods and services shall be based on. These principles are a constitutional corrective to a public procurement system that historically has been marred by corruption. Further, Article 227 (2) mandates parliament to prescribe a framework within which policies relating to procurement shall be implemented. The Public Procurement and Asset Disposal Act (PPDA) 2015 and the subsidiary legislations there under were enacted pursuant to this provision. The PPDA has delineated its objectives, including promoting integrity in public entities; maximising economy and efficiency; promoting competition (Public Procurement and Disposal Act, 2015). Moreover, the Act creates the Public Procurement Regulatory Authority under section 8 whose role is to provide oversight on public procurement in Kenya. Lastly, the Procurement and Asset Disposal Regulations 2020 were enacted according to section 180 of the PPDA Act as a pathway to a robust and efficient regulatory framework, including the adoption of information technology in procurement.

Furthermore, the training curriculum on procurement and supplies chain management is offered by KISM, which mirrors the Chartered Institute of Procurement and Supply (KISM, 2021). The content includes: procurement systems and procedures; risk management planning; activities involved in specification development; sustainable procurement specifications; supplier research and market analysis; personal, professional development; communication and conflict management; communicating with clients and suppliers; negotiation styles, methods and tactics; credit ratings and financial

stability; price and cost analysis; developing contracts for services; contract administration/management; key performance indicators (KPIs) (KISM, n.d.). Granted, respondents were of the opinion that curriculum content is satisfactory and comprehensive to churn the best procurement officers.

On mentorship and advocacy, the stakeholders include the sector regulators as well as training institutions. Responses indicated that some of mentorship and advocacy methods deployed by these stakeholders include: webinars for knowledge sharing; partnerships and collaborations with other institutions; continuous professional development programs targeting a wide array of topics beyond the conceptual heart of the profession such as how to strike a work-life balance; award and recognition events and media publication to sensitise the public on the procurement industry (KISM, 2021). It follows that this system should be adopted by the CS profession as well. Currently, from the feedback received from CS practitioners there have been calls for the inclusion of mentorship programmes by the ICS.

Procurement and supplies management courses are offered by professional institutes of higher learning like colleges and universities. From the responses we gathered, the CS profession has a different approach which includes self-study. The danger with this is that it could lower the quality of professionals that are produced and as such there is a need for standardisation to ensure that the professionals meet a common qualification threshold.

AWARENESS AND ACCEPTANCE

Practitioners believe that the procurement and supplies management profession is one of the most regulated professions in Kenya. However, despite the constitutional and statutory provisions there are glaring issues with compliance, especially among users. From the interviews we conducted, the professional body - KISM opined that some instances of non-compliance stem from ignorance of the law. However, there are instances of wilful non-compliance that stem from unenforced sanctions coupled with enforcement gaps between enforcement institutions. This has

necessitated efforts within the profession to enhance its brand and increase its visibility in order to change the negative narrative (KISM, 2021).

Some of the efforts that have been put in place to promote compliance and awareness include the newly launched KISM Annual PSCM Awards to recognize and reward high performance standards in supply chain practice (KISM, 2021). There have also been efforts to increase the level of awareness of KISM activities among potential supply chain practitioners in order to increase its membership (KISM, 2021). Closely related, the Institute in its current strategic plan is making efforts to devolve its services to all 47 counties through the creation of regional chapters by 2024 and this is likely to increase stakeholder acceptance and awareness among prospective practitioners (KISM, 2021).

Integration is an essential element in promoting the procurement and supplies management profession. From the practitioners' feedback, they opined that procurement and supplies management have been sufficiently integrated into the university curriculum for instance it is a course offered at the University of Nairobi, School of Law as a final year elective course.

Legal Profession

The legal profession is an excellent premise to compare and discuss the state of the CS profession in Kenya. The legal profession is reputable and widely revered by many, making it a good point of reference for the CS profession in matters of access, quality assurance and awareness. This section thus seeks to conduct an exposition on the congruences and best practices between the legal and CS profession. The Advocates' Act is the primary statute that governs the legal profession in Kenya. The Act regulates entry into the profession as well as highlights the expected code of conduct from its members once they gain admission to the roll of advocates. The Law

Society of Kenya regulates the legal profession which is member-based. Membership within the Society is governed by the provisions within the Advocates Act, Cap. 16 which governs entry into the profession. Further, pursuant to the powers granted to the Law Society of Kenya, there is a Code of Conduct, which is an authoritative guide and reference point in: construing what constitutes professional misconduct, and outlining the minimum standards expected from members of the profession, breach of which would attract punishment

ACCESS

The study established that the cost of becoming a legal professional is more expensive when compared with that of being a CS professional. In this regard, one must complete a law degree from a recognized university, consequently, attend the Kenya School of Law for a postgraduate diploma in legal practice and complete a mandatory six-month period of pupillage under a lawyer of five years' standing (Advocates Act, 2014). The cost of an undergraduate law degree is Kshs. 106,500 for government sponsored students and approximately Kshs. 716,000 for self-sponsored students. It thus follows that it is easier to raise the amount required to become a CS professional than that required to become an advocate in Kenya.

In practice, legal practitioners are required to attain at least 5 CPD points to renew their annual practising licence. The cost of these CPDs varies depending on whether one attends the CPD event physically or virtually. For a long time, the cost of law CPDs was quite high, but the Law Society of Kenya (LSK) introduced the virtual CPD events at the onset of the COVID-19 pandemic which are charged at Kshs. 1500, which have been said to be very pocket friendly.

The virtual platform has eradicated the need for hiring venues, further reducing the need to charge more for CPDs. Moreover, facilitators of the CPD training are often paid depending on their level of expertise and their agreement with the LSK CPD Committee. More importantly, advocates in Kenya become members of the Law Society by default. As a result, the

society has a high number of memberships which contribute to a great extent toward the amount of fees charged for CPD training.

On matters of accessibility to training institutions, the legal profession is offered in chartered universities including Catholic University, the University of Nairobi, Kenyatta University and Moi University. Further, there is only one school offering the post graduate diploma in law i.e., Kenya School of Law. According to the individuals we interviewed, this has raised issues of accessibility since students incur the additional costs associated with relocation. CLE has since been conscious of this aspect and is currently exploring the accreditation of service providers for the advocates training course. In this regard, the CS profession clearly has a head start as it has in place institutions that are spread out across the country. In addition, with virtual and self-learning, it matters not the location of the individuals because they can access material and content remotely.

The entry requirements for practitioners in the legal profession are superior compared to the CS profession. The feedback from the practitioners indicated that the entry the legal profession entry requirements are higher, particularly, in the languages (English & Kiswahili) that require a minimum of B plain for you to undertake a law degree in contrast to the CS profession where the minimum requirement is a C plus(C+) in English and Mathematics. Although one may still pursue a law degree with a minimum grade of C plus (C+), the selection process is highly competitive, and persons may not be admitted with this minimum grade. Furthermore, from a consumer perspective, this minimum grade places one in the category of students where fees are higher than the regular programmes with additional demands of self-sponsorship.

The legal profession has been quick to adopt digitalization. Both tertiary institutions and the courts have embraced virtual platforms for teaching, filing and as a mode for which both legal professionals and students of law can participate. However, in certain aspects related to accessibility, the CS profession still maintains an edge over the legal profession because students can not only learn remotely, but are able to undertake their courses based

upon self-study using materials readily available online (in contrast to the legal profession where materials are accessible through subscription fees). That said, options relating to self-study have also been cited as a disadvantage by respondents in terms of quality assurance (see the next section).

Although the advocates have a floor price for the services (Advocates Remuneration Order, 2014 – ARO), it is clear that different advocates charge different fees based on the nature of services offered, and often below the ascribed in the ARO. For instance, when commissioning an oath an advocate may charge as low as 200. On the other hand, the fees charged by larger firms may be quite steep, particularly when contrasted with those charged by CS practitioners over assignments that are of a similar nature, particularly given the overlapping nature of services provided by both professions. The overlaps in this regard pose a unique threat to the CS profession as many advocates increasingly undertake the services of a CS and may not see the need and additional benefits inherent in joining the profession. Additionally, users may also not realise the distinct value proposition offered by CSs over and above that rendered by an advocate.

QUALITY ASSURANCE

The legal profession has regulations that set the standards for the conduct of the professionals as well as the standard of services given to the users. To begin with, Section 88 of the Advocates Act governs how all advocates must conduct themselves. It specifies the penalties that advocates will face if they violate the rules outlined in this Act and establishes guidelines for professional behaviour and discipline. Within the profession, the Council of Legal Education is mandated to manage and control legal training institutions (Regulation 6(2) of the Council of Legal Education Regulations, 2009). The Regulations also mandate the Council to set requirements to qualify admission into the advocates course and conduct examinations for the grant of legal academic awards. Moreover, the Council's director is given the power to discontinue, withdraw or recall an award from a student for specific reasons.

The legal profession has various mentorship and advocacy programmes. Interviews with relevant respondents indicate that programmes have been put in place to encourage partnerships between senior advocates and younger lawyers (including law students) such as the CB Madan Awards, Nairobi Legal Awards etc. Additionally, pupillage is designed to act as a mentorship programme where law graduates are paired with masters who teach and mentor them on practical aspects related to the profession. In the questionnaires sent to the CS practitioners, the majority pointed at the need to import such models into the CS profession where experience CSs can be linked to young CSs and even students in a similar fashion.

The quality of learning in the legal profession is sustained by the fact that professional learning is conducted through contact sessions with instructors who are practitioners appointed through a competitive process. There is no self-learning in both the undergraduate and professional programmes. The regulator (CLE) opined that this mode of learning bolsters the quality as it provides for a real time platform through which role plays and practical examples can be shared. This is in marked contrast from what occurs in the CS profession where self-learning, while increasing accessibility, may undermine the quality that contact platforms may further. Many young CS practitioners interviewed appear to suggest that there is a need to replicate a unified postgraduate programme such as the one provided by the Kenya School of Law (KSL).

A continuous development programme is immensely important in the legal profession. The substance of law and associated procedures keeps changing, demanding an update of a knowledge, skills and competencies by the legal practitioner if s/he is to give quality legal services and remain relevant. The LSK has excelled in putting in place CPD programmes that build the capacity of advocates in this respect. Moreover, these programmes are accessible at lower cost viz. those programmes undertaken by other professions (including the CS professions). The average CPD programmes will be in the tune of Kshs 1500 per session with advocates being required to attend a minimum of five sessions. Moreover, the CPD programmes has been accessible for various locations in the country, and more recently

following the restrictions in response to the COVID pandemic, the programme has been accessible through virtual platforms. The use of the virtual platforms has also facilitated the lowering of costs for the CPD programmes. Further, the respondents partly credited the reduced fees within the legal profession to the larger numbers that LSK is able to pull and thus making it easier for it to charge lower fees. Similarly, it is a requirement for the legal professions to attain at least 5CPD points in order to renew their annual practising certificates. This therefore necessitates the legal practitioners to constantly involve themselves in the CPD programmes for their continuous development.

Lastly, responses to the quality of services received from legal professionals were satisfactory. Moreover, the users opined that there are enough checks and balances to enforce their right to quality services. A user that is unsatisfied with the services offered by an advocate can report them to the disciplinary committee (The Law Society of Kenya, n.d.). This is particularly important especially in light of the pervasive nature of unethical practices across various professions including the legal sector that has witnessed its fair share of professional misconduct. The LSK has also ensured that there are sanctions in place for the professional misconduct, and further, that these sanctions are easily enforceable. ADR is also a feature that is increasingly being proposed for dispute resolution with the aim to ensure win-win scenarios for both the client and advocate. This mechanism is essential because it is founded upon the premise of consumer satisfaction which is primary in making the legal profession attractive.

Lastly, governance issues have been witnessed around the LSK framework. Particularly, there are lessons to be borrowed from the recent conflicts that have been observed during the running of the society in the immediate former regime. The conflict has majorly been facilitated by the blurred roles between the Council and the Secretariat. The effect of the governance issues has meant that the LSK has not been able to adequately fulfil its mandate. Therefore, governance is a feature that has prominently featured in the campaigns conducted for the LSK, noting that it is the silver bullet to the LSK problems. The ICS has therefore proved helpful during this period by

providing useful input, with its members being solution providers and even candidates for the LSK elections. The situation has therefore illustrated the important role that the CS profession can play in building capacity in many professional bodies.

AWARENESS AND ACCEPTANCE

Undeniably, the legal profession is one that is well-known in Kenya and this can be pegged on the influence of the LSK which cannot be questioned. The LSK is the nominating authority in various instances (e.g., in public bodies or state corporations) and has further been able to penetrate various sectors. In regard to the objectives of the LSK, section 4 of the LSK Act not only mandates the Society to advise the legal professionals and the government, but also offers such advice to the public. Therefore, the LSK has taken on an active role speaking on behalf of the public especially on matters of public policy. Further, the fact that the question of justice is central to the Constitution, and the role of the lawyer automatically aligns with the principles of justice, this means that the lawyer is generally appreciated and accepted.

In terms of integration of the legal profession in the school curriculum, Law is a subject taught in various universities. Also, there is basic introduction to the course from an early age of education, portraying the course as one that is highly marketable and prestigious. This in effect breeds interest in the students from an early stage. Additionally, stakeholders in the legal profession are constantly putting in place mechanisms to create awareness and promote the profession. For instance, the Law Society of Kenya stated that it has taken part in legal awareness campaigns geared towards users on several occasions. Further, to incentivize the practitioners, those who participate in these awareness campaigns earn CPD points.

The Law Society of Kenya has worked on several ways to draw awareness to the services offered by legal practitioners. This has included, but is not limited to, legal awareness weeks, legal aids, legal seminars and conferences etc (*Public »Legal Awareness Week*, n.d.). Some of these forums have also

acted as instances where advocates can also offer free legal services to the people of the public (*REPORT ON THE ANNUAL LSK LEAGL AWARENESS WEEK HELD ON 12TH OCTOBER 2020-16TH OCTOBER 2020 AT THE MILIMANI LAW COURTS AND SUPREME COURT – Kituo Cha Sheria*, n.d.). These have been found to assist in creating a positive perception about the profession amongst the general public.

Accountancy

The CS and accountancy professions have many similarities, one of which is the fact that they are both regulated by the same examination body – KASNEB. The main regulator of the accountancy profession is the Institute of Certified Public Accountants of Kenya (ICPAK) which was established in 1978. The Institute draws its powers from the Accountants Act of 2008 and has very similar functions for accountants as the ICS has for CS practitioners (*Who We Are | ICPAK*, n.d.). This part focuses on evaluating the key similarities and differences between these professions while making a case for best practices that can be emulated to enhance the state of the CS profession in Kenya.

ACCESS

Many efforts have been put in place to ensure accessibility and quality of accountancy as a profession. However, joining this profession comes with the cost of training, examinations, membership subscriptions as well as continuous development. According to the practitioners we interviewed, the cost of studying the Certified Public Accountant (CPA) course is an average of 35,000 per section with an examination fee ranging between 1750 and 4500. However, the cost is higher for those seeking to study the course as a diploma. This notwithstanding, it can be said that the cost of training and examinations for both the CS and CPA course are relatively similar and

work to encourage prospective practitioners who want to join either one of these professions.

Accounting courses are well known and offered in major universities in Kenya making the course easily accessible to students (*University and Business School Ranking in Kenya*, n.d.). There are also individual schools of business in the country that offer an array of business courses including business and management, business and technology, business and statistics and business and information technology (*What Are Disciplines of Business Studies?*, n.d.). Due to its high traffic, there are also many colleges offering CPA and Association of Chartered Certified Accountants (ACCA) courses (*Getting Started with ACCA | ACCA Qualifications | ACCA | ACCA Global*, n.d.).

CPDs for the accountancy profession, like all others, are a critical part of the practice. From the interviews conducted, the regulatory body - Institute of Certified Public Accountants of Kenya (ICPAK) mandates that accountants must do 25 hours of structured and 15 hours of unstructured CPD activity per year. This is a more rigorous system compared to that of the CS profession which caps the CPD requirements at 20 hours. The respondents stated that the cost of these CPD activities may be a hindrance to access during practice especially for the younger practitioners. Furthermore, similar to the CS profession, centres offering CPA are evenly spread across the country. The availability of learning centres across the country enhances accessibility for those aspiring to carve a niche for themselves within the accountancy profession. However, the challenge is that this may lead to standardisation issues, as various institutions produce individuals who are taught differently.

A look into the entry requirements revealed that pursuing accountancy can be categorised into five main levels with different entry requirements. From the responses, you can join the profession at vocational certificate, certificate, diploma, professional, and post-professional level. It follows that this particular aspect may make this profession more accessible in contrast to other professions. Accessibility can also be discussed in terms of the affordability of services for users. The responses that we got in this

regard indicate that the accountant's remuneration ranges from a monthly average of Kshs. 30,000 to a maximum of Kshs. 1,000,000 depending on the level of qualifications and experience.

QUALITY ASSURANCE

Accountancy is an important profession especially in economic terms. That said, the law must set the standards that are necessary to guarantee quality. In Kenya, the profession is regulated under the Accountants Act of 2008 which lays down standards and best practices for individuals or persons who wish to engage in accounting. The Act established the Institute of Certified Public Accountants of Kenya (ICPAK), the main professional body for public accountants in Kenya (Accountant Act, 2008). The mandate of the body is to regulate accountants and licence them for their practice. ICPAK membership is only granted after the Registration and Quality Assurance Committee (established under section 13 of the Act) has vetted an individual. The committee's functions include accepting, considering and approving applications for persons intending to practise as public accountants, ensuring quality in service by monitoring compliance with standards set, and advising the council on the appropriate measures to ensure standards and quality (ICPAK, n.d.).

Recently, the training curriculum for accountancy has undergone a series of changes. According to the examining body, revising the training requirements is to ensure that the profession remains relevant and meets the demands of the ever-changing market and global demands. From the practitioner's perspective, the new curriculum meets the demand of the students and makes them competitive globally. This training curriculum is divided into 3 major levels i.e., foundation, intermediate and advanced levels.

When reviewing the state of mentorship in the accountancy profession, responses we received reveal that, similar to the CS profession, this is an area that has not been adequately addressed. Although practitioners appreciated the role of mentorship in shaping the skills and increasing the

capacity of young accountants, they stated that ICPAK does not have a clear mentorship programme to realise these goals. Granted, the practitioners from these professions appear to have taken a common stand on the need for mentorship. Additionally, CPD activities are an increasingly important aspect of accountancy practice in a market characterised by rapid changes. From the study, a majority of the practitioners stated that progressive learning in the accountancy field is immensely interrupted by the rigorous CPD system and attached costs. Similarly, it was established in the study that the cost of CPDs is a major hindrance to progressive learning.

AWARENESS AND ACCEPTANCE

From the study, it is evident that both entry-level practitioners and users have misconceptions about what accountancy entails. Some of the misconceptions borne by the users are; one does not need an accountant, accountants must be good at mathematics, they only do taxes, and that it is a male-dominated profession. Further, the feedback from the practitioners indicated that compliance remains a challenge because most users choose to avoid the cost implications of hiring an accountant.

Further, ethics are crucial in the accounting profession as this is a high-risk area for unethical behaviour like corruption and data manipulation. From the interviews, ICPAK indicated that the institution is committed to regulating ethics within the profession to ensure integrity and better services for users. Further, the institution stated that it has been facing challenges in advocating for compliance and would like to be a part of the vetting process for accountants in the public sector (ICPAK, n.d.).

Integrating accounting into other professions, such as through the curriculum, is essential in creating awareness. Responses from accounting professionals show that the profession has been integrated to some extent into different courses including law (through its accounting for lawyers' course). This notwithstanding, ICPAK indicated that there is need for further integration because accounting is applicable in all industries.

ADR Practice

ADR has often been considered a secondary qualification as most practitioners have a background in other professions such as engineering, law, business, and architecture. The Chartered Institute of Arbitrators (CIArb) is a chartered professional institution which offers Alternative Dispute Resolution (ADR) practice in arbitration, adjudication and mediation. The uniqueness of the Chartered Institute as being both a professional body and a training institute presents interesting perspectives on matters of accessibility, quality assurance, advocacy and mentorship for the consumers, practitioners, and regulators in the CS profession.

ACCESS

The costs of undertaking courses on ADR are higher compared to the cost of undertaking CS training. The feedback received from ADR practitioners, particularly arbitrators, revealed that the low-level course of Introduction to ADR and arbitration, costs an average of Kshs.40000, with additional examination fee of about Kshs.12000. The fees are bound to increase as one progresses to the advanced levels of training towards being a Member and Fellow of the Institute. However, CIArb has come up with pocket-friendly prices for their training, especially for university students and this has seen an increase in the number of students taking up the ADR courses from the Institute.

Further, in regard to costs, the consumers of ADR opinionated that some of the ADR mechanisms have become quite expensive and are thus a hindrance to justice. This goes against the very principles on which ADR is founded as an affordable and effective alternative for dispute resolution. For instance, arbitration has become expensive making it unaffordable for a majority of consumers. Most practitioners agree that there is the need to re-evaluate these costs because it runs the risk of making ADR unattractive to many. In comparison, the services offered by the CS profession are

relatively affordable thus, it can be argued that there is better access to CS services than ADR services for users.

CPDs play a major part in ensuring that ADR practitioners adjust to the dynamics of the profession and hone their skills to remain relevant in the profession. However, the Institute indicated that although the current system does not provide for CPDs, a policy proposal has been fronted and the implementation phase shall commence soon. The proposal sets out the required number of points for each level of membership. From a practitioner's perspective, the introduction of the CPDs system will go a long way in ensuring that quality and efficiency are maintained in the profession.

In regard to geographical accessibility, the Chartered Institute of Arbitrators Kenya branch is the only branch in Kenya and Eastern Africa. However, the Institute has been able to reach a wider number of practitioners since most of its courses are offered virtually and the facilitators are able to visit various regions to offer training in universities and other institutions of learning. Therefore, by leveraging on technology, the Institute has been able to reach more people in terms of training, making it more affordable.

Additionally, respondents argued that digitization has helped improve accessibility to the services offered by the Institute. To begin with, digitization has helped in increasing access because courses can now be offered virtually to anyone across the country and outside. Additionally, the practitioners have hailed digitization as it now means less hours of travels as matters can now be resolved virtually. However, a number of practitioners reported that digitization may affect the role of the ADR practitioner especially with the advent of automated online dispute resolution mechanisms.

QUALITY ASSURANCE

The ADR profession is governed by a regulatory regime consisting of the Arbitration Act and rules enacted by professional bodies like the Chartered

Institute of Arbitrators such as the CIArb Arbitration Rules and CIArb Adjudication Rules. The objects of these rules are to lay down procedures for various ADR practices. From the conducted interviews, the Institute stated that in 2020, it revised the Chartered Institute of Arbitrators (Kenya Branch) Arbitration Rules which among other things, made provisions for virtual proceedings. From our correspondence with the practitioners, we established that a majority of the practitioners held the view that the set procedures rules are sufficient to guarantee quality.

From the Institute's perspective, the training requirements are comprehensive and sufficient to produce top-notch ADR practitioners. Similarly, the practitioners who underwent this training stated that the training is rigorous and is conducted by seasoned practitioners within this industry. The course content is divided into different modules each tailored to meet market demands both locally and globally. The Institute in their responses indicated that the examinations are offered by the Institute based in London. It follows that those who pass the examination have the competitive ability to practice globally.

Although Alternative Dispute Resolution is offered in law schools like the University of Nairobi, Faculty of Law, the same does not make one eligible to be registered by the institute for practice. Therefore, law graduates must still take the courses offered by the institute to be eligible. The Institute has set entry requirements for those seeking to become ADR practitioners under its umbrella. Firstly, you must have completed a course study and be a member of a recognized discipline. Secondly, the institute requires you to have undertaken a course with them or its equivalent from a recognized course provider like the Nairobi Centre for International Arbitration (NCIA). Practitioners with a vast experience in the area may become members by applying for the accelerated route to fellow. This is similar to the CS profession where past practice experience is recognized and given exemptions during entry into the profession.

From the interviews, the institute has a strong mentorship programme. The Institute established a Young Members group that acts as a forum for

interactions with senior practitioners through seminars and other projects. The feedback received from the young practitioners was that the programme has exposed them to many opportunities and has enabled them to acquire practical skills from senior practitioners. Also, the Institute has partnered with university students for training and organising competitions for students passionate about ADR.

Although the Institute has not implemented a CPD programme, its lack thereof has been bridged by the series of webinars and seminars on the merging issues in ADR. The Institute's feedback indicated that these webinars are avenues for progressive professional learning. This was corroborated by the practitioners who found the webinars instrumental to their professional growth. However, the Institute is working to implement its 2021 proposed CPD policy.

AWARENESS AND ACCEPTANCE

The ADR practice faces some challenges in awareness and acceptance especially among users who are still averse to ADR processes. It has been argued that Kenya is a very litigious society and this is observed from the number of cases in the court system. Feedback from users show that there are glaring misconceptions about the workings of ADR with many appearing to think that it is ineffective in comparison to court processes. Some of the people we queried revealed that they felt that ADR was quite informal in comparison to litigation. However, a lot is being done by stakeholders in the practice to create awareness and also change user perspectives about the practice. In this regard, even mainstream judicial authorities have become increasingly involved in the efforts to promote ADR. Court cases are now increasingly being referred to ADR in order to find timely, cost efficient and less acrimonious ways to deal with disputes in the country. Furthermore, article 159 of the Constitution has acted as a catalyst to the new and encouraging shift among Kenyans from litigation to ADR mechanisms.

In regard to integration, the ADR profession has been included in the curriculum of most of the higher institutions of learning. The course is offered across different law schools in Kenya both at the undergraduate and postgraduate levels. The feedback from the practitioners indicated that this is instrumental in creating awareness around the role of practitioners, the relevance of the profession, and its career opportunities. Further, the Institute boasts of a robust marketing strategy which has created positive influence among users and prospective practitioners about the value of the ADR profession. The feedback from the Institute indicated that it had a dedicated Marketing Committee which is involved in the marketing and branding of the profession and has established a rich presence on various social media platforms. This has enabled the Institute to reach a wide pool of people thus bolstering the awareness of the profession.

“The CS profession can enhance its accessibility to practitioners and prospective practitioners using technology.”

CHAPTER FIVE

RECOMMENDATIONS AND CONCLUSION

ACCESS

Enhancing Affordability: Most respondents believe that enhanced affordability is one of the most important ways to facilitate access to CS for both practitioners and users. From a practitioner's perspective, this can be achieved by lowering the cost of CPD events to encourage participation. A comparison of CS with the legal profession revealed that the LSK has managed to make CPD events more affordable to its membership through three main approaches: the shift from physical to virtual attendance, providing the option for more free CPD events and incorporating aspects of volunteerism among the CPD facilitators. The ICS can borrow from such strategies to enhance practitioner's access and participation in CPD events.

From a user perspective, affordability or its lack thereof stems from the price that the consumers of CS products have to pay to receive CS services. The regulatory institutions (ICS and RCPSB) need to intervene to ensure that users are not locked out due to excessively high costs. In this regard, they can leverage technology to cut the costs for users. Borrowing from digital concepts that encourage virtual consultations, ICS can create online CS platforms where governance advice can be sought at a lower price. A

comparison of CS with the legal profession revealed that legal practitioners are usually incentivised to offer pro bono services to those who would otherwise be unable to afford legal services. This could be something that ICS may consider adopting to enhance access for users.

1. *Alternative routes to membership:* Most practitioners who took part in this study felt that the traditional routes to membership ought to be overhauled as the same have been very restrictive to prospective members hoping to join the profession. Further, there have been calls among members to allow those with relevant professional experience; such as corporate secretarial, governance and ethics, to find their way into the profession. This presents innovative and new ways of increasing the Institute's membership. An analysis of the internal documents of the ICS and RCPSB revealed that plans are underway to review the CPS Act and one of the key amendments relates to creation of alternative routes to membership such as associate membership and affiliate membership. From the proposals, associate membership shall apply to those persons who have not yet satisfied all the requirements for registration as full members while affiliate membership shall apply to those persons with the relevant professional experience but lack all the prerequisite requirements for registration as full members. This model will borrow from professions such as the procurement and supplies management and other jurisdictions (such as the UK) which offer alternative routes to membership. In the UK, ICSA created a category for affiliate membership for individuals with relevant professional experience such as lawyers, governance as well as risk and compliance professionals.
2. *Technology as a means to enhance access:* The CS profession can enhance its accessibility to practitioners and prospective practitioners using technology. The study revealed that the move towards virtual spaces has extended to the CS profession. These advancements were particularly on the increase during the COVID-19 pandemic when most learning and continuous development activities shifted to the

virtual platforms. The profession needs to continually make use of technology to increase access among students studying to become CS practitioners as well as the practitioners themselves as this is also likely to reduce the administrative costs of mentorship and CPD activities. In this regard, there have been some suggestions that continuous professional development should also be offered in the form of recorded CPDs (i.e., with the cost of the recorded option being slightly higher than actual virtual attendance). This will enhance flexibility for practitioners who are desirous of achieving the required CPD compliance at their own convenience.

3. *Scholarships and bursary programmes:* One of the key challenges identified in this study relates to affordability. It has been suggested that the Institute can come up with a kitty that funds the CS course for students that cannot afford to raise the fees. The programme can be run through the Institute and can be ran to award students with exemplary grades in corporate governance related subjects at their tertiary institutions. This model is quite similar to the one run by CIARB to encourage more students to take up ADR practice. Such a programme would go a long way in inviting more people to the course and making it more accessible.

QUALITY ASSURANCE

1. *Partnerships and collaborative efforts towards increased quality assurance:* The profession regulators i.e., ICS, RCSPB and KASNEB should actively engage with and monitor institutions that offer CS training to ensure that the quality of training is at par with the global CS standards. A recent MOU between these bodies and select training institutions sought to facilitate collaboration in the area of curriculum development and the development of modern content which will improve the overall competencies of CS students in light of contemporary governance challenges and the need for sustainability. These partnerships should also go beyond the CS training regulators and involve the sectoral regulators such as SCAC

and CMA who have shown increasing commitment towards governance training and practice within public and private organisations. Further, there have been discussions within the Institute to create a **governance academy** equivalent to the Kenya School of Government (KSG) for purposes of infusing a system of sustainability that provides continuous training on governance practice for practitioners as well as facilitating the offering of short courses on governance for other professionals.

2. *Finding sustainable alternatives to the Institute's financial resources:* one of the reasons cited by the ICS as hampering effective capacity development is that of lack of adequate financing. Most of the finances available to run the Institute's activities come from member contributions, which in itself puts an unconscionable burden on its membership. This issue also affects the sustainability of any interventions to enhance access, quality assurance and awareness. As a creature of the National Treasury, ICS may consider leveraging this relationship to increase its financial sources. This can only occur if the Institute fully adopts the requirements for public institutions seeking financing from the exchequer including those relating to audits and public procurement laws. With these funds in place, the Institute will be able to direct its energy to the real issues affecting the profession.

3. *Partnerships with academic institutions to run a degree programme in CS:* it has been argued that the current route to entry does not have organic growth as this has been limited to successful completion of KASNEB exams or fellowship. There has been a level of partnership between the ICS and university institutions such as the University of Nairobi through the governance journal. That said, in line with the increased calls for alternative routes to membership, ICS, RCPSB and KASNEB ought to increase their partnerships with institutions of higher learning to, among other things, run a degree programme in CS at undergraduate, graduate and postgraduate level. This can offer an alternative route to

membership through formal university training and also deal with the poor perception of CS as an ancillary profession.

4. *Amendments to the qualifications under s. 20 of the CPS Act:* the amendments to the qualifications under section 20 of the CPS Act to provide for affiliate membership will provide the Institute with a wider pool of experts on matters of governance which is a key aspect of guaranteed quality assurance and relevance, but which also has a direct influence on the level of awareness and acceptability by building a significant pool that will influence the governance agenda in the country.
5. *Mentorship:* the study revealed that there are serious gaps in the level of mentorship within the CS profession and that more needs to be done to enhance mentorship by tapping into the existing knowledge and experiences of senior or high performing CS practitioners for the benefit of newer or less experienced ones. In the comparative study, the study established that the legal profession and ADR practice have been able to enhance knowledge sharing through their respective mentorship systems. It has been argued that CS should also adopt such systems where mentorship is included as part of the training. Some of the other suggestions were for the regulating institutions to hold annual seminars to discuss the latest employment trends and career opportunities as well as organising periodic workshops on career development.

AWARENESS/ACCEPTANCE

1. *Effecting changes to the name of the profession and affiliated institutions:* there is a general feeling among users, regulators and practitioners alike, that the name of the CS profession (as encapsulated in the CPS Act) is very restrictive in that it creates the perception that CS practitioners are only relevant in the corporate setting i.e., within private and public listed companies. This misguided interpretation can be healed through a change in vocabulary such as the one in the

proposed amendments to the CPS Act. The proposed amendments suggest that the name of the profession needs to incorporate governance and facilitate recognition of CS professionals in all sectors by substituting the word “company” with “certified” and introducing the term “governance”. If these amendments fall through, CS practitioners will now be referred to as “certified secretaries” and “governance professionals”. This has also been suggested regarding the Institute’s name which is set to be amended to read the “Institute of Certified Secretaries and Governance Professionals” and RCPSB which is to be amended to “Certified Secretaries and Governance Professional Board”. This will be useful in shifting the mindset of stakeholders towards the all-encompassing role of a CS in governance functions and enhance compliance and acceptability.

2. *Partnerships and collaborative efforts to raise awareness and acceptance:* At the top of the responses from various stakeholders, was the suggestions to increase awareness and acceptance among users and prospective members by forming partnerships with like-minded stakeholders to market the profession more effectively. In this regard, there have been efforts by ICS, RCPSB and KASNEB to enter into MoUs with CS institutions such as the Traction School of Governance and Business and Star College to jointly market the profession, enhance student career development in the area and conduct joint awareness forums.
3. *Use of legislative processes to force compliance with good governance requirements:* The Institute can use its position to lobby for the implementation of relevant legislation and policies to ensure that governance practice becomes an obligatory requirement in both public and private institutions. For instance, the CS qualification can be made a requirement for at least one member at board level within an institution. This has been achieved to some extent owing to such

initiatives as the Mwongozo Code for State Corporations², and the CMA Code of Corporate Governance Practices for Issuers of Securities to the Public (2015)³. However, more needs to be done to ensure governance requirements are extended to the entire governance space of including within county public service boards, commissions, private sector actors such as NGOs, charitable organisations and private companies that are not bound by the requirements to hire company secretaries⁴. In this regard, ICS needs to intervene as an independent stakeholder to bridge the governance gap and ensure that good governance is entrenched sectorally in all public and private institutions. Governance policies like Mwongozo should be adopted in other institutions such as within independent commissions and county boards. ICS can ease into such spaces by engaging these organisations to conduct governance audits. This can then metamorphose into further engagement and support to formulate governance models like Mwongozo for the non-compliant institutions, offering support on governance training.

4. *Leveraging on technology*: To ensure enhanced access for prospective practitioners, ICS can leverage on technology to offer affordable programmes for its members as well as to market the profession to

² The code stipulates the requirements for appointment of a professionally qualified corporation secretary, outlines the key roles of the corporation secretary and also makes it compulsory to separate the role of the Corporation CEO and that of the corporation secretary.

³ The code succeeded the Guidelines on Corporate Governance by Public Listed Companies in Kenya, 2002.

⁴ In Kenya, the role of the company secretary is emphasised in the Companies Act 2015 which mandates all public companies to have at least one secretary. Moreover, only private companies with a paid-up capital of more than five million Kenya shillings are required to have a secretary which means that those that do not meet this threshold are not required to comply.

users and prospective members. Technology offers a cheap way of advertising which is also likely to reach a wider target population.

5. *Enhanced affordability and timeliness of CS training:* One of the challenges that has been cited as hampering compliance within organisations is the general feeling that the CS qualification is too high to achieve mainly due to the cost and time implications. To cure this, policies within institutions to force compliance ought to be effected together with changes that ensure affordability and timeliness of CS training which will in fact have a trickle-down effect to the compliance of the end users.
6. *Bridging awareness gaps among prospective practitioners:* Most respondents were of the opinion that in order to create awareness among pupils and students at primary, high school as well as university level about CS as a career option, the Institute should aim to hold frequent career workshops with the students at various academic levels and introduce the CS profession to them. Further, respondents felt that this could be pursued through local partnerships with the institutions of learning and advertising at school events.
7. *Building stronger relationships with other professional associations:* The study has revealed that the ICS has yet to fully take advantage of all the prospective areas of improved relevance. In this regard, some respondents felt that the Institute ought to forge stronger relationships with other professional associations such as LSK, CI Arb (K), and AAK etc. to provide governance training for professionals in other sectors. There is a misconception that governance is a sector specific issue but in reality, governance applies in all areas and thus professions from other sectors could also benefit from governance training.
8. *Building regional partnerships with CS professional associations in other countries:* the study established that one of the ways to ensure wider acceptance and awareness of the CS profession and governance

practice is through creating strong partnerships. For the sustainability of the profession, these partnerships ought to take a regional and global profile. Respondents indicated that the ICS is in a pivotal position, locally and regionally, and ought to take advantage of this position to support the development of the CS profession across the borders (especially within the East African region). One of the ways to do so is by forming a regional umbrella body for CS with membership from CS professional associations in Kenya and its neighbouring countries. Such a partnership will serve to enhance the reach and compliance levels with governance practice.

In conclusion, this research has given a candid and timely analysis of the state of the CS profession in Kenya from the view point of CS practitioners, regulators and users. The study adopted a thematic approach, choosing to discuss its findings from the perspective of access, quality assurance and awareness/acceptance. Our findings were derived from a thorough review of legislative frameworks, policies, strategic plans and academic works as well as extensive primary research from the ascertained stakeholders.

In a sense, the research has evaluated the positive aspects of the profession, its challenges and possible interventions, drawing from other selected jurisdictions and similar professions. Some of the key issues that the study has raised relate to the gaps and possible interventions with respect to affordability, technology, leveraging on existing relationships, branding, partnerships, mentorship and financial and contextual sustainability etc. Being a first of its kind, this report will certainly form a basis for future research in this area. Further, the value of this research piece in influencing decision making by policy makers and other stakeholders in this profession cannot be overstated. The study thus presents an apt instrument for a sustained conversation on governance practice within the country and beyond.

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ANNEXURES

List of Key Stakeholders Engaged

Sector Regulators		
Public	Private	NPOs
State Corporation Advisory Committee Public Service Commission	Capital Markets Authority Nairobi Securities Exchange Business Registration Service	NGO Board

THE STATE OF THE CS PROFESSION IN KENYA

Users		
Public	Private	NPOs
Corporation from the financial sector Corporation from the commercial and manufacturing sector Two public universities Corporation from the service sector Twenty-three tertiary education and training institutions One Independent Commission Two county service boards	Two banks Two insurance firm One private company with share capital of above Kshs. 5,000,000. Three private companies with share capital of below Kshs. 5,000,000.	One medium sized NGO One large sized NGO
CS Practitioners		
0-9 Years of Practice experience	10 and above years of practice experience	Gender
37 practitioners	36 practitioners	56 Females 51 Males

CS Regulators		
One respondent from KASNEB	Five respondents from ICS	Two respondents from RCPSB
Comparative Professions		
One respondent from LSK One respondent from KISM	Two respondents from CIArb(K) One respondent from ICPAK	
Comparative Jurisdictions		
One respondent from South Africa One respondent from UK One respondent from India		

Questionnaire for CS Practitioners

PART 1: BACKGROUND INFORMATION

1. Name:
2. Gender (Tick as appropriate)
 - Male
 - Female
 - Prefer not to say
3. Age in Years (Tick as appropriate)
 - 20- 29 years
 - 30-39 years
 - 40-49 years
 - 50-59 years
 - 60 years and above
4. County (Place of business):.....
5. Primary Profession:.....
6. Have you been in practice?
 - Yes
 - No
7. If yes, for how many years have you been in practice?.....

PART 2: CS PRACTITIONERS

1. Where did you receive your training for the Corporate Secretarial Profession?

.....

2. In your opinion, did the training prepare you adequately for your current role or even future work?

- Yes
- No

If No, please state why

.....

3. Ranking from 1-5, with 1 being the lowest and 5 the highest, what is the quality of customer service offered by KASNEB?

- 1
- 2
- 3
- 4
- 5

Give reasons for your response.

.....

4. Ranking from 1-5, with 1 being the lowest and 5 the highest, what is the quality of customer service offered by RCPSB?

- 1
- 2
- 3
- 4
- 5

Give reasons for your response.

-
5. Ranking from 1-5, with 1 being the lowest and 5 the highest, what is the quality of customer service offered by ICS?
- 1
 - 2
 - 3
 - 4
 - 5

Give reasons for your response.

-
6. In your opinion, how can job opportunities be created for members in BRS, counties, mainstream public service, state corporations, universities, institutions of basic education, etc.?
-
7. What are some of the practical strategies that the profession should embrace to adopt a collective intelligence and knowledge management strategy to influence innovation and competitiveness?
-
8. How can the Institute enhance professional mentorship?
- Run a mentorship program where it allocates mentors and mentees to its membership
 - Collect data from CSs on their perception of the institute's performance on mentorship
 - Organise periodic workshops on career development

- Hold annual seminars to discuss the latest employment trends and career opportunities
- Other

Other (Specify).....

9. How should the profession position itself to take advantage of emerging environmental debates and be part of driving /influencing the environmental governance agenda?

.....

10. How much do you charge for in house CS services?

.....

11. How much do you charge for CS consultancy services?

.....

12. In your opinion, what is the adequacy of CPD training offered by ICS?

.....

13. Kindly outline any improvements you would recommend in relation to the above.

.....

14. Any further comments or contributions?

Questionnaire for Users

PART 1: BACKGROUND INFORMATION

Name:

Gender (Tick as appropriate)

- Male
- Female
- Prefer not to say

Age in Years (Tick as appropriate)

- 20- 29 years
- 30-39 years
- 40-49 years
- 50-59 years
- 60 years and above

County (Place of business):

Primary Profession:

Are you familiar with the Corporate Secretarial Profession?

- Yes
- No

If yes, how did you learn about it?

- User
- CS Practitioner
- Broadcast Media (Radio & TV)
- Print Media

- School/University
- Social Media

In what capacity have you participated in the CS profession? (Tick all applicable)

- Practitioner
- User
- Membership Institution/Registration Authority/Examining Body
- Other

PART 2: USER (S)/ CONSUMER(S) OF CS SERVICES

1. Have you ever engaged a Corporate Secretary?

- Yes
- No

If yes, specify nature of engagement.

.....

2. How much do/did you pay for the CS services?

.....

3. In your view, what other services can CSs offer to better support you/your organisation?

.....

4. In your opinion, how should the profession upgrade from mere service delivery (which is gradually being taken over by technological advancements) to more of value addition?

.....

5. Any further comments or contributions?

Questionnaire for Member Institution/Examining Body/Registration Body

PART 1: BACKGROUND INFORMATION

Name (Optional):

Gender (Tick as appropriate)

- Male
- Female
- Prefer not to say

Age in Years (Tick as appropriate)

- 20- 29 years
- 30-39 years
- 40-49 years
- 50-59 years
- 60 years and above

County (Place of business):

Primary Profession:

In what capacity have you participated in the CS profession? (Tick all applicable)

- Practitioner
- User

- Membership Institution/Registration Authority/Examining Body
- Regulator

PART 2: MEMBERSHIP INSTITUTION/REGISTRATION

AUTHORITY/EXAMINING BODY

1. Name of Institution

.....

2. As an institution, what is your role in the CS profession? (Tick all that apply)

- Training, certification & accreditation of CSs
- Membership & appraisal of trained, certified & accredited CSs
- Regulation of the CS profession
- Appointment of CSs

Other (Specify)

3. If a membership institution:

i. How many CSs do you have in your membership?

.....

ii. What are the practical ways that the Institute can leverage on the competencies and experience of its members to soar to the next level? (Tick all that apply)

- Routinely asking for feedback on what can be done different
- Involving them in decision making
- Offering continuous advanced training
- Providing professional mentorship
- Other

Other (Specify)

- iii. How can the linkages be enhanced between the four main CS professional institutions: ICS, RCPSB, KASNEB, and CS training institutions? (Tick all that apply)
- Enhancing multi-institutional activities
 - Implementing cross-institutional programs
 - Forming a committee or working group with actors from the four institutions
 - Other:

Other (Specify).....

4. How can ICS support development of the CS profession across the borders, especially within the East African region? (Tick all that apply)
- Form regional partnerships with key industry players
 - Leverage technology to disseminate knowledge
 - Gather data to identify gaps in the profession
 - Other

Other (Specify)

2. What are some of the ingenious affordable options that the Institute may pursue to meet its basic strategic obligations like advocacy despite its financial challenges?
3. What can be done to create awareness to pupils/teachers from primary and high school so that they know that CS is one of the careers they can pursue? (Tick all that apply)
- Advertise on broadcast media
 - Hold career workshops with students/teachers
 - Pursue local partnerships with institutions of learning

- Advertising at school events such as inter school academic competitions
- Other:

Other (Specify)

4. What can be done to enhance the level of the Champions of Governance award penetration, including at county level?
.....
5. How should the profession upgrade from mere service delivery (which is gradually being taken over by technological advancements) to more of value addition?
6. What, in your opinion, are the reasons for any non-compliance of entities legally required to employ the services of CSs? (Tick all that apply)
 - Lack of awareness
 - Inability to afford the services
 - Unenforced sanctions
 - Purposeful non compliance

Other (Specify)

7. What services or positions within the mainstream public service can be offered or occupied by CSs?
8. How can the governance standards and guidelines developed by the Institute, obtain national recognition and application?
.....
9. Any further comments or contributions?

Questionnaire for Sector Regulators

PART 1: BACKGROUND INFORMATION

Name (Optional).....

Gender (Tick as appropriate)

- Male
- Female
- Prefer not to say

Age in Years (Tick as appropriate)

- 20- 29 years
- 30-39 years
- 40-49 years
- 50-59 years
- 60 years and above

County (Place of business)

Primary Profession.....

Are you familiar with the Corporate Secretarial Profession?

- Yes
- No

If yes, how did you learn about it? *

- User
- CS Practitioner

- Broadcast Media (Radio & TV)
- Print Media
- School/University
- Social Media

In what capacity have you participated in the CS profession? (Tick all applicable)

- Practitioner
- User
- Membership Institution/Registration Authority/Examining Body
- Regulator

PART 2: SECTOR REGULATORS

1. Name of Institution

2. As an institution, what is your role in the CS profession? (Tick all that apply) *

- Training, certification & accreditation of CSs
- Membership & appraisal of trained, certified & accredited CSs
- Regulation of the CS profession
- Appointment of CSs
- Other

Other (Specify)

3. What are the practical ways that the Institute can leverage on the competencies and experience of its members to soar to the next level? (Tick all that apply)

- Routinely asking for feedback on what can be done different

- Involving them in decision making
- Offering continuous advanced training
- Providing professional mentorship

Other (Specify)

4. How can the linkages be enhanced between the four main CS professional institutions: ICS, RCPSB, KASNEB, and CS training institutions? (Tick all that apply)

- Enhancing multi-institutional activities
- Implementing cross-institutional programs
- Forming a committee or working group with actors from the four institutions
- Other

Other (Specify)

5. In your opinion, how can ICS support development of the CS profession across the borders, especially within the East African region? (Tick all that apply)

- Form regional partnerships with key industry players
- Leverage technology to disseminate knowledge
- Gather data to identify gaps in the profession
- Other:

Other (Specify)

6. What are some of the ingenious affordable options that the Institute may pursue to meet its basic strategic obligations like advocacy despite its financial challenges?

7. What can be done to create awareness to pupils/teachers from primary and high school so that they know that CS is one of the careers they can pursue? (Tick all that apply)

- Advertise on broadcast media
- Hold career workshops with students/teachers
- Pursue local partnerships with institutions of learning
- Advertising at school events such as inter school academic competitions
- Other

Other (Specify)

8. How should the profession upgrade from mere service delivery (which is gradually being taken over by technological advancements) to more of value addition?

9. Ranking from 1-5, with 1 being the lowest and 5 the highest, what is the extent of compliance of the entities legally required to employ the services of CSs?

- 1
- 2
- 3
- 4
- 5

10. What, in your opinion, are the reasons for any non-compliance? (Tick all that apply)

- Lack of awareness
- Inability to afford the services
- Unenforced sanctions
- Purposeful non compliance
- Other

Other (Specify)

11. What services or positions within the mainstream public service can be offered or occupied by CSs?
12. How can the governance standards and guidelines developed by the institute, obtain national recognition and application?
13. Any further comments or contributions?

Interview Questions

1. What is the relevance of the CS profession today and more importantly tomorrow?
2. What are the general impediments in accessing the profession and how can they be addressed?
3. Are there sufficient quality assurance and capacity development processes in place (i.e., for practitioners)?
4. To what extent is the CS profession integrated across different sectors (private, public, non-profits) and how can this be improved?
5. Are corporate governance audits an annual practice in these sectors and how can their acceptance be promoted?
6. What would you consider as the main challenge that ICS faces in its custodial role to grow the profession?

