



INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

THINKING OF IMPLEMENTING THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE?

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Resources

There are many measurement and improvement instruments or tools that can be used by the courts in forging the path of Court Excellence. The type of tools that a court might select depends on the situation and the needs of the courts. References and links to these tools can be found on the *Framework* website: courtexcellence.com. The site also contains considerable reference material, case studies and links to relevant court and organisational websites.

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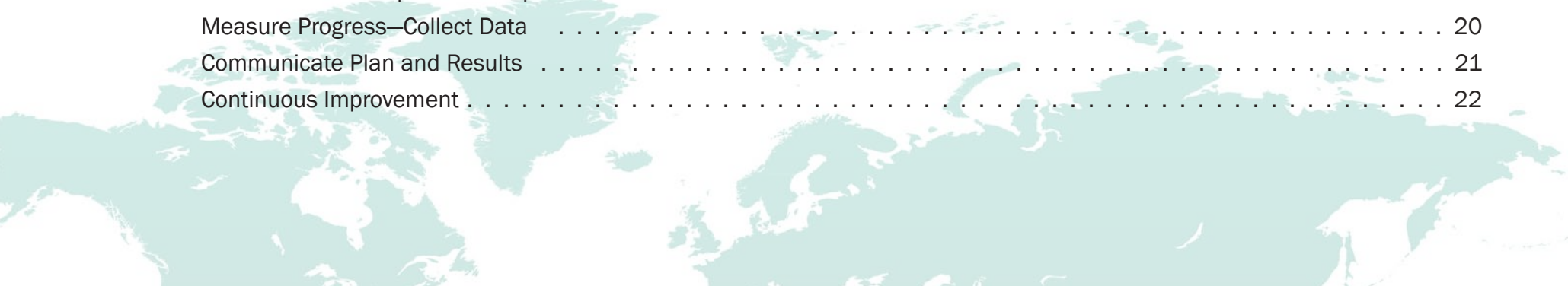
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What is the International Framework for Court Excellence?

The International Framework for Court Excellence (*Framework*) is a quality management system designed to assist courts wishing to improve the performance of their courts. It assists courts to identify areas of court performance capable of improvement and to develop innovative ways to address issues, improve transparency and clarity, enhance access, and reduce backlogs and overly complex procedures, which detract from court quality and efficiency.

The *Framework* provides a structured method for courts keen to employ their limited resources (both judicial and administrative) more efficiently. The decision to use the *Framework* to embark on a journey toward court excellence is a significant one for a court.

The Consortium, which drafted the original *Framework* (and the revised *Framework 2013*) has developed this introductory version to enable courts to begin the journey. This version is a significantly simplified version of the *Framework* but it retains the fundamental aspects of quality management methodology. It represents a simple “**how to do it**” guide.

Why use Quality Management?

Courts are essential to good government and stability in society. They play a crucial role in resolving conflict and disputes. To maintain public trust and confidence it is important that courts both perform their role well and are seen to perform well.

Quality management is both a philosophy and a management process that ensures a standard of quality has been met and is being continuously improved. It involves a structured and systematic process for the whole of organisation involvement in identifying, planning and implementing quality improvements. To steer quality improvement efforts in the right direction there is a need to establish benchmark standards against which these efforts can be measured. The *Framework* provides both the methodology and the benchmark standards to assist courts.

A key advantage to using the *Framework* is that it is the court that controls and undertakes the process and it is the court that sets the targets it will measure its performance and success against.

The Framework Approach

The *Framework* identifies ten universally accepted **core values** of courts that are the most important values to the successful functioning of courts.

- Equality before the law
- Fairness
- Impartiality
- Independence of decision-making
- Competence
- Integrity
- Transparency
- Accessibility
- Timeliness
- Certainty

These core values guarantee due process and equal protection of the law to all those who have business before the courts. They also provide the underlying principles and direction to courts. Courts seeking to move toward court excellence must incorporate these core values in all the work of the court. They are essential to developing improvement strategies and setting targets for performance. They provide the backbone of integrity and respect for courts.

The *Framework* also identifies **Seven Areas for Court Excellence**. Each area captures an important focus for a court in its pursuit of excellence. Each area has a critical impact on the ability of the court to adhere to its core values and to deliver excellent court performance. There will be overlap between some of the areas but the intention is to assess how a court is performing in relation to each area and to develop improvement actions specifically directed to addressing concerns within each area.

A court's performance is divided into the following Seven Areas of Court Excellence:

1. Court Leadership and Management
2. Court Planning and Policies
3. Court Resources (Human, Material and Financial)
4. Court Proceedings and Processes
5. Client Needs and Satisfaction
6. Affordable and Accessible Court Services
7. Public Trust and Confidence

Three Basic Steps of the Framework

1. **Self-Assessment** – this is a health check of the court and involves analysis of performance in the Seven Areas.
2. **Analysis** – builds upon the assessment to determine the areas of the court's work which represent areas capable of improvement
3. **Improvement Plan** – this plan details the areas identified for improvement, the actions proposed to be taken and the results sought to be achieved

How to Undertake the Self-Assessment

Involve

Courts should seek to involve as many of the Court's judges, registrars, court officials and administrative staff as possible in the self-assessment process. A copy of the Checklist should be given to each member of the court participating in the self-assessment (self-assessment team).

Plan

The self-assessment team will need to convene at least one planning session to determine the procedures and schedule for carrying out the self-assessment exercise. They will also need to review the Checklist to identify the basic information that needs to be gathered to facilitate the process of self-assessment.

Assess

Based on the information gathered and their observations and judgment, each member of the self-assessment team should consider each of the Seven Areas for Court Excellence and the Checklist actions identified for each Area and determine the extent of implementation for each action. They then need to consider in relation to each item whether the court has taken action to implement the item and the extent of success of each action taken and results achieved.

It needs to be remembered that these items are simply a checklist and a distinction must be made between things done and things done well. It is important in carrying out the self-assessment that the court asks itself whether a particular action could have been more effective or improved in some way. The appropriate box should then be ticked. To claim a checklist item as being met there should be documentary or other evidence that supports the claim. Similarly a claim that a particular action is effective requires evidence by way of measurement or other objective facts demonstrating the positive impact of the action.

After completing the individual assessment, the team members should meet to discuss the ratings they have given for each statement. Where the scores given by the team members for a particular statement are different, the team members should discuss and reach agreement on the appropriate score, preferably by consensus.

Having completed the Self-Assessment Checklist, the court will have identified the areas where improvement is required. Some courts may choose to concentrate their efforts in discrete areas while others may proceed with a full court review and reform. In either case, prioritising court issues is highly recommended. This will allow the reform process to focus on specific performance areas over a period of time.

Clearly those Areas with the lowest total score relative to the possible maximum score should receive initial attention. These Areas will generally offer the greatest potential for improvement. However, while all areas contribute to a court's overall performance it is important to consider the relative importance of each of the Areas to the court's success. It can be seen from the Scoring Table that Areas

5, 6 and 7 reflect one half of the total score. Primarily they reflect a court's interface with its users and the community and are critical areas for constant attention.

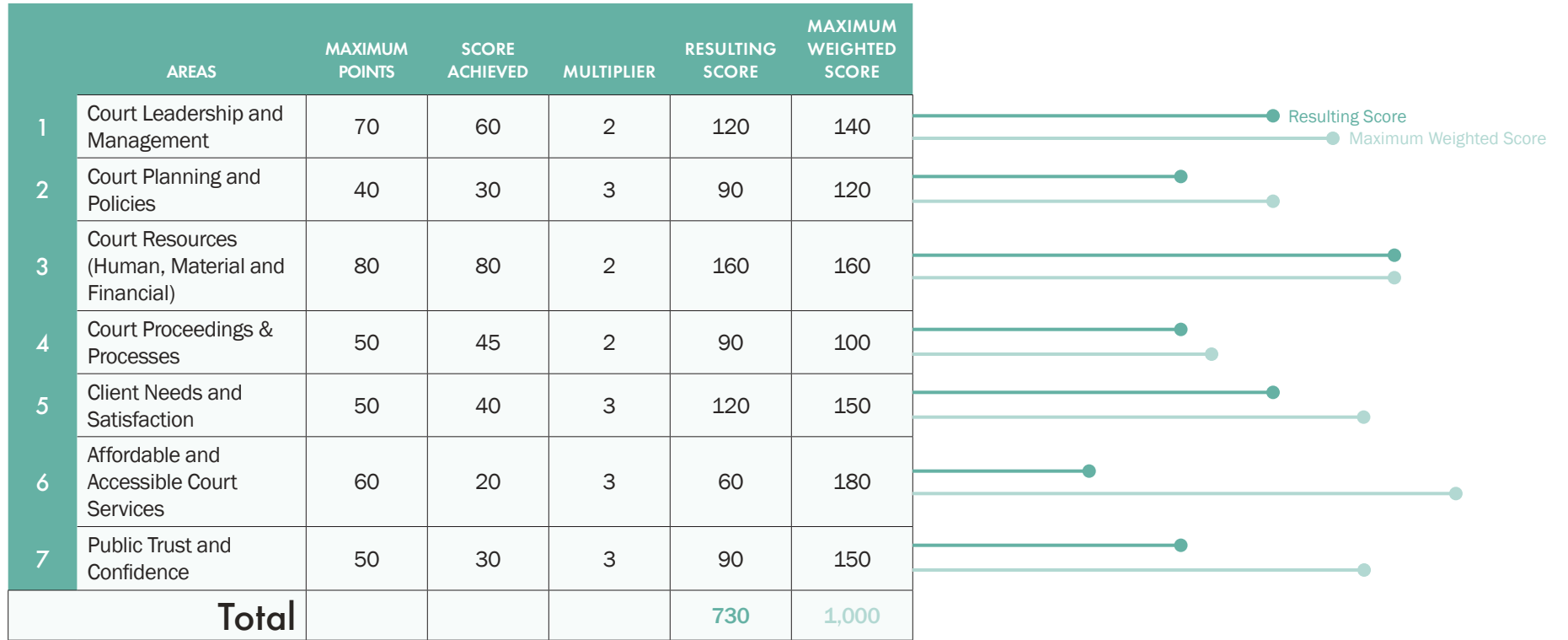
Generally the self-assessment will have identified a significant number of opportunities for reform and improvement. In determining what actions to take a court must carefully weigh up where it wants to direct its attention and resources to improve performance. To assist courts the following table has been devised to enable proper weighting of scores obtained and to also give a final total score out of 1,000 points. Scores should be retained and used as a benchmark to enable a court to track its progress when undertaking a subsequent self-assessment.



Weighted Scoring Table

| | AREAS | MAXIMUM POINTS | SCORE ACHIEVED | MULTIPLIER | RESULTING SCORE | MAXIMUM WEIGHTED SCORE |
|--------------|---|----------------|----------------|------------|-----------------|------------------------|
| 1 | Court Leadership and Management | 70 | | 2 | | 140 |
| 2 | Court Planning and Policies | 40 | | 3 | | 120 |
| 3 | Court Resources (Human, Material and Financial) | 80 | | 2 | | 160 |
| 4 | Court Proceedings & Processes | 50 | | 2 | | 100 |
| 5 | Client Needs and Satisfaction | 50 | | 3 | | 150 |
| 6 | Affordable and Accessible Court Services | 60 | | 3 | | 180 |
| 7 | Public Trust and Confidence | 50 | | 3 | | 150 |
| Total | | | | | | 1,000 |

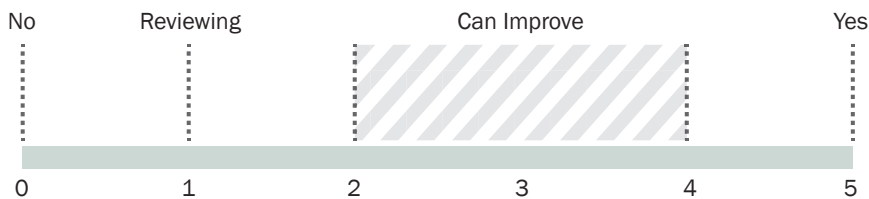
Sample of Weighted Scoring Results



SELF-ASSESSMENT CHECKLIST

Score and Prioritise

Checklist Scoring Scheme



The scoring scheme above represents a sliding scale and courts should assess whether some action has been taken and if so how much more needs to be done. A score for “can improve” should be given between 2 and 4 points which reflects how much improvement remains to be made. The Checklist should be used to undertake the self-assessment (initial health check) of a court.

Self-Assessment

Each of the Seven Areas of Court Excellence is listed on the following page with statements of court practices that embody the accepted court values. They represent the ultimate goals courts should be striving to achieve. It is excellence in each of these areas that a court should be striving for and as this is a continuing process there will always be new and innovative ways for a court to improve its performance.

The statements for each area are followed by a Checklist of actions or activities courts are expected to have implemented to achieve *Framework* expectations. The actions/activities are not exhaustive but are indicative and provide initial guidance. Courts will identify their own actions as they become more familiar with the *Framework* approach. The statements are identical to those contained in the full *Framework Self-Assessment Questionnaire*.

1. COURT LEADERSHIP AND MANAGEMENT

- 1.1 Court has published a statement of its vision and mission (purpose) together with details of how it meets its fundamental values (such as accessibility, timeliness and fairness)
- 1.2 Court’s leadership is actively involved in setting time and service standards and reviewing judicial and administrative performance against those standards.
- 1.3 Court holds regular meetings with court users to provide information on the court and seek feedback
- 1.4 Court actively informs the community and court users on its services, standards and performance and seeks feedback to improve its services
- 1.5 Data is kept and published on key aspects of the court’s work
- 1.6 Court plans for the future, reviews feedback and its performance and identifies areas for improvement
- 1.7 Court and its leaders promote a culture of innovation

Actions

| | | Assess Using Points Below | | | | |
|--|---|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Court Leadership and Management | | | | | | |
| 1 | Our court leaders have defined the vision, mission and core values of our courts. | | | | | |
| 2 | Our court leaders communicate the vision, mission and core values to all staff and stakeholders. | | | | | |
| 3 | Our court leaders demonstrate the core values of the courts. | | | | | |
| 4 | We have developed a court culture consistent with our court values. | | | | | |
| Setting Performance Standards and Obtaining Users' Feedback | | | | | | |
| 5 | We set time and service delivery standards and targets for case management aiming to meet and exceed user expectations. | | | | | |
| 6 | We measure our performance on a regular basis against these standards and targets. | | | | | |
| 7 | We obtain feedback from court users regularly. | | | | | |
| 8 | We review our performance data and feedback on a regular basis. | | | | | |
| 9 | We use data and feedback to plan improvements in our performance, procedures and processes. | | | | | |
| Engaging Court Staff and the Community | | | | | | |
| 10 | We regularly provide information to court users and the community. | | | | | |
| 11 | Our senior judicial officers are actively involved in our review, planning, court user and community education processes. | | | | | |
| Innovation | | | | | | |
| 12 | Our leaders actively promote an innovation culture in our courts. | | | | | |
| 13 | We seek to identify and adopt innovative ideas and practices to improve our court's performance. | | | | | |
| 14 | Our leaders demonstrate and reinforce their commitment to court innovation in day-to-day activities. | | | | | |
| | | | | | Total | |

2. COURT PLANNING AND POLICIES

- 2.1 Court has a strategic plan setting out its goals, targets and plans for improvement
- 2.2 Court actively involves judges and staff in planning and problem solving tasks
- 2.3 Court regularly reviews the plan and its performance against its targets
- 2.4 Court has published judicial and court policies that support its values, targets and plans
- 2.5 Court regularly reviews its policies to ensure their continuing effectiveness
- 2.6 Court has a court innovation strategy as an integral part of its strategic planning

Actions

| Assess Using Points Below | | | | |
|---------------------------|--|--------------------------------|-------------------|----------------|
| NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Court Planning | | | | |
| 1 | We have a strategic plan that identifies the court's values, targets and plans. | | | |
| 2 | We involve judges and court staff in the court's review and planning processes. | | | |
| 3 | We have a process for monitoring and reviewing the strategic plan. | | | |
| 4 | We allocate resources for actions identified in our strategic plan. | | | |
| Court Policies | | | | |
| 5 | We have judicial and court policies to support our values, targets and plans. | | | |
| 6 | We publish our policies and monitor compliance. | | | |
| 7 | We review our policies regularly to ensure court quality and efficiency. | | | |
| Innovation | | | | |
| 8 | We have put in place a court innovation strategy, with short and long term goals, as an integral part of our planning that is aligned with our court's objectives and goals. | | | |
| Total | | | | |

3. COURT RESOURCES (HUMAN, MATERIAL AND FINANCIAL)

- 3.1 Court manages resources proactively to balance judicial and administrative workloads with timely and quality decision making
- 3.2 Court has identified training needs of court staff and meets them
- 3.3 Court conducts regular professional development for judges and staff
- 3.4 Court provides access to information to support judicial decision making
- 3.5 Court effectively manages material resources
- 3.6 Court facilities are adequate and safe
- 3.7 Court has an appropriate budget process and regularly monitors expenditure
- 3.8 Court provides training, support and recognition for innovation

Actions

| Assess Using Points Below | | | | |
|--|---|--------------------------------|-------------------|----------------|
| NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Managing Court Resources and Workload | | | | |
| 1 | We manage the workload of judges and court staff so cases are decided in a timely and quality manner. | | | |
| 2 | We predict and manage our resources to meet anticipated workloads. | | | |
| 3 | We manage our financial resources efficiently and effectively. | | | |
| Staff Training and Development | | | | |
| 4 | We have a professional development program for judges and court staff. | | | |
| 5 | We provide continuing professional education including management training to our judges and court staff. | | | |
| 6 | Our judges learn from, and communicate with, each other. | | | |
| 7 | We provide judges with the information necessary to make fair decisions. | | | |
| 8 | We have identified the training needs of court staff and our training program meets those needs. | | | |

continued on next page

3. COURT RESOURCES (HUMAN, MATERIAL AND FINANCIAL) continued

| Actions | | Assess Using Points Below | | | | |
|----------------------------|---|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Employee Commitment | | | | | | |
| 9 | Court staff and judges are committed to quality of work. | | | | | |
| Courtrooms | | | | | | |
| 10 | We have sufficient courtrooms to permit the timely processing of cases | | | | | |
| 11 | Court users feel safe in our courtrooms | | | | | |
| Court Budget | | | | | | |
| 12 | We allocate our budget efficiently and effectively to ensure that there is money for court initiatives and court innovation activities. | | | | | |
| 13 | We have a policy on the collection of fees and fines. | | | | | |
| Innovation | | | | | | |
| 14 | We have strategies and mechanisms to engage staff in innovation. | | | | | |
| 15 | We deliver programmes to meet the learning and development needs for court staff for court innovation. | | | | | |
| 16 | We recognise and reward staff for contribution towards court innovation. | | | | | |
| | | | | | Total | |

4. COURT PROCEEDINGS AND PROCESSES

- 4.1 Court ensures it deals with matters efficiently while maintaining quality of decisions
- 4.2 Court has a system for actively managing its cases and looks for improved ways to resolve cases effectively
- 4.3 Court successfully balances workload of judges and court staff
- 4.4 Court maintains efficient case files and records systems
- 4.5 Court encourages innovation in case management

Actions

| Assess Using Points Below | | | | |
|--|---|--------------------------------|-------------------|----------------|
| NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Efficiency and Effectiveness of Court Proceedings and Processes | | | | |
| 1 | We manage cases against established benchmarks of timely case processing. | | | |
| 2 | We review the role of judges and court staff to ensure efficiency of processes. | | | |
| 3 | We regularly review our processes and procedures | | | |
| 4 | People are able to get their business with the court done in a reasonable time. | | | |
| 5 | We endeavour to list cases and manage cases so as to minimise inconvenience and expense to court users. | | | |
| 6 | Court orders are enforced in cases of non-compliance | | | |
| Court Records Management | | | | |
| 7 | Court records and case files are complete, accurate, able to be retrieved quickly and maintained safely | | | |
| 8 | Decisions by our court are written clearly and accurately apply the law | | | |
| Innovation | | | | |
| 9 | We have a policy and procedure in place to generate, gather and screen innovative ideas from all sources. | | | |
| 10 | We evaluate and improve the court innovation process on a regular basis. | | | |
| Total | | | | |

5. CLIENT NEEDS AND SATISFACTION

- 5.1 Court surveys and seeks regular feedback from all court users
- 5.2 Court implements changes identified by surveys and feedback
- 5.3 Court reports publicly and regularly on changes made in response to surveys and feedback
- 5.4 Court surveys its users on their satisfaction with its processes, procedures and services
- 5.5 Court uses technology and innovation to deliver higher quality services to all court users

Actions

| | | Assess Using Points Below | | | | |
|-------------------------------------|--|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Users' Feedback | | | | | | |
| 1 | We use feedback on a regular basis (including surveys, focus groups and dialogue sessions) to measure satisfaction of all court users. | | | | | |
| 2 | We use feedback on a regular basis to improve our services to all court users including: court website users and the media; litigants, prosecutors and lawyers representing users; witnesses and court experts; and registry/office users. | | | | | |
| 3 | We analyse surveys and adjust policies and procedures. | | | | | |
| Communication to Court Users | | | | | | |
| 4 | We report publicly on changes we implement in response to the results of surveys. | | | | | |
| 5 | We communicate clearly to defendants and their lawyers. | | | | | |
| 6 | We listen to court users and treat them with respect. | | | | | |
| Court Users' Satisfaction | | | | | | |
| 7 | Advocates and court users assess the court's actions as fair and reasonable. | | | | | |
| 8 | There is a high level of court users' satisfaction with the court's administration of justice. | | | | | |
| 9 | There is a high level of court users' satisfaction with the court's services. | | | | | |
| Innovation | | | | | | |
| 10 | We have leveraged on innovation and technology in understanding the needs of our court users better and to enhance the delivery of services to court users. | | | | | |
| Total | | | | | | |

6. AFFORDABLE AND ACCESSIBLE COURT SERVICES

- 6.1 Court has processes in place that promote affordable court proceedings
- 6.2 Court publishes information on court services and access
- 6.3 Physical access to court buildings is easy
- 6.4 Court provides support for people with disabilities to ensure easy access to its services
- 6.5 Court has policies to ensure equal treatment for all court users

- 6.6 Court provides information to assist those who are unrepresented
- 6.7 Court uses plain language to assist all court users
- 6.8 Court has electronic and remote access available
- 6.9 Court uses technology and innovation to improve access for all court users

Actions

| | | Assess Using Points Below | | | | |
|-----------------------------------|---|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Affordable Court Services | | | | | | |
| 1 | We review court policies on court fees to ensure that court services are affordable. | | | | | |
| 2 | We ensure court proceedings are resolved in a timely manner to minimise costs” to litigants. | | | | | |
| 3 | We endeavour to limit the court’s requirements to what is necessary to resolve cases efficiently. | | | | | |
| 4 | We have a clear and published policy on the charging, waiver or postponement of fees. | | | | | |
| Accessibility of the Court | | | | | | |
| 5 | We make it easy for people to find the relevant courtroom in which a hearing is taking place. | | | | | |
| 6 | We provide people with disabilities with support and easy access to the court and our services. | | | | | |
| 7 | Our hours of operation make it easy for users to get their business done. | | | | | |
| 8 | Our website is easy to negotiate, contains relevant information and is useful to users | | | | | |
| 9 | We treat members of minority groups the same as everyone else. | | | | | |
| 10 | We provide information to assist litigants without representation. | | | | | |
| Innovation | | | | | | |
| 11 | We have leveraged on innovation and technology to make our court services more affordable. | | | | | |
| 12 | We have leveraged on innovation and technology to make our court services more accessible. | | | | | |
| Total | | | | | | |

7. PUBLIC TRUST AND CONFIDENCE

- 7.1 Court publicly accounts for its role and performance
- 7.2 Court makes information on performance against time and service standards available
- 7.3 Court ensures all court users understand the court’s processes, services and any decisions made
- 7.4 Court has a complaints policy and reports on its handling of complaints
- 7.5 Court conducts regular independent audits on expenditure

Actions

| | | Assess Using Points Below | | | | |
|------------------------------------|--|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Public Trust and Confidence | | | | | | |
| 1 | We publish our performance against time/service standards and other benchmarks. | | | | | |
| 2 | We respond promptly to requests for information from court users. | | | | | |
| 3 | We can demonstrate that people leaving court understand the court programs and services they have experienced. | | | | | |
| 4 | We have a policy, which we adhere to, that outlines the process for making and dealing with complaints and we report on complaints received and their resolution. | | | | | |
| 5 | We publish information on court procedures and our complaints policy. | | | | | |
| 6 | We publish details of our services, fees and related court requirements. | | | | | |
| 7 | Our accounts/expenditures are independently audited annually. | | | | | |
| 8 | Our published annual report includes: a) Performance data and survey feedback b) Details of our purpose, role and procedures c) Information on court reforms/improvements | | | | | |
| 9 | There is a high level of public trust and confidence in the fair administration of justice in our courts. | | | | | |
| Innovation | | | | | | |
| 10 | We engage the public and court users in an innovative manner, so as to build up public trust and confidence. | | | | | |
| | | | | | Total | |

Identify Areas for Improvement and Measure Progress

1. Develop an Improvement Plan

It is essential for court leadership to ensure the process for planning for improvement provides ample opportunity for judicial officers, court employees, and the court's professional partners to be consulted and involved. The assessment will have identified a range of issues for the court to address in developing an improvement or action plan, such as:

- > **Does the court have a vision statement and/or a mission statement expressing the court's fundamental values and purposes?** If not, this is the place to start because implementation of the *Framework* depends upon the court having articulated values.
- > **What are the deficiencies in the court's management, operations, and services** and why do they need to be improved?
- > **What issues can and must be addressed quickly and in the short-term?** What issues call for more intermediate or long-term planning?
- > **Whose support and cooperation is most relevant in making changes** (e.g., attorneys, prosecutor's office and other government agencies)?
- > **What resources will be needed in order to successfully institute those changes** (e.g., funding for additional personnel or equipment; cooperation of attorneys who practise in the court; cooperation of the other judges in the court; effective communication with other components of the judicial system)? How will the court obtain those resources? What sources of support can the court draw on?
- > **What resistance to the plan or obstacles may be encountered?** How might this resistance or these obstacles best be overcome?
- > **What is the time schedule for instituting the changes?**
- > **How will the court evaluate the success of the changes?** What information will the court need for this evaluation? Who will collect the information and how will it be analysed? Will the assistance of an outside consultant be needed to develop measurement tools and analyse results?

The table is an example of how a Court Improvement Plan may be structured and this may be a useful guide or template for a Court seeking some guidance in developing its own Court Improvement Plan. The table is a short extract identifying actions proposed in relation to the Court Leadership and Management area. Of course, the full Plan outlines actions in relation to each Area for Court Excellence and the numerous sub-statements.

It is important to note that each action is clearly stated in plain language. Each column progressively details the steps needed to implement the action, who will have responsibility for it (and when this should be completed) and finally a clear performance indicator enabling measurement of implementation/outcome.



Extract from a Sample Court Improvement Plan¹

| | AREAS OF COURT EXCELLENCE (& SELF ASSESSMENT SCORES IN MARCH 09) | ACTION TO BE UNDERTAKEN AND EXPECTED OUTCOME | STEPS TO ACHIEVE ACTION AND OUTCOME | RESPONSIBILITY/ PARTICIPANTS | TIMING OF STEPS | PERFORMANCE INDICATOR |
|-----|---|--|--|--|--|--|
| 1 | Area 1: Court Leadership and Management | To provide organisational leadership that promotes a proactive and professional management culture, pursues innovation and is accountable and open. | | | | |
| 1.1 | Articulating the court's purpose (1-1-1) Court has published a statement of its vision and mission (purpose) together with details of how it meets its fundamental values (such as accessibility, timeliness and fairness) | 1.1.1 Statement of purpose Develop, adopt and publicise a statement describing the Court's purpose. | Develop statement. Adopt statement. Publicise statement. | LEC, IFCE Working Group LEC, IFCE Working Group Registrar Gray | 30.06.09 31.07.09 30.09.09 | Action taken by target date. Action taken by target date. Action taken by target date. |
| 1.2 | Pursuing working relationships with professional participants and users (2-2-3) Court holds regular meetings with court users to provide information on the court and seek feedback | 1.2.1 Court users' group Continue regular meetings of the Court users' group. | Hold meetings. | Justice Preston | | Four meetings a year. |
| | | 1.2.2 Mining users' group Establish a specialist Court users' group for mining matters in the Court and hold regular meetings. | Identify group and invite to first meeting. Hold first meeting, identify dates for future meetings to 30.06.10 and issue dates. | Senior Commissioner Moore | 31.07.09 31.08.09 | Action taken by target date. Four meetings a year, first meeting on 31.08.09. |
| | | 1.2.3 Additional users' group Consider desirability of other specialist users' groups. | LEC Rules Committee to meet and decide. | LEC Rules Committee | 30.09.09 | Action taken by target date. |

¹ Land and Environment Court of NSW, Australia (actual extract has been amended to match revised Framework).

2. Measure Progress—Collect Data

It is important to distinguish between court performance measurement indicators (and tools) and court performance management policies and tools. Court performance measurement indicators and tools assist in the quantitative and qualitative assessment of the functioning of courts. These indicators and tools capture both internal and external aspects of a court's performance with surveys being a good example of direct user feedback on performance.

On the other hand court performance management policies and tools are part of the arsenal of levers and court processes available to a court to use to effect change. A court will adjust these levers, procedures and policies through various strategies directed to improving court performance. Whether these changes have had a positive effect will be measured by relevant court performance measurement indicators.

Excellent courts systematically measure the quality as well as the efficiency and effectiveness of the services they deliver. They establish a set of targets and measures not only to assess their performance but also to assess the effectiveness of improvement strategies.

In addition to quantitative performance indicators, excellent courts use quality indicators addressing such issues as access to the legal system; the presence or absence of physical, sound, and linguistic barriers in court facilities; the fairness of the proceedings and comprehensibility and clarity of decisions and orders; and courtesy and respect shown by court staff. Data regarding these indicators can be based on surveys, feedback, structured observations and expert assessments.

Where courts do not have adequate or reliable data collections or appropriate surveys instruments and do not have employees trained in research methods and analysis they should seek assistance from those who have expertise and experience in this field. Consultants may be engaged to assist or if resources are limited there are many experts to be found within universities, colleges and government statistical and research agencies.

It is important that data relied upon is of a high quality, reliable and the integrity of the data is guaranteed. A successful and well-managed court requires data that focus not only on inputs, but also inform about outputs, outcomes, and the extent to which service delivery is actually achieved. It is important that common definitions and standards are established for cases, duration of proceedings, backlog of cases, and other important performance information. Court management information systems and case management systems should be structured to make it possible to monitor and evaluate the court performance regularly.

An Improvement Plan must contain clear measures (or targets) for each action to enable a court to later measure whether the action has been successful. Courts should avoid adopting measures which simply identify whether a particular action or step has been conducted. For example, providing management education sessions for twenty staff and measuring that this has been done says nothing of whether the sessions were valuable, of high quality or indeed addressed the purpose of raising the skills of staff in this area. Equally setting the target as a date for completion of a task alone does not ensure the task was a success.

The question should always be asked; “why are we doing this?” and a measure or indicator should be identified which reflects the desired outcome. The second question to be asked should be; “if we are successful what will success look like and what will be different?”

In many cases the measurement of the success of an initiative may well be its impact on a measure of court performance but that may not always be the case. As the *Framework* requires an evidence base for decision making and planning care must always be taken to identify sound measures of success.

A wide range of performance measures and tools can be found at the *Framework* website; courtexcellence.com.

Communicate, Plan, and Results

To ensure public respect and confidence a court must be open and transparent about its performance, strategies and its processes. In the early stages of *Framework* implementation a court’s performance against its targets or accepted measures may be less than desirable. It is important that courts are open about their current position but more importantly publish details of what actions they are taking to address the problems.

A court should communicate widely to the bar, public prosecutors, law enforcement, other governmental and non-governmental agencies, and the general public its commitment to undertaking *Framework* implementation. A court’s open commitment to continuous improvement alone will be recognized as a positive step to court excellence. Courts should publish the results of its evaluations and its plans for improvement. Annual Reports should also contain detail of a court’s role, practices and procedures and performance. Where practical a court throughout the year should keep court users, government and the community informed of its performance and reform initiatives.

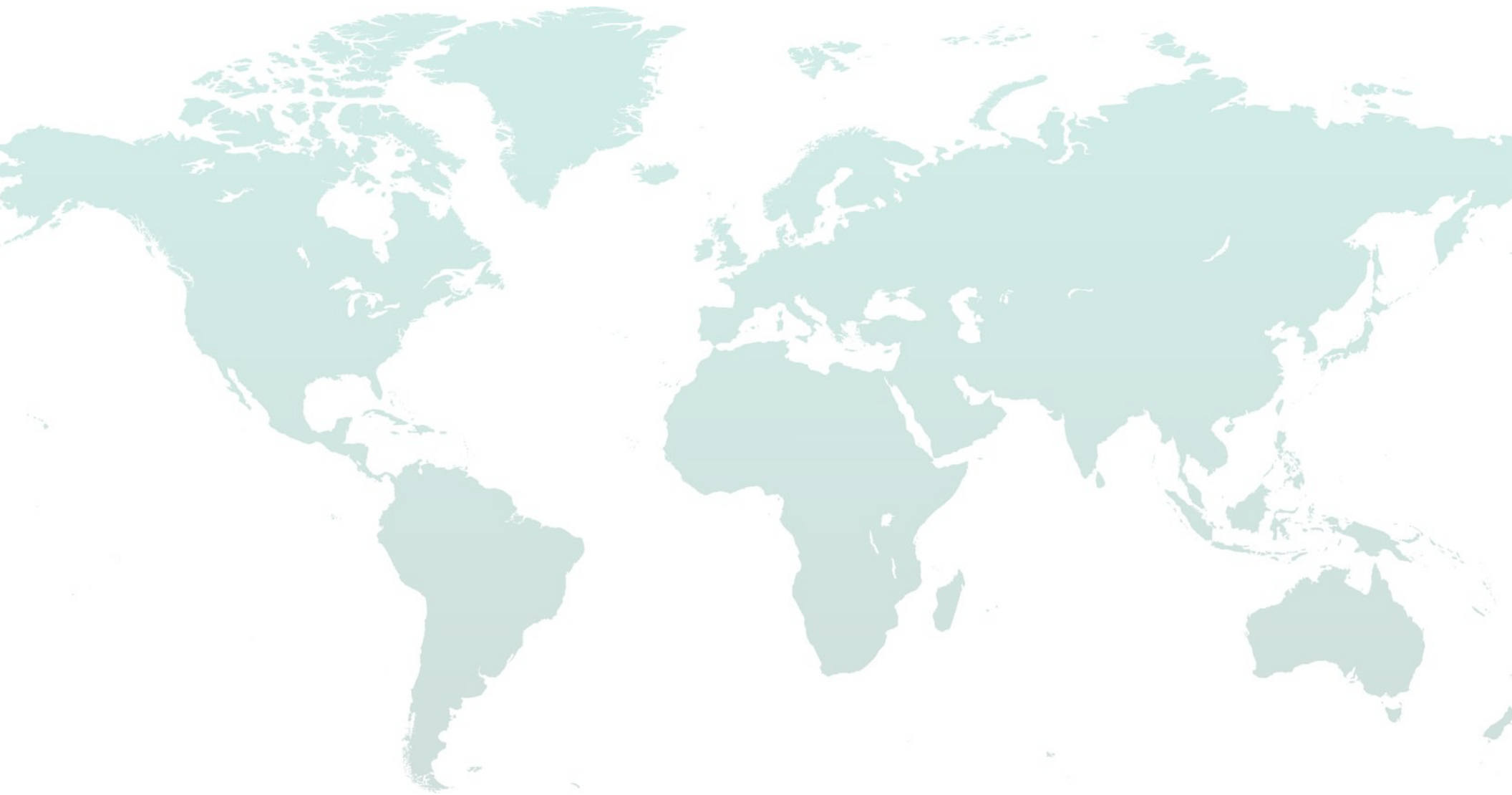
An important aspect of an Improvement Plan should be the development of a Communication Plan identifying how a court intends to inform its users and the community. The plan should include not only strategies for publishing material and information but also outline other forms of appropriate communication including:

- regular meetings with key users and legal groups
- the provision of information to the media
- assistance provided to litigants in person or disadvantaged groups
- feedback and complaint processes

Open communication about court performance and improvement strategy builds public trust and confidence.

Continuous Improvement

The *Framework* is a methodology that is to be continually applied by a court. It is recommended that the Improvement Plan is regularly reviewed and progress regularly monitored. To identify what progress has been made it is recommended that a self-assessment be undertaken every 12 months. Each self-assessment should follow the same process outlined above and the Improvement Plan either amended or a fresh one developed.



THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE