



AUSTRALIA
FAMILY COURT
OF AUSTRALIA
FEDERAL
CIRCUIT COURT
OF AUSTRALIA



INTERNATIONAL FRAMEWORK
FOR COURT EXCELLENCE

2009–2015



INTRODUCTION

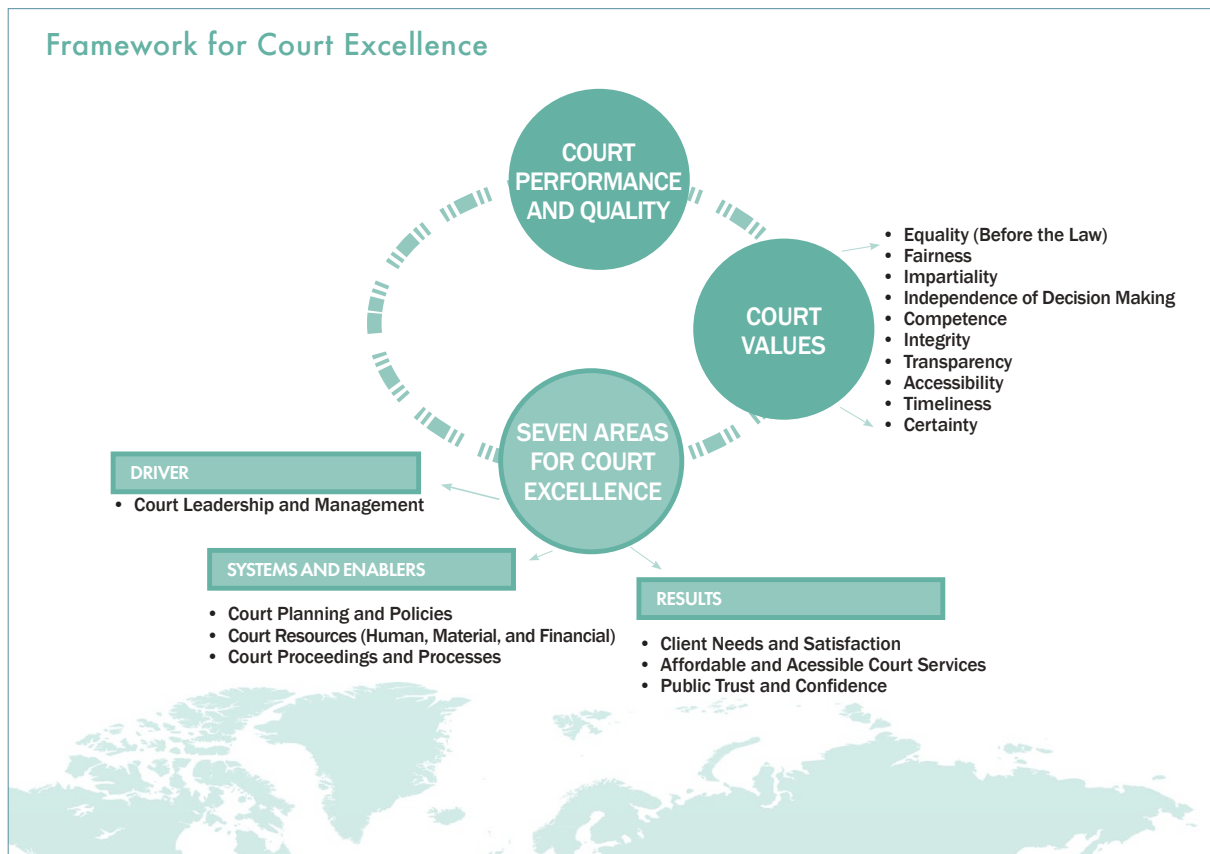
The Chief Justice of the Family Court of Australia and the Chief Judge of the Federal Circuit Court determined soon after the launch of the International Framework of Court Excellence in 2008, that there are fundamental advantages in adoption of this Framework.

The Framework offers a system of values, tools, and concepts by which courts can “self assess” and improve the quality of justice and court administration.

It provides a model methodology for continuous evaluation and improvement specifically and uniquely designed for courts.

Crucially, it is a system which judges can adopt in partnership with their court administration without any compromise to judicial independence or to the Court’s determination and control over governance. In fact, this framework reinforces independence.

The below diagram¹ sums it up: -



¹ *International Framework for Court Excellence*, 2nd Edition, 2013, p12.





EARLY STEPS 2009–2012

The seven “pillars” of the framework are:

- Leadership and Management
- Planning and Policies
- Court Resources
- Proceedings and Processes
- Client Needs and Satisfaction
- Affordable and Accessible Court Services
- Public Trust and Confidence

The Family Court and Federal Circuit Court decided to pick out two areas for special attention in the first stages of the implementation being: client needs and user satisfaction; and court performance.

In close partnership with the Courts administration, this resulted in two very significant achievements:

- A comprehensive survey of court users to assess public views of their experiences in the Courts
- Quarterly statistical “one pagers” which encapsulate the critical performance metrics and results

These two measures enabled the Courts to evaluate performance with “laser focus” and to more accurately examine the inter relationships between for example: timeliness; litigants’ expectations and experience; clearance of cases; settlement rates and so on.

While we had had this data for many years before, the above strategies brought judicial participation to performance evaluation and a shared framework for having such discussions.

***The International Framework supports public confidence
in courts and tribunals***





HOLISTIC IMPLEMENTATION 2013-2015

In 2012, the Chief Justice and the Chief Judge concurrently decided that the Courts would proceed to a comprehensive implementation of the Framework including all seven pillars.

The Chief Justice established a judicial committee to drive this process chaired by the Hon Justice Peter Murphy.

The Chief Judge similarly appointed a judicial committee to lead the process chaired by Judge Michael Jarrett.

The CEO dedicated a senior executive officer full time for one year (and then ongoing part time) to provide policy and strategic advice to the Courts. This investment achieved a “kick start” to the holistic implementation of the Framework in the two Courts.

The first step that each Court took was a self-assessment survey. The surveys were issued to all Judges and all staff.

Our Courts are possibly the only courts world-wide where the self-assessment survey has been offered to all judges and every person in the courts' administration.

The participation rates were extraordinary with all but one family court judge completing the survey and over 90% of the Federal Circuit Court judges responding. Staff participation rates were lower than the judges' but still more than sufficient to achieve valid insights into staff views at nearly 50% participation rates.

The data gained by these surveys provided the Courts with candid and robust commentary on the strengths of each Court and also the opportunities for change and improvement.

Two comprehensive reports were produced which gave the heads of jurisdiction detailed analysis of the data and recommendations for change.

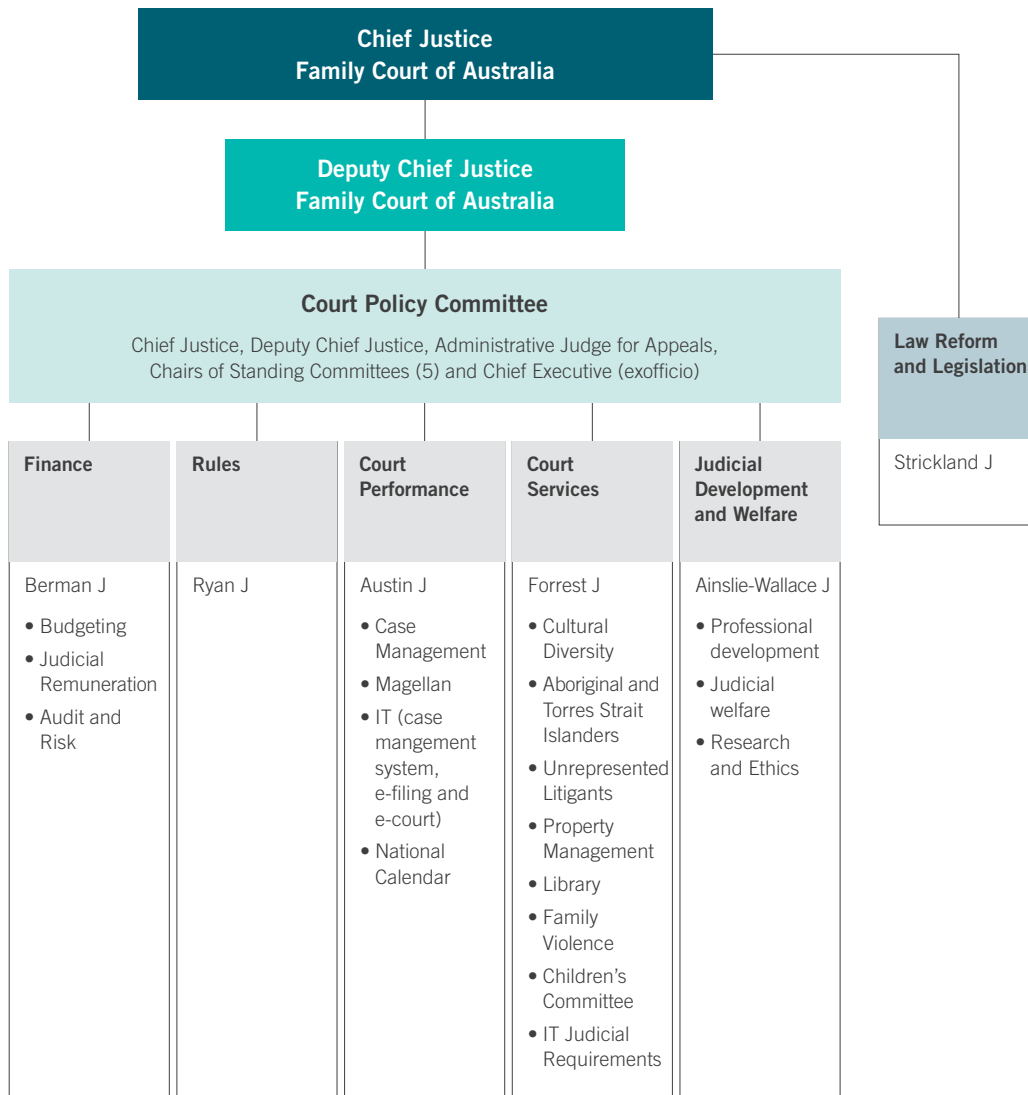




RESULTS

Family Court of Australia

The Committee recommendations submitted by Justice Murphy, were fully endorsed by the Chief Justice of the Family Court of Australia. An early reform her Honour pursued was related to the Court's governance structure. A new framework for policy and administration was implemented as follows with strong judicial participation in the management of the court.



As well, the survey resulted in recommendations concerning:

- Resources to the Appellate Division
- Transformation to judicial support and public services via technology
- Improved training for judges with respect to technology
- Enhanced induction process for judges
- Refreshed approaches to judicial welfare





- Examination of case management approaches to allow some regionalised differences and honour nationally agreed case management principles with a particular focus on timeliness
- Continue periodic court user surveys to ensure that the services delivered to the public by registries are contemporary, convenient, professional and relevant especially for those litigants who are not represented
- Ongoing investment in staff development to support the requirement for high quality support to Judges and to the community

Federal Circuit Court of Australia

Judge Jarrett submitted the Committee recommendations arising for the Federal Circuit Court survey. These were accepted by the Chief Judge and in summary those included:

- Retention of the “docket” case management system
- Improved internal communication channels as between the various organs of the Court
- Better strategies for regular and effective communication about matters concerned with court users and in particular more effective consideration of court user feedback to the Court
- Regular and ongoing judicial education including the development of resources in multimedia formats readily available wherever the court may sit
- Regular and ongoing training and development of all staff
- Active consideration of judicial welfare concerns and development of responsive programs especially noting the workload of the court
- Consideration of the health and well-being of all courts staff and in particular associates and deputy associates
- Improved strategies to support un represented litigants
- Analysis and improvement of business practices and processes in chambers
- Comprehensive technology and innovation policy that identifies areas for improvement and provides a clear pathway for the administration and the Court
- Revision of the Court’s strategic purpose given the exponential growth of the Court





WHAT HAVE WE LEARNT?

- The Framework is very flexible and can be readily adapted to suit any court or tribunal needs. For example both the Family Court and the Federal Circuit Court each revised the self-assessment survey to suit their respective requirements and neither adopted the measurement scaling system. These adapted surveys can be accessed by any Court or Tribunal by contacting the CEO Office (02 6243 8725).
- The framework cannot be implemented by the judges alone or the administration in isolation – it must be a partnership. Do not proceed without the full support of the head of jurisdiction and the CEO.
- The framework must be introduced and explained to judges and staff to achieve confidence and participation. This requires leadership at judicial and administrative levels. Some of the “management” concepts are not always easily received or understood by some Judges and need to be framed to support and reinforce *judicial independence and accountability*.
- It’s a marathon and not a sprint. Holistic implementation of the framework takes time and the outcomes are not immediate. “Cherry picking” for quick wins is an option but the more comprehensive investment and implementation will result in deeper and more sustainable change.
- The most effective implementation is achieved by investing resources through the establishment of judicial committees, identified “thought leaders” and senior advisors.
- This work should not be a marginalised special project. It should be implicitly part of mainstream management of the Court or Tribunal. Otherwise the investment (which is considerable) is not likely to reap returns and will be an expensive distraction from “core business”.
- The self-assessment process is not for the faint hearted. The feedback is likely to be candid and robust. Once the questions are asked and the data is returned, the court or tribunal *must* make a response or otherwise the entire exercise lacks integrity and has a negative, rather than positive, impact on performance, culture and confidence.
- The process, while intensive, does deliver results and pushes change.

Our surveys indicate that about 80% of court users are overall, satisfied with their experience at our registries

