

International Framework for Court Excellence: Latest developments

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THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

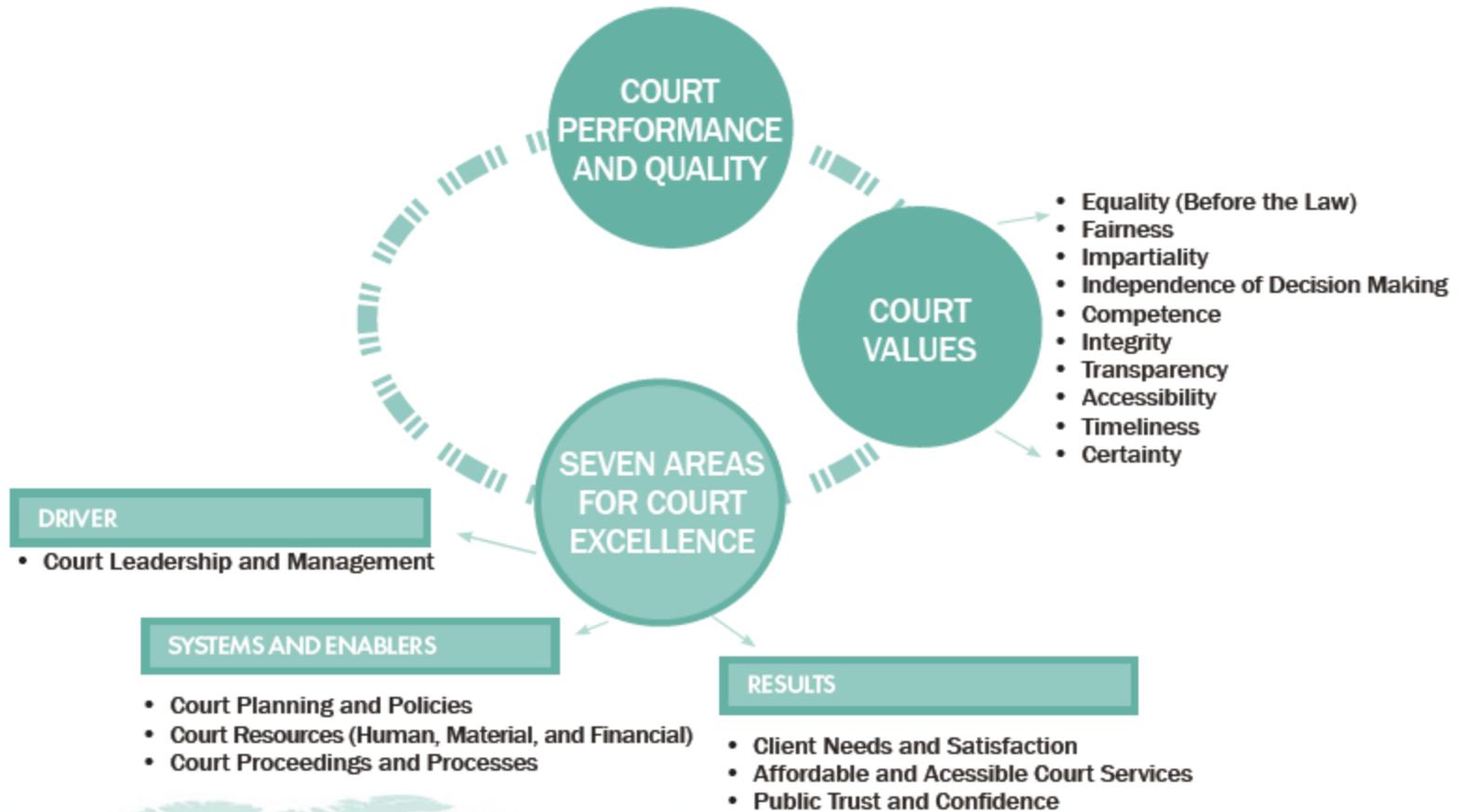
2nd Edition, March 2013

Overview of presentation

- Overview of International Framework for Court Excellence.
- Global performance measures
- Consortium developments – membership, new resources, new theoretical perspectives.
- Research on Use and Modification of the Framework – outcomes from self-assessment.

Overview of IFCE

Framework for Court Excellence



Four steps of IFCE

1. **Assess:**

- Self Assessment Questionnaire or Checklist to measure against 7 areas of court excellence
- Active participation of judiciary, staff, external stakeholders, court users

2. **Analyse** results to identify areas needing improvement

3. Develop detailed **Improvement Plan** – areas for improvement; actions to be taken and results sought.

4. **Review** and **refinement** of implementation of Improvement Plan

....and start all over again (every 1-3 years)

Global Performance Measures

- Performance measurement and performance management integral to IFCE
- Global performance measures first drafted in 2012 by Dan Hall and Ingo Keilitz to accompany IFCE
- Second edition to be released in 2016
- Brief version of the second edition released in January 2016 - prepared by Ingo Keilitz and Laurie Glanfield.

Global Performance Measures

- Eleven performance measures that reflect the areas of court excellence and core values set out in the IFCE
- Each measure has simple formula/process
 1. Court User Satisfaction
 2. Access Fees
 3. Case clearance rate
 4. On time case processing
 5. Pre-trial custody
 6. Court file integrity
 7. Case backlog
 8. Trial date certainty
 9. Employee engagement
 10. Compliance with court orders
 11. Cost per case

Use of Performance Measures

- In Australia there is no consistent performance measures used by courts.
- Most courts in Australia currently focus on Initiations, Finalisations and Cases Pending
- The current focus is limited by the data systems in jurisdictions and the performance data that can be analysed.
- Other measures that are used are usually associated with reporting obligations to the Australian Government under the Productivity Commission Report on Government Services (RoGS).

Report on Government Services

ROGS divides performance indicators into three categories:

1. Equity

- Fees paid by applicants
- Numbers of full time judicial officers

2. Effectiveness

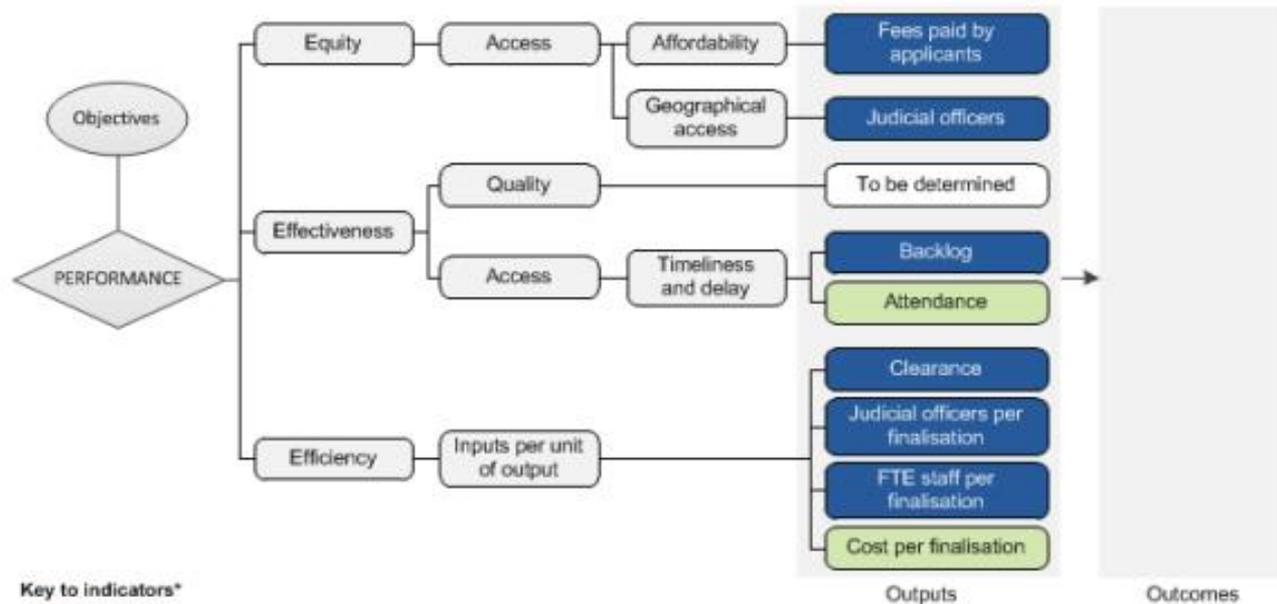
- Backlog – percentage of lodgments pending completion
- Attendance – average numbers of attendances per finalisation

3. Efficiency

- Clearance – finalisation divided by lodgments
- Judicial officers per 100 finalisations
- Full time staff per 100 finalisations
- Cost per finalisation - total recurrent expenditure (minus income) divided by total finalisations

Report on Government Services

Figure 7.2 Courts performance indicator framework



Key to indicators*

- Text Most recent data for all measures are comparable and complete
- Text Most recent data for at least one measure are comparable and complete
- Text Most recent data for all measures are either not comparable and/or not complete
- Text No data reported and/or no measures yet developed

* A description of the comparability and completeness of each measure is provided in indicator interpretation boxes within the chapter

Measuring performance

- The measures used in Australian courts are generally found in the Annual Reports of each court.
- Examples of the measures that courts report on in their annual report include:
- District Court of New South Wales:
 - Civil: Registrations, Finalisations, Pending
 - Criminal: Registrations, Finalisations, Pending, Average length of trials, compliance with time standards, trial listing outcomes, short matter outcomes, allocated sittings and actual sittings.

Use of Global Performance Measures

The Supreme Court of Victoria is actively using six of the IFCE global measures and is working on one other.

- The remaining 4 are either on hold or not being pursued at this time.
- The Supreme Court of Victoria, as with all other Victorian Courts, is required to report their performance to the Victorian Government in what is known as Budget Paper 3: Service Delivery (BP3).
- The Court negotiated new Budget Paper 3 measures with the Victorian Government that now consist of a selection of four of the global measures.
- Has developed and issued a policy within the court in relation to eight performance measures.

IFCE implementation in Australia and NZ

- Interest in the Framework continues to grow.
- Current tally of ICCE members: 4 founding / 30 globally
- More jurisdictions who are using the Framework
- Many Australia and New Zealand courts are using the IFCE in some way, some more advanced than others:
 - Land and Environment Court of NSW
 - Most Victorian courts and tribunals
 - Queensland Courts and QCAT
 - ACT Courts
 - District Courts of New Zealand
- Appears to be interest from other States and the Northern Territory in implementing.

Impact of the IFCE

Experiences of members shows the IFCE self-assessment process has led to numerous innovations and improvements in courts, including:

- Systemization and entrenchment of court-user surveys;
- Peer review and pastoral care programs for judges;
- New ways to manage divorce cases;
- Enhancing and expanding existing court access and inclusion frameworks for vulnerable and disadvantaged court users;
- Consistent and systematic review of court policies, rules and procedures;
- Improving physical court facilities;
- Use of technology to increase access for court users;
- Improving communication with court users;
- Monitoring access to and use of Court decisions. (adapted from Richardson, Spencer and Wexler, 2016 25 Journal of Judicial Administration)

ICCE Consortium and Secretariat

- Consortium – AIJA, NCSC, FJC and State Courts of Singapore.
- New Executive Committee members: District Courts of New Zealand and Judiciary of the Republic of the Marshall Islands.
- Secretariat (based in Melbourne) established in July 2014.
- Jointly funded by the NCSC and the AIJA.
- Website (www.courtexcellence.com) and newsletters (2-3 times per year) covering latest developments in the Framework and activities around the globe. Next newsletter June 2016.
- Join our mailing list!

New Developments

- Consortium continues to develop new Framework resources:
 - **International Framework for Judicial Support Excellence** – For organisations that provide a range of support, administrative, education or research services to, or in relation to, judicial officers, court administrators and courts.
 - Includes self-assessment checklist that is tailored to JSO's and additional schedule aimed at specific service delivery areas (inc. Education, Research, Information Technology, Finance, Asset Management, Human Resources, and Labour Relations).

Consortium - New Projects

- Exploring theoretical perspectives:
 - Paper on the **intersection between the IFCE and therapeutic jurisprudence** (E Richardson, P Spencer and D Wexler, (2016) 25 Journal of Judicial Administration).
- Research on the **use and modification** of the Framework.
 - Modifications include:
 - adding sections for judges only, a section on court performance, including a moderation process – District Courts of NZ.
 - altering questions to suit local circumstances – Federal Circuit Court of Australia and Family Court of Australia.
 - Uses include strategic planning, foundation management model, focussing on specific areas such as customer service (eg DIFC Courts).
 - Members to be surveyed and semi-structured interviews conducted.
 - Paper will be available by mid-late 2016. Will inform future changes to Framework.

Secretariat

Contact Details

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