

International Consortium for Court Excellence

The Use, Modification and Impact of the International Framework
for Court Excellence:
A Research Paper

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The Use, Modification and Impact of the International Framework for Court Excellence: A Research Paper

Introduction

Since its development in 2008 the *International Framework for Court Excellence* (the Framework or IFCE) has been used in numerous countries around the world. It has led to a significant number of improvements in courts and tribunals as various jurisdictions strive for court excellence. The International Consortium for Court Excellence (the Consortium), the creator of the IFCE, has encouraged the use and modification of the IFCE and provided training and advice to various countries in its application and implementation around the globe.

This paper represents the first major effort by the Consortium to consolidate information about the use and modification of the Framework internationally. The paper also seeks to understand the perceived impact of implementation of the IFCE in the respective court/tribunals in terms of innovations arising from improvement plans. The Framework anticipates that some modification may be necessary in each individual application of the Framework, albeit that some courts may not need to or wish to do so. These modifications are collated here to assist members and other courts and tribunals contemplating using the Framework understand the different ways in which courts have utilised and modified it. It will also assist the Consortium to identify particularly useful approaches that could or should be incorporated into future editions of the IFCE.

The paper analyses the publicly available literature and additional information provided by courts and tribunals to the Consortium on their implementation of the Framework. It does not provide a complete picture of the use of Framework, but a substantial snapshot of the work that has been undertaken by courts and tribunals internationally. One gap, for example, not discussed in this paper, is the work being done in the United States using the High Performance Court Framework, a framework that has been informed by the IFCE. It is also envisioned that this Research Paper will be used as a platform for discussions with other members of the Consortium regarding their progress in implementing the Framework.

Establishment of the International Consortium for Court Excellence

The Consortium consists of four founding members: the Australasian Institute of Judicial Administration (AIJA), the National Center for State Courts (NCSC), USA, the Federal Judicial Center, USA and the State Courts of Singapore (then Subordinate Courts of Singapore). The formation of the Consortium arose from discussions in 2006 between Senior District Judge (SDJ) Richard Magnus, the Head of the Subordinate Courts of Singapore, Mary McQueen, President of the NCSC and Dan Hall, Vice-President of the NCSC about developing a benchmarking framework for the judiciary. SDJ Magnus approached the Australasian Institute of Judicial Administration (AIJA) and the Federal Judicial Centre (FJC) in late 2006 to invite them to join the project. These four organisations formed the Consortium in February 2007 with the signing of a Memorandum of Understanding.

The Consortium developed the Framework over the course of 2007 and 2008, and held two meetings of the Consortium to discuss drafts of the Framework in Singapore in June 2007 and Washington in November 2007. Representatives from the Consortium were present at these meetings along with representatives from resource organisations, namely the European Commission for the Efficiency of Justice (CEPEJ), Spring Singapore and the World Bank. The Framework was then launched in the 2008 at the Courts Quality Forum in Sydney, at which time the Land and Environment Court of New South Wales agreed to be the first court to apply the Framework. A second important presentation of the Framework occurred at the Asia Pacific Courts Conference in October 2010 in Singapore and membership to the Consortium was opened. Several countries/courts signed up as members at that time.

In July 2014, a Secretariat was established in Melbourne at the Australasian Institute of Judicial Administration, with Professor Greg Reinhardt, Executive Director of the AIJA, assuming the role of Secretary and staffed by a part-time ICCE Officer, Dr Liz Richardson. The role of the Secretariat is to support the work of the Executive Committee of the Consortium and provide information to members and manage IFCE resources. The Executive Committee consists of permanent representatives of the four founding members and three 2-year term members the District Court of New Zealand, the Republic of the Marshall Islands Judiciary and the Dubai International Financial Centre Courts.

One role of the Consortium, in accordance with its Governance Policy, is to conduct research regarding the use of the Framework in order to strengthen and improve the Framework and this Research Paper has been written in furtherance of that aim.

The Framework

The Framework consists of ‘values, concepts, and tools by which courts worldwide can voluntarily assess and improve the quality of justice and court administration they deliver’.¹ There are 10 core court values that are described in the Framework and these underpin seven areas of court excellence that courts/tribunals assess themselves against, which include:

- Court leadership and management
- Court planning and policies
- Court resources (human, material and financial)
- Court proceedings and processes
- Client needs and satisfaction
- Affordable and accessible court services
- Public trust and confidence

The Framework outlines a continuous improvement methodology of:

- self-assessment of how the court/tribunal is currently operating;
- analysis of the results of self-assessment;
- developing an improvement plan; and
- review and refinement of progress against the improvement plan.

It is suggested in the Framework that this process is ideally repeated by the court or tribunal every year or at regular intervals.

Integral to the Framework is the self-assessment questionnaire (or checklist approach in the *Thinking of Implementing the International Framework for Court Excellence*) which outlines the specific activities in each area of court excellence against which courts can rate their own position or current status. The Framework also encourages measurement of performance and progress through the collection of both quantitative and qualitative data. The *Global Measures of Court Performance* (2nd Ed) publication complements the Framework by detailing eleven court performance measures.

The Framework is an evolving document. The original Framework, published in 2008, was revised in 2012 resulting in the publication of the second edition in 2013. The second edition incorporated changes that were based on feedback received on the use of the first edition of the Framework by different courts and tribunals. The changes included:

- simplified language;
- greater clarity in the Questionnaire statements to aid interpretation;
- inclusion of statements relating to innovation;

¹ International Framework for Court Excellence p 1.

- simplified assessment process reducing three steps (approach, deployment and results) to two steps by merging approach and deployment;
- streamlined scoring and weighting of the seven areas of excellence; and
- addition of new resources including:
 - a sample template for an Improvement Plan;
 - sample performance measures aligned to each area of excellence;
 - examples of Court Performance and Management Policies and Tools; and
 - revised assessment Checklist for easier self-assessment.

The revision of *Thinking of Implementing the International Framework of Court Excellence*, at the same time, included:

- full alignment with the full Framework document;
- greater clarity in Checklist items;
- a vastly simplified scoring and weighting system;
- greater focus on court user needs; and
- specific identification of the need to focus on innovation.

Membership of the Consortium

In addition to the four founding members, the Consortium currently consists of 34 members (as at June 2017) consisting of courts, tribunals and affiliated judicial institutions who are or have been active in the past in implementing the IFCE. As noted above, many members joined the Consortium in 2010 at the Asia Pacific Courts Conference held in Singapore and membership has grown steadily since that time. Some members have been more active than others in their implementation of the Framework. Many other countries, that are not members of the Consortium, have received focused training on the Framework but there is limited information on whether these courts/tribunals go on to implement the Framework or use the IFCE in other ways afterwards. These workshops or training events have included training generally on the IFCE and targeted forums whereby a self-assessment exercise is undertaken and courts/tribunals leave the workshop with initial implementation plans and strategies to address specific issues such as backlog and conducting court user surveys. Discussions about conducting pilot sites to conduct full implementation of the IFCE may also be had.

It would be useful, in the future, for the Consortium and organisations such as the NCSC and USAID, Singapore Judicial College who conduct training on IFCE on a regular basis to gain an understanding of what happens after representatives from courts/tribunals return to their court; whether they proceed to full implementation and if not, whether there are identifiable factors that are preventing or hindering courts/tribunals from implementing the Framework.

The three categories of membership with the Consortium outlined in the ICCE Membership Policy² reflect that courts/tribunals will be at different stages of implementation: some are advanced and some are just beginning or planning their journey. Affiliated Judicial Institutions do not implement the IFCE at all currently but in the future may opt to apply the *International Framework of Judicial Support Excellence*, a modified version of the Framework for judicial support organisations which has been developed by the Consortium. However, all membership categories envisage a commitment to the core values in the Framework and to court excellence.

The different membership categories are:

Implementing Members: these are courts or tribunals or court or tribunal systems that are actively implementing the Framework and have done so in an advanced way by

² See <http://www.courtexcellence.com/Members/Membership-Policy.aspx>

completing the self-assessment questionnaire/checklist and developing an Improvement Plan; and further rounds of the self-assessment cycle have been undertaken or are planned. They may also have used the Framework in the administrative operations of the court, including strategic planning and leadership development and/or created of an organizational structure to support the implementation of the Framework.

Associate Members: are courts or tribunals or court or tribunal systems that, among other things, have recently commenced implementing the Framework or have firm plans to do so or have implemented the Framework in a limited manner.

Affiliated Judicial Institutions: are institutions that provide active support and assistance to judges, courts and court systems but do not have direct responsibility for implementing the Framework in courts or court systems. They support the goals of the Consortium and implementation of the Framework and seek to assist and support the promotion of the Framework, such as, by way of education of judges in the Framework.

Because Affiliated Judicial Institutions are not responsible for implementing the IFCE, these organisations are not the focus of this paper.

Current use, modification and impact of the IFCE

This section outlines the ways in which members have used and modified the Framework using Court Summaries for each jurisdiction. Each Court Summary derives from information that each member has published or provided to the Consortium.

In terms of impact, Richardson, Spencer and Wexler³ have recently summarized the innovations and improvements in courts that members have reported as arising from using the IFCE, including:

- The systemization and entrenchment of court-user satisfaction surveys;⁴
- Peer review and pastoral care programs for judges;⁵
- Measures to support health and wellbeing of judges and staff;⁶
- New ways to manage divorce cases;⁷
- Improvements to courts governance;⁸
- Enhancing and expanding existing court access and inclusion frameworks for vulnerable and disadvantaged court users;⁹
- Development of court strategic plans that place emphasis on the fundamental court values and emphasise procedural fairness, treating court users with fairness and respect;¹⁰

³ E Richardson, P Spencer and D Wexler, 'The International Framework for Court Excellence and Therapeutic Jurisprudence: Creating Excellent Courts and Enhancing Wellbeing' (2016) 25 *Journal of Judicial Administration* 148.

⁴ Tomas Verteletsky, 'Report on Ukraine Court Performance Evaluation System' (2015) 4 *International Consortium for Court Excellence Newsletter* 5; Family Court of Australia, *Annual Report 2014-2015* (Commonwealth of Australia, 2015); The Judiciary of Republic of the Marshall Island, *Strategic Plan 2014-2018*; Federal Circuit Court of Australia, *Annual Report 2014-2015* (Commonwealth of Australia, 2015).

⁵ Judge Colin Doherty, 'Report from the District Courts of New Zealand' (2014) 3 *International Consortium for Court Excellence Newsletter* 6; Judge Anna Skellern and Judge Maree MacKenzie, 'Report from the District Courts of New Zealand' (2015) 5 *International Consortium for Court Excellence Newsletter* 4.

⁶ Federal Circuit Court of Australia, *Annual Report 2013-2014* (Commonwealth of Australia, 2014).

⁷ Dan Hall, 'Applying the IFCE to the State Courts in the United States' (2015) 5 *International Consortium for Court Excellence Newsletter* 5.

⁸ Mike Vallance, 'Implementing the IFCE as a "holistic" means for achieving excellence' (Prepared presented at the AIJA Asia Pacific Conference, Auckland, March 2013).

⁹ Family Court of Australia, *Annual Report 2014-2015* (Commonwealth of Australia, 2015).

- Consistent and systematic review of court policies, rules and procedures;
- Improving physical court facilities;¹¹
- Use of technology to increase access for court users;¹²
- Improving communication with court users;¹³
- Monitoring access to and use of Court decisions.¹⁴

Other innovations arising from the implementation of the Framework are identified in the individual case summaries that follow on the following courts:

- Batulicin District Court, Indonesia
- Council of Judges of Ukraine
- County Court of Victoria
- District Court of New Zealand
- Dubai International Financial Centre Court
- Family Court of Australia
- Federal Circuit Court of Australia
- Kepanjen District Court, Indonesia
- Land and Environment Court NSW
- Magistrates' Court of Victoria
- Republic of the Marshall Islands Judiciary
- State Courts of Singapore
- Supreme Court of Victoria
- Republic of Moldova

¹⁰ The Judiciary of Republic of the Marshall Island, *Strategic Plan 2014-2018*; Federal Circuit Court of Australia, *Annual Report 2013-2014* (Commonwealth of Australia, 2014).

¹¹ Dan Hall, 'Report on Regional Forum in Bangladesh' (2014) 3 *International Consortium for Court Excellence Newsletter* 8.

¹² Above n 9.

¹³ Above n 9; Federal Circuit Court of Australia, *Annual Report 2013-2014* (Commonwealth of Australia, 2014); Land and Environment Court of New South Wales, *Annual Review 2013* (State of New South Wales, 2014).

¹⁴ Land and Environment Court of New South Wales, *Annual Review 2014* (State of New South Wales, 2015).

Court summaries (A-Z)

Batulicin District Court, Indonesia

The court of first instance in the Tanah Bumbu regency that hears criminal and civil cases.

Use

- Phase One - In 2014, the Batulicin District Court conducted an initial self-assessment. This involved conducting a review of the self-assessment checklist contained in the IFCE. Seven work teams assessed the seven areas of court excellence and afterwards the whole team gathered together for a plenary session to discuss the results. The results of the assessment were then reviewed and approved by the President of the Court.
- Phase Two - 2015 – Implementation of the Improvement Plan – this included training on the IFCE for all employees and implementing improvements to fulfil the gaps identified through the self-assessment.
- Phase Three – 2015 - Global Court Measures and Performance Measures – measuring the implementation of the IFCE and the Improvement Plan.
- Phase Four – 2016 - Self Assessment conducted and Improvement Plan – Checking and corrective action and management review. The second Self-Assessment saw an improvement in scoring for the court.

Modification

- No modifications were made to the self-assessment questionnaire.

Impact

- Under the 2016 Improvement Plan the following improvements were initiated by the Court as a result of the IFCE:
 - Development of vision, mission and values
 - Development of a strategic plan in line with the IFCE
 - Regular audits of court policies
 - Court user survey regarding court security
 - Regular internal and external stakeholder meetings
 - Mystery shopper visits to court to assess performance
 - Improved complaint handling procedures.

Resources

- District Court Batulicin, Report: Court Excellence of District Court Batulicin, South Kalimantan, Indonesia. (2016)
<http://www.courtexcellence.com/~media/Microsites/Files/ICCE/Report%20-%20Court%20Excellence%20-%20District%20Court%20Batulicin.ashx>

Council of Judges of Ukraine

Use

- The IFCE was used to develop a Court Performance Evaluation (CPE) Framework in the Ukraine in 2010 under the FAIR Justice project (USAID). The aim was to ‘introduce new ways of court performance measurement and management in the Ukrainian courts, as well as introducing court quality policies inspired by the IFCE’ (Albers 2016). Court user satisfaction surveys have been central to the developments in the Ukraine. It was tested in 13 pilot courts and implementation in all courts is likely.
- In 2012, the draft of Ukrainian CPE System was completed. It included four evaluation modules: efficiency of court administration, case disposition timeliness, quality of court decisions, and court user satisfaction. The draft CPE System consisted of 24 court performance evaluation criteria and over 100 indicators to measure the compliance of the court with these criteria. The draft proposed a combination of several evaluation methods: 1) internal survey of judges and court staff; 2) review of randomly selected case files; 3) expert analysis of selected court decisions; 4) analysis of judicial statistics data; and 5) court user satisfaction survey.
- After the pilot phase the final CPE system was developed into a two-tier system with 1. basic or mandatory court performance evaluation and 2. complete or complex court performance evaluation. Court user surveys form part of both Basic and Complete CPE.
- Basic CPE - based on easily accessible case management data, including, clearance rates, average duration of procedures, and backlog. Basic CPE demonstrates trends.
- Complete CPE - uses more comprehensive evaluation tools, such as court user surveys, surveys of judges and court staff, and expert analysis of case files. Complex CPE provides the roadmap for improving court performance and is conducted every three years.

Modification

The Complete CPE system addresses seven of 11 IFCE court performance measures:

- Court user satisfaction
- Access Fees
- Case Clearance Rate
- On-time case processing
- Case backlog
- Employee engagement
- Cost per case.

Impact

- The Council of Judges of Ukraine approved the CPE Framework in 2015 and recommended all courts in Ukraine to implement it as needed.
- As of 2017, 383 Ukrainian courts (50% of all) implemented CPE either fully or partially. Given the recent implementation, improvements arising from the CPE system at the court level are still emerging. In the fall of 2017 the USAID New Justice Program, a successor of USAID FAIR Justice Project, in cooperation with Ukrainian partners including Council of Judges of Ukraine, will conduct assessment of improvements and changes in user satisfaction in those courts implementing CPE.
- However, at a national level the CPE impact is evident. The Council of Judges of Ukraine have used the IFCE and ICCE experience in generating judicial statistics reform in Ukraine for all three jurisdictions – general (civil and criminal), administrative and commercial. After many years of debate around the judicial statistics issue, the

State Judicial Administration of Ukraine – the body that is responsible for logistical and administrative support of the judiciary – has developed, successfully piloted and introduced at all levels (national, regional and court level) the new approach to judicial statistics. This is based on performance indicators – clearance rate, average duration of proceedings (in days) and backlog. Ukrainian courts now measure these indicators on a quarterly basis and will have the ability to analyze trends and make informed management decisions.

Resources

- P Albers, 'The use of CPE in Ukraine for better management and reporting of courts: lessons learned from international Court Excellence project' (2016, USAID FAIR Justice).
- Justice V Simonenko and T Verteletsky, 'Court Performance Evaluation System: Building Public Trust and Confidence in the Judiciary: Practice Report' (Judiciary of the Future – International Conference on Court Excellence, Singapore, 27-29 Jan 2016).
- Tomas Verteletsky, 'International Update: Ukraine Report' (2015) 4 *ICCE Newsletter* 5.
- Information provided by Tomas Verteletsky by email August 2017.

County Court of Victoria

The County Court of Victoria is the major trial court in the State of Victoria, Australia. A mid-tier Court, it hears large volumes criminal, commercial, and common law matters, in addition to appeals from the Magistrates' and Children's Courts.

Use

- The County Court of Victoria adopted the IFCE in November 2010. It has completed two self-assessments (2011 and 2012) and, in 2013, it underwent an independent external evaluation of its progress in implementing the IFCE.
- In addition, the Court conducted its first Court User Satisfaction Survey in 2013, and then, based on a review of that survey, began conducting an improved Court User Survey biannually in 2016. The new survey has just been conducted for the third time on 7 June 2017.
- The Strategic Plan 2015/16 - 2017/18 contains four overarching goals aligned with the IFCE, and 39 priority improvement initiatives intended to realise these goals. The priority improvement initiatives are expected to be completed by the end of the first year of a three-year rolling program designed to progress fulfilment of the Court's goals. A new Strategic Plan, the 'County Court Directions 2017-22', will be launched in 2017. Key to its goals are engaging with the community and redesigning the court's work systems to better deliver value to court users.
- A third organisational self-assessment was planned for 2015 but was not carried out. The Court has found more value concentrating effort on building systems of excellence that integrate evidence of performance into the governance of our work.
- The Court has been working with other Victorian jurisdictions to examine the suitability of adopting the Global Measures of Court Performance as budget outcome measures, to enhance the collection, accessibility and useability of performance data.

Modification

- No modification to self-assessment was made, but point-in-time self-assessments are not currently being utilised.

Impact

- The IFCE has been well-received, particularly by judges who view it as a means of improving the performance of the Court. The court is embracing the values of the IFCE to proactively drive improvement, and the Court's governance seeks to embed the principles of excellence into delivery of court services at all levels of the organisation.
- The Court has identified a number of improvement initiatives have been implemented since the adoption of the IFCE including:
 - Restructure and strengthening of the internal governance arrangements of the judicial and administrative arms of the Court, creating a highly professional management capability;
 - A restructure of the Court's administration introducing a management capability to drive performance improvement;
 - Review of the Court's existing data reporting framework with a view to strengthening its business intelligence capability;
 - Improvement of proceedings and processes through the establishment of key positions within the Court, driving improvement where most needed to deliver the highest standard of justice to the community;
 - Stabilisation of the Court's Case List Management System (CLMS);
 - Delivery of enhanced online services for court users;

- Redesign of the court's registry function to enhance our service to court users, and to better support the Judiciary to hear matters efficiently.

Resources

- ICCE member survey September 2014 – response provided by County Court of Victoria.
- Email communication with ICCE Secretariat June 2017.

District Court of New Zealand

The District Court is New Zealand's main general court of first instance that hears almost all adult and youth criminal cases, all family law proceedings and civil disputes up to \$350,000 in value.

Use

The District Court of New Zealand has conducted two self-assessments and has approached the Framework in the following way:

- 2012: An IFCE Committee was formed and the Framework was adapted so that it is conducted every 3 years. The District Court Self-Assessment Team spent considerable time prior to conducting the first self-assessment with orientation of the entire judiciary on the IFCE concept. Regular updates about the IFCE and the process that would be followed were provided to judges and a formal, in-depth introduction to the IFCE was given at the District Court judges conference, two months prior to the self-assessment. A paper-based survey was used in the first self-assessment exercise and participation was deemed mandatory by the Chief Judge of the District Court. Only judges participated and all were given 1.5 hours of rostered sitting time to complete the assessment.
- 2015: The key differences in the 2015 self-assessment were that an online format was used and the classes of participants were expanded to include other judicial officers (community magistrates), senior managers of the Ministry of Justice and the assessment was simplified. Hyperlinks were provided within the survey to parts of the Framework and the online format enhanced analysis of the survey. Judges, the Ministry of Justice staff and community magistrates all completed the general assessment and only judges and community magistrates completed the judicial assessment. 263 participants completed the survey.

Modification

The Self-Assessment process was modified in a number of ways:

- Modification was made to the language, terminology and nuances of the Framework in order to fit with the constitutional Framework of New Zealand. The District Court's judiciary do not have administrative control over many of the court processes mentioned in the Framework and thus would not have been able to answer the questions relating to court administration, particularly those involving management of financial resources.
- Examples were provided in the questionnaire of what Judges might look for when answering a question in order to prompt the Judge's thinking, focus the Judge on the core issue and make each question relevant to the New Zealand context. The matters were all matters of common knowledge and not intended to skew the Judge's response. The examples were listed in two columns headed by 'What does this mean?' and 'What could we look for?' An example of this is provided in Doogue and Doherty (2013). Simplification of the questions in the IFCE second edition lessened the need for this task in the 2015 self-assessment.
- A three year cycle for self-assessment, not one year.
- Amendment to the assessment questions and with opportunity to comment.
- Inclusion of two new areas: court performance and judicial section.
- Court performance was an eighth area added to the general assessment that was aimed at assessing the degree of administrative support received by judges in making decisions from the judicial perspective. The questions asked were:
 - To what extent does the Court:
 - Have a process that ensures that at the time of decision-making everyone and everything

- necessary for making that decision is available and/or present?
 - Have a process that ensures that everyone present is in a position to assist the judicial officer in the making of a decision?
 - Have a process that ensures decisions are made in a timely manner?
 - Have a process that ensures decisions are administratively processed in a timely manner?
- There is a general assessment section and a judicial assessment section. The Judicial section contained 19 questions about:
 - Judicial ethics and standards
 - Operational matters
 - Judicial organisation
 - Judicial welfare
 - Judicial engagement with the community.
- The answers from the judicial assessment were not weighted in the overall assessment and data was processed in a separate, confidential report.
- Feedback was received from judges completing the 2012 assessment that the judicial assessment section was the part of the self-assessment questionnaire that was most relevant to them, the questions less ambiguous and better written. The same scoring and weighting used for the general assessment was adopted for the judicial assessment section.
- Moderation sessions were held in both 2012 and 2015 self-assessments in order to capture qualitative feedback and information. The moderation sessions were seen to provide valuable information and an opportunity to openly discuss the questions, increased meaningful engagement of judicial officers, and enabled the Court to arrive at a consensus on every question. A reframing process undertaken after the 2012 questionnaire meant that far fewer responses required moderation in order to make a conclusion about each statement. Some responses were moderated by applying business rules and others required a 'moderation panel' of four committee members meeting with survey respondents in relevant courts over a period of days. This enabled consensus to be reached, opportunity to debate and highlighted issues impacting on court performance and IFCE areas.
- In the 2015 assessment, the questionnaire was simplified to two response categories: approach and results. Further, the metrics used were: 0 =none; 1=limited; 2=fair; 3=good; 4=very good; 5=excellent. Questions were reformatted to statements (in line with the IFCE 2nd ed) and the language in some statements clarified to avoid the confusion that arose in 2012 in relation to some questions. These changes did not change the core of the self-assessment and thus did not compromise the comparability of results between the 2012 and 2015 assessments.
- The 2015 assessment identified some statements that continued to be ambiguous particularly those with multiple clauses (eg statement 3.3) and statement 2.3. Suggestion that statements need some alteration, breaking down into further narrower statements and providing additional commentary.

Impact

- A number of issues needing improvement within the Court were identified by the 2012 assessment and addressed subsequently. The 2015 provided further guidance regarding where improvement was needed.
- Overall, self-assessment in the District Court of New Zealand has led to a number of strategic and operational improvements including:
 - Peer review and pastoral care programs for judges;
 - A new approach to judicial education;
 - Cooperative approach with the Ministry of Justice to operational improvements in the area of judicial rostering and scheduling of work;
 - Refinement of the Judicial Strategy Plan.
- The results of the 2015 assessment highlighted that the court had improved overall in

scoring against the IFCE. However, it also indicated that community engagement remained an area needing improvement. Further it became apparent from the 2015 assessment that court schedules were being overloaded and agreed schedule maxima (CAPs) were not being adhered to which was addressed shortly after the 2015 assessment.

- The 2015 assessment found a greater level of engagement by the judiciary and other participants in the IFCE and there was general support for the idea that the IFCE had led to concrete changes.

Resources

- Judge Colin Doherty and Robert Pigou, 'Finessing the Framework: The New Zealand IFCE Experience' (paper presented at the 'Judiciary of the Future' International Conference on Court Excellence, Singapore, 27-29 January 2016).
- Chief District Court Judge Jan-Marie Doogue and Judge Colin Doherty, 'International Framework for Court Excellence – Beyond the Horizon' (paper presented at the 6th International Conference on the Training of the Judiciary, Washington DC, 3-7 November 2013).
- Jan-Marie Doogue and Colin Doherty, 'The International Framework for Court Excellence: Gauging How Well Education and Training Are Delivered to the Judiciary' (2015) 3 *IOJT Journal* 140.

Dubai International Financial Centre Court

The DIFC is a common-law English language commercial court operating in the United Arab Emirates.

Use

- The DIFC adopted the IFCE in 2009, conducted a high-level self-assessment in 2012 and implemented IFCE standards across the organisation. As a part of the implementation process, improvements to the DIFC Courts were identified, mainly to promote judicial excellence, service excellence and innovation & technology.
- In addition to the IFCE self-assessment, stakeholder feedback surveys are being conducted annually to measure, evaluate and implement action plans for continuous improvements. These surveys are being conducted amongst the internal and external stakeholders in line with the IFCE. The survey types are:
 - i. Employee engagement survey – survey questions are designed to rate the employee perception on leadership, policies, procedures and processes, understanding of strategic goals, availability of resources etc.
 - ii. Customer satisfaction survey – survey questionnaire developed to receive feedback from all courts' users. The outcome of the survey results are measured and evaluated. Necessary changes are applied for service enhancement and to achieve higher customer satisfaction.
- A Service Excellence unit was established within the DIFC Courts to ensure the highest service standards are promoted and the requirements of the IFCE are adhered to.
- The DIFC Courts' five-year strategic plan for 2016-2021 was finalised and communicated to all interested stakeholders in February 2016. The plan includes objectives that are aligned with the IFCE.
- In January 2017, the Chief Justice of DIFC Courts issued the 2017 work plan focusing on 4 principals: Judicial Excellence, Service Excellence, Innovation & Technology and Connectivity that includes 29 improvement initiatives.
- The next IFCE self-assessment with the DIFC Courts judges, judiciary and administration staff is planned for October 2017.

Modification

- Modifications were made to the original IFCE self-assessment questionnaire and the newer version of the framework in 2013 has been adopted.
- The DIFC Courts have suggested that one modification for the IFCE would be to customise the self-assessment to include options for qualitative feedback and refrain from scoring any questions that are not relevant to the assessment participants.

Impact

- The initial high-level assessment conducted in 2012, resulted in a number of improvement initiatives, primarily to improve customer service standards and invest in technology enhancement:
 - Improvement to the DIFC Courts Service standards, policies, procedures, processes etc. to focus on service efficiency and customer centricity.
 - Increased efficiency and effectiveness in handling clients, courts administration and internal processes through the use of advanced technology.
 - Implementation of the performance management system to measure employee performance. Periodic performance evaluations of employees are conducted in line with set objectives and key performance indicators.
 - Annual surveys being conducted to collect stakeholder feedback for continuous

improvement purposes.

- Various internal communication channels are being implemented to ensure transparency, integrity and also to provide business updates.
- The DIFC Courts leverages the use of IFCE Standards to gain other international standards/certifications:

Achievements:

- i. 2012 – Certification in The International Standard for Service Excellence (TISSE) confirming the DIFC Courts’ commitment to the delivery of excellence in service quality; and
- ii. 2014 - Five Star Rating by the UAE Government Service Excellence Programme.

Planned for 2017

- i. Achieve Six Star Rating by the UAE Government Service Excellence Programme.
- ii. Certification as per ISO 9001:2015 Quality Management System.

Resources

- Letter from Reem Al Shihhe to the ICCE dated 18 August 2016.
- DIFC Courts Strategic Plan 2016-2021.
- DIFC Courts - Work Plan 2017.
- DIFC Courts’ annual Customer Satisfaction and Employee Engagement Survey results.
- DIFC Courts Annual Review 2016.

Family Court of Australia

The Family Court of Australia is a superior court of record established in 1975 that hears and determines complex legal family disputes including parenting cases and financial cases.

Use

- The Chief Justice of the Family Court Diana Bryant announced the Court's endorsement of the Framework in 2008-2009.
- The Chief Justice appointed Justice Murphy as Chair of the Court Excellence Committee who, in consultation with the Chief Justice, selected a committee of four judges representing a range of experience and geographical diversity and seconded Jane Reynolds, Regional Registry Manager, for administrative expertise and support. This Committee of Judges steered the work and provided advice to the Chief Justice and her Court Policy Committee where important decisions were to be considered and made about planning, policy and future directions.
- In 2013, the Court conducted the IFCE self-assessment which was issued to all Judges and to all staff in the Court administration. The survey results were analysed and published to the Court in a substantive Report in 2014 (Interim Report) and 2015 (Final Report). All but one of the Court's judges completed the survey.
- The Chief Justice has endorsed almost all of the recommendations contained in that committee report.
- 2015 – Implementation of recommendations commenced. The major recommendations were:
 - Appellate Division as flagship division and greater resourcing
 - Reformed court governance model
 - Judicial support and public services via technology
 - Improved training for judges particularly regarding technology
 - Better judicial induction process/judicial welfare emphasis
 - National case management review and continued court user surveys
 - Ongoing staff development.

Modification

- **Survey modification** - The central modification made by the Court was to the IFCE survey template. The full IFCE questionnaire was used and questions were modified throughout the IFCE survey to be more specific to the Court. However, notwithstanding those modifications, the essence of the framework and the principles underpinning the seven pillars, were preserved.
- The scoring system was not adopted at all.
- An **additional category of response** of "don't know" was added. This was done because due to significant changes in the Court judiciary with the majority of appointments under 5 years on the bench, it was considered many Judges may not know about policies and procedures that pre-dated their appointment. Further, the committee considered that a significant response rate of "don't knows" was, of itself, important data – for example, it had the potential to speak of how effectively the Court communicates with its judges. Thirdly, there was the potential for the proportion of don't knows to vary across the seven pillars with the consequent potential to provide information about the areas in which the Court needed to be more proactive about the dissemination of information.
- **Qualitative Statements** – invitation for open text comments were provided - each section was prefaced with questions designed to prompt and guide thoughts about possible topics which were put to prompt thought rather than to limit or direct responses. The Judges' responses showed the application of careful thought and analysis and elicited a wide range of suggestions.

- **Moderation Sessions** - Following the lead and experience of the District Courts of New Zealand, the Committee determined to conduct 'moderation sessions'. These sessions, like participation in the survey itself, were both voluntary and confidential. The moderation sessions, conducted regionally with the Committee member from that region, proved a useful adjunct to the qualitative responses. They provided the opportunity to 'tease out' some of the themes emerging from the survey responses and in one case (the use of technology and information technology more generally) provided significant additional data, particularly in respect of the pillar dealing with Resource Management. The sessions proved useful in engaging Judges in the process and eliciting a wide range of useful information.
- The Administration - all 670 staff of the administration were offered the option to participate in the survey and this was conducted separately from the survey of judges. The rate of return was 40% with 270 staff submitting a survey return which in many cases included detailed and thoughtful comments.

Impact

- Outcomes from the recommendations have not yet been reported on. The significant changes to the administration of the Family Court and the necessary gestation period for those changes has impeded an analysis of outcomes and, specifically, delayed a second iteration of the survey.

Challenges identified by the Court in implementing Framework

The Family Court of Australia has provided these observations about the challenges involved in implementing the IFCE:

- Implementation has been a constructive experience that enables the judges and staff of the Court to come together in a methodical structured way to assess central issues related to the running of the Court; the survey enables a marshalling of views into a considered report for judges and staff prepared by judges; and as a consequence, may lead to steady work on any reported problems and certainly, will result in preservation of those areas identified as being strong for the Court.
- However, the implementation of the IFCE takes time from judges and staff. This is time well spent but time is scarce in a busy Court. Also, this process must be regarded as long term and not a 'quick fix project'. Keeping the momentum going is a challenge.
- The IFCE work therefore needs to be integrated into the mainstream business of the Court and not be a 'special project' off on the side. It must be relevant to Judges otherwise it will 'sit on the shelf'.
- Scarce public funding, competition for funding and the bedding down of a series of significant changes resulting from the court's changed administrative structure are contextual factors for the Court.

Resources

- ICCE member survey September 2014 – response from Jane Reynolds, Regional Registry Manager and Principal Child Dispute Services, Family Court of Australia.
- The Hon Justice Peter Murphy, 'International Framework for Court Excellence: Six Years On...' (Paper presented at the Judiciary of the Future – International Conference on Court Excellence, Singapore, 27-29 January 2016).
- Reports on the results of comprehensive Court User Surveys (2011 and 2014).

Federal Circuit Court of Australia

The Federal Circuit Court of Australia was established by the *Federal Circuit Court of Australia Act 1999* (Cth) as an independent federal court under Chapter III of the Australian Constitution. The Court was originally established to handle less complex matters in the areas of family law and general federal law with the objective of providing a simple and more accessible alternative to litigation in the Family Court and the Federal Court.

Use

- The Federal Circuit Court has publicly confirmed its commitment to the IFCE and established a Committee of Judges to drive the implementation of the Framework. Judge Michael Jarrett was selected to chair this Committee and to steer the work and provide advice to the Chief Judge John Pascoe AC, CVO and his Policy Advisory Group.
- In 2013, the Court conducted the IFCE self-assessment which was issued to all Judges and to all staff in the Court administration. It was completed by 57 of 67 judges and a high percentage of staff, indicating engagement with this process.
- The survey results have been analysed and were published to the Court in a substantive Report in 2014.
- Improvements were identified in areas such as judicial development for judges and professional development for administrative staff of the Court; business processes and practices around the dispatch of the Court's business; communication both within the Court and with court users; and measures to support the health and well-being of judges and court staff who regularly work long hours and who have high volume work loads.
- Recommendations included:
 - Support for 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 unrepresented 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.
- The Chief Judge endorsed the recommendations contained in that report, and has framed priorities and action plans for the Court.

Modification

- The central modification made by the FCC was to the IFCE survey template. The full IFCE questionnaire was used and an eighth dimension was added specifically directed at Judges only. This was an initiative taken following the experience of the District Court of New Zealand.
- The questions were modified and added to suit the Court context and the scoring system

was not used.

- Some questions included a 'don't know' response but usually the responses required a yes/no answer.
- Freeform comments were invited but were received in very few responses.

Impact

- Outcomes from the recommendations identified above and their implementation have not yet been reported on nor finalised in part due to the substantive legislative and administrative changes which have occurred in the last year(s).

Resources

- ICCE member survey September 2014 – response from Jane Reynolds, Regional Registry Manager and Principal Child Dispute Services, Family Court of Australia.
- Judicial Committee for the implementation of the IFCE, Report to Chief Judge John Pascoe, Federal Circuit Court of Australia, 2014.
- Input from the Federal Circuit Court June 2017.

Kecamatan District Court, Indonesia

The Kecamatan District Court is a court of general jurisdiction that hears criminal and civil cases at the first instance in East Java, Indonesia.

Use

- The Kecamatan District Court conducted the self-assessment questionnaire on September 3, 2015. There were 52 respondents consisting of court users (leader, judges, and court staff). The Court also conducted an independent customer satisfaction survey with 571 respondents.
- The results of self-assessment showed that the court needed improvement in the areas of court proceedings and process, and affordable and accessible court services.
- An improvement plan addressing various areas of the court's performance was developed.

Modification

- Modifications do not appear to have been made to the Self-Assessment Questionnaire.

Impact

- The Court noted that the implementation of the Framework helped measure and give guidance for improving the court's performance.
- Aspects of the Improvement Plan that had been implemented included the Customer Satisfaction Survey, developing a court user's group, creating new system to review strategic plan, improvements to managing court financial resources, improving court orders toward cases of non-compliance, increasing use of court user surveys, improve access for people with disabilities and availability of court service standards.

Resources

- Kecamatan District Court ICCE Membership application.
- Kecamatan District Court Improvement Plan 2015.
- Kecamatan District Court Customer Satisfaction Survey 2015.

Land and Environment Court NSW

A specialised statutory court operating in New South Wales, Australia – a superior court of record with administrative, civil, criminal and appellate jurisdiction dealing with planning, building, environmental, land, natural resources, mining and other matters.

Use

- The LECNSW undertook to adopt the Framework in 2008 at the Court Quality Forum in Sydney when the IFCE was first launched.
- The Court engaged a consultant to assist with implementation of the Framework and established a self-assessment team which was constituted by 21 members of the court including five judges, eight full-time commissioners, six acting or part-time commissioners and two registrars.
- The self-assessment team convened two meetings:
 - February 2009 - a planning session where the Framework and procedure for self-assessment exercise was explained. The questionnaire was examined closely and the outcome statements in each area of court excellence, the subcategories of Approach, Deployment and Results, and guidelines for scoring were explained to ensure that all members of the self-assessment team understood the process and content of the Framework. The aim of this was to ensure validity and consistency in approach when answering the self-assessment questionnaire. Each of the self-assessment team completed the IFCE questionnaire and returned the completed questionnaire to the consultant. This ensured that responses remained confidential and respondents could feel uninhibited in their responses. Each individual score was combined and displayed.
 - March 2009 – a second meeting was held to settle by consensus the appropriate score for each statement in the IFCE questionnaire. The combined rating scores were discussed by the self-assessment team and the rating score that best reflected the collective views of the self-assessment team were selected for each statement and subcategory of approach/deployment/results were settled. A rating score for each statement and subcategories were all able to be settled by consensus. These scores were then used to determine a final aggregate score using the scoring methodology in the IFCE.
- Improvement plan – a smaller planning committee was then convened to develop an improvement plan. The planning committee consisted of two judges (including the Chief Judge), two commissioners (including the Senior Commissioner), an acting commissioner and two registrars. A series of meetings were held assisted by the consultant. The process was to identify the matters that had low rankings as these were suggestive that these matters needed improvement. The planning committee considered the following issues in developing the improvement plan:
 - what issues could be addressed quickly and in the short term;
 - what initiatives or activities were required in response to the self-assessment result;
 - what support and co-operation was most relevant and necessary to address required changes;
 - what resources were necessary to support those changes;
 - what timetables should apply; and
 - how would the success of changes be measured and evaluated?
- The outcomes were to:
 1. Develop a vision or mission statement in the form of a statement of purpose which drew on the IFCE core values and related to the seven areas of court excellence.
 2. Develop an action plan in table form that used the IFCE structure, was consistent with the statement of purpose, used IFCE outcome statements, contained the self-

assessment score in relation to each outcome statement and the action items in relation to the outcome statements (including the steps to be taken to achieve the action/outcome, the person/s responsible for each step, the timing of the steps and the performance indicators to demonstrate achievement).

- Consultation and comment were sought from the larger membership of the court on the draft statement of purpose and action plan to ensure opportunities were given to judges, court employees and court's professional partners to be involved in the planning process as recommended by the IFCE.
- On 1 September 2009, the action plan was settled.
- A second self-assessment was conducted in November 2011 using the same process utilised in the first self-assessment and found an improvement in the final weighted score. The court has continued to work on activities identified in the improvement plan through 2012-2016.
- The Court reports on its performance in implementing the IFCE in its published annual reviews, including identifying the actions taken in the reporting year, grouped under each of the seven areas of court excellence.

Modification

- No modifications to the Framework questionnaire were made. Where the questions in the IFCE were perceived as not being clear, a purposive approach was taken by looking at the context of the discussion in the Framework.
- The self-assessment questionnaire used in both instances of the self-assessment process was the first edition of the Framework.

Impact

- Numerous developments/initiatives have arisen out of the implementation of the IFCE in the LECNSW including the development of a statement of purpose; communication strategy; regular review of progress against the implementation of the action plan; development of policies and practices notes, development of a judicial newsletter, yearly court user surveys, among other developments.¹⁵ Many of the initiatives were resourced internally and some required external resourcing, such as the refurbishment of the court registry and improved signage, development of a new court website, extension of electronic filing, security improvements, through government departments and other external courts and agencies.
- Other benefits identified by the court of using the Framework include incorporating the current activities of the court and organising them into a structured methodology; enabling the Court to reflect on its role and affirm core values; by the Framework encompassing a holistic/whole-of-court approach developing a wider view of the work of the court; by involving all members of the court in the assessment and implementation of the IFCE, building a sense of shared values and a collegiate environment and promoting the court to move beyond a reactive approach to crises to a proactive approach to potential problems.

Challenges identified by the LECNSW in implementing Framework

- Chief Judge Preston has noted that the Framework is underpinned by an assumption that the resources to achieve the improvements identified in an improvement plan are

¹⁵ Brian Preston, 'Implementing the International Framework for Court Excellence: The Experience of the Land and Environment Court of New South Wales' (paper presented at the Asia Pacific Courts Conference, 4-6 October 2010, Singapore); Brian Preston, 'International Quality Framework in operation at the Land and Environment Court of New South Wales' (paper presented at AIJA Australasian Court Administrator's Conference: Australian Courts: Serving Democracy and its Publics' 6 October 2011, Sydney).

available within the court and that courts have autonomy to dedicate their own time and resources to achieve the improvements.¹⁶ However, many courts are not self-funded autonomous bodies that can raise funds and recruit support and apply their budget according to their own priorities. The LECNSW is not self-funded and a controlled budget means that the court must look beyond its internal resources and engage with the government funding department. Preston CJ notes that leadership from within the court is required to collaborate with government departments and external bodies.

Resources

- Brian Preston, 'Implementing the International Framework for Court Excellence: The Experience of the Land and Environment Court of New South Wales' (paper presented at the Asia Pacific Courts Conference, 4-6 October 2010, Singapore).
- Brian Preston, 'International Quality Framework in operation at the Land and Environment Court of New South Wales' (paper presented at AIJA Australasian Court Administrator's Conference: Australian Courts: Serving Democracy and its Publics' 6 October 2011, Sydney).
- Brian Preston and Joanne Gray, 'Achieving Court Excellence: The Need for a Collaborative Approach' (paper presented at 'The Judiciary of the Future: International Conference on Court Excellence', Singapore 28-29 January 2016).
- Annual Reviews of the Land and Environment Court of New South Wales: http://www.lec.justice.nsw.gov.au/Pages/publications/annual_reviews.aspx

¹⁶ Brian Preston and Joanne Gray, 'Achieving Court Excellence: The Need for a Collaborative Approach' (paper presented at 'The Judiciary of the Future: International Conference on Court Excellence', Singapore 28-29 January 2016).

Magistrates' Court of Victoria

The Magistrates' Court of Victoria is the third tier in the Victorian Court system. It is the busiest court (by volume) in Victoria and handles approximately 90 per cent of all cases that come before Victorian courts each year. The Court exercises jurisdiction in civil law matters (usually this is limited to disputes involving money or property up to \$100,000), criminal law matters (determines summary and most indictable matters, and conducts committal hearings for more serious indictable offences), family law matters and intervention orders.

Use

- The Magistrates' Court of Victoria first examined the IFCE in 2009 and conducted a self-assessment in 2010 but this did not result in an improvement plan.
- A second self-assessment was conducted in 2012 involving the judiciary and staff from seven regions which resulted in an internal report in October 2012. The response rate was over half of the 263 questionnaires distributed.
- The Court is in the process of determining how best to move forward with the Framework. It has made contact with the Secretariat of the ICCE and there appears to be a continuing willingness to implement the Framework.

Modification

- No modifications were made to the self-assessment questionnaire.

Impact

- The IFCE has yet to be fully implemented, however, the Magistrates' Court of Victoria has commenced on a major reform project to deliver a modern and responsive court.
- In 2015, at the request of the Court, the Boston Consulting Group carried out a review to identify the funding gap emerging between the available funding and funding required to support required levels of service and to explore the structures and resources necessary to modernise the Court's processes and operations.
- In March 2016 the Royal Commission into Family Violence delivered its final report. There were 221 recommendations many of which directly or indirectly impact on the Court.

Resources

- ICCE member survey September 2014.
- Response from Deputy Chief Magistrate Lance Martin 26 June 2017.

Republic of the Marshall Islands Judiciary

The Marshall Islands' national courts include the Supreme Court, the appellate court of last resort; the High Court, the highest trial court of general jurisdiction; the Traditional Rights Court, a special jurisdiction court for customary land disputes; and the District Court, a limited jurisdiction trial court.

Use

- The RMI Judiciary was introduced to the IFCE in 2010 at the APCC Singapore Conference.
- Self-assessments were conducted in 2011 and 2013 but neither had resulted in an improvement plan.
- In 2014, assistance was received from the Pacific Judicial Development Programme (PJDP) which provided funds for Elizabeth Connolly, Manager of Policy and Planning Federal Court of Australia, to conduct a 5-day workshop with the RMI Judiciary to assist with self-assessment and developing a court improvement plan.
- Assistance from the United States Ninth Circuit Judicial Counsel also enabled RMI judges to attend judicial performance workshops conducted by the State Courts of Singapore.
- The Framework has been incorporated into the Strategic Plan of the RMI Judiciary 2014-2018 and is evident in the values, mission statement and strategic goals.
- The court improvement plan has been published online. It is reviewed and updated periodically.
- A fourth "consensus" self-assessment representing the judges' and staff's views was conducted and completed in November 2016.

Modification

- No modifications were made.

Impact

- A number of improvements have arisen from self-assessment including but not limited to: the revision values, mission, and vision statements consistent with a user-centric court culture; the adoption of a new strategic plan informed by the IFCE; the publication of court time and services standards, as well as compliance with the standards; the adoption and publication of judicial and court policies, including a continuance policy; more frequent publication of court services and fees; regular court-user surveys and changes in response to the surveys; more regular judiciary and staff meetings; and greater alignment of judges and staff with the judiciary's values and policies. More information is contained in the RMI Judiciary Improvement Plan, which is reviewed by court leadership every six months.
- The RMI Judiciary's efforts in implementing the IFCE have received recognition from the people, Cabinet and Parliament of the Marshall Islands.

Resources

- Chief Justice Carl Ingram, 'New member profile – interview' (Sept 2014) 3 ICCE Newsletter 9;
- RMI Judiciary 2014 Improvement Plan – reviewed and updated 15/5/2016.
- RMI Judiciary Strategic Plan 2014-2018.

State Courts of Singapore

The State Courts of Singapore are courts of first instance that handle about 90 percent of the court caseload in Singapore. The State Courts (Magistrate and District Courts) hear both civil and criminal matters. Recently, the State Courts were vested with jurisdiction to hear community and relational dispute matters, and salary-related disputes in a Tribunal setting. The State Courts Centre for Dispute Resolution, offers alternative dispute resolution services for the whole range of matters in the State Courts.

Use

- The State Courts used the IFCE questionnaire for self-assessment in 2012 and 2015, and in 2016, developed a modified IFCE and named it the IFCE State Courts Model. The State Courts indicate that there is a commitment at the highest level to undertake this exercise, led by the Presiding Judge of the State Courts, the Deputy Presiding Judge/Registrar, and the Heads of Division.
- Prior to the development of the IFCE, the State Courts had undertaken assessments for business excellence under the Singapore Quality Framework, and attained the Singapore Quality Award (2006) and Singapore Quality Award with Special Commendation (2011).
- The use of the IFCE after attaining the Singapore Quality Awards is a continued effort by the State Courts to conduct a self-assessment and identify areas for improvement.
- The State Courts have a dedicated Organisational Excellence Unit under the Strategic Planning and Technology Division. This Unit is led by a subject-matter specialist who oversees the State Courts' efforts to attain higher standards and benchmark against international standards. This includes scanning for suitable internationally-recognised awards, assessing and submitting applications for internationally-recognised awards on projects. In recent years, this has included recognition for the State Courts' innovations in the delivery of court services, court technology, and people excellence.

Modification

- The State Courts modified the IFCE after using the Framework to conduct the 2012 and 2015 self-assessments. The State Courts of Singapore have said that the IFCE State Courts of Singapore Model is an extension of the current IFCE, and is based on the same Court Values and Methodology. The primary objective of the modification was to ensure that the criteria statements remain relevant to Singapore's context.
- New criteria statements were added to reflect the State Courts' experiences, incorporate developing concepts that have gained traction over time, as well as changes to the operating environment of Courts. These cover areas such as: ethics; social responsibility; workforce management; risk management and business continuity; and demand for court processes such as alternative dispute resolution, and problem-solving courts.
- The IFCE State Courts Model places a stronger emphasis on human resources, which is in line with the State Courts' long-term strategy of investing in the training and development of judicial officers and court administrators. A stand-alone area which has been named 'Court Workforce', has been introduced, and new criteria statements on employee engagement, well-being, and rewards and recognition were included. The other elements of 'Court Resources', namely, material resources and financial resources, remain relevant and have been incorporated into other Areas of Court Excellence in the IFCE State Courts Model.
- While most of the criteria statements in the IFCE have been retained, some statements have been rephrased and re-categorised. To further streamline the Areas of Court Excellence, 'Affordable and Accessible Court Services' and 'Public Trust and Confidence' have been consolidated in one area, which is named 'Desirable Court Outcomes'. The IFCE State Courts Model thus has Six Areas of Court Excellence comprising a total of 73

criteria statements.

- In the previous self-assessments, the State Courts had used the self-assessment checklist. However, the State Courts recognised that there were features in the self-assessment questionnaire that could be incorporated in the checklist to make the process more robust. The IFCE State Courts Model introduces an ‘Effectiveness’ component at the end of each Area of Court Excellence, that requires Courts to provide an objective evaluation of the Court’s performance under the respective areas, and will form part of the overall scores when assessing the overall performance of the Courts.

Impact

- Following the 2012 assessment, an Action Plan was drawn up. A number of initiatives were identified and followed-up on, including the following:
 - Provided more tailored training to judges and court administrators;
 - Upgraded the Financial Management System;
 - Developed the Integrated Criminal Case Filing and Management System;
 - Revamping the State Courts website to increase accessibility of information and resources to court users Installation of pathfinders to guide court users within the courthouse;
 - Provided wheelchairs for court users;
 - Planned new court building. Existing court complex retrofitted to utilise space more optimally;
 - Conducted public perception surveys, court user surveys, stakeholders survey and internal organisational health surveys regularly. For example, organisational health surveys were conducted in 2013 and in 2015, and the next survey is scheduled for 2017/2018. Similarly, the court surveys are conducted on a regular basis.
- The State Courts conducted another self-assessment in 2016/2017 using the IFCE State Courts Model. The overall results of the self-assessment remained in Band 5. The criteria statements that may require further follow-up were identified, with some suggestions for improvement.
- Going forward, with the addition of the “Effectiveness” component to each area, the State Courts have noted that it will be in a better position to evaluate the effectiveness of the measures that have been put in place and review the processes on an ongoing basis.

Resources

Input provided by State Courts of Singapore, 2017.

Supreme Court of Victoria

The Supreme Court is the highest court in Victoria and deals with the state's most serious criminal and civil cases. It consists of a Trial Division and the Court of Appeal.

Use

- The Supreme Court of Victoria commenced using IFCE in 2011. A senior manager (Manager, International Framework of Court Excellence) was employed to manage the process of implementing the Framework.
- The seven areas of court excellence prompted the Court to examine some of the fundamental premises that underpinned its operations and led it to ask questions about what the court is delivering and to whom; its strategic goals, future plans, policies governing operations and what key measures the court was using to monitor performance.
- The Framework has been used in the Supreme Court of Victoria to develop a Policy Framework that is based on the seven areas of court excellence and defines the way in which the seven areas are applied to the Court's administrative operations. There are 14 policies in total but not all policies are currently operational. The policies are outlined in Mike Vallance, 'Implementing the IFCE as a "Holistic" Means for Achieving Excellence' (paper presented at the Asia Pacific Courts Conference, Auckland New Zealand, 8-9 March 2013).
- The first self-assessment was conducted in late 2011 - every judge and staff member in the Court was invited to participate and the response rate from judges was 50% and 33% from staff. The assessment helped in identifying areas for improvement and set a foundation performance level against which the Court could benchmark the success of its ongoing improvement efforts. The self-assessment did **not** give rise to an improvement plan rather the first self-assessment was used as a benchmark to compare itself and to cross-check the work that was already underway in the court in order to identify any gaps.
- In 2012, the Council of Judges endorsed the continued application of the IFCE, including routine organisational self-assessments. The Court started to place greater emphasis on the management and measurement of performance, including routine reporting to judicial committees. Quantitative measures included clearance rates and cases pending, as well as financial performance. Qualitative measures included court-user satisfaction, juror feedback and employee attitude. Court policies created in 2012 included governance, people and workplace, court and support delivery and leadership.
- In 2012, the Supreme Court Strategic Statement and Supreme Court Strategy were developed. This is updated on a continuous basis and is currently centred around two drivers 'Modernising Service Delivery' and 'Reforming Service Delivery'.
- In January 2013, key performance measure outcomes were published for the first time on the Court's website and these are updated every three months. The Court is seeking to implement all relevant *Global Measures of Court Performance*, including alignment of data collection and calculation methods with those defined by the Global Measures. In 2014, detailed policies were developed covering seven of the *Global Measures of Court Performance* and another two are nearing completion. These policies define what the measure is, how the court is going to go about it, the component parts of the measure, and the benchmarks of performance.
- The Court has adopted the International Framework for Court Excellence (IFCE) holistically as its 'foundation management model' rather than simply using it as a resource for improvement. The IFCE underpins every aspect of the Court's administrative operations and facilitates judicial leadership and involvement through the Court's governance arrangement of judicial committees.
- The Supreme Court of Victoria has plans to conduct a second self-assessment but has

not determined when that will occur.

- In 2014, the Court implemented a structured approach to corporate governance that defined roles and responsibilities across the Court and its stakeholder organisations.
- In 2016, the Court introduced a more strategic approach to performance management through the formation of a Performance Management Committee which had primary responsibility for overseeing court performance outcomes and improvement strategies. Membership of the committee included key judicial officers.
- In 2017, the Court published key performance outcomes on its website that align with the *Global Measures of Court Performance*. Published data describes outcomes for the whole of court, court of appeal, commercial court, common law division and probate. Outcomes are updated every 3 months.

Modification

- All questions used in the 2011 self-assessment exercise were those found in Attachment A of the first edition of the IFCE; no questions were changed in any way. However, to simplify the approach, the court did not score for 'approach', 'deployment' and 'results' as separate scores, rather had a single rating score for each question. A copy of that questionnaire has been provided to the ICCE.

Impact

- The IFCE has directly led to the creation of court policies; an approach within the Court to planning including the development of a Strategic Statement (which uses the core court values in the IFCE) and the Supreme Court Strategy. Prior to the IFCE there was no planning process in place.
- The Court has suggested that the IFCE has helped the Court develop into one that is “service-centric”, resulting in better court delivery for the Victorian community. The Court perceives that the IFCE has therefore created the environment that has encouraged the improvements in case clearance rates, case backlog, and budget surplus.
- The IFCE led to a changed management culture within the Court to one that recognised the importance of efficiency, effectiveness, timeliness and cost. Performance management and key performance measures were introduced as part of routine business.
- The Supreme Court of Victoria’s use of the Global Measures has led to several of these being adopted as budget measures by the Victorian Government reporting to Parliament
- Warren CJ (2015) – Court values are important for ensuring due process, equal protection of the law, set court culture and provide direction for all judges and staff for a proper functioning court. It is important to publicise the values and build them into court processes and policies.

Resources

- Mike Vallance, ‘Implementing the IFCE as a “Holistic” Means for Achieving Excellence’ (paper presented at the Asia Pacific Courts Conference, New Zealand, 8-9 March 2013).
- Chief Justice Marilyn Warren, ‘Measuring the Performance of Victorian Courts’ (paper presented to the Seminar of Chief Justice, Chief Judges and Associates Ottawa, Canada, 31 March 2015).
- Update by email provided to the ICCE Secretariat, May 2017.

Republic of Moldova

Use

- The IFCE was piloted in 3 courts in Moldova commencing January 2015 and finishing in October 2015. The three courts selected by the Judicial Council for Moldova for the pilot project were: the Balti Court of Appeals (the second largest appeals court in Moldova), the Criuleni District Court and the Donduseni District court.
- The pilot involved four stages:
 1. workshops about IFCE values and focus areas conducted for the pilot courts;
 2. self-assessments of each courts' leadership group and key staff;
 3. survey of court staff and survey of court users;
 4. development and implementation of individual Action Plans based on the results of the self-assessments and surveys. In addition, medium and long-term development plans were developed.
- In November 2015, a national conference was held at which representatives from the Ministry of Justice, the Judicial Council and court presidents and administrators from all Moldovan courts were present. Speakers from the pilot courts spoke about their experiences implementing the IFCE and key changes and challenges arising from the process.
- The Judicial Council published the *Guide for the IFCE Implementation in Moldova* for all courts in Moldova to use as a future resource.

Modification

- Not known at this time.

Impact

- The IFCE brought about shift in awareness and attitude among staff to the IFCE during the pilot phase towards feeling part of a team, working jointly to create a vision and goals for each court and to be proactive rather than reactive.
- The process also gave a clear indication of the views of court users and court staff of how the courts perform.

Balti Courts:

- Pilot of summoning parties by e-mail. This innovation helped parties and attorneys to better plan their calendars and also have more time to prepare for trial, because the electronic summons reached them well before the paper summons.
- Publication of a flyer listing the court's working hours, contact information for court key staff, amounts and types of court fees and how and where the fees could be paid. As a result, the court staff reported a significant decrease in the number of phone calls and personal interactions with court users to obtain the information listed in the flyer.
- Used the court performance indicators to assess and compare the performance of each judge, and explore the reasons for a judge's underperformance.
- A group of law students from the local law school were invited to conduct mock trials in the courtrooms. The students were thrilled to have the opportunity to practice their litigation skills in a real court setting and receive valuable feedback from practicing judges.

Criuleni Courts:

- The court developed and implemented a clear procedure for handling citizens' complaints.

- The court also developed and made available to court visitors a flyer that explains, in layperson's terms, the stages of a court case with images included to illustrate each stage.
- Visits by Criuleni judges and court staff to local high schools to deliver brief street-law type classes on human rights and the court's role in a rule of law-based society.

Donduseni District Court:

- Court intake office was renovated and modernized and the public relations office was conveniently relocated near the court's entrance.
- The juvenile witness examination room was painted in brighter colors and equipped with toys, in order to increase the comfort level of minor witnesses.
- The space for arrested persons was also renovated to offer more dignified conditions.
- Improving the working conditions for the court staff by creating a court staffroom for breaks and lunch.
- A memorandum of understanding with the local postal office was signed providing that the postal office would treat court summons as priority correspondence to decrease time for delivering summons to the parties.
- To address feedback from court users that court decisions were generally difficult to understand, the Donduseni court president conducted several meetings with judges on this topic and encouraged judges to simplify the manner in which they write decisions.

A survey conducted in October 2015 in the pilot courts indicated an increase in user satisfaction.

Resources

- Cristina Malai, *Results and Challenges: Piloting of the International Framework for Court Excellence* (2016) International Judicial Monitor
<http://www.judicialmonitor.org/summer2016/specialreport3.html>
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Discussion

In encouraging courts and tribunals to use the IFCE, the policy of the Consortium has been to take a flexible approach to the modification of the Framework to suit local circumstances. In terms of use of the IFCE, the IFCE sets out the ideal approach to implementation, which is based on international standards of quality-management practices, but the Consortium recognises that courts will be constrained by a range of factors that might impact on their ability (or the desirability) to follow the IFCE approach to the letter. It may also be an incremental adoption of the IFCE or a non-linear course that courts follow. There is no mandatory approach to court excellence and use, modification, and impact of the IFCE will be influenced by a range of internal and external conditions.

Use

Since 2009, the IFCE has been used and implemented in various ways by courts and tribunals. Many courts, in the Court Summaries above, have performed self-assessment more than once, whereas, a number have completed it only once and instead revise the improvement plan on an ongoing basis. At least one court, the County Court of Victoria, has conducted two self-assessments in the past but has since moved away from point-in-time self-assessments to using the Framework in strategic plans and the court's governance.

Approach to the self-assessment process

Implementing the IFCE may appear a daunting task for some courts, particularly if it is the first time that the judiciary has engaged with the concept of quality management and performance measurement. Leadership of the chief judicial officer is critical to success and a common approach has been to establish a committee or team of judges and court administrators to tackle implementation. The use of consultants to assist in the process is also relatively common. In the Land and Environment Court of New South Wales a consultant assisted a large implementation team conduct self-assessment. However, the committee or team approach is critical to success and having committed judges and staff to drive and champion the IFCE process. Some jurisdictions, such as the Supreme Court of Victoria, DIFC Courts in Dubai and State Courts of Singapore have taken the step of employing personnel or establishing business units within the court to specifically manage implementation of the IFCE.

The Framework promotes participation by the court as a whole with judicial officers and registry and other staff being involved in the assessment and improvement process. However, courts have taken different approaches to whether they involve all members of the judiciary or staff in the self-assessment process or whether only a smaller group participate. Some courts have varied the approach in the IFCE by only having judicial officers engage in the process (as per Victoria's initial approach). Other jurisdictions, such as the Republic of Marshall Islands Judiciary, have held 5-day intensive workshops to conduct self-assessment and develop an improvement plan. This approach might be more feasible in a small jurisdiction, rather than a large metropolitan court, for example.

The District Court of New Zealand has taken the step of making participation mandatory and rostering time in the judicial calendar to complete the questionnaire. Courts have also differed in approach in how the questionnaire is explained to participants. The LECNSW 'workshopped' the questions prior to assessment to achieve consensus agreement on the meaning of questions/statements. Others, such as the District Court of New Zealand and the Family Court of Australia, opted to hold moderation sessions after conducting the self-assessment. Some courts have used an online format and in the District Court of New Zealand included hyperlinks to the Framework to relevant documentation or further reading.

Regular self-assessments

The IFCE suggests that self-assessment be conducted on a 12-monthly basis however most jurisdictions, that have conducted self-assessment more than once, have done so every 2-3 years, some less frequently. The average amount of time between self-assessments seems to be three years. In the future, the Framework could provide more guidance on using the IFCE on an extended timeframe such as conducting self-assessments every three years, which may encourage more courts to implement the IFCE.

Development of improvement plans

In accordance with the IFCE, many jurisdictions do develop improvement plans or work plans that outline the various initiatives developed to address gaps identified in the self-assessment process. Progress against the improvement plan is then assessed in later self-assessments. As noted above, in other courts, self-assessment leads to the development of an improvement plan which continues to be reviewed and 'rolled over' through updating, without further self-assessment. In Moldova, improvement plans, known as Action Plans, were developed based on the results of the self-assessments and surveys, along with medium and long-term development plans.

There is some indication that jurisdictions may complete the self-assessment, sometimes more than once, but then do not proceed to analysing the results or developing an improvement plan for a range of organisational reasons. However, it is possible that the self-assessment will still provide useful data about the gaps or areas for improvement within the court or tribunal without the development of a formal improvement plan.

Other uses of the IFCE

The IFCE has been used in a range of ways by courts and tribunals in addition to self-assessment or instead of conducting self-assessment. The IFCE envisages such uses but provides limited guidance on how the IFCE can be used in other ways. This is a possible gap that could be addressed in future editions of the IFCE or via the Consortium website.

The other ways in which the IFCE has been used include:

1. Developing a mission statement aligned with the IFCE core values and areas of court excellence – LECNSW and Republic of Marshall Islands Judiciary;
2. Developing a policy framework – Supreme Court of Victoria;
3. Using the IFCE as the core management methodology – Supreme Court of Victoria;
4. Strategic Planning – The LECNSW, Republic of Marshall Islands Judiciary and the County Court of Victoria have all aligned their Strategic Plans with the IFCE. The DIFC Courts have also aligned their objectives under their strategic plan with the IFCE. Indonesia also used to develop a five year plan to reform trial courts.¹⁷ The NCSC has provided training to the Indonesian Supreme Court leading to the incorporation of court performance measurement into strategic planning within the court;
5. Lebanon - Used in strategic planning sessions;¹⁸
6. Broad principles can be helpful to organise activities in the court;
7. Reporting against performance in implementing the IFCE in annual reports – LECNSW;
8. The IFCE was used by the Council of Judges of the Ukraine to develop its own Court Performance Evaluation Framework.

¹⁷ Daniel J Hall, 'The Journey Towards Court Excellence: Trends and Practices to Meet the Future' (2010) 51 South Texas Law Review 935.

¹⁸ Daniel J Hall, 'The Journey Towards Court Excellence: Trends and Practices to Meet the Future' (2010) 51 South Texas Law Review 935.

Modification

Many courts have modified the Framework in some way in the implementation process. In summary, the key modifications that have been made include:

- Changes to the questions or statements by changing language/terminology to enhance relevance to local circumstances;
- Changing the approach and/or not using scoring;
- Not developing improvement plans;
- Holding moderation sessions;
- Providing option for open comments;
- Making substantive changes to the questions/statements;
- Adding additional sections – eg court performance and judicial section on ethics/standards, operational matters, judicial organisation, judicial welfare, judicial engagement with the community.
- Additional category of response – ‘don’t know.’

These issues are discussed in more detail below:

Modifying the Self-Assessment Questionnaire questions

While a number of courts made no modifications at all to the self-assessment questionnaire, equally there are courts that have made a number of modifications. The LECNSW, the first court to implement the IFCE (and using the first edition in both self-assessments), did not make any modifications to the questionnaire but took a purposive approach to any unclear questions by looking at the context of the discussion in the IFCE.

In New Zealand’s District Court, numerous changes were made to language, terminology and nuance to fit with the constitutional and legal framework of New Zealand. For example, in New Zealand, judges do not have administrative control over court processes so questions regarding financial resources were not ones that the judiciary could answer. In the Family Court of Australia, the full questionnaire was used but the questions were modified to be more specific to the Court and this was also the case in the Federal Circuit Court of Australia. The self-assessment team in each court went through the questionnaire thoroughly, debating meaning and application to the respective courts and amended the questionnaire accordingly. In this way, it is suggested that this is an important part of the process of intellectual engagement with the IFCE, creating better understanding and a sense of ownership within the Court team with the IFCE questionnaire. Of course, it is important that the modifications do not move the questionnaire so far away from the IFCE that it is unrecognisable and that modifications maintain the core aspects and principles of the IFCE. However, this approach suggests that some modification and tailoring to local circumstances can play an important role in creating engagement and ‘buy-in’ from the judiciary and staff.

In New Zealand, another way in which the self-assessment questionnaire was modified was to provide assistance to participants completing the self-assessment questionnaire with examples that the Judges might look for when answering the question in order to prompt the Judge’s thinking, focus the Judge on the core issue and make each question relevant to the New Zealand context. The examples were listed in two columns headed by ‘What does this mean?’ and ‘What could we look for?’

Further modification in the District Court of New Zealand, include the simplification of the questionnaire to two response categories: approach and results. Further, the metrics used were: 0 =none; 1=limited; 2=fair; 3=good; 4=very good; 5=excellent. The Supreme Court of Victoria similarly did not score for ‘approach’, ‘deployment’ and ‘results’ as separate scores but had a single rating score rating for each question.

An additional category of response of ‘don’t know’ was included in the Family Court of Australia and the Federal Circuit Court of Australia self-assessment questionnaires. In the Family Court

this was because many judges were appointed within the previous five years and did not have the knowledge about court policies and procedures. The Court noted that this provided useful data for the court regarding the areas that the court needed to provide information to judges. The Federal Circuit Court of Australia has noted that it also incorporated many yes/no questions, but this approach may provide problems if the approach of scoring of results was used in accordance with the IFCE. However, scoring was not used by the Federal Circuit Court in their self-assessment.

Adding sections to the Self-Assessment Questionnaire

A significant modification of the self-assessment questionnaire by the District Court of New Zealand was the adding of two sections to the questionnaire. In that court, an eighth section was added to the General Assessment of Court Performance which was aimed at assessing the degree of administrative support received by judges in making decisions from the judicial perspective. Examples of the questions are contained in the Court Summary above.

Secondly, a separate Judicial Assessment section to be completed by 'judges only', was created to assess judicial ethics and standards, operational matters, judicial organisation, judicial welfare, and judicial engagement with the community. The judges of the District Court reportedly found this section of the questionnaire to be most relevant to them. This section was not weighted in the overall score and the data was processed in a separate, confidential report.

The additional section for 'judges only' was also used in the Federal Circuit Court of Australia, following the example of the District Court of New Zealand.

Changes to approach

The conduct of moderation sessions have been another significant modification to approach in self-assessment. The District Court of New Zealand conducted moderation sessions after the self-assessment questionnaire was administered, to gather useful information and increase judicial engagement with the IFCE, also enabling the Court to achieve consensus on every question. Further details about the moderation sessions are contained in the Court Summary above. The Family Court of Australia similarly conducted voluntary and confidential moderation sessions and found that these were useful to tease out some of the themes in the survey responses and provided additional data on particular issues. It was also seen to be helpful in engaging judges in the IFCE process.

The District Court of New Zealand and the Family Court of Australia have given participants space to make comments in the questionnaire as a means of gathering qualitative information. The DIFC Courts have also suggested this would be a useful modification to the IFCE as well as not scoring questions that are not relevant to participants in the self-assessment. The Federal Circuit Court of Australia also adapted the self-assessment questionnaire to allow for free text comments but noted that very few comments were received from participants.

Impact

Courts using the IFCE have suggested that the self-assessment process is a useful tool for identifying areas of operation and engagement that need improvement. Courts have reported that the IFCE has been well-received by judges and led to an increased interest in and commitment to improving court performance. The Family Court of Australia, for example, have noted that self-assessment under the IFCE has been a constructive experience that enabled the Court to come together in a structured methodological way to assess central issues of court administration and aided in marshalling the views of the judiciary and court staff. The LECNSW have reported similar benefits and, in addition, noted that the process had the advantage of enabling the Court to reflect on its role and affirm core values. The LECNSW also noted that, through the holistic/whole-of-court approach embodied in the IFCE, a collegiate environment and a sense of shared values was built. The courts of Moldova reportedly experienced a move

towards feeling part of team and working towards a joint vision and goals for each court, with a shift towards a proactive rather than reactive ethos.

In addition to the list of improvements already identified by Richardson, Spencer and Wexler set out above, there have been a wide range of additional improvements and innovations within courts as a result of the IFCE identified in the Court Summaries. These improvements may arise from an initial self-assessment but whether they lead to improved court quality arguably lies in assessment and analysis through further rounds of self-assessment and court-user and stakeholder satisfaction surveys.

Improvements implemented by courts using the IFCE include:

Courts governance and administration

- Restructuring and strengthening internal court governance structures and court administration
- Development of a communication strategy
- Development of court policies and practice notes relating to the IFCE areas of court excellence
- Regular audits of court policies
- Development of a court planning process
- Changed management culture to one focussed on performance management and performance measurement
- Adoption of *Global Measures of Court Performance* including development of policies relating to each measure and publication of results against those measures
- Upgraded financial management system

Court performance

- Review of data-reporting frameworks
- Development of court time and services standards
- Mystery shopper visits to court to assess performance

Court staff

- Regular employee satisfaction surveys
- Performance management of staff
- More regular meetings with judiciary and court staff
- Tailored training to court staff and judiciary

Technology

- Improvements in case-listing systems
- Extension of electronic filing
- Development of new court website
- Summoning parties electronically by email

Court building

- Refurbishment of court registry and improved signage
- Planned new court building and retrofitted existing court to utilise space optimally

Court users

- Development of court-user satisfaction surveys
- Improving court-user experiences through online services and court registry
- Security improvements
- Publication of court services and fees
- Develop a service centric approach
- Provided wheelchairs for court-users

- Improved access to court for people with disabilities
- Development of complaint management procedure
- Improvement of juvenile witness waiting rooms at court

Judicial

- Creation of peer review and pastoral care programs for judges
- New approaches to judicial education
- Operation improvements in judicial rostering and scheduling of work
- Refinement of judicial strategy plan
- Development of a judicial newsletter
- Interaction with community and schools regarding work of the court and the law

Issues raised by current practice

The Consortium has no objections to courts and tribunals using the Framework, and modifying it to be relevant to their courts' context. Because the IFCE is an internal assessment of a particular court or tribunal, arguably, it could be said that consistency is probably the most important concern for courts so that adequate internal comparisons can be made from self-assessment to self-assessment. The most significant modifications to the IFCE thus far appears to be adding sections to the questionnaire, rather than changes to seven areas for court excellence or the questions/statements, thus the core pillars of the IFCE have remained, even where there has been some modification. However, courts should be mindful that substantial modifications to the seven areas and to the values, and to more fundamental aspects of the approach laid out in the IFCE will move their self-assessment further away from the international standard laid out in the IFCE.

There are jurisdictions, such as the Ukraine that have used the IFCE to develop their own framework known as the CPE System. In Australia, the Council of Australasian Tribunals (COAT) has developed the Australia and New Zealand Tribunal Excellence Framework (2017) which is a direct adaptation of the IFCE.¹⁹ In the United States, the IFCE has informed the creation of the High Performance Court Framework which has been used in a number of courts in the United States. These frameworks may be considered to be indirect and complementary uses of the IFCE. Using the IFCE in these ways is entirely legitimate with appropriate recognition and attribution to the IFCE and the Consortium. The Consortium supports these approaches because recognises the importance of each jurisdiction determining for itself how to approach the question of court excellence and quality. The IFCE has formed an important resource in these settings and neither operates in competition with the IFCE. Other examples of quality management frameworks that have been developed with similarities to the IFCE are the Costa Rican GICA System.²⁰

Additional sections of the IFCE that have been incorporated into the self-assessment questionnaire by some jurisdictions, notably the judicial section created by the District Court of New Zealand, which has also been utilised in the Family Court of Australia and the Federal Circuit Court of Australia are important developments that could be perceived to address a gap in the current IFCE. The Consortium will undoubtedly wish to consider whether a similar section and in what format could be incorporated into the next edition of the IFCE.

¹⁹ See http://www.coat.gov.au/images/Tribunals_Excellence_Framework_Document_2017_V4.pdf

²⁰ See Alicia Davis, Alexander Rodriguez Campos and Juan Humberto Rodriguez Barrios, 'Costa Rica – An Emphasis on Excellence in Judicial Administration' (July 2016) 7 ICCE Newsletter 6-10 <http://www.courtexcellence.com/~media/Microsites/Files/ICCE/ICCE%20Newsletter%20-%20No%207%20-%20V1%20-%20Jul%202016.ashx>

Another aspect of the IFCE which is currently not addressed, but arguably should be, is an emphasis on wellbeing and therapeutic jurisprudence.²¹ As the Productivity Commission of Australia has suggested the overriding objective of any civil justice system (and arguably the justice system more broadly) is to enhance community wellbeing or quality of life.²²

Options for future editions of the IFCE

There are a number of possible changes to future editions of the IFCE that arise out of the experiences of courts and tribunals using and modifying the IFCE that stand out as having potential for broader application and relevance to other courts and tribunals, that the Executive Committee of the Consortium may wish to consider.

Not all of the uses and modifications discussed above may be appropriate for inclusion in the IFCE but will no doubt provide food-for-thought for other jurisdictions, such as including links to relevant policies and literature, or rostering time for judges to complete self-assessment, among others.

Key options for change

1. It has been suggested by the District Court of New Zealand that the 2nd Edition of the IFCE contains some statements that continue to be ambiguous, particularly those with multiple clauses (eg statement 3.3 and statement 2.3). It has been suggested that these statements and others that are similar, need some alteration, breaking down into further narrower statements and providing additional commentary.
2. Adding an additional response of 'don't know' for the situation where the participant is not aware of the court policies and practices either because it is not relevant to them or because they are new members of the judiciary or court staff.
3. Adding space for free text questions to gather qualitative information from participants.
4. Conduct of moderation sessions to discuss the IFCE questions, increase engagement and arrive at consensus.
5. A key change implemented by the District Court of New Zealand was the addition of two sections to the self-assessment questionnaire: one, being an additional area on judicial resources under the general assessment questionnaire, and two, a separate 'judges only' section on the judicial role and adjudicative work assessing judicial ethics and standards, operational matters, judicial organisation, judicial welfare, and judicial engagement with the community.

Changes to the commentary section of the IFCE

6. Given the wide range of ways in which courts have utilised the IFCE, further guidance may be warranted on using IFCE in strategic planning or as a management model or developing court policies and on other uses.
7. A longer cycle of three years rather than one year may also be useful and reflective of experience and practice of the courts. The Framework could provide additional guidance on conducting the IFCE with the longer timeframe.

²¹ E Richardson, P Spencer and D Wexler, 'The International Framework for Court Excellence and Therapeutic Jurisprudence: Creating Excellent Courts and Enhancing Wellbeing' (2016) 25 *Journal of Judicial Administration* 148.

²² Productivity Commission of Australia, *Access to Justice Arrangements: Productivity Commission Inquiry Report Vol 1* (Commonwealth of Australia, Canberra, 2014), 6 cited in E Richardson, P Spencer and D Wexler, 'The International Framework for Court Excellence and Therapeutic Jurisprudence: Creating Excellent Courts and Enhancing Wellbeing' (2016) 25 *Journal of Judicial Administration* 148, 149.

Conceptual issues requiring clarification?

8. Some conceptual problems that might warrant change include distinguishing between public trust and confidence and user satisfaction, and between management and leadership.

Issues regarding modification

In terms of ensuring that modifications do not deviate too far from the IFCE or dilute it and managing future modifications to the IFCE, members of the Executive Committee of the Consortium have suggested the following approach:

9. Including a set of Core Statements that are central to the concept of an excellent court, and that shall remain in the Framework. Some examples may be certain statements on Court Leadership - that court leaders define a vision, mission, and core values of the courts, and that these are communicated to all staff and stakeholders; on Planning - that the court has a strategic plan, both in the short-term and the long-term; and on Human Resources - that the court has training programmes for judges and court staff.
10. The IFCE might incorporate a guide about what are the fundamental aspects of the IFCE, which if altered are no longer reflective of the philosophy of the Framework's continuous improvement methodology.
11. Whilst the Consortium supports the modification of the Framework, in order for the Consortium to monitor any changes, the:
 - The ICCE Secretariat should be the central clearing house or repository that is kept informed of modifications that have been made;
 - The court should demonstrate that the core areas of their modified model remains unchanged, and how it maps to the original framework;
 - The court should also not title the modified framework as an "international" framework, if it is relevant only to their court/tribunal.

Conclusion

This Research Paper highlights that courts in many different countries have embraced the IFCE and are benefitting from the improvements that have arisen from the use of the IFCE, as will their communities. Not all, but some, courts have modified the IFCE to reflect the local circumstances of their jurisdiction and some have sought to address perceived gaps in the IFCE. Others have sought to modify the self-assessment questionnaire and process in ways to be more engaging for participants and elicit more in depth information about the perceptions of judges and staff of the court's performance in areas of operation. These changes, on the whole, are to be commended. On the face, most changes do not appear to deviate from the core values and areas of court excellence in the IFCE. Some modifications may not be suitable for inclusion in the IFCE, but are a valuable reflection of court experience and perceptions about the IFCE nonetheless. Of course, any use of the Framework should involve a demonstrated commitment to the principles and philosophy of court excellence and this is certainly borne out in the Court Summaries above. That so many diverse courts around the world are focused on improving their performance and achieving court excellence is to be applauded.