Introduction to TQM and CAF in the Judicial Sector

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European Centre for Judges and Lawyers (EIPA Luxembourg)
THIS SESSION
Agenda

A HELICOPTER VIEW

• TQM and (Self-) Assessment Tools *

• Workshop: The Importance of Training

* Includes materials by P. Staes and N. Thijs, EIPA CAF Resource Centre, Maastricht
Discussion:
How to define "quality" in the justice sector?
The definition of “quality” lies in the eyes of the beholder:

**Producer oriented vision**
- Traditional perspective
- Quality = *“the intrinsic features of the good or service itself, as seen by those producing it”*
- “Do things right!”

**Consumer oriented vision**
- Quality = *“as it is perceived by the user”* = *“fitness for use”*
- Quality = *“Do the right things!”*
- Quality = *satisfaction* of the user/client/citizen

*“Do the right things right!”*
TQM and (Self-) Assessment Tools
## What is Quality?

<table>
<thead>
<tr>
<th>Time period</th>
<th>1945-1949</th>
<th>1949-1951</th>
<th>1951-late 60s</th>
<th>Late 60s – 1980´s</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>Conformance to norms</td>
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<td>Fitness for use</td>
<td>Customer requirements</td>
<td>Customer satisfaction</td>
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<td>Quality inspections</td>
<td>Stat. Quality control</td>
<td>Assurance of systems</td>
<td>Quality-control</td>
<td>TQM</td>
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<tr>
<td><strong>Focus of QM system</strong></td>
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<td>Final product</td>
<td>Production process</td>
<td>Customer needs</td>
<td>Customer expectations</td>
</tr>
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<td>Standardisation</td>
<td>Statistical methods</td>
<td>Root cause analysis</td>
<td>Quality-function deploym.</td>
<td>Continuous improvement</td>
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<td><strong>Perspective</strong></td>
<td>Producer-oriented</td>
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<td>Producer and customer</td>
<td>Prod./Cust./Suppl./Comp.</td>
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<td><strong>Quality assessment</strong></td>
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Quality Assessment Tools: 
ISO Certification

- ISO 9001, 9002, etc., extensively used as 3rd party system quality certification
- Certification based on self-determined (and mainly document based) process infrastructure
  - "Snap shot" at one point in time showing conformity of an organization with well-defined, but limited and self-determined information
- ISO standards are continuously updated with increased emphasis on customers and stakeholders, but mainly focused on standard processes and product quality
Are Standards Enough? The case of Courts

- Standards in the Magistrature:
  - What can be standardised?

....but what about:

...maybe procedures and formulae

Dimensions of quality

- Quality of Process
- Quality of Results
- Quality of Structure
- Balanced Score Card
Quality Assessment Tools: S.W.O.T.*

- attributes within organisation that are helpful to achieve objectives
- external conditions that are helpful to achieve objectives

- attributes within organisation that are un-helpful to achieve objectives
- external conditions that could prevent or hamper achievement of objectives

* Albert S. Humphrey (1926-2005)
SWOT: Advantages & Disadvantages

• "Snap shot” at one point in time
• Normally done at management level, but can be done with involvement of employees/staff
• Exercise should be repeated regularly...
• ...but no clear assessment criteria...
• ...and therefore risk of varying results…
• ...and, thus, difficult to monitor developments
What we need is....

- to assess and measure...
  - quality of preparation of case and judgements
  - quality of judgements
  - the time it takes from the beginning to the end of a procedure
  - the perception by the users (parties and lawyers) of having been treated fairly and speedily by the judicial system
  - perception of politicians of cost-efficiency
  - delay and quality of co-operation with other jurisdictions (domestic or internationally)
  - motivation and satisfaction of court personnel
  - in- and decrease of corruption and nepotism
  - etc.
Total Quality Management: a Definition

Permanent mobilization of all the resources (especially the people) to improve in a continuous way:

- all the aspects of the functioning of an organisation
- the quality of services and decisions
- the satisfaction of its stakeholders
- its integration into the environment
Common Assessment Framework (CAF)
Objectives of CAF

- CAF is *not* a planning or management tool
- CAF *is* a way to introduce public administration and the judiciary to the principles of TQM and progressively guide them, through the use and understanding of self-assessment, from the current “Plan-Do” sequence of activities to a full fledged “PDCA” cycle;

- CAF aims to facilitate the continuous self-assessment of a public organisation in order to obtain a diagnosis and improvement actions;
- To act as a bridge across the various models used in quality management;
- To facilitate bench learning between public sector organisations.
The CAF Model

ENABLERS

Leadership

People

Strategy & Planning

Partnerships & Resources

Processes

RESULTS

People Results

Citizen/Customer oriented Results

Society Results

Key Performance Results

INNOVATION AND LEARNING

= the five criteria = things the organisation does, determining the degree of success in its results

= the four criteria, on which the results of an organisation are assessed
CAF Enabler Criteria

How the organisation manages, develops and releases the knowledge and full potential of its people (individual, team, organisation-wide)

How Management develops and facilitates the achievement of the organisation’s mission

How the organisation implements its mission, and the degree to which it does so via a clear stakeholder-focused strategy

INNOVATION AND LEARNING

How the organisation manages its external partnerships & the internal resources used to manage these partnerships.

The CAF Model

Leadership

Human Resources Management

Strategy & Planning

External Partnerships & Resources

Process and Change Management

People Results

Customer/Citizen-Oriented Results

Impact on Society

Key Performance Results

RESULTS

ENABLERS

EIPA 2015-2016 PGO - www.eipa.eu
Example of Enabler Criteria and Sub-criteria

Criterion 4
Partnerships and Resources

Subcriteria
4.1 Partnerships with relevant organisations
4.2 Partnerships with citizens / customers / users
4.3 Managing finances
4.4 Managing information and knowledge
4.5 Managing technology
4.6 Managing facilities

Sub-criterion 4.2
Partnerships with citizens/users

Sub-subcriteria
4.2.1 Proactive info policy
4.2.2 Actively encouraging citizens/users to organise themselves/express needs
4.2.5 Transparency on the organisation’s functioning and decision-making (e.g. annual reports, press conferences, website)
4.2.6 Using citizens/users as co-evaluators (e.g. surveys)
Assessment of the degree to which the organisation achieves the satisfaction of its own people.

Assessment of the degree to which the organisation meets external “customers” satisfaction.

Assessment of the degree to which the organisation satisfies the needs and expectations of the local community (local, national or international).
Example of Result Criteria and Sub-criteria

Criterion 6
Citizen/User oriented results

Subcriteria
6.1 Perception measurement
6.2 Performance measurement

Sub-criterion 6.2
Performance Measurement

Sub-subcriteria
6.2.1 N/A
6.2.2 Number of suggestions received and implemented
6.2.3 Extent of use of new and innovative ways of dealing with citizens/users
6.2.4 Indicators of establishing and complying with gender (cultural/social) aspects of users
6.2.5 Regular reviews with citizens/users to monitor changing needs
Advantages of CAF

• Simple, easy and inexpensive introductory tool for public and judicial administrations

• The CAF
  • considers and frames existing quality initiatives
  • is a tool for organisational analysis and strategic planning of improvements
  • uses a less rigorous, but also less mechanic methodology based *not* on finger-pointing, but rather on an objective scoring system (see next slide)
  • is a learning/improving, not competition tool
  • remains an instrument for self-assessment
<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>00-10</td>
<td>We are not active in this field. No or only anecdotal info</td>
<td>We are not active in this field. No or only anecdotal info</td>
</tr>
<tr>
<td>11-30</td>
<td>Some weak evidence related to <strong>some</strong> areas (e.g. an approach is planned but no action has been taken)</td>
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</tr>
<tr>
<td>31-50</td>
<td>Some good evidence related to <strong>relevant</strong> areas (e.g. an approach is planned, implementation has started, but so far no reviews have taken place)</td>
<td>Some good evidence related to <strong>relevant</strong> areas (e.g. an approach is planned, implementation has started, but so far no reviews have taken place)</td>
</tr>
<tr>
<td>51-70</td>
<td>Very strong evidence related to <strong>most</strong> areas (e.g. an approach is planned, implemented and reviewed (or review has started) to see if we do the right things in the right way)</td>
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<tr>
<td>71-90</td>
<td>Very strong evidence related to <strong>all</strong> areas (e.g. an approach is planned, implemented and reviewed on the basis of benchmarking data and adjusted accordingly)</td>
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<td>91-100</td>
<td>Excellent evidence related to all areas and comparisons with other similar or comparative organisations. We plan, implement, and adjust regularly, and we learn from others. We are in a continuous improvement cycle.</td>
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**Scoring System – Enablers**

**Examples**

- **Plan** (P)
  - 11-30: Some weak evidence related to **some** areas
  - 31-50: Some good evidence related to **relevant** areas
  - 51-70: Very strong evidence related to **most** areas
  - 71-90: Very strong evidence related to **all** areas
  - 91-100: Excellent evidence related to all areas and comparisons with other similar or comparative organisations.

- **Do** (D)
  - 11-30: Some weak evidence related to **some** areas
  - 31-50: Some good evidence related to **relevant** areas
  - 51-70: Very strong evidence related to **most** areas

- **Check** (C)
  - 31-50: Some good evidence related to **relevant** areas
  - 51-70: Very strong evidence related to **most** areas
  - 71-90: Very strong evidence related to **all** areas

- **Act** (A)
  - 51-70: Very strong evidence related to **most** areas
  - 71-90: Very strong evidence related to **all** areas
  - 91-100: Excellent evidence related to all areas and comparisons with other similar or comparative organisations.

- **PDCA**
  - **Plan** (P)
  - **Do** (D)
  - **Check** (C)
  - **Act** (A)
**Scoring System – Results**

*Examples*

**Score (Trends / Targets)**

- **00-10**  No measurement / No or only anecdotal information
- **11-30**  Measurement but negative trend / Measurement but results do not meet targets
- **31-50**  Flat trend or modest progress / Few targets are met
- **51-70**  Sustained progress in area under review / Some relevant targets are met in a sustainable way
- **71-90**  Substantial progress / Most of the relevant targets in the reviewed area are being met in a sustainable way
- **91-100**  Excellent and sustained progress compared to other relevant organisations / All own targets are met
Result of CAF: Your Profile (example)
2001: Decision of DG’s responsible for Public Service in EU MS
Since 2007: Increasingly used by national courts throughout EU

National CAF Contact Points: Most MS have translated the CAF questionnaire and manual into their own language

Advantages: Self Assessment, Free, Factual and due to shared Ownership, high Degree of Success

Disadvantage: Requires Mgt Support and Staff Time

The CAF web-site:
www.eipa.eu/click on CAF logo:
Examples of CAF users in Macedonia

GOVERNMENT of the Republic of Macedonia-Secretariat for European Affairs (GOVERNMENT of the Republic of Macedonia-Secretariat for European Affairs)
Postal Code - City: 1000 skopje

Ministry of Information Society and Administration (Ministerstvo za informaticheko opshtestvo i administracija)
Address: Mito Hadzi Vasilev Jasmin bb
Postal Code - City: Skopje 1000

State Commission for prevention of corruption (Државна комисија за спречување на корупцијата)
Department: Finance
Address: Dame Gruev No.1
Postal Code - City: Skopje, 1000
Want to know more?

CAF users in Macedonia
Workshop / CAF Exercise
Scoring an Enabler criterion

Criterion 3: People

• Sub-criterion 3.1
Plan, manage and improve human resources transparently with regard to strategy and planning

• Sub-criterion 3.2
Identify, develop and use competencies of people aligning individual and organisational goals

• Sub-criterion 3.3
Involve employees by developing open dialogue and empowerment, supporting their well-being
## Scoring Enabler Criterion 3.1 (Classic Scoring)

<table>
<thead>
<tr>
<th>Sub-criterion</th>
<th>Sub-sub-criterion</th>
<th>Enabler</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>3.1.1</td>
<td>Regular analysis of current and future HR needs, taking into account the needs and expectations of stakeholders?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.1.2</td>
<td>Develop and implement HRM policy based on the strategy and planning of the organisation, taking into consideration needs identified under 3.1.1 and social considerations (e.g. flexible work time, paternity/maternity leave, gender diversity, etc.)?</td>
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<tr>
<td></td>
<td>3.1.4</td>
<td>Develop and implement clear policy based on objective criteria as regards recruitment, promotion, remuneration and managerial responsibilities?</td>
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<td></td>
<td>3.1.5</td>
<td>Supporting a performance culture (e.g. through a transparent result-based remuneration/recognition schemes)?</td>
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</tr>
<tr>
<td></td>
<td>3.1.6.a</td>
<td>Using competence profiles and job and function descriptions for recruitments?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.1.6.b</td>
<td>Using competence profiles and job and function descriptions for personal development plans?</td>
<td></td>
</tr>
<tr>
<td>Sub-criterion</td>
<td>Sub-sub-criterion</td>
<td>Enabler</td>
<td>Score</td>
</tr>
<tr>
<td>---------------</td>
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<td>-------------------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>3.3</td>
<td>3.3.1</td>
<td>Promoting a culture of open communication and dialogue, encouraging team work?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.3.2</td>
<td>Proactively creating an environment for obtaining ideas from employees and develop appropriate mechanisms (e.g. suggestion schemes, working or focus groups, brainstorming sessions)?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.3.3</td>
<td>Involving employees and their representatives (e.g. labour unions) in the development of goals, strategies, plans and/or processes to improve efficiency of organisation?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.3.4</td>
<td>Seeking agreement between managers and employees on goals and ways of measuring goal achievement?</td>
<td></td>
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<tr>
<td></td>
<td>3.3.9.a</td>
<td>Develop and implement policy to pay attention to the needs of socially dis-advantaged or physically disabled employees?</td>
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<tr>
<td></td>
<td>3.3.9.b</td>
<td>Develop and implement policy to pay attention to the needs of socially dis-advantaged or physically disabled citizens/users?</td>
<td></td>
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Scoring a Result criterion

Criterion 6: Citizen/Customer Oriented Results

- Sub-criterion 6.1 Perception measurement
- Sub-criterion 6.2 Performance measurement
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<tbody>
<tr>
<td>6.1</td>
<td>6.1.1</td>
<td>Development or implementation of scheme to obtain citizens’/users’ image of the organisation (e.g. service mindedness, equal and fair treatment, clarity about procedures)?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1.3</td>
<td>Development or implementation of policy towards citizen/user-oriented accessibility (e.g. opening hours, waiting times, costs of services, access to facilities for disabled citizens/users)?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1.4</td>
<td>Transparency (e.g. on the functioning of the organisation, explanation of applicable rules and procedures, rulings/decisions adopted by the organisation)?</td>
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<tr>
<td></td>
<td>6.1.10</td>
<td>Development or implementation of a scheme to measure the level of public trust towards the organisation and its services?</td>
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# Scoring Result Criterion 6.2  
*(Classic Scoring)*

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<th>Result</th>
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</thead>
<tbody>
<tr>
<td>6.2</td>
<td>6.2.1</td>
<td>Scheme to collect suggestions from citizens/users to improve services and procedures of organisation developed and/or being implemented?</td>
</tr>
<tr>
<td></td>
<td>6.2.3</td>
<td>Extent of use of new / innovative ways in dealing with citizens/users?</td>
</tr>
<tr>
<td></td>
<td>6.2.4.a</td>
<td>Indicators developed on the compliance of requirements related to gender, cultural or social diversity as regards citizens/users?</td>
</tr>
<tr>
<td></td>
<td>6.2.4.b</td>
<td>Indicators on the compliance of requirements related to gender, cultural or social diversity as regards citizens/users being implemented and met?</td>
</tr>
</tbody>
</table>
|               | 6.2.x             | - Targets set for number of cases to be treated and processing time  
|               |                   | - Targets for number of cases and processing time being met |
|               | 6.2.y             | - Targets set for (maximum) number of cases to be rejected for formal/procedural errors  
|               |                   | - Targets for (maximum) number of cases to be appealed to a higher instance |
Now revisit previous presentations, the slides and our discussions within this session, your own professional experience and consider the following questions:

- Identify **three to five areas**, where your Court (or court system or the judicial institution, where you work) is weakest or is working sub-optimally.

- Identify **what is needed to improve** these areas, including the knowledge, capacities and/or skills required to improve.

- Identify the **means** by which the improvements could be achieved, including the **methodologies** to be applied to most effectively achieve the desired improvements.
In view of your replies to the questions on the previous slide, now please consider the following:

- **Who** in your organisation/judicial system is responsible for initiating and/or undertaking the identification of improvement needs?

- **Who** is responsible for initiating/implementing the identified improvements?

- **What** knowledge and other qualifications should that person have to competently initiate/implement the needs analysis and/or the identified improvements?

- **How** should that person obtain such knowledge and/or qualifications?
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