

Translating the EFQM model into the courts

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Abstract

Purpose – The purpose of this paper is to develop an assessment guide based on the European Foundation for Quality Management (EFQM) model criteria. Courts have been under pressure to become more accountable and responsive organisations. In this context, self-assessment models that drive attention to the way resources are being used and to the results that are being achieved, incorporating the views of different stakeholders, are of particular interest.

Design/methodology/approach – A case study approach was used. The meaning of the quality principles that underline the EFQM model was discussed with the court administrator, judges, prosecutors and justice officers. Those perspectives were taken into account when translating the criteria and criterion parts of the EFQM model. The assessment guide was validated by an experts' panel.

Findings – The EFQM model captures the essential features of a court even if the courts terminology and governance models challenge the translation of some criteria. The resulting guide includes a description of the various criteria and criterion parts and the identification of key focus areas, while giving some illustrative examples of initiatives and indicators that could be looked at under each model dimension.

Practical implications – The assessment guide can be used to undertake self-assessment exercises in different courts.

Originality/value – There is a lack of studies on the measurement of courts' performance apart from the publication of simple lists of process indicators. The assessment guide developed in this study is perhaps one of the most comprehensive resources for assessing the quality of a court.

Keywords Case study, Guide, Organisational performance, Courts, EFQM model

Paper type Research paper

1. Introduction

Contrarily to many other public institutions that have greatly changed over the past decades, courts of law have remained almost untouched by administrative and managerial reforms, namely, the New Public Management (NPM) movement.

NPM, with different tones across countries according to their administrative and political backgrounds, put service quality and accountability at the core of reforms. As Bilhim (2008) stresses, assessing the performance of public institutions became a key issue to enhance efficiency, effectiveness and citizen trust.

Courts are particularly complex organisations, as they interact with various stakeholders and need to remain impartial and independent from other powers and institutions. This complexity, along with the management paradigms courts adopt, may



well explain why they tend to be late-adopters of any reform. Courts are among the so-called professional bureaucracies (Mintzberg, 1983) where certain professional groups (in this case, judges and other magistrates) have a great deal of power giving little room for managers to influence how organisations work. This bureaucratic model is generally pointed out as the main reason for the crisis that affects the judicial systems in most European countries. Citizens feel that Courts are inflexible organisations, far from being concerned with meeting the users' needs.

The NPM movement (Hughes, 1998), which introduced managerial concerns and tools in many public administrations, had a limited impact on judiciary institutions.

Quality management was first introduced in the 90s in some courts in the USA and in some Asian countries, such as Singapore. Aikman (1994) reports positive results of the adoption of Total Quality Management (TQM) in some American courts. These benefits include decreases in waiting times and reduced complaints. TQM seems to be important in helping courts to achieve justice in individual cases and to be perceived as providing justice (Aikman, 1994).

In Europe, the quality movement in the courts has started in the first decade of the twenty-first century at a moderate pace and is mainly focussed on the introduction of performance indicators (Albers, 2009). Such indicators typically include (Aikman, 1994): turn-around times (i.e. the time between initiation and close of a task), average number of drafts of documents, volume of customer complaints, etc.

As Langbroek (2005) emphasises, defining quality standards is difficult in the judicial system, given the need to simultaneously consider issues such as efficiency, consistency, accessibility and effectiveness, among other priorities. Additionally, there are often tensions between the political and the judicial domain.

Despite some resistance to implement managerial tools, there is a growing consensus that courts need to assess their performance according to models and frameworks that are holistic and recognise the existence of multiple relationships with internal and external stakeholders. As Aikman (1994) stresses, courts have multiple stakeholders: litigants, witnesses, elected officials, the media, taxpayers, state agencies, attorneys, police agencies, internal customers (judges, clerks, etc.) and general public. Giving this multiplicity, tensions among stakeholders' interests are inevitable, and it is almost impossible in each instance to please them all.

Some previous works (Bilhim, 2008; Santos *et al.*, 2010) indicate that excellence models might be appropriate as frameworks to courts management, as they are multi-dimensional and admit the coexistence of different organisational purposes. Yet, there are very few cases reporting the implementation of excellence models in courts.

The European Excellence Model (European Foundation for Quality Management [EFQM]/Business Excellence Model [BEM]) is particularly interesting because it is widely used by organisations worldwide and fosters a continuous improvement culture. The EFQM model is above all a powerful self-assessment model that enables the identification of strengths and improvement areas based on the views of different organisational stakeholders. Acting on the areas that call for improvement, an organisation may change and improve over time, which gives the model a dynamic nature.

Although specific models for the judiciary exist, namely, the Courts Excellence Framework (International Consortium for Court Excellence, 2013), adopting the EFQM model in courts might have advantages, given their widespread applicability, its

notability (essential to enhance citizens' trust) and the possibility it gives of benchmarking performance against completely different types of organisations. However, implementing the EFQM model in courts requires adapting and customising some principles and indicators to fit the specificities of judiciary organisations.

The aim of the current paper is to discuss how the EFQM model can be translated to courts and to present a guide that might assist them when conducting self-assessment exercises.

The self-assessment guide based on the EFQM model was developed and validated using the case study of a big Portuguese Court that was selected by the government to test the new courts' management model to be introduced later nationwide. The research used various secondary data sources and analysed court's documents, such as meeting minutes and regulations. To collect the views of internal and external stakeholders on the model (criteria, principles and indicators), a focus group and a questionnaire were used.

The remaining of the paper is structured as follows. In the next section, the principles and models for organisational self-assessment are briefly presented and the critical success factors of valuable self-assessment exercises discussed. Then, in Section 3, the general design of the research is presented, and the case study is described. Section 4 discusses the key findings. The leadership criterion was chosen to illustrate the structure and content of the guide developed. An extended excerpt of the guide is presented in Section 5. Finally, in Section 6, some recommendations are made and conclusions drawn.

2. Court's self-assessment: principles and models

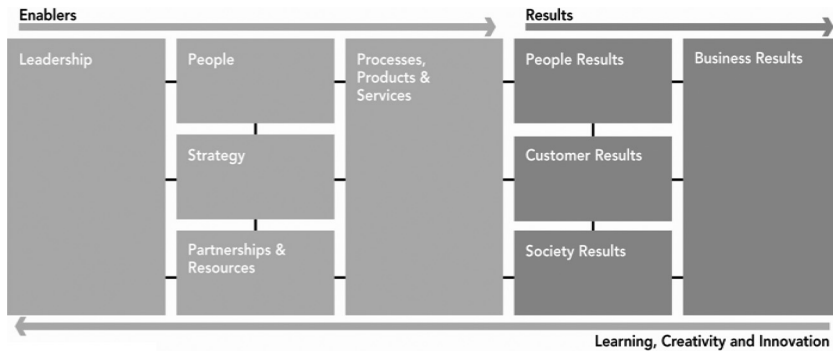
Self-assessment can be defined as "a comprehensive, systematic and regular review of the organisation's activities and results [...]" (EFQM, 2003, *apud* Ritchie and Dale, 2000). As Tári (2008) points out, "self-assessment is a methodology for continuous improvement that an organisation can develop, either in a total quality management (TQM) context or as an independent strategy". It implies the use of a model on which to base the evaluation and diagnosis (Ritchie and Dale, 2000).

The benefits of self-assessment are well-established in the empirical literature on the matter (Van der Wiele and Brown, 1999; Ritchie and Dale, 2000) and include the development of a common understanding of the organisation's strengths and weaknesses, sound identification of improvement actions, increasing quality awareness among leaders and employees, among others.

When looking into the self-assessment process, the following stages can be identified (EFQM, 2003): developing management commitment; communicating self-assessment plans; planning self-assessment; establishing teams and providing training; conducting self-assessment; establishing action plans based on improvement priorities; implementing improvement actions; and review.

Often, self-assessment is based on models and frameworks developed by quality researchers and TQM organisations. In this regard, the Malcolm Baldrige National Quality Award and the Business Excellence Model developed by the European Foundation for Quality (EFQM/BEM) (see Figure 1) have raised considerable interest.

Excellence models generally embrace an idea of excellence related to the simultaneous satisfaction of the various stakeholders and to a "superior" performance (assessed in terms of a positive trend in indicators over a certain period of time and of a comparison with other relevant benchmarks).



Source: EFQM (2013)

Figure 1.
EFQM model

In the EFQM model eight fundamental concepts of excellence are identified, namely (EFQM, 2013):

- (1) adding value for customers;
- (2) creating a sustainable future;
- (3) developing organisational capability;
- (4) harnessing creativity and innovation;
- (5) leading with vision, inspiration and integrity;
- (6) managing with agility;
- (7) succeeding through the talent of people; and
- (8) sustaining outstanding results.

The first systematic attempt to measure performance in courts was conducted in the USA and resulted in the Trial Court Performance Standards (TCPS). The TCPS includes 68 measures and 22 standards, clustered around five areas of measurement:

- (1) access to justice;
- (2) expedition and timeliness;
- (3) equality, fairness and integrity;
- (4) independence and accountability; and
- (5) public trust and confidence (Albers, 2009).

When the system was tested in a small number of courts, it was regarded as too complex and time-consuming (Albers, 2009).

The TCPS is not exactly a model to assess organisational performance because it lacks a holistic perspective. It is essentially a structured list of potential indicators. On the contrary, the framework developed in Singapore at the end of the 90s – the Justice Scorecard – goes a step further, as it measures performance in inter-related perspectives. Inspired by the Balanced Scorecard principles, the Justice Scorecard analyses performance according to four perspectives: community; internal processes; learning and growth; and financial (Albers, 2009).

In Europe, Finland and The Netherlands took the lead in the introduction of performance excellence frameworks, although the UK had already made some attempts with the use of citizen's charters for the judiciary (Albers, 2009). The Dutch measurement system includes several areas of measurement that are related to efficiency (timeliness of proceedings), judicial quality (unity of law and expertise) and the (ethical) behaviour of judges (independence and integrity and treatment of the parties). The framework even includes a software application that assists at data collection stages and, using a colour code, draws attention to the areas that need particular attention. The Finnish system uses benchmarks and covers six critical success factors of a court performance (Albers, 2009): the process; the decision; treatment of the parties and the public; promptness of the proceedings; competence and professional skills; and the organisation and management of the adjudication.

At the European level, in 2004, the Committee on Civil Justice and Home Affairs recommended the creation of a quality charter to improve quality in courts. The system was supposed to include a set of criteria for evaluating judicial systems, benchmark information, a system for dissemination of best practices amongst the member states of the European Union and an evaluation report on compliance with the quality charter. Yet, the idea did not lead to practical developments. The European Commission for the Efficiency of Justice of the Council of Europe published a "checklist for quality of the judiciary and courts". The practical list of questions addresses the issue of quality at three levels: the national level; the level of the courts; and the level of the individual judges (Albers, 2009). Thus, the emphasis here is not exactly on individual courts, but on the assessment of the judiciary system as a whole.

Finally, and closer to fulfil the requirements of an organisational performance assessment model, an International Consortium based on Singapore proposed in 2008 the "Framework for Court Excellence" that tries to overcome some of the deficiencies of previous systems. The model is inspired in business excellence models. Yet, the criteria are specifically designed to the courts. The framework for courts excellence criteria is composed of seven areas for court excellence which are as follows (International Consortium for Court Excellence, 2013):

- (1) court leadership and management;
- (2) court planning and policies;
- (3) court resources;
- (4) court proceedings and processes;
- (5) client needs and satisfaction;
- (6) affordable and accessible court services; and
- (7) public trust and confidence.

As pointed out by Albers (2009), the central aim of the framework is to present a concept and tools by which courts worldwide can voluntarily assess and improve the quality of justice and court administration they deliver.

Regardless of the model used, several conditions need to be fulfilled if the expected benefits of self-assessment processes are to be obtained, including (Van der Wiele and Brown, 1999; Ritchie and Dale, 2000; Samuelsson and Nilsson, 2002): management

commitment, employee involvement, open communication, training and feedback on the process.

When looking at these Critical Success Factors (CSF), it is possible to suggest that self-assessment processes in courts should essentially:

- be based on an interdisciplinary team, with both the support of the court leadership and a considerable degree of autonomy to conduct the exercise;
- involve the various stakeholders;
- use preferentially deep-rooted models and instruments;
- lead to a set of improvement plans and well-established priorities of action; and
- enhance accountability and transparency to users and to citizens, in general.

3. Research approach

3.1 Context and case-study

In Portugal, the Law 51/2008 is a landmark in what courts management is concerned, by enlarging the territorial spanning of courts, emphasising their specialisation and introducing a new management model. Such model is based on administrative decentralisation and on increased competencies of each court to manage its own resources. Typically, in Portugal, there is a general court in each municipality (there are 308 municipalities in Portugal mainland). After the reform, 39 courts would be established to replace the existent. The new management model gave more competencies to the Judge-President who became responsible for representing the court and managing its processes and functional resources (previously, there was a Judge-President but he/she had only administrative competencies). As highlighted by Santos *et al.* (2010), the Judge-President is now in charge of planning and coordinating the work in the various units of the court, reallocating resources when bottlenecks are identified. The President is also responsible, among other issues for elaborating a budget proposal, establishing goals and targets and assessing the quality of the service provided to citizens (Santos *et al.*, 2010). The new model thus calls for more participation, flexibility and proximity to improve the quality of the judicial system.

A small number of courts have been selected to test these new arrangements before implementing the law at the national level. Court Y is one of these.

Court Y serves a population of over 600,000 inhabitants. When it was created, there were more than 100,000 ongoing cases in Court Y. According to the new management model, Court Y has the following bodies: Judge-President, magistrate of the Public Prosecutor's Office, judiciary administrator and Court Council. The judicial administrator is mainly an assessor of the Judge-President and may have some delegated competencies. The Court Council is an advisory body where external stakeholders have a seat. This is regarded as essential to open-up the court to the community it serves and to enhance transparency and accountability. The Court Council integrates the Judge-President, the magistrate of the Public Prosecutor's Office, the judicial administrator, a representative of the judicial staff, a representative of the Bar Association, a representative of the Committee of Solicitors, a representative of the Town Halls included in the District Court and three representatives of the users/court beneficiaries. These three representatives are selected by the remaining members of the Court Council and should reflect the court's perspective of its key stakeholders. Currently, a representative of a Santa Casa da Misericórdia of the region (a church-based

social work organisation), a representative of a school and a representative of a hospital of the region have a seat on the council.

3.2 Data collection methods

Besides using court's documents, such as regulations and meeting minutes, the research team collected the views of the Court Council members (where the various internal and external stakeholders are represented) by means of a group interview and a small questionnaire survey.

The reasons for listening to the Court Council members are straightforward. They are responsible for reflecting upon the court strategy and functioning. Within this role, Court Council members already analyse the court policies (especially concerned to the way it interacts with the users and external members) and the key performance indicators implemented. Therefore, the group is the most adequate to discuss the concepts and principles of excellence in the court and the requirements of an organisational performance assessment model.

The focus group was thus composed of nine members of the Court Council. A special meeting was scheduled to discuss the content and methodology for measuring excellence in the court. The views were crucial to understand how the EFQM could be used in courts and what needed to be adjusted. The conversation among the participants was conducted around the following topics:

- What does quality mean to the court?
- How can quality be assessed?
- Which are the main stakeholders?
- To whom is the court accountable?
- Does the quality language fit the courts context?
- Are the concepts of "customer", "product"?
- "process" applicable?

To complement the interview, a mail questionnaire was also administered to a sample of actual and former Court Council members. Ten questionnaires were successfully returned. The main purpose was to validate the model criteria (and analyse their possible weights), to measure the relative importance given to different stakeholders when measuring excellence and to identify major barriers to the model implementation.

Due to the diversity of the people who participated in the focus group in terms of professional backgrounds and perspectives, the nature of the research team and the triangulation between the methods used, it is possible to argue that the resulting self-assessment guide reflects an interdisciplinary approach and captures, as much as possible, the complexity of a court.

3.3 Data analysis

Analysis essentially followed the principles of a ground theory approach aiming at the emergence of the excellence concept and drivers of the court performance.

Relevant documents of the court were looked at to better understand the path that was being followed in the introduction of quality management principles and techniques.

The focus group interview was tape-recorded and then its content analysed. Afterwards, it was necessary to make sense of what was said in the interviews. A content analysis of the transcript was undertaken to tease out categories, patterns and themes. Using different iterations, an adequate coding of data was found.

A simple statistical analysis was also performed on the data collected by means of the administration of the questionnaires.

4. Main findings: views on quality principles and self-assessment model requirements

4.1 Meaning of quality to the court

The concept of quality in the judiciary is often associated with the quality of the decisions and with the timeliness of justice.

As a participant stressed, the normative view of quality still dominates (“people still think that doing a good job is ‘complying with every single rule and step’”). This is in line with [Albers \(2009\)](#) research when he states “quality is often narrowly defined”. The judges tend to relate it to decisions made by judges, the existence of appeal and the independence of the decision-making process of judges.

A broader perspective was suggested:

[...] quality in courts is about how people are treated, ensuring that all parties can express their views on the matter, how the judges incorporate the laws in their decision-makings, and how people understand the decisions, even if they do not agree with them.

This is a clear indication that the court users’ perspective is being embraced. One of the participants argued:

Courts have to be closer to the people they serve. That does not jeopardise the sovereignty of the Court. [...]. It is necessary to change the language and be more accessible.

4.2 Court’s stakeholders and their needs

When asked about who or which stakeholders contribute the most to the court excellence, the Judge-President and the Public Prosecutor’s were highlighted. In the focus group, one of the participants affirmed:

Communicating the new values and quality culture has to be a role of the Judge-President. His/her direct involvement is paramount in making others believe that the new vision is to be taken seriously. In Court Y that definitely made all the difference

It is worthwhile to notice that the role of the citizen/user in demanding high quality services was stressed by four respondents in the questionnaire survey. In the focus group, an external representative stated that “citizens are demanding something new from the court and that has been contributing to open-up the court to the community”.

The focus group participants stressed the witnesses’ importance to the good functioning of the judiciary system and have extensively discussed what can be done in this regard. There is a prevailing idea that witnesses are still somehow “left to their own fate” when they come to the court, waiting long hours in not very comfortable rooms without any further information. Some participants have explicitly said “the court should assess how witnesses are treated and measure how courts are satisfying their needs”.

Among the community stakeholders, the court relationships with some external stakeholders, such as the Criminal Investigation Police, Foreigners and Border Services, and Social Security Services were emphasised.

4.3 Excellence drivers and performance indicators

When confronted with the EFQM criteria, the majority of the focus group participants have reacted positively. “They are all relevant to the good functioning of a Court”, a participant said.

To validate the EFQM model criteria (see next section) and understand their relative importance, the questionnaire asked the respondents to rank their importance. Leadership was pointed out as the most important driver of court excellence by six out of the ten respondents, followed by people (see [Table I](#)). This shows the criticality of human resources management and leadership to excellence, in line with what occurs in most organisations.

The idea of developing leadership skills across the court was stressed by one of the participants in the focus group:

We need the leadership of the Judge-President, but the strategy has to be deployed to all sections and areas. Intermediate leadership is crucial to the court success. Intermediate leaders are there on a daily basis talking to everyone. There is a need of daily contact. Intermediate leadership blossoms if top leaders have a vision and give room for others to appear.

On the other hand, “processes and services” and “resources and partnerships” got the lowest scores. Looking at the focus group discussion, it is possible to assume that the majority of the respondents have difficulties in understanding what “Processes” mean in court context. Perhaps most surprising, especially among council members, is the relatively low score obtained by “Partnerships and Resources”.

The majority of the participants are aware of the importance of introducing service quality standards and according to the questionnaire responses only two (of ten) are sceptical about the viability of defining quantitative service targets.

Management by fact is possibly giving its first steps. The court already conducts questionnaire surveys in some services and the council periodically analyses the results of the questionnaires.

Providing feedback to the court’s users (litigants, witnesses) was equally stressed. The issue should be part of a better communication strategy (“people should know what the court expects/demands from them, how long the case typically takes, and when it is sorted out”). Measuring court performance calls for volume indicators (“what”, “how many”), but also for process indicators (“how” – adequacy, simplification, formality and solemnity).

Table I.
Ranking of the
“enablers criteria”

Criterion	Rank	Average score
Leadership	1	1.6
Strategy	3	2.6
People	2	1.9
Partnerships and resources	4	4.3
Processes and services	5	4.6

4.4 Barriers to TQM implementation and model requirements

According to the questionnaire responses, budgetary constraints and the lack of human resources are the main obstacles to TQM implementation in the court. It is interesting to notice that the culture of the court and the potential resistance to change are not regarded as crucial.

There is unanimity in recognising that self-assessment has a positive impact on the functioning of the court. Enhancing transparency, contributing to the improvement of the judiciary system, and motivating the people who works in the court were identified as the most relevant benefits.

Regardless of the model to be adopted, the participants have identified some key requirements:

It should be a system that incorporates goals and targets so that we can assess what we aim to achieve and at what extent we are delivering results.

The language needs to be adapted. Looking at this (the EFQM criteria) one thing immediately pops out – “business results”. Courts are not businesses.

This idea was further stressed by another participant:

‘People’ is a funny term, but probably is the best we can think of. Judges cannot be regarded as “employees” given their independent status and the word “collaborator” is even worse.

Some other concerns have emerged:

Self-assessment needs to be carefully carried out. Otherwise, a simple grid is applied without taking into consideration the particularities of the organisation.

It is interesting to notice that several participants have emphasised that external and internal assessment need to complement each other.

“Self-assessment alone is not enough”:

Internal and external assessment must be aligned. Currently, external assessment neglects the perceptions of the Court users. It is mainly inspection of internal procedures.

This tension between internal and external assessment cultures is a major challenge. A participant stressed:

Sometimes is difficult to convince people that self-assessment is essentially a learning process – knowing what is not going so well, why that is happening, and correcting such situations. People still regard assessment as “tests to give marks”.

5. Self-assessment guide: the leadership criterion

The EFQM model is based on nine criteria, as depicted in [Figure 1](#). Each criterion was translated to the courts as follows:

- *Leadership*: It intends to analyse how the court, as an organisation, and its leaders, in particular, shape the future and make it happen, acting as role models and communicating the values and ethics of the court. It also considers how leaders inspire and build trust, how they foster continuous improvement and how they manage change.
- *Strategy*: It intends to analyse how the court, and its management bodies in particular, implement the mission and vision established in the internal regulation

of the court, through a strategy focussed on all stakeholders and supported by policies, plans, objectives and procedures developed and deployed to put the strategy into action.

- *People*: It intends to analyse how the court values their people and fosters an organisational culture that allows the mutual beneficial achievement of organisational and personal goals. It considers how the court communicates, rewards and motivates people, as well as how it promotes fairness and equality.
- *Partnerships and resources*: It intends to analyse how the court and its management bodies plan and manage their external partnerships (in particular, involving the judicial professionals who do not work in the court), as well as its internal resources, in a way that helps to put the strategy and policies into action and that enhances the effective operation of processes.
- *Processes and services*: It intends to analyse how the court designs, manages and improves its processes and services to add value to the users and to the stakeholders in general.
- *Customer/user results*: It intends to analyse what results the court achieves in terms of users' satisfaction. It is assessed at what extent does the court meet the needs and expectations of its users and whether such results are sustainable.
- *People results*: It intends to analyse what results the court achieves in terms of people satisfaction (as discussed in the focus group, the term "people" embraces everyone who works in the court, including judges, magistrates and staff). It is assessed at what extent does the court meet the needs and expectations of its people and whether such results are sustainable.
- *Society results*: It intends to analyse at what extent does the court meet the needs and expectations of the community it serves.
- *Court results*: It intends to analyse the overall performance of the court taking into consideration at what extent do the results meet the needs and expectations of their stakeholders and whether such results are sustainable.

As proposed in the EFQM model, each criterion is divided into criterion parts. For each criterion part, a short description is provided followed by an identification of issues to be addressed. To facilitate the courts implementation of the model, the guide also gives for each criterion part a list of possible initiatives to put in place.

In the current paper, it was decided to choose the leadership criterion to illustrate the content of the self-assessment guide.

5.1 Criterion 1 – leadership

(General Description, as presented earlier in this section).

5.1.1 Criterion part 1a. Leaders are aware of the court mission, develop a vision for the future, communicate the organisation's values and ethics and act as role models.

Key points to address:

- The Judge-President and the other leaders have a clear idea of the mission (what the court exists for) and of the vision (how the court wants to be in the future).
- Leaders clearly communicate the vision, mission, court values and ethics.
- Leaders act as role models.

- Leaders establish an open-communication system within the court.
- Leaders promote quality values in the court.
- Leaders delegate and share their power, so that intermediate and individual leaderships emerge.
- Leaders foster changes in attitudes and behaviours to continuously improve the court performance.

Initiatives that might be carried out in this regard:

- The internal regulation of the court clearly states the court mission and values.
- Good practices and codes of ethics are communicated to all stakeholders.
- The court's management bodies put in place mechanisms to listen to stakeholders and some meetings are scheduled to discuss key issues to the court.
- The Judge-President is personally involved in the definition of the Quality Policy of the court.

5.1.2 Criterion part 1b. Leaders are directly involved in defining, monitoring and reviewing the quality management system of the court.

Key points to address:

- Leaders define quality standards and targets to drive improvement.
- Leaders allocate time and resources to quality management initiatives.
- Leaders understand the performance drivers and use this understanding to develop and improve the court's quality management system, with the aim of creating value to all stakeholders.
- Leaders manage by fact, using reliable data to analyse performance and make decisions.

Initiatives that might be carried out in this regard:

- With the leaders' involvement, interdisciplinary teams are created to share information and to identify strengths and improvement areas.
- Data on performance is shared throughout the court.
- Leaders analyse potential risks and quantify them to look for potential strategies to mitigate them.
- Based on performance indicators, the annual plan of activities lists and prioritises improvement actions.

5.1.3 Criterion part 1c. Leaders are in close contact with the court users, internal stakeholders and representatives of the communities served by the court.

Key points to address:

- Leaders are aware of the existence of different external stakeholders (users, professional, judiciary professionals, government, other public institutions, community representatives) and develop with them long-term relationships.
- Leaders participate in meetings with external stakeholders where improvement projects are discussed and targets set.

- Leaders ensure the transparency of the court external reporting, especially to the government and other judiciary institutions.
- Leaders promote and participate in initiatives that aim to improve social responsibility, environment protection and safety.

Initiatives that might be carried out in this regard:

- The Judge-President and others court leaders promote the active participation of the community representatives in the Court Council.
- When justifiable other external stakeholders, without a seat on the council, are asked to take part in the meetings.
- There are effective communication channels with institutions that interact with the court in a perspective of mutual benefit.
- The court has a communication plan oriented towards the external stakeholders and the society in general.

5.1.4 Criterion part 1d. Leaders reinforce an organisational culture of excellence.

Key points to address:

- Leaders inspire people to get involved and foster a culture of autonomy and responsibility.
- Leaders facilitate the emergence of new ideas and innovative solutions to the court problems.
- Leaders promote diversity.

Initiatives that might be carried out in this regard:

- There are improvement teams in the court that use participation mechanisms (such as brainstorming).
- Good practices, both collective and individual, are identified, recognised and shared throughout the court.

5.1.5 Criterion part 1e. Leaders manage change effectively.

Key points to address:

- Leaders identify and prioritise change needs and actions.
- Leaders show that they are capable of making timely decisions based on available data and previous experience.
- Leaders allocate resources to change projects.
- Leaders encourage risk-taking behaviours.

Initiatives that might be carried out in this regard:

- When changes are implemented, leaders closely monitor the processes and listen to people who are affected.
- Feedback is given to people who complain or make suggestions to improve the court procedures.

6. Conclusion

This research has shown that despite the nature of courts as professional bureaucracies, traditionally resistant to change, concerns with performance assessment are in fact penetrating in some judicial organisations. The importance of providing better services to the users and enhancing citizens' trust are also more and more visible. The development of international frameworks, such as the Court Excellence Framework, is a clear indication that quality models are regarded as important tools to make the courts more efficient, effective and transparent.

A big Portuguese court (where some management reforms are being tested) was selected to carry out this research. By incorporating the views of the Court Council members, a self-assessment guide, based on the EFQM model, was developed.

The resulting assessment guide includes a description of the various criteria and criterion parts and the identification of the key focus areas, while giving some illustrative examples of initiatives and indicators that could be looked at under each model dimension. In this paper, the guide contents are illustrated for the "leadership" criterion.

The participants in the study have considered that the EFQM model captures the essential features of a court of law even if the courts terminology and governance models challenge the translation of some criteria. In particular, the criticality of leadership to drive court improvement and to introduce a new organisational culture was emphasised. Court Y is aware of the needs of different stakeholders and is adopting a multi-dimensional concept of quality that goes well beyond the normative perspective.

The proposed self-assessment guide is expected to have a clear impact on the management of the court by clarifying the role of the Judge-President and of intermediate leaderships on driving excellence. Because it was based on a participative process, it is likely that all stakeholders will be eager to actively participate on the self-assessment process that follows. By being holistic, comprehensive and adapted to the court, the model is expected to give a realistic and rich image of the court's strengths and improvement areas from which improvement plans and priorities can be usefully set.

Based on a single case study, the guide needs to be further validated. Future research could, for instance, compare it with the "Framework for Court Excellence".

There is still a lack of studies on the measurement of courts' performance apart from the publication of simple lists of process indicators. Such studies do not take into consideration the organisation as a whole and underestimate the importance of involving the stakeholders in the assessment process. By translating the EFQM model to the courts context, the current guide is perhaps one of the most comprehensive resources for assessing the quality of a court.

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