

Engaging the public and encouraging
EXCELLENCE

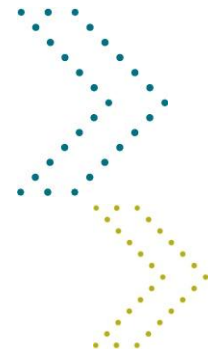
Encouraging excellence

- What does 'excellence look like'?
- Why promote tribunal excellence?
- The path to excellence
 - how do we measure excellence
 - engaging the public

What does 'excellence look like'?

Tribunal excellence has three broad dimensions:

- predictable, just decisions; and
- procedural justice
- the tribunal delivers a fair and efficient dispute resolution service



Why promote 'tribunal excellence'?

- The promotion of 'tribunal excellence' is one way of responding to demands for increased accountability. It can also enhance tribunal independence.
- Accountability and independence should be seen as complementary, rather than antithetical.



How do we measure 'tribunal excellence'?

A Framework for Tribunal Excellence

The Framework is predicated on the **core values** that tribunals apply in carrying out their roles.



Equality before the law
Fairness
Impartiality
Independence
Respect for the Law
Accessibility
Competence
Integrity
Accountability
Efficiency

A Framework for Tribunal Excellence

- These core values guarantee due process and equal protection of the law to all those who have proceedings before tribunals - they provide a frame of reference for tribunal excellence:
 - **fairness and impartiality** - set the standard for the conduct of tribunal proceedings
 - **independence, respect for the law and competence** - relate to the ability of tribunal members to make decisions based solely on the application of the relevant law to the facts of the case
 - **integrity** - the transparency and propriety of the process, the decision and the decision maker
 - **accessibility** - the ease of gaining entry to the legal process
 - **efficiency** - timeliness and proportionate transaction costs
- These shared values are embedded into the eight individual areas of excellence specified in the Framework.

A Framework for Tribunal Excellence

Measuring excellence

The first step towards tribunal excellence is assessing how the tribunal is currently performing.

The Framework is a self assessment tool by which a tribunal can undertake its performance measured against the Eight Areas of Tribunal Excellence.

A series of indicia are identified within each of the eight areas of tribunal excellence. These indicia are put in the form of questions. Assessors are asked to answer the question based on a **0-5 point scale** depending on the extent to which the measure has been implemented.

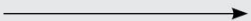
You get a score for each area of Tribunal Excellence. These scores are then weighted to give you a score out of 1000.

Internal/external stakeholder engagement.

A Framework for Tribunal Excellence

Accountability

- Tribunals serve the public through the provision of accessible, fair and efficient dispute resolution services.
- In delivering that service they are accountable to the public.
- Engagement issues.

Accountability measures	Rating										
58. Does the tribunal provide an effective, transparent complaints mechanism?	0	1	2	3	4	5					
	No		Partially			Yes					
59. Is there regular reporting of tribunal performance to stakeholders?	0	1	2	3	4	5					
	No		Partially			Yes					
60. Does the tribunal undergo regular community/ stakeholder engagement?	0	1	2	3	4	5					
	No		Partially			Yes					
61. Are tribunal decisions publicised?	0	1	2	3	4	5					
	No		Partially			Yes					
62. Does the tribunal have "open days" to provide an opportunity for the community to visit the tribunal?	0	1	2	3	4	5					
	No		Partially			Yes					
63. Does the tribunal have a customer service charter?	0	1	2	3	4	5					
	No		Partially			Yes					
64. Does the tribunal regularly report on its performance?	0	1	2	3	4	5					
	No		Partially			Yes					
65. Does the tribunal produce a publicly available annual report which includes an audit of its financial accounts?	0	1	2	3	4	5					
	No		Partially			Yes					
66. How do you rate the tribunal's overall accountability?	0	1	2	3	4	5	6	7	8	9	10
	Very poor  Excellent										

Weights

The detailed weights for the eight areas and each of the three sub-categories are as follows:

Areas	Raw score	Weighting multiplier	Weighted score
1. Independence	/ 70	multiply by 2	/ 140
2. Tribunal Leadership and Management	/ 40	multiply by 140/40	/ 140
3. Fair Treatment	/ 45	multiply by 140/45	/ 140
4. Accessibility	/ 100	multiply by 140/100	/ 140
5. Professionalism and Integrity	/ 55	multiply by 140/55	/ 140
6. Accountability	/ 50	multiply by 2	/ 100
7. Efficiency	/ 70	multiply by 100/70	/ 100
8. Client Needs and Satisfaction	/ 25	multiply by 4	/ 100
TOTAL SCORE:	/ 455	multiply by 1000/455	/ 1000

Using the same approach, the weighted scores for 'Deployment' and 'Results' are calculated.

The process is then repeated for Areas 1 to 7 to obtain the weighted scores for "Approach", "Deployment" and Results" for these respective areas.

The total weighted score provides an overall indication of the tribunal's performance based on a maximum score of 1,000 points. This can be compared with the Banding Table which provides an objective benchmark against which the court may measure its performance.

For example, if the total score of the completed questionnaire is 798, then this would place it in Band 5 which shows that it has a proven and well-defined approach that is employed to all key areas with performance levels that are good to excellent. A tribunal with such a score would be an extremely well-run tribunal.

Tribunals may also find this numerical scoring system particularly useful in measuring relative progress over time.

Banding Table

Band	Score	Description
1	0	<p>There is no approach or strategy in respect of the areas of tribunal excellence.</p> <p>There are no results, or results show no improvement trends, or have not met targets.</p>
2	1-199	<p>There is some approach and strategy in respect of the areas of tribunal excellence but it is reactive and not systematic.</p> <p>Poor results; or good performance and/or improvement trends in a few key indicators; or results are not reported for most key indicators.</p>
3	200-399	<p>The direction for strategic-based approach to the areas of tribunal excellence is set and has been implemented in some key areas of the organisation.</p> <p>Good performance and/or improvement trends in some key indicators; or early stages of obtaining comparative information; or results are reported for some key indicators.</p>
4	400-599	<p>A sound effective strategic approach is in place with evidence of implementation in most key areas of the organisation.</p> <p>Good performance levels and/or improvement trends in most key indicators; or there are favourable comparisons and/or benchmarks in some areas; or results are reported for most key indicators.</p>
5	600-799	<p>A proven and well-defined strategic approach with evidence of refinement through learning and improvement which is well integrated with organisational needs.</p> <p>The tribunal's strategic direction has been implemented in all key areas of the organisation and is practiced consistently by all levels.</p> <p>Current performance levels are good to excellent in most key indicators and/or improvement trends are sustained in most areas; or there are favourable comparisons or benchmarks in most areas; or results are reported for all key indicators.</p>
6	800-1000	<p>An exceptionally well defined, innovative and strategic approach, which is fully integrated with organisational needs and implemented consistently in all areas.</p> <p>Performance levels are excellent in most key indicators and/or there are exceptional improvement trends in most areas; or there are exceptional comparisons and benchmarks in most areas; or results are reported for all indicators.</p>

The Tribunal Excellence Framework

- Developing the Framework for Tribunal Excellence responds to the demand for accountability and transparency in a way that is appropriate and tailored to the needs of Tribunals.
- The Framework promotes independence
 - directly, by the measures adopted
 - indirectly by building public support.
- A tool to seek additional resources - the steps needed to address any deficiencies.
- Comments: Ross.J@fwc.gov.au
- How to find the Tribunal Excellence Framework - <http://www.coat.gov.au/papers>