

## NETHERLANDS

### Questionnaire to prepare the Study Session

<b>I. Highlighting of dysfunctions within a court<sup>1</sup></b>
<p>1. Is there an organised system allowing to detect dysfunctions within a court?</p> <p>In the Netherlands an integral quality-system is developed based on the EFQM-model (European Foundation of Quality Management Model). The essence of this model is to improve the internal quality of the courts and to increase the level of satisfaction of the clients of courts. As a part of the integral quality system a measurement system to measure the quality of the work of judges is developed. By using this measurement system dysfunctions of a court can be systematically monitored. Results will be presented to the heads of the departments of the court (co-ordinating vice-president) and the other members of the board of a court (president, director of conduct of business).</p>
<p>a. If yes,</p> <p>i. what are the alert mechanisms ? If the indicators shown at the measurement system that the results will be below the accepted norms, action by the management of the court is required.</p> <p>ii. who has the initiative of alert ? The measurement system (and the use of other management information systems) is used by the management of a court; and mostly used by the director of conduct of business.</p> <p>iii. who is the addressee of the alert ? The management of the court and the department in which there are for example severe problems in the area of length of proceedings of the caseload. If the problems cannot be solved by the court internally, an alert signal can also be given to the Council of the Judiciary. The Council can invite other courts (with a lesser workload) to assist courts which are overburdened with cases.</p>
<p>b. If not, how are the dysfunctions within a court brought to the attention of the competent judicial and administrative authorities ?</p>
<b>II. Methods of investigation and analysis of dysfunctions</b>
<p>2. Which are the methods used to check these dysfunctions ? (audit, evaluation, on location visit, etc..) ; As a part of a planning and control</p>

<sup>1</sup>The questionnaire does not intend to address disciplinary matters

<p>cycle the Members of the council for the judiciary, visits regularly the members of the managementteam of a court (presidents, director and co-ordinating vice-presidents). Other elements of the analysis of the dysfunctioning of a court are based of the quality system of the judiciary. Elements of this system are the use of: audits, client surveys, monitoring of the performance of the judges, financial monitoring, peer-review and the use of the 'intervision'-method.</p>
<p>3. Once a dysfunction has been detected, what methods of analysis are used ?</p>
<p><b>III. The structure in charge of investigating and analysing the dysfunction</b></p>
<p>4. Is this structure centralised or decentralised (in this case, is it internal or external to the court) ? Primary the investigation and dysfunction of a court is done by the courts itself. In practice this means that the structure is decentralised. However the monitoring of the performance and the spending of the budget is done by the Council for the judiciary. This council is responsible for the allocation of the budget to the courts. As a part of this responsibility the council is also responsible for the monitoring of the spending of the budget by the courts and the individual performances of the courts too.</p>
<p>5. Under what authority is it placed ? Generally speaking, it is the Minister of Justice who is at the end final responsible for a proper functioning of the judicial system in the Netherlands.</p>
<p>6. How is this structure set up ? Who appoints its members ?</p>
<p>7. What is its jurisdiction ? National responsibility</p>
<p><b>IV. Follow up given to the analysis in order to remedy the dysfunction</b></p>
<p>8. What form will be adopted for the conclusions of the structure of investigation and analysis ? Mostly as a result of the presentation of a control report of the court to the Council for the Judiciary, changes in the budget for the upcoming</p>

years can be made. Which means that for example courts which are having severe problems, receive more financial means or courts which an outstanding performance can receive more money too (for example to stimulate innovation projects in the courts). As a part of the quality system the 'quality report' of a court, must lead to the formulation of action plans to improve the internal functioning of a court.

9. Who is the addressee of the conclusions of the structure of investigation and analysis ? The financial reports are presented to the Council for the Judiciary. Quality reports are presented internally in the courts and also to the Council for the Judiciary; aggregated reports a the national level will be presented to society and Ministry of Justice.

10. What means are available for the structure in order to find a remedy to the dysfunction ? With respect to the financial planning and control cycle no additional means are required. It is a part of the structural process of the functioning of a court. For the quality-reports and actions special funds are allocated to the court and at the level of the Council for the Judiciary a quality bureau is formed.

11. If the investigation structure does not monitor the implemmentation of the recommendations, which structure is entrusted with their implementation?

#### **V. Efficiency of mechanisms**

11. Is the functioning of this structure evaluated ? Yes, due to the fact that in 2002 a large reform in the judicial structure took place i.e. the creation of a Council for the Judiciary and more self responsibility for the judiciary a large evaluation of the law on the Council for the Judiciary and the law on the Management and Organisation of the Board of the Courts is foreseen.

12. What improvements could be made ? This is dependent of the outcome of the evaluation.