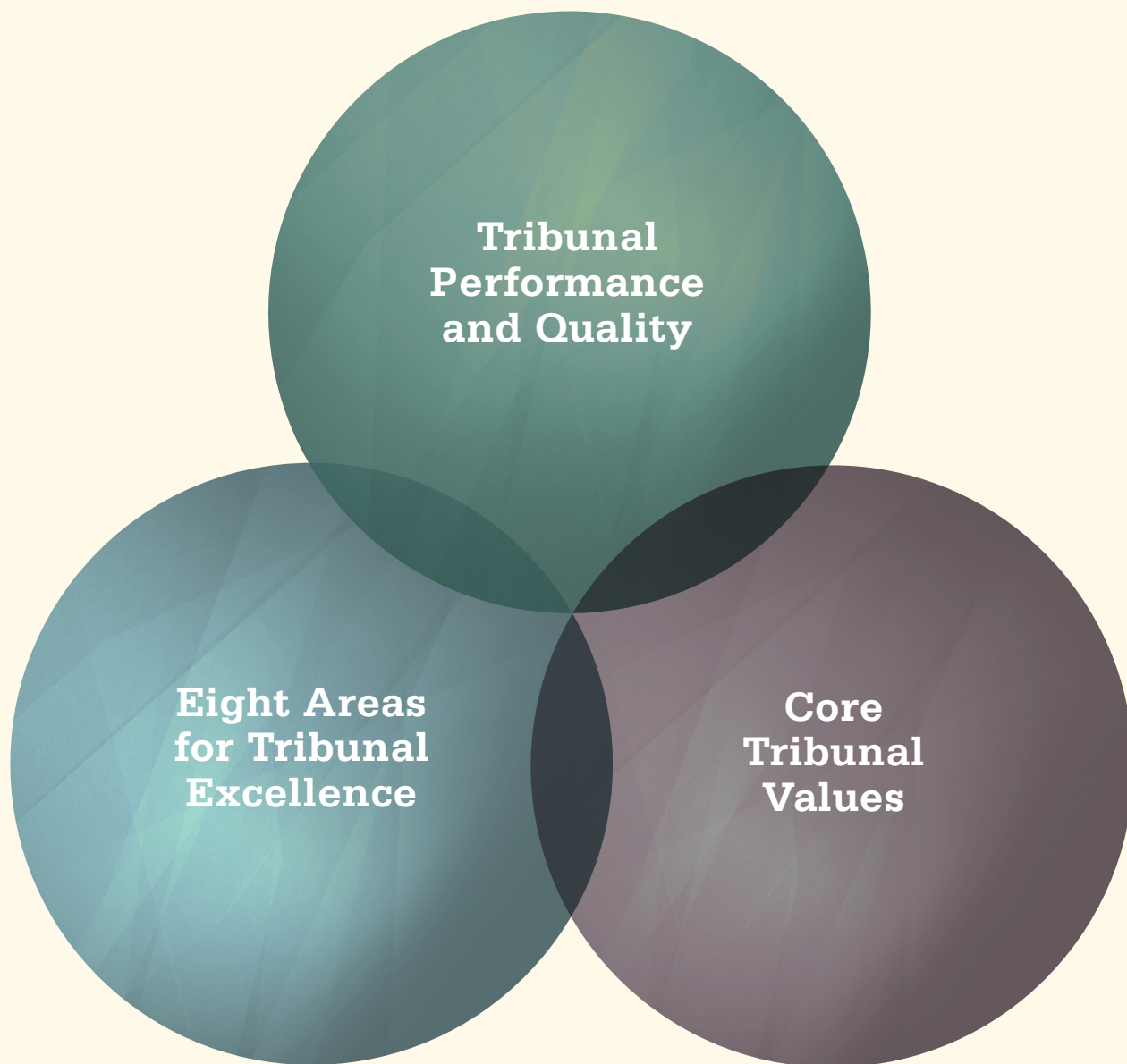

INTERNATIONAL FRAMEWORK FOR TRIBUNAL EXCELLENCE



NOVEMBER 2012



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Comment

The *Framework* is a living document.

Your feedback is valued and will be taken into account in future reviews of the *Framework*.

If you have any comments on the *Framework* please email chambers.ross.j@fwa.gov.au

A. Introduction

Tribunals play a fundamental role in the day to day lives of citizens, businesses and government. The structure, jurisdiction, workload and funding mechanisms of tribunals vary widely.

Tribunals are an important part of the justice system in many countries. They provide a quick, cheap and relatively informal means of dispute resolution.

Tribunals adjudicate a range of different types of disputes, including:

- **civil disputes:** eg. between consumers and traders, employee/unions and employers, tenants and landlords;
- **human rights:** eg. discrimination, mental health and guardianship; and
- **administrative law (the citizen and the State):** eg. licensing and regulatory disputes, professional discipline, planning and the environment and freedom of information.

Excellent tribunals resolve disputes and decide cases in a fair, accessible and efficient manner within a reasonable timeframe. They interpret the law consistently, impartially and independently, to protect the rights of the community the tribunal serves.

The first task for an institution aspiring to be excellent is to define the concept of excellence to which it aspires. For tribunals, the *International Framework for Tribunal Excellence (the Framework)* performs this function.

The *Framework* will assist tribunals to deliver the quality services essential to fulfil their critical role in society.

The *Framework* is a resource for assessing a tribunal's performance against eight areas of tribunal excellence and it provides a model methodology for continuous evaluation and improving performance.

The *Framework* draws on the work of the International Consortium which developed the "International Framework for Court Excellence" (www.courtexcellence.com), but has been substantially modified to reflect the particular needs of tribunals.

The *Framework* draws on the core values inherent in tribunals and provides a transparent and accessible assessment questionnaire based on a series of indicia of excellence under eight key areas of Tribunal Excellence. These scores are then weighted to give an overall assessment.

“It should never be forgotten that tribunals exist for users, and not the other way round. No matter how good tribunals may be, they do not fulfil their function unless they are accessible by the people who want to use them, and unless the users receive the help they need to prepare and present their cases.”

Sir Andrew Leggatt, 2001

There is broad agreement regarding the core values that tribunals apply in carrying out their roles. The most important values to the successful functioning of tribunals are:



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

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 the assessment of tribunal excellence.

Values such as fairness and impartiality set the standards for the conduct of tribunal cases.

The values of independence, respect for the law and competence are primarily related to the ability of a tribunal's members to make decisions based solely on the application of the relevant law to the facts of the case. Integrity includes the transparency and propriety of the process; the decision; and the decision maker. Justice must not only be done but seen to be done.

Accessibility incorporates the ease of gaining entry to the legal process (including, for example, reasonable filing fees and access to an interpreter), and obtaining accurate, complete information about the tribunal process.

Efficiency incorporates timeliness and proportionate transaction costs. Proportionality is about ensuring that legal costs and other costs incurred in connection with a proceeding are reasonable and proportionate to the complexity and importance of the issues in dispute and the sum at stake. Timeliness reflects a balance between the time required to properly obtain, present and weigh the evidence, law and arguments, and unreasonable delay due to inefficient processes and insufficient resources.

Shared values, such as fairness, impartiality, independence, transparency, efficiency and competence, endorsed by tribunal members and staff become the dominant organisational culture of a tribunal.

These shared values are embedded in the eight individual areas of measurement specified in *A Framework for Tribunal Excellence*. One of the most important tasks for the leader of a tribunal is the promotion of shared values. It is the responsibility of the presiding member of the tribunal to encourage an understanding of, and adherence to, common values, such as independence, fairness, integrity and efficiency.

B. International Framework for Tribunal Excellence

Delivering justice is not simply about predictable, just decisions. The parties who appear before tribunals, and the community generally, have a legitimate interest in procedural justice and in the delivery of a fair and efficient dispute resolution service.

About tribunal excellence

Tribunal excellence has three broad dimensions:

- predictable, just decisions;
- procedural justice; and
- the delivery of a fair and efficient dispute resolution service.

These three dimensions of tribunal excellence are reflected in the *Framework*.

Predictability is about certainty. Different tribunal members faced with the same facts should, broadly speaking, reach the same outcome. Of course tribunal decisions often involve the exercise of a discretion and on the same facts different tribunal members may legitimately reach different conclusions. But such discretions must be exercised judicially and within acceptable parameters.

A 'just decision' is one based solely on the application of the relevant law to the facts of the case.

Procedural justice includes, but is not limited to, the legal concept of procedural fairness. It also embraces a judgment about whether a tribunal process is fair in a more abstract sense. In a review of the literature about the factors driving public and participant satisfaction with courts and tribunals Moorhead, Sefton and Scanlan (2008) concluded:

"... the weight of the evidence suggests that it is participant judgments about the fairness of the process not the outcomes that participants receive which are most important in influencing the levels of their satisfaction... the suggestion that satisfaction is simply

dependent upon outcome, driven solely by the self interest of each participant, and somehow an anathema to justice, is challenged by the evidence. Even losing parties may gain some satisfaction from a process which is palpably just.”

In the Moorhead, Sefton and Scanlan study “participants” included witnesses, parties and their representatives. In this document “participants” and “users” are used interchangeably.

To a significant extent tribunals, like other justice institutions, are dependent upon community support for their legitimacy.

Satisfaction with the process of justice has been found to have a measurable effect on society as a whole. Such satisfaction contributes to the perceived legitimacy of the justice system and there is some evidence that it affects the behaviour of citizens, increasing their respect for the law.

Measures of public and participant satisfaction are a close proxy for the value of procedural justice.

Participant and public perceptions about the fairness of process (ie. about procedural justice) depend on a complex mix of factors. Moorhead, Sefton and Scanlan (2008) found that five process oriented factors contributed to the perception of fairness, and hence satisfaction:

1. The expectations of, and information provided to, participants.
2. The quality of participation granted to participants (ie. the extent to which, and the process through which, participants are able to get their story out in a way they view as accurate and fair).
3. The quality of treatment and, in particular, the respect shown to the participant during their time at the tribunal.
4. Issues of convenience and comfort – including timeliness and efficiency.
5. Judgments about tribunal members and staff – whether they were perceived as helpful and empathetic.

“... the suggestion that satisfaction is simply dependent upon outcome, driven solely by the self interest of each participant, and somehow an anathema to justice, is challenged by the evidence. Even losing parties may gain some satisfaction from a process which is palpably just.” Moorhead, Sefton and Scanlan

Delivering justice is not simply about predictable, just decisions. The parties who appear before tribunals and the community generally have a legitimate interest in procedural justice.

In addition to the delivery of predictable, just decisions and procedural justice, tribunals have an obligation to provide a fair and efficient dispute resolution service. The service should be fair, in that it should provide access to a fair hearing.

The service should also be efficient in the sense that the tribunal is affordable and resolves disputes in an appropriate and timely way. The costs incurred by the parties and the tribunal resources allocated to a proceeding must be reasonable and proportionate to the complexity and importance of the issues and amount in dispute.

The *Framework* is a resource for assessing a tribunal’s performance against eight areas of tribunal performance and provides guidance for tribunals intent on improving their performance.

The *Framework* provides a methodology for continuous evaluation and improvement that is specifically designed for use by tribunals.

The *Framework* is predicated on Core Tribunal Values set out in Part B of this document. These shared values are embedded into the eight individual areas of measurement specified in the *Framework*.

The *Framework* takes a whole of tribunal approach to achieving tribunal excellence rather than simply relying on a limited range of performance measures which only capture aspects of tribunal activity.



1. Independence
2. Leadership and Effective Management
3. Fair treatment
4. Accessibility
5. Professionalism and Integrity
6. Accountability
7. Efficiency
8. Client Needs and Satisfaction

C. Measuring 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. For example one of the questions put in relation to Accessibility is:

Accessibility measures	Rating						Score
Does the tribunal publish user guides in its main areas of jurisdiction?	0	1	2	3	4	5	3
	No			Partially		Yes	

Some of the indicia are put in the form of **yes/no** propositions. For example one of the questions put in relation to Independence is:

Independence measures	Rating		Score
Is the tribunal established by statute?	0	5	5
	No	Yes	

In addition to the individual measures, the **overall perception** in respect of each of the Eight Areas of Tribunal Excellence is measured on a scale from 0 to 10. An example:

Professionalism and integrity measures	Rating											Score
How do you rate the tribunal's overall professionalism and integrity?	0	1	2	3	4	5	6	7	8	9	10	7
	Very poor —————> Excellent											

Where a tribunal fits on the 0 to 10 scale depends on a consideration of all of the indicia within that area of excellence. The following table provides a guide for scoring overall perception:

0	None:	There is no activity in this area or the results show no improvement trends and have not met targets.
2	Limited:	Poor results; or poor performance and/or little improvement trends in indicators; or results not reported for most key indicators.
4	Fair:	Good performance and/or improvement trends in some key indicators; or early stages; or obtaining comparative information; or results reported for some key indicators.
6	Good:	Performance levels are good to excellent in most key indicators and/or improvement trends are sustained in most areas; or there are favourable comparisons and/or benchmarks in most areas; or results are reported for all key indicators.
8	Very good:	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.
10	Excellent:	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; results are reported for all indicators.

The Eight Areas for Tribunal Excellence

1. Independence

Independence is about the degree of separation from the Executive. A tribunal's degree of independence will influence public perception about the extent of the tribunal's impartiality. This is particularly important in tribunals which deal with disputes involving the citizen and the State.

Impartiality is essential for the delivery of predictable, just decisions and the acceptance of those decisions by the public.

Independence measures

Rating

1. Is the tribunal established by statute?	0	5				
	No	Yes				
2. To what extent is the tribunal structurally (or institutionally) separate from the executive and legislative branches of the government?	0	1	2	3	4	5
	No separation		Partial separation		Full separation	
3. To what extent is the process for the appointment/reappointment of members fair and transparent?	0	1	2	3	4	5
	Arbitrary and opaque				Completely fair and transparent	
4. To what extent is the tribunal functionally separate from the executive and legislative branches of the government?	0	1	2	3	4	5
	No separation		Partial separation		Full separation	
5. To what extent does the tribunal control the expenditure of its allocated budget?	0	1	2	3	4	5
	No control at all		Some control		Total control	
6. To what extent does the tribunal enjoy adjudicatory or decisional independence? For example, can decisions of the tribunal be overruled by the executive?	0	1	2	3	4	5
	No independence		Some independence		Full independence	
7. To what extent do members of the tribunal have security of tenure during the term of their appointment in terms of legislative protection against arbitrary suspension, transfer or removal from office?	0	1	2	3	4	5
	No security		Some security		Tenure	

Independence measures (cont'd)**Rating**

8. Do tribunal members enjoy personal immunity from suit?	0	5									
	No	Yes									
9. To what extent do individual members of the Tribunal enjoy adjudicatory or decisional independence? (This question addresses the requirement that all members of a tribunal must be independent from one another and must be, and seen to be, free from any actual or apparent form of influence, pressure or duress from, or interference by, a fellow tribunal member, including the head of the tribunal. It reflects another aspect of adjudicatory independence – namely internally independent decision making.)	0	1	2	3	4	5					
	No independence		Some independence			Full independence					
10. To what extent does the tribunal have administrative independence in terms of the following: a. control over the buildings in which it presides and all necessary resources and facilities; and b. being provided with the means and resources, financial or otherwise, necessary for the proper discharge of its functions and duties.	0	1	2	3	4	5					
	No independence		Some independence			Full independence					
11. Tenure (period of appointment)	0	1	3	5							
	<2 yr App.	>2 yr but <5yr App.	5 yr App.	> 5 yr App.							
12. Overall perception of tribunal independence	0	1	2	3	4	5	6	7	8	9	10
	None —————> Fully independent										

2. Tribunal Leadership and Effective Management

Strong leadership requires the creation of a highly professional management group, the anticipation of changes in society (which can lead to changes in demand within a tribunal), as well as a focus on innovation and continuous improvement.

In most countries the head of tribunals are judges or experienced tribunal members with a high level of decision making expertise. This does not automatically guarantee that they are also the best tribunal managers.

Excellent tribunals also encourage and support non-member tribunal administrators and the tribunal members in leadership roles to take part in courses to improve their management skills.

Innovation and flexibility are important because of constant societal change: for example, an ageing population may lead to an increase in guardianship applications and the economic cycle may affect demand in tenancy and consumer claims jurisdictions. Excellent tribunal leaders recognise change early. They actively involve staff and members in identifying challenges and solutions. They modify work processes and organisational structures and implement innovative solutions that lead to improved performance results.

Other measures of strong leadership include the 'openness' of the organisation and accountability. This means that tribunals should regularly publish their performance results and provide information on the quality of their service delivery to the public.

Excellent tribunal leadership and management implies the promotion of the external orientation of tribunals, a proactive and professional management culture, accountability and openness, an eye for innovation and a proactive response to changes in society.

Excellent tribunals use a system of policies and plans to realise the objectives that have been formulated in terms of tribunal performance and quality.

Based on empirical data, excellent tribunals actively use tribunal policies to improve services. Policies may focus on strengthening specific values or the realisation of well-defined goals. For example, in civil proceedings, a policy can encourage tribunal members to take an active role in utilising and enforcing standards for submitting documents or new evidence.

The best tribunals formulate, implement and continuously evaluate clear policies and strategies for achieving performance objectives which they have set at an earlier stage.

Tribunal policies by themselves do not guarantee excellence in tribunal performance. What is important is how effective those policies are in meeting the tribunal's core values and the needs of tribunal users and the community.

Factors used to evaluate the tribunal's results include the:

- current performance levels, relative to targets set
- performance levels relative to appropriate comparisons and/or benchmarks
- rate, breadth and importance of performance improvements
- linkages of results to key performance requirements identified in the tribunal's strategic plan

These factors should be taken into account in assessing the overall perception of the tribunal's leadership and management.

Even successful institutions have a tendency to decline unless they continue to innovate.

Leadership measures

Rating

13. Has a vision for the tribunal been developed and translated into concrete, measurable objectives and priorities?	0	1	2	3	4	5
	No		Partially			Yes
14. Does the tribunal manage change, proactively and efficiently, to adapt to meet future demands?	0	1	2	3	4	5
	Never		Sometimes			Always
15. Is wide publicity given to the vision among stakeholders and the community?	0	1	2	3	4	5
	No		Partially			Yes
16. Is there a defined leadership group within the tribunal which meets on a regular basis?	0	1	2	3	4	5
	No		Partially			Yes
17. Does the leadership group promote a culture that stimulates and inspires innovation and continuous improvement?	0	1	2	3	4	5
	Never		Sometimes			Always
18. Does the tribunal regularly publish its performance results and provide information on its service delivery to the public?	0	1	2	3	4	5
	Never		Sometimes			Always

19. Overall perception of tribunal leadership and management	0	1	2	3	4	5	6	7	8	9	10
	Very poor										Excellent

The provision of a fair hearing is at the very heart of a tribunal's obligations to the parties who appear before it. An important element of the obligation to provide a fair hearing is the duty to provide assistance to parties and, in particular, self-represented parties.

3. Fair Treatment

The provision of a fair hearing is at the very heart of a tribunal's obligations to the parties who appear before it.

A fair hearing involves the opportunity to put your case – the right to be heard – and have the case determined impartially and according to law. It involves identifying the difficulties experienced by any party, whether due to lack of representation, unfamiliarity with the law, language, culture, disability or any other cause, and finding ways to help them through the tribunal process.

An important element of the obligation to provide a fair hearing is the duty to provide assistance to parties and in particular self-represented parties (sometimes called litigants in person). Members should identify the difficulties experienced by any party whether due to the law, language, culture, disability or any other cause, and find ways to help them through the tribunal process.

A report prepared by the Australian Institute of Judicial Administration to assist courts and tribunals in managing litigants in person makes the following observation about the disadvantage encountered by litigants in person that comes from a lack of objectivity:

“The problem of self representation is not just a lack of legal skills – it is also a problem of a lack of objectivity and emotional distance from their case. Litigants in person are not in a good position to assess the merits of their claim...”

A tribunal has an obligation to assist a litigant in person to overcome these disadvantages, to the extent necessary to ensure a fair hearing.¹

1. Australian Institute of Judicial Administration, *Litigants in Person Management Plans: Issues for Courts and Tribunals*.

Fair treatment measures**Rating**

20. Does the tribunal promote the obligation to provide a fair hearing?	0 Never	1	2	3 Sometimes	4	5 Always					
21. Does the tribunal provide a free interpreter service in all community languages?	0 Never	1	2	3 Sometimes	4	5 Always					
22. Does the tribunal promote cultural competency to tribunal members and staff?	0 Never	1	2	3 Sometimes	4	5 Always					
23. Are tribunal proceedings (in principle) open to the public?	0 No	5 Yes									
24. Are all hearings recorded?	0 No	5 Yes									
25. Are parties (and the public) able to obtain copies of recorded hearings (or transcripts) at a reasonable cost?	0 Never	1	2	3 Sometimes	4	5 Always					
26. Are tribunal decisions subject to a fair and efficient appeal mechanism?	0 No	1	2	3 Partially	4	5 Yes					
27. How do you rate the tribunal’s overall capacity to deliver fair treatment?	0 1 2 3 4 5 6 7 8 9 10 Very poor —————▶ Excellent										

While a degree of structure and formality is required in all hearings we should repeatedly ask ourselves whether the needs of the tribunal are taking priority over the needs of the people who appear before it.

4. Accessibility

Access to justice is a fundamental human right. Tribunals have an obligation to provide the community they serve with access to a fair hearing.

While a degree of structure and formality is required in all hearings we should repeatedly ask ourselves whether the needs of the tribunal are taking priority over the needs of the people who appear before it.

Tribunal fees, forms and processes have an important impact on access to justice as does the extent of information and assistance provided to parties.

The place and time at which a tribunal sits to hear disputes also directly impacts on access to justice. Those living in regional and remote locations should have the same level of access to the tribunal as those who live in metropolitan areas.

The Australian Institute of Judicial Administration report “Courts and the Public” recommended:

“All [courts] should have a litigants in person plan that deals with every stage in the process, from filing through to enforcement, or the equivalent in criminal matters. This is recommended so that systematic attention is given to the issues. As part of the litigants in person plan guidelines should be prepared by judicial officers so that best practice is identified and shared between them as to how to conduct a hearing where one or more of the parties are unrepresented.”²

This observation applies with equal force to tribunals.

2. Stephen Parker, *Courts and the Public* (Australian Institute of Judicial Administration 1998).

Accessibility measures**Rating**

28. Does the tribunal have a litigant in person management plan?	0 No	5 Yes				
29. Are the tribunal's fees affordable and proportionate to the nature of the proceeding?	0 Never	1	2	3 Sometimes	4	5 Always
30. Does the tribunal offer fee relief/waiver based on financial circumstances?	0 No	5 Yes				
31. Is there an on-line lodgement facility for tribunal applications?	0 No	1	2	3 Partially	4	5 Yes
32. Does the tribunal provide access to telephone and videoconferencing facilities to save parties travel time and costs?	0 No	5 Yes				
33. Does the tribunal publish user guides in its main areas of jurisdiction?	0 Never	1	2	3 Sometimes	4	5 Always
34. Does the tribunal have a functional and easy to access website?	0 No	5 Yes				
35. Is there access to pro-bono legal services and are parties made aware of these services?	0 Never	1	2	3 Sometimes	4	5 Always
36. Are tribunal staff trained to explain tribunal processes and other practical information to tribunal visitors and users?	0 No	5 Yes				
37. Does the tribunal have an information desk or reception staff to assist visitors?	0 No	5 Yes				
38. Is there a provision to hold hearings in other locations away from the main location of the tribunal to reduce party travel time and transaction costs?	0 No	5 Yes				

Accessibility measures (cont'd)**Rating**

39. Does the tribunal hold hearings at times which may be more convenient to the parties (eg. in the evenings and/or on weekends)?	0 Never	1	2	3	4	5 Always
40. Do people with disabilities or elderly people have easy access to the tribunal?	0 Never	1	2	3	4	5 Always
41. Are the waiting and hearing rooms properly equipped and of a reasonable standard?	0 No	5 Yes				
42. Are there rooms available where lawyers and other representatives can meet with their clients?	0 No	5 Yes				
43. Do tribunal members and other staff have sufficient time and training to provide parties with an appropriate level of assistance?	0 Never	1	2	3	4	5 Always
44. Is appropriate advice provided by members to the participants in the proceedings, while still maintaining the impartiality and fairness of the tribunal?	0 Never	1	2	3	4	5 Always
45. Are the participants in proceedings, and the public, treated with courtesy and respect?	0 Never	1	2	3	4	5 Always
46. How do you rate the tribunal's overall accessibility to users and the public?	0 1 2 3 4 5 6 7 8 9 10 Very poor —————> Excellent					

Tribunal members and staff are central to achieving tribunal excellence. The expectations of all members and staff must be clearly communicated and understood.

5. Professionalism and Integrity

Competency standards and associated performance benchmarks are one means of ensuring that members are aware of what is expected of them.

Key competencies together with performance indicators should be developed for all members. Such competencies include:

- knowledge and technical skills
- communication (including cultural competency and working with interpreters)
- decision making
- professionalism and integrity
- efficiency
- leadership and management

A competency framework provides fair and transparent criteria to facilitate the appraisal of tribunal members. It can also facilitate a competency based approach to training to ensure that an individual's ongoing professional development needs are met. These initiatives can be supported by a Code of Conduct for Members. Similar initiatives should be developed and implemented for tribunal staff.

An appropriately resourced and strategically focused professional development program is a prerequisite for the delivery of the following key outcomes:

- **improved access to justice:** to better meet the needs of all parties
- **improved effectiveness:** by more efficient and consistent decision making
- **enhanced flexibility and efficiency:** by ensuring that members have the skills to sit in a range of different jurisdictions within the tribunal.



Member appraisal provides important feedback to members about their performance and in particular about the manner in which they conduct hearings. Appraisal can also provide an opportunity to reinforce the Code of Conduct and the need to treat all parties fairly and respectfully.

Appraisal also provides a means of informing a member about any underperformance in meeting key competencies so that any issues can be addressed through further professional development.

Professionalism and integrity measures**Rating**

47. Is there a competency framework for tribunal members?	0 No	5 Yes									
48. Does the tribunal have a strategic approach to professional development, aligned to key competencies?	0 No	1	2	3 Partially	4	5 Yes					
49. Is there a Code of Conduct for tribunal members?	0 No	5 Yes									
50. Is there a formal appraisal system for members?	0 No	5 Yes									
51. Are the number of successful challenges to tribunal decisions recorded and published?	0 No	5 Yes									
52. Is there an internal process for discussing decisions that have been overturned on appeal?	0 No	1	2	3 Partially	4	5 Yes					
53. Do tribunal members practice a form of peer review (discussion of cases between colleagues)?	0 No	5 Yes									
54. Are tribunal members taught ADR techniques (such as mediation)?	0 Never	1	2	3 Sometimes	4	5 Always					
55. Are there specific methods used to promote legal certainty, for example is there a system of binding internal jurisprudence or does the organisation hold regular meetings to discuss relevant jurisprudence?	0 No	1	2	3 Partially	4	5 Yes					
56. How do you rate the tribunal’s overall professionalism and integrity?	0	1	2	3	4	5	6	7	8	9	10
	Very poor —————> Excellent										

6. 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. An effective complaints mechanism is an important means of ensuring

that the public's expectations of members and staff are being met. Regular stakeholder/community engagement and reporting tribunal performance are also part of ensuring that the tribunal is accountable to the public.

Accountability measures

Rating

57. Does the tribunal provide an effective, transparent complaints mechanism?	0	1	2	3	4	5					
	Never		Sometimes			Always					
58. Is there regular reporting of tribunal performance to stakeholders?	0	1	2	3	4	5					
	Never		Sometimes			Always					
59. Does the tribunal undergo regular community/ stakeholder engagement?	0	1	2	3	4	5					
	Never		Sometimes			Always					
60. Are tribunal decisions publicised?	0	5									
	No	Yes									
61. Does the tribunal have “open days” to provide an opportunity for the community to visit the tribunal?	0	5									
	No	Yes									
62. Does the tribunal have a customer service charter?	0	5									
	No	Yes									
63. Does the tribunal publicly report on its performance on a regular basis?	0	1	2	3	4	5					
	Never		Sometimes			Always					
64. Does the tribunal produce a publicly available annual report which includes an audit of its financial accounts?	0	5									
	No	Yes									
65. How do you rate the tribunal’s overall accountability?	0	1	2	3	4	5	6	7	8	9	10
	Very poor —————> Excellent										

Tribunals should provide an efficient dispute resolution service in the sense that the tribunal resolves disputes in an affordable and timely way.

7. Efficiency

Tribunals should provide an efficient dispute resolution service in the sense that the tribunal is affordable and resolves disputes in an appropriate and timely way. The costs incurred by the parties and the tribunal resources allocated to a proceeding must be reasonable and proportionate to the complexity and importance of the issues and the amount in dispute. Efficiency is also about the fair distribution of workload across tribunal members and staff.

Timeliness reflects a balance between the time required to properly obtain, present and weigh the evidence, law and arguments, and unreasonable delay due to inefficient processes and insufficient resources.

Access to Alternative Dispute Resolution (ADR) can provide a quicker, more flexible and cost effective alternative to traditional litigation. ADR is an umbrella term for processes, other than tribunal determination, in which an impartial person assists the parties to resolve the issues between them. ADR encompasses processes such as mediation, compulsory conferences, conciliation and facilitation. By working together parties can resolve their dispute and agree to an settlement that makes sense to them and without incurring significant transaction costs.

Efficiency measures

Rating

66. Have appropriate performance benchmarks been established for case disposition (by case type)?	0	1	2	3	4	5
	No		Partially			Yes
67. Has a performance benchmark been established for the delivery of reserved decisions?	0	5				
	No	Yes				
68. Have standard directions been implemented, where appropriate, to minimise transaction costs?	0	5				
	No	Yes				
69. Does the tribunal provide timely and appropriate access to ADR?	0	1	2	3	4	5
	Never		Sometimes			Always

Efficiency measures (cont'd)**Rating**

70. Is there a system to monitor the effective utilisation of each member?	0 No	1	2	3 Partially	4	5 Yes
71. Is there the flexibility to assign members to particular areas of the tribunal's jurisdiction in order to meet changes in demand?	0 No	1	2	3 Partially	4	5 Yes
72. Is there a system for measuring whether tribunal proceedings start in time?	0 No	1	2	3 Partially	4	5 Yes
73. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons to do so?	0 No	5 Yes				
74. Are measures taken to speed up delayed cases and to reduce the backlog?	0 Never	1	2	3 Sometimes	4	5 Always
75. Does the leadership group periodically evaluate tribunal performance?	0 No	5 Yes				
76. Is it possible to determine the total number of incoming, pending and decided cases in a given period?	0 No	5 Yes				

77. How do you rate the tribunal's overall efficiency?	0	1	2	3	4	5	6	7	8	9	10
	Very poor —————> Excellent										

8. Client Needs and Satisfaction

Public trust and confidence in a tribunal is central to its effectiveness. In addition to measuring the results of various actions to improve tribunal performances, user satisfaction should be measured.

Client needs and satisfaction measures	Rating										
78. Has the tribunal established user groups that meet regularly and provide constructive feedback in respect of each jurisdictional area?	0	1	2	3	4	5					
	No	Partially				Yes					
79. Does the tribunal survey parties in order to measure user satisfaction?	0	5									
	No	Yes									
80. Does the tribunal regularly meet with key stakeholders?	0	1	2	3	4	5					
	Never	Sometimes			Always						
81. How do you rate the tribunal’s client satisfaction?	0	1	2	3	4	5	6	7	8	9	10
	Very poor —————> Excellent										

D. Assessing Tribunal Excellence

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

The *Framework* is an assessment tool which allows a tribunal to assess its performance measured against the Eight Areas of Tribunal Excellence.

Undertaking the Assessment Questionnaire allows the tribunal to identify those areas requiring attention and to set a benchmark against which the tribunal can measure its subsequent performance.

Tribunals should actively seek the views of key stakeholders (including tribunal members and staff) and the community in evaluating aspects of tribunal services and in the process of identifying areas of improvement.

No tribunal is perfect, there is always scope for continuous improvement. The *Framework* is meant to aid tribunals in finding the appropriate means for meeting their goals. A self initiated and transparent tribunal review may also lend credibility to the tribunal's request for appropriate

funds to update facilities or to engage additional members or to invest in new technology. In all cases, the focus of the *Framework* is on improving tribunal services. A process of self examination that is transparent and allows the tribunal to propose improvements based on objective information will lend credibility to that goal, including legitimate requests for additional resources.

The Self Assessment Questionnaire is a necessary first step to developing a strategic plan to close the gap between 'what is' and 'what can be'. It will assist in determining which issues can and must be addressed in the short term and those that necessitate intermediate or long term planning.

The total weighted score provides an overall indication of the tribunal's performance based on a maximum score of 1,000 points. The weighting formula on page 24 is indicative only. The weighting assigned by a particular tribunal or within a particular country may vary depending on the historical context and particular priorities within a jurisdiction.

The total weight score can be compared with the Banding Table which provides an objective benchmark against which the tribunal may measure its performance.

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

Indicative Weights

The detailed weights for the eight areas are as follows:

Areas	Raw score	Weighting multiplier	Weighted score
1. Independence	/ 65	multiply by 140/65	/ 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	/ 65	multiply by 100/65	/ 100
8. Client Needs and Satisfaction	/ 25	multiply by 4	/ 100
TOTAL SCORE:	/ 450	multiply by 1000/450	/ 1000

NOTE: The weighting assigned by a particular tribunal or within a particular country may vary depending on the historical context and particular priorities within a jurisdiction.

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 are only present in a few key indicators; or results are not reported for most key indicators.</p>
3	200-399	<p>The direction for a 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.</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>

E. Identifying Areas for Improvement

Having completed the Assessment Questionnaire, the tribunal will have identified the areas where improvement is required.

Some tribunals may choose to concentrate their efforts in discrete areas while others may proceed with a full tribunal review and reform. In either case, prioritising the areas for improvement is highly recommended. This will allow the reform process to focus on specific performance areas over a period of time.

It is essential for the leadership of a tribunal to ensure that the process for planning for improvement provides ample opportunity for the tribunal's members, staff and stakeholders to be consulted and involved.

The assessment will have identified a range of issues for the tribunal to address in developing an improvement or action plan, such as:

Does the tribunal have a vision statement and/or a mission statement expressing the tribunal's fundamental values and purposes? If not, this is the place to start because implementation of the *Framework* depends upon the tribunal having articulated values.

What are the deficiencies in the tribunal's management, operations, and services and why do they need to be improved?

What issues can and must be addressed quickly and in the short term? What issues call for more intermediate or long-term planning?

What changes in procedures or practices does the tribunal plan to institute?

Whose support and cooperation is most relevant in making these potential changes (eg. key stakeholders, tribunal members and staff, government)?

What resources will be needed in order to successfully institute those changes (eg. funding for additional personnel or equipment; cooperation of legal practitioners who practice in the tribunal; cooperation of tribunal members effective communication with other components of the judicial system)? How will the tribunal obtain those resources? What sources of support can the tribunal draw on?

What resistance to the plan or obstacles may be encountered? How might this resistance or these obstacles best be overcome?

What is the time schedule for instituting the changes?

How will the tribunal evaluate the success of the changes? What information will the tribunal need for this evaluation? Who will collect the information and how will it be analysed? Will the assistance of an outside consultant be needed to develop measurement tools and analyse results?

F. References

Richard Moorhead, Mark Sefton and Lesley Scanlan, *Just satisfaction? What drives public and participant satisfaction with courts and tribunals* (2008) Ministry of Justice Research Series 5/08 March 2008, Cardiff Law School, Cardiff University <www.justice.gov.uk/publications/research/htm> at 4 April 2011.

T R Tyler, *Why People Obey the Law* (Princeton University Press, 2006).

T R Tyler and Y J Huo, *Trust in the Law: Encouraging Public Cooperation with the Police and Courts* (New York: Russell Sage Foundation, 2002).

M Cascardi, N G Poythress and A Hall, 'Procedural Justice in the context of Civil Commitment: an analogue study' (2000) 18 *Behavioral Sciences & the Law* 731-740.

Australian Institute of Judicial Administration, *Litigants in Person Management Plans: Issues for Courts and Tribunals* (Australian Institute of Judicial Administration, 2001) 13.

Stephen Parker, *Courts and the Public* (Australian Institute of Judicial Administration 1998).

G. Tribunal Excellence Questionnaire

1. Independence

Independence measures	Rating						Score
1. Is the tribunal established by statute?	0	5					
	No	Yes					
2. To what extent is the tribunal structurally (or institutionally) separate from the executive and legislative branches of the government?	0	1	2	3	4	5	
	No separation		Partial separation		Full separation		
3. To what extent is the process for the appointment/reappointment of members fair and transparent?	0	1	2	3	4	5	
	Arbitrary and opaque				Completely fair and transparent		
4. To what extent is the tribunal functionally separate from the executive and legislative branches of the government?	0	1	2	3	4	5	
	No separation		Partial separation		Full separation		
5. To what extent does the tribunal control the expenditure of its allocated budget?	0	1	2	3	4	5	
	No control at all		Some control		Total control		
6. To what extent does the tribunal enjoy adjudicatory or decisional independence? For example, can decisions of the tribunal be overruled by the executive?	0	1	2	3	4	5	
	No independence		Some independence		Full independence		
7. To what extent do members of the tribunal have security of tenure during the term of their appointment in terms of legislative protection against arbitrary suspension, transfer or removal from office?	0	1	2	3	4	5	
	No security		Some security		Tenure		

Independence measures (cont'd)	Rating	Score
8. Do tribunal members enjoy personal immunity from suit?	0 No 5 Yes	
9. To what extent do individual members of the Tribunal enjoy adjudicatory or decisional independence? (This question addresses the requirement that all members of a tribunal must be independent from one another and must be, and seen to be, free from any actual or apparent form of influence, pressure or duress from, or interference by, a fellow tribunal member, including the head of the tribunal. It reflects another aspect of adjudicatory independence – namely internally independent decision making.)	0 No independence 1 2 3 Some independence 4 5 Full independence	
10. To what extent does the tribunal have administrative independence in terms of the following: a. control over the buildings in which it presides and all necessary resources and facilities; and b. being provided with the means and resources, financial or otherwise, necessary for the proper discharge of its functions and duties.	0 No independence 1 2 3 Some independence 4 5 Full independence	
11. Tenure (period of appointment)	0 <2 yr App. 1 >2 yr but <5yr App. 3 5 yr App. 5 > 5 yr App.	
12. Overall perception of tribunal independence	0 1 2 3 4 5 6 7 8 9 10 None —————> Fully independent	

TOTAL SCORE FOR INDEPENDENCE:	out of 65
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TOTAL SCORE FOR INDEPENDENCE:	out of 65
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2. Tribunal Leadership and Effective Management

Leadership measures	Rating						Score					
13. Has a vision for the tribunal been developed and translated into concrete, measurable objectives and priorities?	0	1	2	3	4	5						
	No		Partially			Yes						
14. Does the tribunal manage change, proactively and efficiently, to adapt to meet future demands?	0	1	2	3	4	5						
	Never		Sometimes			Always						
15. Is wide publicity given to the vision among stakeholders and the community?	0	1	2	3	4	5						
	No		Partially			Yes						
16. Is there a defined leadership group within the tribunal which meets on a regular basis?	0	1	2	3	4	5						
	No		Partially			Yes						
17. Does the leadership group promote a culture that stimulates and inspires innovation and continuous improvement?	0	1	2	3	4	5						
	Never		Sometimes			Always						
18. Does the tribunal regularly publish its performance results and provide information on its service delivery to the public?	0	1	2	3	4	5						
	Never		Sometimes			Always						
19. Overall perception of tribunal leadership and management	0	1	2	3	4	5	6	7	8	9	10	
	Very poor —————> Excellent											

TOTAL SCORE FOR LEADERSHIP: out of 40

3. Fair Treatment

Fair treatment measures	Rating						Score					
20. Does the tribunal promote the obligation to provide a fair hearing?	0	1	2	3	4	5						
	Never		Sometimes		Always							
21. Does the tribunal provide a free interpreter service in all community languages?	0	1	2	3	4	5						
	Never		Sometimes		Always							
22. Does the tribunal promote cultural competency to tribunal members and staff?	0	1	2	3	4	5						
	Never		Sometimes		Always							
23. Are tribunal proceedings (in principle) open to the public?	0	5										
	No	Yes										
24. Are all hearings recorded?	0	5										
	No	Yes										
25. Are parties (and the public) able to obtain copies of recorded hearings (or transcripts) at a reasonable cost?	0	1	2	3	4	5						
	Never		Sometimes		Always							
26. Are tribunal decisions subject to a fair and efficient appeal mechanism?	0	1	2	3	4	5						
	No		Partially		Yes							
27. How do you rate the tribunal's overall capacity to deliver fair treatment?	0	1	2	3	4	5	6	7	8	9	10	
	Very poor —————> Excellent											

TOTAL SCORE FOR FAIR TREATMENT:

out of 45

4. Accessibility

Accessibility measures	Rating						Score
28. Does the tribunal have a litigant in person management plan?	0 No	5 Yes					
29. Are the tribunal's fees affordable and proportionate to the nature of the proceeding?	0 Never	1	2	3	4	5 Always	
30. Does the tribunal offer fee relief/waiver based on financial circumstances?	0 No	5 Yes					
31. Is there an on-line lodgement facility for tribunal applications?	0 No	1	2	3	4	5 Yes	
32. Does the tribunal provide access to telephone and videoconferencing facilities to save parties travel time and costs?	0 No	5 Yes					
33. Does the tribunal publish user guides in its main areas of jurisdiction?	0 Never	1	2	3	4	5 Always	
34. Does the tribunal have a functional and easy to access website?	0 No	5 Yes					
35. Is there access to pro-bono legal services and are parties made aware of these services?	0 Never	1	2	3	4	5 Always	
36. Are tribunal staff trained to explain tribunal processes and other practical information to tribunal visitors and users?	0 No	5 Yes					
37. Does the tribunal have an information desk or reception staff to assist visitors?	0 No	5 Yes					
38. Is there a provision to hold hearings in other locations away from the main location of the tribunal to reduce party travel time and transaction costs?	0 No	5 Yes					

Accessibility measures (cont'd)

Rating

Score

39. Does the tribunal hold hearings at times which may be more convenient to the parties (eg. in the evenings and/or on weekends)?	0 Never	1	2	3	4 Sometimes	5 Always	
40. Do people with disabilities or elderly people have easy access to the tribunal?	0 Never	1	2	3	4 Sometimes	5 Always	
41. Are the waiting and hearing rooms properly equipped and of a reasonable standard?	0 No	5 Yes					
42. Are there rooms available where lawyers and other representatives can meet with their clients?	0 No	5 Yes					
43. Do tribunal members and other staff have sufficient time and training to provide parties with an appropriate level of assistance?	0 Never	1	2	3	4 Sometimes	5 Always	
44. Is appropriate advice provided by members to the participants in the proceedings, while still maintaining the impartiality and fairness of the tribunal?	0 Never	1	2	3	4 Sometimes	5 Always	
45. Are the participants in proceedings, and the public, treated with courtesy and respect?	0 Never	1	2	3	4 Sometimes	5 Always	
46. How do you rate the tribunal's overall accessibility to users and the public?	0 1 2 3 4 5 6 7 8 9 10 Very poor —————> Excellent						

TOTAL SCORE FOR ACCESSIBILITY:

out of 100

5. Professionalism and Integrity

Professionalism and integrity measures	Rating										Score	
47. Is there a competency framework for tribunal members?	0	5										
	No	Yes										
48. Does the tribunal have a strategic approach to professional development, aligned to key competencies?	0	1	2	3	4	5						
	No	Partially				Yes						
49. Is there a Code of Conduct for tribunal members?	0	5										
	No	Yes										
50. Is there a formal appraisal system for members?	0	5										
	No	Yes										
51. Are the number of successful challenges to tribunal decisions recorded and published?	0	5										
	No	Yes										
52. Is there an internal process for discussing decisions that have been overturned on appeal?	0	1	2	3	4	5						
	No	Partially				Yes						
53. Do tribunal members practice a form of peer review (discussion of cases between colleagues)?	0	5										
	No	Yes										
54. Are tribunal members taught ADR techniques (such as mediation)?	0	1	2	3	4	5						
	Never	Sometimes				Always						
55. Are there specific methods used to promote legal certainty, for example is there a system of binding internal jurisprudence or does the organisation hold regular meetings to discuss relevant jurisprudence?	0	1	2	3	4	5						
	No	Partially				Yes						
56. How do you rate the tribunal's overall professionalism and integrity?	0	1	2	3	4	5	6	7	8	9	10	
	Very poor —————> Excellent											

TOTAL SCORE FOR PROFESSIONALISM AND INTEGRITY:

out of 55

6. Accountability

Accountability measures	Rating						Score						
57. Does the tribunal provide an effective, transparent complaints mechanism?	0	1	2	3	4	5							
	Never		Sometimes		Always								
58. Is there regular reporting of tribunal performance to stakeholders?	0	1	2	3	4	5							
	Never		Sometimes		Always								
59. Does the tribunal undergo regular community/ stakeholder engagement?	0	1	2	3	4	5							
	Never		Sometimes		Always								
60. Are tribunal decisions publicised?	0	5											
	No	Yes											
61. Does the tribunal have “open days” to provide an opportunity for the community to visit the tribunal?	0	5											
	No	Yes											
62. Does the tribunal have a customer service charter?	0	5											
	No	Yes											
63. Does the tribunal publicly report on its performance on a regular basis?	0	1	2	3	4	5							
	Never		Sometimes		Always								
64. Does the tribunal produce a publicly available annual report which includes an audit of its financial accounts?	0	5											
	No	Yes											
65. How do you rate the tribunal’s overall accountability?	0	1	2	3	4	5	6	7	8	9	10		
	Very poor —————> Excellent												

TOTAL SCORE FOR ACCOUNTABILITY:

out of 50

7. Efficiency

Efficiency measures	Rating						Score
66. Have appropriate performance benchmarks been established for case disposition (by case type)?	0	1	2	3	4	5	
	No			Partially		Yes	
67. Has a performance benchmark been established for the delivery of reserved decisions?	0	5					
	No	Yes					
68. Have standard directions been implemented, where appropriate, to minimise transaction costs?	0	5					
	No	Yes					
69. Does the tribunal provide timely and appropriate access to ADR?	0	1	2	3	4	5	
	Never		Sometimes			Always	
70. Is there a system to monitor the effective utilisation of each member?	0	1	2	3	4	5	
	No		Partially			Yes	
71. Is there the flexibility to assign members to particular areas of the tribunal's jurisdiction in order to meet changes in demand?	0	1	2	3	4	5	
	No		Partially			Yes	
72. Is there a system for measuring whether tribunal proceedings start in time?	0	1	2	3	4	5	
	No		Partially			Yes	
73. Have the parties the opportunity to request priority treatment of the case if there are legitimate reasons to do so?	0	5					
	No	Yes					
74. Are measures taken to speed up delayed cases and to reduce the backlog?	0	1	2	3	4	5	
	Never		Sometimes			Always	
75. Does the leadership group periodically evaluate tribunal performance?	0	5					
	No	Yes					

Efficiency measures (cont'd)

Rating

Score

76. Is it possible to determine the total number of incoming, pending and decided cases in a given period?

0 5
No Yes

77. How do you rate the tribunal's overall efficiency?

0 1 2 3 4 5 6 7 8 9 10
Very poor —————> Excellent

TOTAL SCORE FOR EFFICIENCY: **out of 65**

8. Client Needs and Satisfaction

Client needs and satisfaction measures	Rating						Score						
78. Has the tribunal established user groups that meet regularly and provide constructive feedback in respect of each jurisdictional area?	0	1	2	3	4	5							
	No			Partially		Yes							
79. Does the tribunal survey parties in order to measure user satisfaction?	0	5											
	No	Yes											
80. Does the tribunal regularly meet with key stakeholders?	0	1	2	3	4	5							
	Never			Sometimes		Always							
81. How do you rate the tribunal’s client satisfaction?	0	1	2	3	4	5	6	7	8	9	10		
	Very poor —————→ Excellent												

TOTAL SCORE FOR CLIENT NEEDS AND SATISFACTION: **out of 25**

Weights

The detailed weights for the eight areas are as follows:

Areas	Raw score	Weighting multiplier	Weighted score
1. Independence	/ 65	multiply by 140/65	/ 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	/ 65	multiply by 100/65	/ 100
8. Client Needs and Satisfaction	/ 25	multiply by 4	/ 100
TOTAL SCORE:	/ 450	multiply by 1000/450	/ 1000

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 are only present in a few key indicators; or results are not reported for most key indicators.</p>
3	200-399	<p>The direction for a 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.</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>

