



The Judiciary Performance Enhancement Tool - PET

A Paper Presented at the 24th Annual Judges Conference at Mestil Hotel – 30th January – 2nd February, 2023

Hon. Mr. Justice Mike Chibita, Justice of the Supreme Court and Chairperson – The Judiciary Performance Enhancement Committee



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PERFORMANCE MEASUREMENT & ENHANCEMENT

- **“Employee Performance Measurement”** is a formal assessment of an individual's work in a given time period.
- **Performance Enhancements**
the act or process of increasing one's level of achievement at a task or activity by building one's physical and mental capacity or endurance for it through exercise, positive self-talk, the use of imagery, and other means. It can lead to Improved employee productivity.

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THE MINISTRY OF PUBLIC SERVICE APPRAISAL SYSTEM

- **The Appraisal System & Forms.**

These are filled manual every end of the Financial Year OR in such intervals as required for Confirmation in Appointment OR Contract Renewal.

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THE MINISTRY OF PUBLIC SERVICE APPRAISAL SYSTEM

Challenges for the Judiciary

1. Justices at the Supreme Court & Court of Appeal sit in a Coram. This makes appraisal of individual performance appraisal complex;
2. The management of cases, which is a core function of Judicial Officers, involves a number of players such as Police, Directorate of Public Prosecutions, and Advocates, the general public among others. This therefore means that the measurement of Performance using the current Ministry of Public Service was not the best solution;
3. The Constitutional independence of Judicial Officers in the course of their work poses great challenge in performance measurement using the tool developed by the Ministry of Public Service.

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THE MINISTRY OF PUBLIC SERVICE APPRAISAL SYSTEM

The Solution to the Challenges

- Due to the uniqueness of the work of the Justices and Judges, the appraisal system from the Ministry of Public Service Appraisal was deemed inappropriate in the measurement of performance in the Judiciary.
- To address the challenges stated above, the Judiciary developed a tailor made online Performance Measurement tool for the Judiciary. This was as a result of self-reflection, institutional stock-taking & drive to move the Judiciary to the next level of performance.
- The PET tool was Launched at the last 21st Annual Judges Conference held on the 28th – 31st January, 2019, by His Excellency the President.

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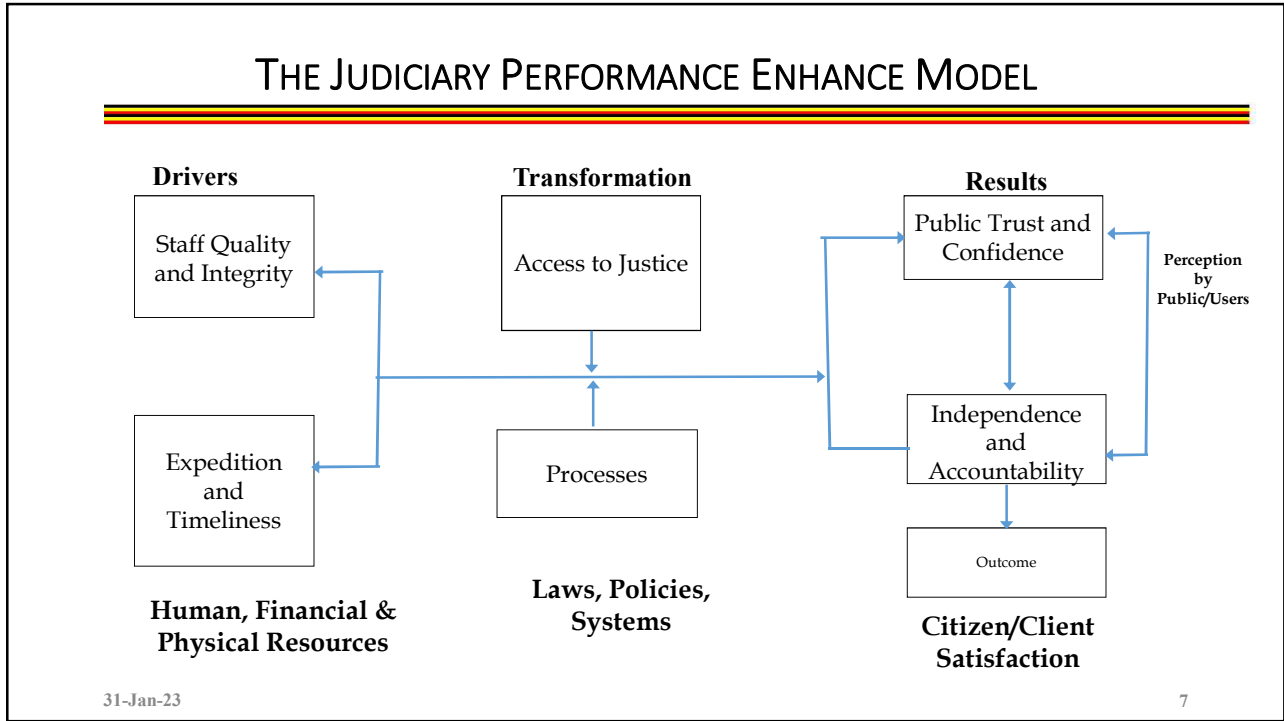
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THE JUDICIARY PERFORMANCE ENHANCE MODEL

- Performance measurement is rooted in performance management systems and models. In return, each PMS takes into account inputs, processes, outputs and outcomes. The following was adopted as the Judiciary Performance Enhance Model.
- The model has three main components: The performance **drivers**, the aspects that determine **transformation** and work throughput, and the **performance outcome**: citizen/user satisfaction. It recognises the importance of having a positive public image of the Judiciary as the ultimate mark of its high performance.

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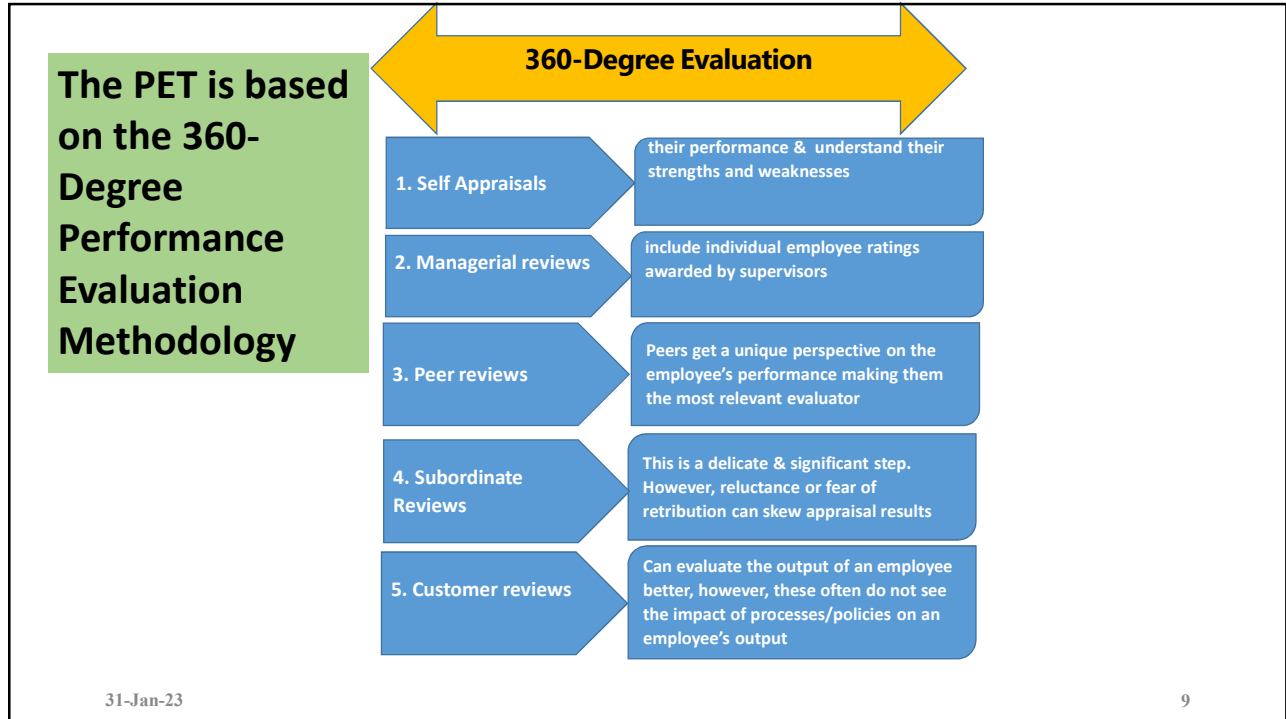
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THE PERFORMANCE STANDARDS

| Quantitative | Qualitative |
|---|---|
| <ul style="list-style-type: none"> i. Case disposal ii. Case backlog iii. Adjournments iv. Length of Proceedings/ Productivity v. Timeliness vi. Quantity | <ul style="list-style-type: none"> • Accessibility • Customer service • Court User Satisfaction • Quality and integrity |

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THE AREAS OF ASSESSMENT

1. KEY PERFORMANCE INDICATORS (KPIs) – ASSESSED BY SUPERVISOR & SELF

| S/No. | 1. Key Performance indicators |
|-------|---|
| 1. | Number of applications disposed of per year |
| 2. | Percentage of cases disposed of through ADR |
| 3. | Number of Substantive cases disposed of per year |
| 4. | Percentage of Cases with Judgments delivered within 60 Days |
| 5. | Percentage of cases with judgments reversed on appeal |

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THE CASE WEIGHTS & COMPLEXITY FOR KPIS

1. Case Weight

Case Weights

- Depend on the Level of Court
- Depend on the Case Category
- Range 1 – 61
- Detailed in the **Annex 1**

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THE CASE WEIGHTS & COMPLEXITY FOR KPIS

2. Case Complexity

Case Complexity Factors

1. Number of witnesses;
2. Number of parties involved;
3. Number of exhibits;
4. Number of languages used;
5. Value of the subject matter; and
6. Number of lawyers involved.
7. Detailed in the **Annex 1**

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ASSESSING THE COURTS THAT SIT IN A CORAM

2. In the case of appellate and other panel courts, the following scheme would apply;

- i. All Justices participating on the panel get the weight of the case as per the case category;
- ii. The Justice who writes the lead judgment gets an extra 50% of the case weight as per the category;
- iii. The Justice who writes a lengthy concurring judgment gets an extra 50% of the case weight as per the category;
- iv. The Justice who writes the dissent judgment (if any) gets an extra 50% of the case weight as per the category;
- v. The case weight score for the single Justice applications are allocated to the Justice concerned in handling the case matter.

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THE AREAS OF ASSESSMENT

2. CORE COMPETENCES (CC) – ASSESSED BY ALL

| S/No. | 1. Core Competences |
|-------|--------------------------------|
| 1. | Accountability |
| 2. | Leadership and decision making |
| 3. | Problem Solving |
| 4. | Communicating Effectively |
| 5. | Teamwork |

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THE AREAS OF ASSESSMENT

3. NON - CORE COMPETENCES (CC) – ASSESSED BY ALL

| S/No. | 3. Non-Core Competences |
|-------|---|
| 1. | Commitment to own personal development and training |
| 2. | Ensuring Customer Satisfaction |
| 3. | Respect and Courtesy |
| 4. | Commitment to work and organizational development |

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The Scores to be applied in the 360 degrees Assessment

| Actor | Score |
|---|-------------|
| Self-Appraisal | 15% |
| Supervisor | 35% |
| Subordinate | 10% |
| Peers | 20% |
| Court Users Survey (Collected through Surveys) | |
| Lawyers | 5% |
| Prosecutors | 5% |
| Public | 10% |
| Total | 100% |

THE APPRAISAL PROCESS (STEP-BY-STEP)

1. Before Performance Assessment

Step One: Performance Target Setting –

- Towards the end of the year, the supervisors will hold meetings with their staff which will be aimed at setting the annual targets that should be achieved for the next year.

Step Two: Entry of Annual Targets into JPES

- Once each individual has agreed on their target with the supervisor, a performance agreement for the year will be signed. The targets that are agreed upon will be entered into the JPES by the employee and validated by the supervisor. Towards the end of the Appraisal period, peer reviewers will be selected.

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THE APPRAISAL PROCESS (STEP-BY-STEP)

2. During the performance appraisal

Step One: Enter actual performance data

- During the performance appraisal period, the employees will key in the information (actual annual performance) into the system for the sections that they were required to generate data and information on. During the same period, peers will also enter data on the areas that they are required to appraise their colleagues on.

Step two: Employee- Supervisor Meeting

- The Supervisor will then access the employees data & enter data for the fields that they require to provide information on. They will also compare their assessment with the employees' individual assessment. During this period, the PMSC Secretariat will also enter data from any surveys that have been done. All the various types of data will then be used to reach a final assessment for the employee.

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THE APPRAISAL PROCESS (STEP-BY-STEP)

3. After the Performance Assessment

Step one: Performance analysis

After the assessment period, the PMSC Secretariat will summarize the analysis of the performance data and provide feedback to the respective Courts and Departments. Comparative performance data i.e. performance data that compares, for example, the performance of Commercial Court in two years may be computed with a view to providing insights on whether, on an year to year basis, performance is improving or not. Training plans and personal development plans will be developed after the analysis is complete. The performance results would inform the decisions on training programmes, promotions and incentives.

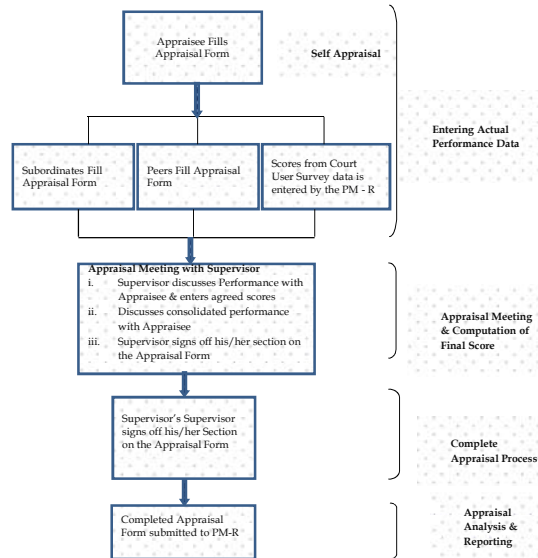
Step two: Performance reporting

Final Performance Report for each employee will be shared with the employee and the supervisor. Feedback sessions through face to face meetings may be organised during this period. Areas that the employee needs further support in will be document with a view to helping employees improve their performance. These steps will be repeated every year. The measures may be adjusted based on the lessons learnt, and targets will also be adjusted every year to reflect the realities in the operating environment.

Computation of the final score

The final score will be a composite score comprising of weighted scores.

THE PERFORMANCE APPRAISAL PROCESS



Sample of Full System Assessment Report – Annex 2

Model for Supervision & Monitoring – Judicial Officers

| S/No. | Position/ Appraisee | Supervisor/ Appraiser | Overall Supervisor |
|-------|--|---|--------------------|
| 1. | Magistrate Grade II | Chief Magistrate | Chief Registrar |
| 2. | Magistrate Grade I | Chief Magistrate | Chief Registrar |
| 3. | Chief Magistrate (Divisions) | Registrar (Magistrates Affairs) | Chief Registrar |
| 4. | Chief Magistrate (High Court Circuits) | Deputy Registrar | Chief Registrar |
| 5. | Assistant Registrar | Deputy Registrar | Chief Registrar |
| 6. | Deputy Registrar | Registrar | Chief Registrar |
| 7. | Registrar | Chief Registrar | Chief Justice |
| 8. | Chief Registrar | Chief Justice | Chief Justice |
| 9. | High Court Judges | Principal Judge | Chief Justice |
| 10. | Court of Appeal Justices | Deputy Chief Justice | Chief Justice |
| 11. | Supreme Court Justices | Chief Justice | |
| 12. | Principal Judge | As per the provisions in the Constitution | |
| 13. | Deputy Chief Justice | | |
| 14. | Chief Justice | | |

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Model for Supervision & Monitoring – Non. Judicial Officers

| S/No. | Position/ Appraisee | Supervisor/ Appraiser | Overall Supervisor |
|-------|--|---|--------------------|
| 1. | Commissioner – ICT Department | PS/SJ | PS/SJ |
| 2. | Commissioner – Engineering & Technical Services Department | PS/SJ | PS/SJ |
| 3. | Commissioner – Human Resource Management Department | PS/SJ | PS/SJ |
| 4. | Commissioner – Policy & Planning Department | PS/SJ | PS/SJ |
| 5. | Under Secretary – Finance & Administration | PS/SJ | PS/SJ |
| 6. | Assistant Commissioner – Internal Audit Division | PS/SJ | PS/SJ |
| 7. | Assistant Commissioner – Procurement & Disposal | PS/SJ | PS/SJ |
| 8. | Permanent Secretary/Secretary to the Judiciary | As Per The Provisions of the Constitution | |

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Model for Supervision & Monitoring – Clerks & Process Servers

| S/No. | Position/ Appraisee | Supervisor/ Appraiser | Overall Supervisor |
|-------|-----------------------------------|------------------------|--------------------|
| 1. | Clerks (Superior Courts) | Registrar | Under Secretary |
| 2. | Clerks (Magistrates Courts) | Magistrate (In-Charge) | Under Secretary |
| 3. | Process Servers (Superior Courts) | Registrar | Under Secretary |
| 4. | Process Servers (Superior Courts) | Magistrate (In-Charge) | Under Secretary |

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IMPLEMENTATION OF THE PET TOOL

The Plans for the Implementation and Roll-Out of the PET Tool are on-going.

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**Thanks for Listening
To Me**

