

How to guide:

How to improve the quality of
services in lower courts:
Introduce a courts inspection system

What is the J4A ‘How to’ series?

The guide is part of a series of products developed by J4A to communicate lessons learned from projects and pilots, to provide stakeholders with guidance on how to adapt and replicate the initiative in their own context.

Who is this ‘How to’ guide for?

Influencers and decision makers in the justice sector (police, prisons, judiciary and civil society).

Reference tools

Accompanying reference tools are available at www.j4a-nigeria.org or by request from info@j4a-nigeria.org

The problem

- Inefficiency and poor service delivery are common at the lower court level.
- Lower courts handle more than 70 per cent of court cases, mostly involving the poor.
- Most court users either do not know how to complain about poor treatment or feel too intimidated to do so.
- Many lower courts officials do not consider providing good service as part of their job.
- Compliance of judicial officers and staff with courts' codes of conduct is rarely monitored.
- Performance-related audits are gradually being introduced, but often do not consider the courts' 'responsiveness' to the needs of court users.
- The few Inspectorate Departments that exist in the lower courts are mostly dormant.

Background

Although lower courts hear the majority of cases in the formal system, they are widely believed to be the most inefficient and inequitable in their delivery of justice. Reported service delivery problems include: court staff soliciting inducements to provide basic services that should be free; judges and employees showing open disrespect for court users; poor performance in administration such as failure to notify users about hearing dates; poor record keeping which can delay hearings; failure to record court proceedings accurately; falsifying court returns, and so on. It is common for even the simplest of cases that should be resolvable in a few minutes to become drawn out. Poverty and inefficient processes do not encourage court users to exercise their right to lodge appeals.

What you can do

Introduce a court inspection system to build user confidence and improve satisfaction in courts:

- trained personnel visit courts to review court records, interview staff and users, observe proceedings and environment
- provide an independent assessment of a courts' shortcomings and make proposals for improvements.

What you can achieve

- Ensure courts provide good service.
- Hold courts accountable for performance.
- Identify problems of poor service and encourage action to be taken to fix them.
- Identify good practices and encourage them to be adopted in other courts.
- Increase court user satisfaction and promote public confidence in the system.

How to develop an inspection system for courts

1. Develop the policy, forms and templates

An inspection policy should set out the basis and guidelines for inspection, and usually provides for scheduled and unscheduled visits to inspect courts. The policy may need to be adopted in an instrument that gives it a legal basis such as a practice direction, a legal notice or even legislation. Forms and templates need to be developed to help inspectors capture information and write reports.

2. Establish the structures

An inspectorate unit or committee may need to be set up if none already exists. Its role will be to co-ordinate the inspectorate process, and ensure it is well planned and monitored.

3. Create awareness of the system and its benefits

It is important to get the buy-in of all those that will be affected including judges, staff, lawyers and groups representing users. Separate meetings should be held with different groups to present draft policy and processes for their inputs.

4. Train the inspectors, judges and courts staff

Inspectors need to be trained on the policy, their mandate, and how inspections should be carried out including how to engage with court users and gather information. Judges and staff should be trained in how to co-operate with inspections and what they will be assessing. Training should be practical and include a mock inspection in a court.

5. Plan and implement

Inspections should be both scheduled and unscheduled, and ideally take place on a quarterly basis. Annual plans for 4 inspections need to be drawn up by the committee/unit. Inspections should include:

- **Observation:** of the physical appearance of the court, the behaviour of the court staff; information and noticeboards (conspicuous, up to date, readable, simple language) etc.
- **Examination:** of the court records etc. to ensure they are compliant with laid down rules and procedures, are legible and kept secure and confidential.
- Examine records to ensure polices on adjournment time standards; sitting days, etc. are respected.
- Capture views of staff and court users on the performance of the court.
- **Reporting** of the inspection including discussing findings with courts, monitoring implementation of recommendations, possible follow-up inspections and publishing findings of inspections if possible.

Implementing partners

1. The Head of the Court (the Judicial Service Commission; Chief Judge; Grand Khadi; President Customary Court of Appeal). They will be responsible for setting the policy either through a practice direction or circular/guidelines. They must accept and implement the inspection recommendations.
2. The officers in the Inspectorate Units or such office with direct oversight for supervising the lower courts (e.g. Chief Registrar). They will be responsible for implementing the inspection system. They must be properly trained in the process.
3. Judges and staff who will be subject of the inspection: They must understand the role of their courts in justice delivery, the process of inspection and provide information.
4. Court users must understand the process of inspection and provide views (e.g. through court user surveys and interviews).



Lessons learned

The following are lessons learned from pilots in Enugu and Jigawa States.

Lesson 1

Expect resistance: the introduction of any new system is usually met with resistance for various reasons, either because people do not understand the benefits, because they are afraid of change or because an Inspection system might expose weaknesses and people (senior and junior) might not want to be exposed and want the *status quo* to remain.

Lesson 2

Pilot in a few courts before expanding to wider courts: theory is always different from practice. Piloting the system in a few courts will bring out the weaknesses and strengths of the inspection processes. The trial period will enable review and allow for adjustments to be made before wider roll-out.

Lesson 3

Selection of inspectors and the limit of their authority: inspectors must be people who are open-minded, not afraid to air their views and must be impartial. They must also be people who understand the operations of the courts system. Women need to be included, especially in areas where women are to be interviewed as part of the inspection process, as women often suffer disproportionately from poor service and bad treatment in the lower courts.

Lesson 4

Leadership must act on inspection reports: actions taken in light of the initial inspection report and recommendations are crucial in giving the inspection system credibility and ensuring that it is taken seriously.

‘The inspection policies have instilled a lot of vigour and made us sit up. The inspections are helping us to strive towards achieving maximum efficiency and to put into practice the skills from the training’.

A Customary Court Chairman, Enugu

User satisfaction amongst users of lower courts in Enugu has gone up from 78 per cent in 2011 to 90 per cent in 2014.

Results from J4A courts inspection pilots

- 1. Adoption of inspection policies:** an inspection Policy has been adopted by the Enugu Customary Court of Appeal. Draft inspection policies and templates have been developed for the Sharia Court and Magistrates Court in Jigawa and are awaiting adoption by their Heads of Court. Inspection has commenced in Enugu Customary Courts while a trial inspection has just concluded in Sharia Courts Jigawa.
- 2. Change of attitude among Court Officials:** in Enugu where the process has progressed, court officials are beginning to change their attitude in the treatment of court users and general attitude to work.
- 3. Satisfaction level improved:** the inspection system in Enugu has, in addition to other interventions, led to an improvement in the user satisfaction level of court services from a baseline of 78 per cent in 2011 to 90 per cent in 2014.



Contact

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