

National Centre for
Partnership ■ Performance

Civil Service Modernisation using a Partnership Approach

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The Courts Service

The Courts Service was established by statute in 1999, as an independent and permanent state agency charged with managing a unified court system. Prior to this, it was an integral part of the Department of Justice, Equality and Law Reform.

The main functions of the Courts Service are:

- To manage the courts system
- To provide support services to judges
- To provide information on the courts system to the public
- To provide, manage and maintain court buildings
- To provide facilities for users of the courts.

The core activity of the Service is the administration of the various courts that constitute the Irish courts system². The Courts Service provides a framework to support and facilitate the administration of the justice by the judiciary and staff of the 77 court offices

2. The Irish Courts System consists of Supreme Court, High Court, Central Criminal Court, Court of Criminal Appeal, Special Criminal Court, Circuit Court and District Court.

located throughout the state. Approximately 93 per cent of the 1,002 staff are directly involved in operational areas.

Key change drivers

The Courts Service operates in a dynamic and ever changing environment and is currently undergoing shifts which are unprecedented in their pace.

Changes in agency status

The establishment of the Courts Service as an independent agency, with a unified organisation and structure to manage the courts, represented the most radical reorganisation of the courts services since the 1920s. Under this legislation, responsibility for the management and

development of the courts in Ireland was transferred from the parent department to the new Courts Service. This fundamental change has been the primary driver of organisational change and development within the Courts Service since 1999.

The modernisation agenda

The modernisation programme initiated by the Strategic Management Initiative (SMI) has continued to shape the development of the Courts Service. It addresses a number of specific areas such as strategic and corporate planning, staff development, customer service, and performance management systems.

Legislative developments and social change

New legislative initiatives continue to impact on the range and type of criminal proceedings and civil actions that come before the courts. The Courts Service, in common with other public agencies, has also experienced a discernible increase in consumer demand for a higher quality, more customised and efficient service. The public's increased awareness of their legal rights, allied to a greater recourse to litigation, clearly affects how services must be delivered. These developments, in conjunction with ongoing social, demographic and economic changes, have ensured that the workload of the courts has escalated both in volume and complexity.

Technological change

The rapid pace of technological change and the government's emphasis on a greater usage of ICT is increasingly changing the environment in which the courts function and how the Courts Service seeks to deliver services to its staff, the judiciary and end users.

Towards a modern structure using a problem solving approach

The establishment of a new organisation with new structures and functions necessitated the introduction of a wide range of change initiatives. The Courts Service now manages the courts under the direction of a board whose functions are to consider and determine policy for the service and to oversee the implementation of that policy by the Chief Executive. Aside from determining policy, the Courts Service participates in the broader legislative/policy process in order to achieve strategic aims. Under the old regime, the Courts Service would have primarily reacted to environmental factors, whereas now it seeks to anticipate and create opportunities for inputs regarding the administrative processes contained in new legislation.

Staffing structure

A Chief Executive was appointed to the new agency, with responsibility for the day-to-day management of the staff, administration and business of the Courts Service. A new senior management structure was also put in place. This management structure was

organised to enhance the level of support for the operational units involved in discharging the administration of the courts.

In seeking to establish a unified organisational structure, senior management addressed a number of difficult employee relations issues, including the creation of a unified staffing structure, the introduction of uniform arrangements for promotion and the introduction of new administrative structures. This was particularly challenging given that the former organisational culture was characterised by considerable administrative fragmentation. Equally, there was limited interaction between staff across the different court areas. Although the legislation ensured that the various parties would have to reach some agreement, it was critical that senior management and union officials approach the negotiations in a proactive and constructive manner. Both sides adopted a joint problem-solving approach that generated innovative solutions. This, allied with extensive consultation with staff, equipped the new arrangements with a high degree of legitimacy. Consequently, the new arrangements were in place by the establishment date and were implemented very smoothly.

Regional and local structures

Although it has 67 Circuit and District Court offices outside of Dublin, the Courts Service was characterised by a highly centralised decision-making structure. Consequently, through the establishment of six new regional offices, the Courts Service has sought to devolve responsibility and increase local managerial accountability. The Courts Service oversaw the reorganisation of District Court areas, districts and venues to facilitate a greater degree of functional and geographic alignment.

Investment programmes

The Courts Service has undertaken a major building and refurbishment programme throughout the state with a view to substantially improving the physical environment for staff, judiciary, and clients. A five-year information and technology programme, designed to substantially upgrade the usage of modern technology in internal and external service delivery, is also being rolled out. Finally the Courts Service has undertaken considerable investment in staff training and development and ensured that staff training is given a high priority by managers within the organisation.

Employee involvement and consultation

These changes occurred without any disruption in service delivery, which was critical for such an operationally focused organisation. This achievement reflected both the flexibility offered by staff during the transition and their positive engagement with the change process. Although the generation of additional promotional opportunities and the considerable investment in capital, technological and human resources were important in facilitating staff acceptance of change, the general commitment placed on promoting employee involvement and participation was also highly significant in reconfiguring attitudes to change. Senior management's promotion of an inclusive approach to managing change was highlighted by the following developments:

- The extensive and proactive consultation with unions and staff in establishing the Courts Service
- The appointment to the Board of a Worker Director, with equal voice to other members
- Staff input into the various committees that are concerned with future developments in the Courts Service
- The implementation of a consultation protocol for staff, judges and users in relation to the building/refurbishment programme
- The enhancement of internal procedures for informing and communicating with staff
- Employee consultation in formulating the Strategic Plan and the emphasis on teamworking in Business Plans and PMDS
- Strong support for the formal partnership process.

Promoting change through partnership

The Courts Service’s Central Partnership Committee was established in March 2000. Since October 2003, it comprises representatives from each of the five staff unions, staff representatives, the Chief Executive, who chairs the committee, four management representatives, including the Director of Human Resources and representatives from the newly formed regional partnership committees. The HR unit is formally responsible for the Central Partnership Committee and a representative from the unit serves as a designated partnership co-ordinator.

During the course of 2003 the Courts Service established eight new regional partnership committees, with one in each of the regions outside Dublin and a separate committee for the Dublin offices.

A key aspect of the development of the new Courts Service was the emphasis on a participatory approach to managing change and modernisation. The development of a more robust, formalised partnership process was central to this and the key stakeholders went beyond compliance with a centrally negotiated industrial relations agreement. Importantly, the development of partnership

Table 3 Topics dealt with by the Courts Service Partnership Committee

Introduction of worksharing and term-time working	Exceptional Performance Awards
Internal communications	Health and safety issues
Training and development, including 3rd level education link	Performance Management Development System (PMDS)
Identity cards and security issues	Customer Service Action Plan
Staff transfers	Organisational business plans
Crèche facilities	Relocation issues, including parking
Work experience	

within the Courts Service was characterised by a willingness to incorporate a broad policy remit, as well as its capacity to produce effective policy outputs on key issues.

Developing a broad policy remit

A distinct feature of the partnership process in the Courts Service was a steady broadening of the range of issues that it dealt with (see Table 3). As partnership processes developed in the Courts Service, they dealt with functional, operational and strategic issues. In this way, partnership approaches are linked with ongoing organisational development and modernisation.

This was facilitated by the fact that from the outset, the HR unit did not place any restrictions on the partnership agenda. In consultation with other stakeholders, particularly the trade unions, the HR unit broadened the range of issues that fell within the ambit of the organisation’s partnership framework. The recent widening of central committee’s membership now also facilitates regional issues being discussed in this forum.

One outcome of this approach is that the Director of Human Resources is examining the organisation’s Customer Service Action

Plan and its Strategy Statement with a view to identifying which organisational objectives and/or associated actions can be implemented using a partnership approach. In seeking to broaden the application of a partnership approach to change, the organisation feels it is important not to overburden the process. Therefore, only those issues considered appropriate for a partnership approach are included. For example, issues relating to working practices are always introduced in an industrial relations setting, although a partnership approach can subsequently be utilised to progress the resolution of the issue.

The organisation’s proactive approach highlights the parties’ support for partnership processes and their recognition of their potential as an enabler of organisational change within the Courts Service. It is also reflective of the fact that, from the outset, the organisation’s human resources team has, according to one senior trade union official:

“Adopted a very expansive and sophisticated approach to how it addressed not just Human Resource issues but the practice of Industrial Relations in general.”

Senior Trade Union Official

Promoting involvement at varying levels

To facilitate the broadening of a partnership approach to change, the Central Partnership committee established eight sub-groups to progress specific issues (see Table 4). Some of the sub-groups were temporary, task-oriented groups (for example, Worksharing Initiatives), while others are permanent groups that implement initiatives in areas such as training and development.

Table 4 The Courts Service Partnership Committee Sub-groups

Customer Service Action Plan
Training and development
Legal training
Refund of fees and 3rd level links
The Worksharing Scheme
Introduction of identity cards
Exceptional Performance Awards
Internal communications

While the range of issues that have been addressed using a partnership approach is impressive, it is important to note that the level of involvement of the parties in decision-making has varied considerably. In some instances, issues are raised at partnership committee meetings for information purposes only. In other instances, the Committee has full responsibility for formulating a policy response and ensuring its implementation. Therefore, a partnership approach can mean many things – information, consultation, implementation, monitoring and evaluation. This flexibility has enabled the organisation to adopt a partnership approach to change without losing the momentum necessary for effective change.

Example of good practice: Introducing the Worksharing Scheme

The introduction of the civil service Worksharing Scheme represented an attempt to extend existing family friendly policies within the service. It aimed to offer staff a substantially expanded range of flexible working patterns. Management and trade unions at central civil service level negotiated the terms of a Worksharing Scheme, and it was agreed that the initiative would be rolled out on a departmental basis, to take consideration of organisational staffing needs.

Given its origin, worksharing was designated an industrial relations issue, and introduced using the organisation's industrial relations processes. In that forum, it was suggested it might be appropriate for the issue to be agreed using a partnership approach. Although there was a general consensus among the parties that this was a positive development, some union officials expressed concern that a partnership approach could be a way of 'parking' a potentially problematic issue, i.e. creating an inappropriate delay in implementing an agreed initiative. In addition, the impact of a significant take up of worksharing on the operational ability of the Courts Service was enormous.

Therefore, it was important that a partnership approach to this issue would engage in joint problem-solving.

A small, intensive subgroup was established to examine the issue and bring forward recommendations as to how worksharing would be implemented. Although there was a general consensus within the group that worksharing was a positive development in the organisation, members tried not to start out with any set views on the issue. Rather, the group adopted a pragmatic, problem-solving approach with the objective of agreeing an effective, acceptable and feasible approach to worksharing.

The subgroup conducted a staff survey in order to ascertain, on the basis of grade and location, both the overall level of demand for worksharing and the most favoured flexible working options. The HR unit co-ordinated the consultation process, and undertook a desk-based review of how the issue was being approached in other departments.

Using the data collected, the sub-group formulated a strategy for 'rolling out' the worksharing scheme. It was hoped that the strategy would meet staff demands for

family-friendly working arrangements, as well as maintain appropriate levels of service delivery. The sub-group's recommendations were initially ratified using industrial relations mechanisms and then formally endorsed and implemented in full by the senior management team.

The use of a partnership approach to this issue succeeded in producing what one interviewee characterised as a '*credible, high quality strategy*', which resolved a potentially problematic issue satisfactorily for management, unions and employees. The success fostered confidence in the capacity of a partnership approach to deliver change in the Courts Service. It also increased the profile of the partnership committee. Interestingly, the approach used by the Courts Service has been replicated by other civil service departments.

Characteristics of a successful partnership approach

The capacity of the partnership process to contribute to ongoing organisational change and development within the Courts Service was dependent on a number of complementary factors that have combined to both create a supportive environment and a robust partnership process.

Support from summit players

From the outset, the strong support and commitment of summit players—senior management and trade union officials—was vital for the relatively successful development of partnership approaches to change. The Chief Executive performed a key leadership role by developing a constructive engagement with trade unions during the establishment of the Courts Service. This engagement continued during the organisational development phase. This level of support from senior management was important in positioning partnership as a credible approach to engaging with the modernisation agenda.

The HR Director and his staff have acted as advocates for partnership processes and played a key influencing role within the organisation—building consensus and confidence in the capacity of partnership to enable organisational change. The HR unit emphasised an approach in which discussion and associated support activity is focused on achieving a positive result. The commitment to undertaking research and consultation in support of partnership activities contributed to the generation of well-informed policy outcomes. Importantly the HR unit has a similar approach to industrial relations and to management practices in general, increasing the inter-connectedness of all three approaches to change.

Building a high involvement, high commitment organisation

From the establishment of the agency the senior management team have tried to foster a high involvement, high commitment organisation. They made a commitment to a participatory management style in the Courts Service. The organisation appointed a worker director, there are opportunities for staff input into key policy committees, and there is an emphasis on teamwork and staff involvement in the business and strategic planning process. Business units are instructed to provide guidance on how to achieve business goals, with a strong emphasis on partnership and teamwork. In addition, the Courts Service customised the civil service PMDS framework to ensure an appropriate emphasis and focus on teamwork.

Positive relationship between partnership and industrial relations

The constructive relationships that characterised the establishment of the Courts Service, in conjunction with the proactive approach adopted by the HR unit, facilitated the development of highly co-operative, trust-based and personalised relationships between senior management and union representatives. In addition, unions and staff representatives engaged positively with the lengthy and complex change process in the Courts Service. This facilitated the emergence of a mutually supportive relationship between partnership and IR processes, which enables issue such as worksharing to be transferred between processes as necessary. Similarly the success of partnership approaches to change encouraged a problem-solving or partnership ethos in addressing issues in the formal IR arena. An example of this has been the proactive discussions within Conciliation and Arbitration (C&A) regarding the issue of teleworking in the Courts Service.

Pragmatism in problem-solving and deliberation

In addressing key issues, the partnership committee emphasises the importance of frank and open debate with a view to achieving a consensus-based and credible outcome. This often intensive deliberation is driven by a pragmatic problem-solving approach. As one committee member suggested, it ensures there is *“a real emphasis on getting things done, rather than just simply restating our positions on issues”*.

The individuals involved in the process are important; they should display the competencies necessary to make the process work. In particular, they should be capable of addressing change issues using a partnership approach. The importance of having ‘partnership-orientated’ individuals within the organisation was recognised by one committee member who indicated that *“partnership in part worked because we had the right type of people in place both in the committee and in other key areas.”*

Putting change issues on the agenda

As indicated earlier in the case study, the policy agenda of the partnership committee has broadened to incorporate key strategic and operational issues, directly linked to the modernisation and change agenda. This has raised the profile of a partnership approach in the organisation and ensured it is directly and indirectly linked into the key decision-making processes. The successful and innovative resolution of the worksharing initiative was crucial, as it served to build senior management confidence in the capacity of partnership processes to contribute to the modernisation and change agenda. The positive relationship with trade union representatives in partnership and industrial relations settings has also ensured that senior union officials are more willing to use partnership approaches to progress issues related to organisational change.

“There is no sense in which union officials feel that widening the agenda of partnership represents an attempt to bypass the IR structures.... indeed they have supported moves to put key change issues into partnership”.

HR Manager

The benefits of partnership in the Courts Service

Central to the ongoing development of the partnership process and the maintenance of support for this approach was the fact that it delivered change and demonstrated a capacity to provide mutual gains for management, unions and employees. The key benefits of a partnership approach are:

Improved problem-solving capacity

Within the Courts Service, the partnership process has demonstrated its capacity to resolve potentially complex problems such as worksharing through the generation of innovative and credible policy outputs. The emphasis on open deliberation, staff consultation and the adoption of pragmatic approaches was particularly important in enhancing the organisation's problem-solving capacity. In particular, a partnership approach provides opportunities to 'tap' into staff knowledge and experience thereby facilitating better-informed decisions.

Increased employee voice and involvement

The use of partnership processes increases the level and quality of employee involvement and participation within the organisation. The formal partnership process provides an important mechanism for fostering 'employee voice'. This is reinforced by the fact the partnership process is now viewed as an integral part of the organisation's decision-making processes. According to one staff representative who was not directly involved in the partnership process:

"The partnership forum is an important and easily identifiable forum for employees to air their views...we now know we have a place to go to if we want issues raised or problems addressed."

Staff representative

Increased participation on sub-committees and consultation with staff on key issues has further reinforced the level and quality of employee voice and involvement. There is a general consensus among managers and staff representatives that partnership has made an important contribution to creating a work environment in which *"people feel they are being listened to"*.

Staff representative

Positive employee relations and an improved industrial relations environment

The strong emphasis on promoting staff involvement and participation has fostered positive employee relations throughout the organisation. Involvement in partnership processes has encouraged a high degree of trust, co-operation and mutual understanding between senior managers and trade union representatives that shapes their ongoing work in other areas. The embedding of partnership within the organisation has enhanced the quality and effectiveness of the organisation's IR practices. One senior trade union official, not directly involved in partnership, commented that the HR Director has adopted a partnership-style ethos to

industrial relations, which in conjunction with the positive approach of the unions has ensured that:

“The atmosphere has changed at the C&A ... people are less entrenched, more willing to understand different perspectives and prepared to engage in problem-solving”.

Senior Trade Union Official

The establishment of the Courts Service as an independent body with a unified staffing structure, along with extensive investment in capital and human resources and the availability of additional career opportunities, has played an important role in improving the work environment and culture. Maintaining standards of service delivery, while simultaneously undertaking the scale of change that the Courts Service has experienced in recent years, necessitated a high level of employee commitment to, and engagement with, the process of organisational change.

Conclusions

Since its establishment in 1998, there has been a notable improvement in the working environment, culture and staff morale within the Courts Service. Certainly it is a less fragmented, insular and hierarchical organisation. Evidence of a more positive work environment can be found in the increased co-operation within and between grades, improvements in organisational and employee confidence, the fostering of a degree of organisational loyalty and enhancement in the quality of employee involvement and participation.

Although the Central Partnership Committee has functioned relatively effectively and progress has been made on the organisational change agenda, the committee recognises that it has only begun to tap the potential of the partnership approach to change and modernisation. In particular, there is considerable work to be done to

embed partnership within the organisation and to ensure that a partnership ethos informs and shapes everyday activities and relationships. In this regard the partnership committee identified a number of themes and issues to be addressed to develop an organisational culture premised on high participation and high involvement. These issues included:

- Substantially widening involvement in the partnership process
- Developing effective local and regional partnership structures
- Avoiding complacency and sustaining the initial momentum
- Continuing to generate credible policy outcomes and mutual gains
- Assisting managers in becoming advocates of the partnership approach to managing change.

Significantly, the Central Partnership Committee in conjunction with the HR unit have already begun to implement changes to address the aforementioned issues.