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GUIDELINES FOR MENTOR'S SELECTION AND MENTORING EVALUATION

Annex 11 to 2nd Progress Report



GUIDELINES FOR MENTOR'S SELECTION AND MENTORING EVALUATION



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1.INTRODUCTION

The following work is the output of the task developed during the month of October and November within Component 3.2 of the project “Enhancing Educational Activities and Improvement of Organizational Capacities of the Judicial Academy” funded by the European Union, managed by the Ministry of Finance of the Republic of Serbia and implemented by the British Council in consortium with the International Foundation for Administration and Public Policies of Spain (FIIAP).

The description of this Component 3.2 is as follows “Based on the above analysis (Comparative analysis of the current mentor system as well as mentor systems of relevant judicial training institutions in EU countries and prepare a set of recommendations for improvement of the Judicial Academy mentor system, with a special focus on establishing the methodology for evaluation of mentor work) prepare a “Guidelines for Evaluation of Mentor Work’ and support the Judicial Academy in implementing the recommendations.

For purpose of this report,the following legal texts have been taken into account:

- Law on Judges; Ministry of Justice (“Official Gazette of the RS”, No. 116/08, 101/10, 88/11 and 106/2015).
- Law on the Judicial Academy (“Official Gazette of the RS” No. 104/2009 and 32/14 decision CC).
- Law on Public Prosecution (“Official Gazette of the RS” No. 116/08, 104/2009, 101/2010, 78/2011 –sd Law 101/2011, 38/12 - decision CC 121/201, 101/2013, 111/2014 –decision CC and 117/2014)
- Rules on Criteria for selection of lecturers an mentors at the Judicial Academy

Also it has been taken into account USAID Report “Development of the evaluation system of the Judicial Academy of the Republic of Serbia”.

The following activities have been developed

- Interview with JA Staff , Mr. Igor Milovanov, Head of de monitoring and evaluation.
- Interview with JE
- Set up Working Group (WG)
- First Meeting with WG ;
- Second Meeting with WG
- Test methodology for evaluation of mentors work
- Selected group of mentors for testing new methodology (pilot program)
- Discuss results (pilot program) with WG
- Presentation upgraded draft on guidelines at Roundtable

The aim of these guidelines is to ensure quality on mentoring system with regard to the selection process and to improve internal and external evaluation procedure . Internal procedure needs to be developed to enable evaluation of mentors by the institution itself. External evaluation is equally important in order to provide assessment of mentors by participants in the training and to enable more or less similar standards and quality among them that would lead to uniform acces to knowledge by all participants of the initial training.

These are merely guidelines, and as such, they must be flexibly used to incorporate solutions that will provide clear and transparent process of mentor's selection and evaluation ensuring that high quality training has been set up and that is regularly maintained/updated.

2.OVERVIEW OF MENTORING

Mentoring as a methodology on training judges and prosecutors provides trainees with the support required to develop their competencies.

In a common opinion, competencies should be understood as a complex combination of knowledge, skills and abilities/attitudes, needed to carry out a specific (or a complex) task in a certain context leading to results. Knowledge should be understood as a body of facts, concepts, ideas, principles, theories and practices, that are related to a field of practice, work or study; skills as the set of capabilities learned or acquired through training, to perform actions by applying knowledge; and abilities/attitudes as the physical, mental or emotional capacities to perform a task. Thus, Mentoring implies teaching on how to be a judge or a prosecutor.

Art. 25 of the Law of Judicial Academy states that the initial training shall imply organized acquisition of practical and theoretical knowledge and skills, understanding the role and basic principles of actions of judges and deputy public prosecutors for the purpose of independent, professional and efficient performance of the office or a judge in a misdemeanour and basic court and that of a deputy public prosecutor in a basic public prosecutor's office. In the case of Serbia, judicial initial training consists, basically, in an internship with the supervision of a mentor and it is preceded by an entrance exam in the Judicial Academy. Admitted trainees have already validated their legal knowledge and, therefore, initial training –mentorship- has to concentrate on the two components of judicial competencies as described above – skills and attitudes-. This does not mean, of course, that there is not a place for the acquisition of legal knowledge also during judicial initial training, if a gap in this field is detected, -for instance, if a new law comes into force, but this cannot be its main goal.

3.THE MENTOR

3.1 THE ROLE OF THE MENTOR

The main goal of mentoring is to guide and support the new judges and prosecutors during initial training. The mentor plays a crucial role in ensuring that the learning achieved by the trainee is effective and focused on the competence judges and prosecutors need to demonstrate

Mentors maintain a primary responsibility for assisting new judges and prosecutors by familiarizing them with pertinent topics, including the parameters of the judicial and prosecutor mentoring programme, details of closing a law practice, employment procedures and policies, ethical considerations, and tips for living within a judicial community. The mentor's approach must be adjusted to accommodate the different personality types and learning styles of the new judges and prosecutors.

A successful mentoring programme promotes public confidence in the integrity and impartiality of the judiciary.

Summarizing, :

A Mentor is a guide, a coach , a role model

A Mentor provides support; encouragement; a listening ear; constructive feedback; suggestions for improvement

A Mentor must exhibit professionalism; the ability to plan and organize; good communication skills; good coaching skills

A Mentor is responsible for maintaining confidentiality; sharing knowledge, skills and information;

A Mentor must be understanding; supportive; trustworthy; empathetic; open-minded; reform-minded; committed;

A Mentor have a responsibility to highlight any ethical issues (such as conflicts of interest) that may arise during a mentoring relationship at the earliest opportunity.

Thus, Mentor's role can includes the following tasks :

- Providing information about the bench , policies and protocol
- Listening , questioning and gathering information from the trainee about their current competence
- Supporting the process of learning and personal development
- Encouraging the trainee to take responsibility for their own development
- Supervising mentees daily work
- Giving the mentee feedback using the competence framework , if necessary challenging inappropriate behaviour or prejudices
- Reporting to the coordinator any trouble that might appear during the development of the initial training
- Reporting mentee's work evaluation

3.2 REQUERIMENTS AND CONDITIONS TO BECOME MENTOR

It is the responsibility of the Judicial Academy to guarantee the level of quality that is required of the Mentors.

The process of initial training is a vocational one, focusing on the development of abilities and skills rather than on theoretical knowledge. As a result, Mentors should have both theoretical knowledge and practical skills.

In-depth knowledge of the matter both from a theoretical and practical perspective is expected of the Mentor of the judicial training institute. This includes the content appropriate to their teaching specialty and its relevant applications, global knowledge of the whole judicial system, application of the information in their training field to real- life situations and understanding the ways in which their training area connects to the broader curriculum. Mentors should also know

the ways in which learning takes place, and the appropriate levels of intellectual, physical, social, and emotional development of the trainees. Another aspect is to be able to understand group dynamics and to adapt training techniques accordingly.

Mentors, also, should have a good command of technology to maximize the efficiency of the training process (both in the learning and in the training stage). The updating of their knowledge in using technology is essential for their performance.

At the same time they should be able to work in a team and to coordinate their activities with other mentors, respecting the rules established by the Judicial Academy

Finally related Personal qualities, Ethics and Deontology, the mentor should meet high ethical standards and maintain a clear distinction between personal opinions, beliefs and professional ethics, by keeping the needs of judicial trainees at the center of professional thought and action and treating them as individuals.

Mentoring system implies that judges and prosecutors are generally the backbone of the training staff. Because they are working in their judicial capacity, they have the opportunity to observe real life cases and share them with the trainees in the workplace. Since they are the senior peers of the trainees, their presence and contribution is considered valuable.

According to article art. 17 of the Rules on Criteria for selection of lecturers and mentors at the Judicial Academy the requirements to become a mentor are to be a judge, or to be magistrates working in misdemeanour courts. .

Regarding conditions, art. 18 of the Rules on Criteria for selection of lecturers and mentors at the Judicial Academy are conditions to be mentor:

- a)Dedication to development
- b)Ability for interactive work
- c)Communications skills
- d)Readiness to mutual work with the candidates in order to achieve the set goals

3.3 RECRUITMENT OF MENTORS

According Leonardo Da Vinci Partnership Project about initial training of judges and prosecutors(2011),identification and definition of the strategic directions to be followed in recruitment within each judicial training institution should start from the evaluation of the basic pre- requisites of the profession of a judge/prosecutor in the different national legal systems.

Therefore, the procedure applied in the selection and recruitment of trainers varies among judicial training institutions. Regardless of how it is conducted, the recruitment procedure should be objective, transparent, flexible and based upon merit. The procedure should be described in regulations in order to ensure the implementation of these criteria.

The recruitment procedure should be performed by a selection board consisting of members from different fields of expertise such as practitioners, academics and other representatives of the training institutions.

Gender sensitive and non-discriminatory policies should be taken into account during the selection and recruitment process.

Arts.19 to 28 of The Rules on Criteria for selection of lecturers and mentors at the Judicial Academy state :

1. Decision of the Judicial Academy's Director to start the procedure for the selection of mentors with prior consent of the Board of directors.
2. The Director of Judicial Academy publishes a public invitation for the selection of mentors with the followings contents : number of mentors needed, requirements, documentation submitted as a proof for fulfilled requirements for candidates, and deadline for submission of documentation.
3. Submitting of applications. All candidates who want to apply have to submit the following documentation :biography;certificates regarding professional and work experience;other documents that prove the fulfilment of conditions for selection of mentors.
4. Rejection incomplete or untimely applications.
5. Right to complain against the decision on the rejection of application to the Board of Directors of the Judicial Academy which is obliged to bring the decision on the complaint within 24 hours.Board of Directors of the Judicial Academy shall deliver to a candidate the reasoned decision on complaint.
6. Program Council of the Judicial Academy considers the applications with enclosed documentation, checking the fulfilment of requirements. In order to check that, Program Council can ask information from the High Judicial Council, State Prosecutorial Council and other institutions. Also, Program council for the same purpose is obliged to organize interviews with all candidates whose applications are accepted as timely and complete.
7. Program Council shall pass the decision regarding selection of mentors beside the list of mentors who are to be elected, it must contain an explanation regarding the application of criteria to each individual candidate, as well as instruction on legal remedy.
8. A candidate who is not elected as a mentor can ask the review of the documentation based on which the Program Council passed the decision for the reasoned complaint in writing against decision of the Board of Directors. The Board of Directors of the Judicial Academy will pass the reasoned complaint against its decision withn 3 days form the receipt of the complaint and submit it to all candidates.
9. After deadline for making the complaint, i.e. after the reasoned decision on complaints is made, the Board of Directors of the Judicial Academy shall

determine the final list of mentors and publish it on the Judicial Academy website.

As emerge of those rules the selection of the mentors does not follow pre-established criteria and only sets up mainly the procedure, but not the substantive criteria for the appointment. Also, a certain difficulty has been described in getting candidates to become mentor in some courts. Informal channels have been created to overcome this difficulty. The opinion of the president or the court is normally considered as a relevant input for this decision.

We consider it advisable to separate the general requirements of the candidates in terms of professional and human qualities (the candidates who are good professionals, who have the skills needed for working with people, etc) from the objective requirements for the position as an additional requirement (that the candidate to be a mentor has undergone training course at the JA, has to be incorporated in the statute's regulation).

In order to maintain objectivity and guarantee the required level of quality, the following criteria could be taken into account during the recruitment process:

Professional Experience

It is common practice that judicial training institutions usually expect a relevant level of experience when selecting and recruiting Mentors.

Seniority

In some countries seniority plays an important role in the judiciary. Senior members of the judiciary or legal profession are usually considered as highly experienced and knowledgeable.

Report of the president of the court or the public prosecutor office where the mentor is sitting judge or prosecutor: in order to reject candidates with not enough competences as a judge or prosecutors, or with an overworked Court or Office.

Report from coordinator: the coordinator receives the feedback from trainees. The feedback is provided in the questionnaire at the end of each training stage. The coordinator must assess adequately and objectively the evaluation done by the mentees.

Report from other institutions: i.e. Bar Association, Judges Association and Prosecutors Association.

Feedback from trainees who would answer a questionnaire at the end of each training stage.

Outcome of training for trainer courses organized in the Judicial Academy as the way to guarantee the acquisition of specific skills as a mentor.

Specialization

Specialization in the specific matter, according to training needs, is generally a required competency for a trainer. It is a fact that only a specialized trainer could provide a realistic,

updated and complete input in a specific training field in which future judges and prosecutors will be called to perform professionally.

Training skills

The ability to train others in the a particular matter should be considered as an indicator in the recruitment process.

Training future judges and prosecutors should not be limited to facilitating the assimilation of legal knowledge and techniques. It should also imply the development of the necessary non-judicial skills. Thus, mentors facilitate active learning and, as a consequence, provide judicial trainees with a pluralistic training which guarantees an open perspective of the profession.

Last but not least, moral integrity, which implies compliance with the rules of the profession in which they operate, good reputation and ethical values, experience in training, fluency in a foreign language, command of ICT skills and a high level of communication skills. Knowledge of the evaluation of judges' and prosecutors' professional training needs and knowledge of the evaluation of professional training activities are important additional criteria for the recruitment of mentors.

In order to ensure that training is delivered to high standard by qualified and experienced trainers, mentors could be offered the following tools : courses regularly organized by the Judicial Academy in its seat in Belgrade; Handbook o Manual for mentors; and E-learning course for mentors.

Judges and Prosecutors who decide to apply for the post of trainers, will have the duty to attend to courses related to training activities; these mandatory courses have to be dedicated to teaching methods, educational skills and communication capabilities.

3.4 TRAINING OF THE MENTORS (TOT)

According to article 5 of the Law on Judicial Academy (Official Gazette of the RS n. 104/2009 and 32/14 decision CC), the Judicial Academy shall organize and conduct training of lecturers and mentors. The Programme Council JA is in charge of determinating a draft training programme for mentors and lecturers and other specialized training programs (art. 18 of the Law on Judicial Academy), nevertheless the art. 47 of the law does not develop the content of the training.

Since Mentors have different backgrounds and come form different branches of th judicial system they should be specially trained by adult educational experts to acquire or strengthen training skills.

This training is generally called Training of Trainers Programme (ToT) and it is organized by most judicial training schools and institutions, as well as by international bodies/organizations having responsibilities in this field. By doing this, the judicial schools and institutions improve the quality of trainers and guarantee a harmonized approach to content, methodology and assessment of the training provided.

Training of trainers can also be employed as a tool to maintain transparency and objectivity in the recruitment and assessment of trainers.

As an overall objective, training of trainers is a process that facilitates the increase of the required number of qualified trainers.

The training of trainers should be compulsory for newly recruited trainers but should also be organised on-demand and on a regular basis. In addition, training should be mandatory for trainers who do not meet the required results.

To ensure the accuracy of the training of trainers, an analysis of the training needs should be performed in advance.

The course for Mentors facilitates the creation of a common “consciousness” of the judicial training institution in which they develop their activity, being fully involved in achieving its objectives, unifying the training methods used, as well as the training materials to be used and the assessment methodologies of the mentors. Summarizing this course is a good way to homogenize the role of mentor, a place to exchange experiences among Mentors could be of high value for the Judicial Academy.

Finally these courses give an opportunity to reflect outcomes about the Program of Initial training, that is, whether or not the goals of education are being met, interventions to meet instructional needs, curriculum design and so on.

These courses can be:

- Face to face
- On line: The advantages are clear; this training could be achieved for many mentors at the same time without having to travel. Duration: 20 hours (5 hours for week on line and 5 hours the last week presently. The meetings could take place in the territories where JA has infrastructure).

4. THE COORDINATOR

Coordinators of the Judicial Academy exist in courts different from Belgrade (Novi Sad or Nis). They look after the organizational aspects of the mentorship and are in touch with the Judicial Academy. They are not judges, they do not intervene in pedagogical issues and, of course, they don't participate in the trainees' evaluation. In Serbia coordinators seem to have a role in the “logistics” of the initial training but they do not decide on pedagogical matters or related to the mentees' learning.

According to the Recommendations on Comparative Analysis (Component 3.1 of the Project), a clear distinction should be established between “logistics” and “pedagogical” functions. “Coordinator” mentors, as they are conceived in the three countries chosen for comparative analysis (The Netherlands, Poland and Spain), do not primarily take care of the logistics of the initial training in each court. Their competence falls on the development of the learning, the implementation of the programme and, partially, the evaluation.

In that sense, a new profile of the “coordinator mentor” should be created in Serbia in each one of the courts or public prosecutor’s offices in which initial training take place, different from the already existing “coordinator” who currently takes care, basically, of the logistics of the Judicial Academy in a specific court.

In view of promoting the maximum involvement of the coordinator in the development of the training it should be established a minimum contacts among the coordinator, the mentors and mentees so that a close follow up of the progress of the internship is kept.

The coordinator must carry on the appropriate management in order to ensure that the mentee has the material resources to perform his or her activities with dignity.

Although mentors have been appointed for their experience and personal qualities, there will be rare occasions when the mentoring relationship either fails to develop positively or deteriorates after a particular event. The coordinator will attend both, mentor and mentee, and will help to find a convenience solution. If it is not possible to continue together, coordinator will propose the Judicial Academy a change of mentor.

5. THE EVALUATION

5.1 PURPOSE OF THE EVALUATION

Evaluation is highly important in the training cycle because it allows to detect whether the training objectives initially set have been met and to what degree.

The evaluation permits : to see how the knowledge and skills learned in the training are put into practice; to assess the results, impacts and the effectiveness of the training programs; to assess whether the training program was properly implemented, and to identify and rank which participants were the most successful with the program.

All evaluation process need to be tailored according to the features of the different judicial cultures, the country-specific context, individual and institutional requirements, and having as a common ground the adult professional learning.

In any case, before developing evaluation system, the purposes of evaluation must be determined, this is , the goals and objectives to be achieved

5.2 GOALS AND OBJECTIVES TO BE ACHIEVED

In current situation, the Law on Judicial Academy (“Official Gazette of the RS”, no. 104/2009 and 32/2014 decision CC) states :

After the completion of each part of the initial training the mentor and the lecturer in charge of that part of the training conducted within the court and prosecutor’s

office shall assess the candidate. The work in the institutions outside the judiciary shall not be assessed.

Assessment of the initial training shall be in marks from 1 to 5. (..)

In case the initial training beneficiary is awarded mark 1 for any part of the initial training, his/her capacity as initial training beneficiary shall be discontinued. (article 36)

And about Final exam, the same Law states :

Upon the completion of the initial training the beneficiaries of the initial training shall take the final exam which shall only test their practical knowledge and skills acquired at the initial training for the performance of duty of a misdemeanour judge, judge of a basic court and deputy public prosecutor in a basic prosecutor's office.

The final exam shall be assessed with marks from 1 to 5.

It shall be considered that the beneficiary of the initial training who is awarded mark 1 at the final exam has not completed the initial training.

Based on the traditional mentoring training system, the core to upgrade the current training system should be based in the permanent relation among Judicial Academy and Mentors, based on a previous designed strategy for each generation of candidates.

Evaluation of candidates during internship (continuous assessment) is a task of the Mentors while at the end of the training period is a task of the Committee, and it should be controlled by Judicial Academy.

It would be good to set a fluent and permanent communication between Judicial Academy and the Mentors.

The work of mentors can be assessed by the trainees and should be analysed by the Pedagogical Committee , in order to implement the periodical training need assessment and evaluate the mentors.

It is crucial that :

-the mentor should discuss with the mentee the purpose and the content of the assessment; it is also possible to employ self-assessment as a tool that would assist the mentor in weighing the confidence of the mentee. Such self-assessment shall not be binding for the mentor.

-the mentee should be made familiar with the mentor assessment prior to it being forwarded to Judicial Academy. An opportunity should be given to the mentee to add their personal opinion about the assessment questionnaire, or about a specific aspect of the assessment they disagree with.

-statistical data could be appended to the questionnaire regarding the mentee judge's performance , indicating the exact number and type of cases heard.

-the mentor's assessment should be taken into account by the Commission assessing the performance of the mentee. To that end, in addition to trainee's feedback through the questionnaire, the use of portfolio could be forwarded as an additional element in that assessment, analyzing the corrections made by Mentor in the drafts and exercises of the mentees.

Assessment of trainees during the internship

Once candidates applying for the profession of judge and prosecutor have been recruited according to legal criteria and admitted to a Judicial Academy, trainees should be assessed in

a formative way, so as to evaluate their legal knowledge and professional skills , but also their ability to internalize values that constitute the very core of their legitimacy as future judges and prosecutors.

As their internship takes place Court or Prosecutor's office , trainees need to be assessed in a slightly different way, as the aim of the assessment will move on from the afore mentioned topics to evaluation of their growing mastery of professional competencies.

These Mentors, will have to assess trainees placed under their responsibility on their abilities to put their judicial skills into practice.

To ensure the objectivity of trainee assessment, the evaluation tools will be created with specific criteria to allow equal treatment of all trainees, regardless of any personal issues.

The combination of different types of assessment throughout the training course has proven to be efficient.

Several forms of assessment can be implemented in the course of the judicial internship training period. Thus, the trainees can be assessed by themselves (self assessment) and by the mentor in a continuous assessment process with "tests" in a summative assessment process.

Self assessment is a method that could be used throughout the training process. Trainees are invited to assess themselves according to pre-established criteria. This is particularly well adapted to the internship period in court and prosecutor's office.

The added value relies on feedback that is given by the mentor in order to improve the knowledge and skills of the trainees in workplace situations.

More frequently trainee assessment during the internship within a court or prosecutor's office consists of a formative assessment carried out by the Mentor who regularly exchanges with the trainees on the acquired skills, still needed to be worked on and the progress still to be made.

In the case of formative assessment by mentors, the risk of obtaining similar grades, due to the closeness of the trainees and their mentors, should be reduced by establishing strict evaluation criteria and implementing methodologies and the supervision of the assessment process.

On the other hand the ability to make progress, listen to professional advice, question oneself, improve performance, and take initiatives, can be better assessed by mentor than by external examiners.

It is nevertheless highly advisable that these elements should also be taken into consideration in order to evaluate the ability to hold judicial positions and as a way to rank trainees , should such a ranking be deemed necessary as this stage or their training.

Final assessment

At the end of the initial training programme , trainees go through a phase of final assessment to determine that they are able to start a career as a judge/prosecutor in the judiciary.

The final assessment is currently a simulation of a hearing. It does not seem to be enough because, previously to the exam, trainees are given all the information, they rehearse the trial with the help of their Mentors and, therefore, the evaluation cannot be entirely reliable.

As said in Comparative Analysis done on Component 3.1 of this Project, the simulation of the final exam should be modified in order to allow a better evaluation of the candidate's skills and attitudes attained during the mentorship. It should consist in putting the candidates before an unexpected situation in which he/she would need to use these skills and also show his/her attitudes.

As said before, other tool could be take account : the portfolio which is a compilation of materials that shows the trainee's competencies and experiences during his/her training and which provides an insight into his/her personality, work and ethics. The portfolio is thus, a sort of folder or file composed of elements such as: the drafted judgments and indictments, a report of the "practical" mentor on the conduct of the trainee when conducting a hearing (and if it is recorded, also the corresponding CD), the trainee's report on the outside internships in which he/she has participated.

The portfolio would also include pieces of evidence introduced by the "coordinator" mentor on the aspects of the learning regarding "attitudes" and including thus professional ethics.

It must be highlighted that one of the strengths of the Serbian mentoring system is that the evaluation is not done by the mentors themselves but by a different body, a committee composed by five members, judges and public prosecutors.

Failure to pass the various stages of assessment may imply an obligation for the trainee to repeat one or several phases of the training process, or may even imply their dismissal from the judiciary, especially in cases where the trainee has shown behaviour that is incompatible with the judicial or prosecutorial profession.

Assessment of trainers

The assessment of trainers has to be considered as part of the assessment of the initial training programme.

As a previous remark, it should be pointed out that no one single method is entirely accurate, nor should only one assessment system be applied. A combination of methods is advisable.

Focusing on the main contributors to the assessment process, the following methods could be used when evaluating trainers :

- feedback provided by the judicial trainees representatives, in their capacity as direct beneficiaries of the initial training activity, placed in an adequate position to assess the performance of their trainers from a critical point of view.

- feedback provided by the management staff of the training institution, responsible for the whole process and called upon to take important decision concerning the activities of the initial training programme; experts/other specialists involved in the assessment process and invited to evaluate trainer performance from a technical/administrative point of view ; and, where applicable, reporting the Head of discipline.

- self assessment carried out by the trainers themselves, at the end of the training programme.

As Guidelines For Initial Training of Judges and Prosecutors (Leonardo Da Vinci Partnership Project-2011), states, the use of all these sources in trainer assessment might represent a guarantee for a 360' perspective of the efficiency of trainer activity, as well as for objectiveness in the entire process itself. For instance, even though the assessment given by the direct

beneficiaries -judicial trainees- is of utmost importance and relevance when provided by a representative sample, one can not ignore the fact the it might be subjective in certain circumstances, since judicial trainees often have the tendency to make involuntary confusions between “wishes” and “needs” in terms of professional training. Neither, the point of view of the training institution management staff is sufficient when it comes to completing the assessment process, as their input mainly concerns technical/administrative aspects.

5.3 DESING EVALUATION TOOLS: THE QUESTIONNAIRES

This is the most commonly used evaluation method.

They are used to collect data about the trainer, the trainees, the particular training event and so on.

As regards the content the questionnaire may be used for general evaluation by checking to see if the training goals have been met and measuring the learning.

In the process of elaborating the questionnaire, the evaluation form of the Spanish Judiciary School was taken into consideration. Some characteristics that are inherent in the Serbian educational system were introduced into this form and a distinction was made between the occupation of a judge and that of a prosecutor, concretely, two aspects as a subject of evaluation should be introduced : the investigation skills and their professional ethics.

About conducting hearings: It would be desirable to institute the necessary legislative changes or amendments to the rules in order to allow junior judges preside over some court sessions, under supervision.

As regards the content, the questionnaire may be used for general evaluation by checking to see is the training goals have been met and measuring the learning

This questionnaires were made according EJTN Handbook on Judicial Training Methodology in Europe’s Recommendations :

- 1 Keep questionnaires as short as possible
2. Use simple language
3. Avoid ambiguous questions
4. Avoid using words that express feelings (Do you feel ..?)
5. Avoid multiple questions
6. Avoid double negatives (Please indicate whether you agree or disagree with the following..)
7. Avoid presuming questions (How many training session plans have you prepared?; this should be preceded by a filter question : Have you prepared any training session plans ?)
8. Questions should always be able to stand alone

9. Avoid hypothetical questions (probe experience)

10. Pay attention to details (instructions for completing the questionnaire)

5.3.1 Questionnaire filled in by the mentor

According EJTJN Handbook on Judicial Training (2016), Initial training has a major practical component; therefore, to assess a competency-based learning. When referring to competency-based learning, we examine trainees about Knowledge, Skills and Attitudes and values (behaviour).

Certainly, Judges and Prosecutors need to be proficient in decision making. This skills requires not only a legal knowledge and techniques, but also the ability to handle soft skills properly. The process of the initial training has the goal of by using theoretical knowledge to develop the skills and abilities required. However is well known that the highest level of legal knowledge does not guarantee that the trainees have the required qualities to become a good judge or prosecutor. We identified the skills needed as:

Personal-social

- This capacity concerns the moral qualities of the judge or prosecutor and their behavior in exercises their duties, as well as in the private sphere. Behavior and interpersonal competencies (soft skills) of a judge and prosecutor that maintain respect and confidence in the judicial system. Also qualities as honesty and probity.
- The judge and prosecutor have to be impartial, independent and objective at all times while exercising their duties. They have to be independent from external pressure. Be able to distance from their personal, political and religious opinions.
- They have to be accessible and demonstrate respect, courtesy and sensitivity with the parties and partners of judiciary.
- The judge and prosecutor should keep things in perspective, adapt to new and unexpected situations and adopt the most suitable behavior.
- Respect people and their dignity at all times. Discern the proper approach to adopt, showing empathy, humility or authority fitting the circumstances.

Technical

- Capacity to use their own knowledge.
- Ability of analyzing and assessing facts and finding solutions applying in a proper way the legal rules.
- Aptitude for leading oral hearings and adopt and adequate position.
- Capacity to speak in public clearly and easily. To explain the different points of view, to conduct the debate.
- Master interview techniques and manage conflicting situation
- Ability to prepare and conduct investigations and questioning respectful of adversarial procedures and legal framework.
- Updating and improvement of legal culture in order to improve their professional knowledge and their method of work.

Analytical

- Ability to analyze and summarize a case or file. They must have intellectual and professional ability to synthesize the circumstances and procedures steps of a case, to analyze the pleas in law and arguments raised by the parties under the applicable law and to render a decision within a reasonable time.
- Ability to listen with receptiveness and open mindedness.
- Ability to pay attention to the presentation of the facts and legal arguments put forward by the parties in order to render a reasonable decision.
- Capacity to formalize and explain legal grounds of a decision and to communicate clearly and in a proper way.

Organizational-Functional

- Ability to work with others, as peers and partners. A taste of decision-making, self-management skills, a sense of personal responsibility and team work.
- Good interpersonal skills with the capacity to motivate others
- Capacity to conduct specific actions or to strengthen a service or an office, make new proposals and ability to have initiatives.
- Capacity to plan objectives, agenda and organize human and material resources
- Capacity to create proper relationships with their staff, police service, administrative authorities, private associations...
- Working capacity and efficiency.
- Ability to solve cases taking into account aspects related to quantity and quality.

Thus, these questionnaires are modelled to measure the process of learning on new judicial knowledge, on developing ; skills – judicial and no judicial – ; and professional behaviour (values and attitudes).

5.3.2 Questionnaires or evaluation sheets filled in by the judicial trainees

The questionnaire is the most commonly used evaluation method questionnaires used for continuous training) should contain relevant data about the level of satisfaction and quality conveyed to the programme's trainees. The purpose of the analysis of the questionnaires is to provide a global vision and other important aspects of the evaluation of the curricula and initial training activities.

An analysis of the global evaluation of the programme is fundamental for the management of the training institutions. Since trainees are considered as the final beneficiaries, their feedback is valuable.

This model also allows focusing on each training activity and trainer separately, obtaining the assessment and measurement of the trainers' performance and other aspects of a specific course.

Concerning the assessment of trainers, it is carried out by the trainees. They are expected to complete the assessment sheets, generally at the end of the initial training programme.

These surveys, one for each trainer and one for each of the topics taught, have to show the perception of the trainees with regards a series of items (variables) observed during the training sessions.

The criteria according to which such an evaluation can be carried out may concern, amongst others, to what extent the trainer complied with curricula and planned training session content, the relevance of information provided, the usefulness of training methods and training materials used, feedback from the trainer and its regularity, trainer attitude and general behaviour towards the judicial trainees, the assessment issues etc.

When initial training is being conducted in small groups, a representative sample of respondents to the assessment questionnaires (at least 2/3) is essential in order to give relevant feedback.

Depending on the evaluation results, centralized at institutional level and interpreted following internal methodologies, the judicial training institution may decide, according to its own internal regulations, on the action to be taken.

As maintaining an efficient body of trainers is one of the main objectives of each judicial training institution, the non-respecting of all professional norms of conduct or from training methodology set forth by the initial training strategy, could lead in some cases, to the loss of the status of trainer. In other cases, attending trainer training sessions may prove to be an adequate remedy.

5.4 COMPLAINT PROCEDURE

The beneficiary of the initial training not satisfied with his/her mark shall be entitled to submit, within 24 hours from the reception of the notification on the marks, a request to the Programme Council to be examined for that part of the training by a special commission.

The Program Council shall then set up a special commission referred to in paragraph 3 of this Article within three days from the date of submitting the request. The special commission shall have three members. The mentor and lecturer about whose marks the initial training beneficiary complained may not be members of the special commission. The mark of the special commission shall be final. (Art. 36 of the Law on Judicial Academy -“Official Gazette of the RS”, no. 104/2009 and 32/2014 decision CC-)

EUROPEAN UNION'S SUPPORT TO THE JUDICIAL ACADEMY

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