

Courts Reform in Cyprus

Final Report on Key Performance Indicator Matrix

IPA Project funded by the Council of Europe

Enhancing the Current Reform of the Court System and the
Implementation Process as well as the Efficiency of Justice

January 2022

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Cyprus Courts Reform

Key Performance Indicator Matrix

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1. Introduction, Approach and Methodology

1.1 Introduction

The Supreme Court of the Republic of Cyprus, with the support of the Directorate General for Structural Reform Support (DG REFORM) of the European Commission (EC) and the Council of Europe (CoE), is undertaking an ambitious reform process to improve the courts system in Cyprus. The Cypriot authorities have requested support from the EC for advice and support on the implementation of various aspects of this reform process. The project is funded by the EU via the Structural Reform Support Programme of the European Union, co-funded by the CoE, and implemented by the CoE in cooperation with the EC. This report was prepared as part of this overall project, which is titled “Enhancing the Current Reform of the Court System and the Implementation Process as well as the Efficiency of Justice.”

One of the supported projects relates to the change management process of courts reform. This incorporates a number of different components (‘Lots’). The first four components related to the assessment of the status of court reforms, initial coaching of key personnel in the courts system, the development of a change management strategy to support courts reform, and advanced coaching of key personnel. These four lots were delivered by the Institute of Public Administration (IPA), Ireland

The IPA was selected to deliver on the fifth and final lot of this project, ‘Development of a Key Performance Indicator Matrix’. The objective of this lot was to develop a Key Performance Indicator (KPI) matrix linked to the change management strategy for courts reform in Cyprus. It should be noted that the change management strategy involved a review and updating of the status of recommendations included in the Functional Review of the Courts (2018).

This report relates to this fifth, and final, component (‘Lot 5’) of the project. It sets out a KPI matrix linked to the actions identified in the change management strategy. These actions were incorporated in the report submitted to the CoE in November 2021.

The IPA possesses recognised and relevant national and international experience and expertise in the provision of advice in the area of governance and public administration reform and development. Between 2017 and 2020, the IPA carried out a detailed functional review of the courts system in Cyprus, delivered a feasibility study on the use of Digital Audio Recording in the Cypriot court system, and managed the project to review the civil procedure rules for the courts system in Cyprus. It has also successfully completed a number of reviews of Cypriot ministries and independent government organizations and has gained an in-depth knowledge of the Cypriot administrative system.

1.2 Scope and Methodology

The KPI matrix set out in this document follows on from the report ‘Change Management Strategy’ delivered by the IPA in November 2021, and it should be read in conjunction with

that report. It was agreed at the outset that, given the multiple court reform projects currently under way in Cyprus and the need to focus limited resources, the IPA team would concentrate on reviewing the status of the main recommendations arising from the Functional Review of the Court System (2018), including the Backlog of Cases, the Digital Audio Recording project, and the establishment of a Judicial Training School. Progress on other reform projects would be referenced to the extent that these arose as part of the consultations.

The November 2021 Change Management Strategy addressed the actions required to make progress on key reform projects, particularly those projects that have been defined as most critical and at high risk. This KPI matrix has been developed to support the implementation of the Change Management Strategy. It links the actions in the strategy to clear measures of progress.

The analysis related to the Change Management Strategy and the development of KPIs was undertaken between August and November 2021 by a review team of senior experts from the IPA, which comprised Dr. Brian Cawley and Ms Olive Caulfield, both of whom have been involved in previous court reform projects in Cyprus. The overall IPA involvement in Cyprus is led by Dr. Michael Mulreany, Assistant Director General, IPA who maintains oversight of all projects.

The methodology adopted involved desk-based research, a review of information provided based on an information request, and interviews with key stakeholders. All interviews were conducted online due to the global pandemic and consequent restrictions on travel. The interviews used a semi-structured format in line with best practice.

In Cyprus, the project was coordinated by Mr. George Erotocritou, Director of Reform, who collated relevant information for the review team, helped to organize meetings, and provided valuable insights given his extensive knowledge and experience of the reform process. We would like to thank Mr Erotocritou for his assistance. We would also like to thank the project team from the CoE, particularly Ms Elena Yurkina and Ms Rafaella Hadjikyriacou.

2. The Change Management Strategy

2.1 The KPI Matrix and the Change Management Strategy

Before describing the KPI matrix, it is useful to briefly summarise the format and content of the Change Management Strategy upon which the KPIs are based.

Key areas of risk were identified as part of the assessment of the status of courts reform (see Report on Lot 1 delivered in May 2021). There were five courts reform projects identified as high risk, and six as medium risk. The risks arising from slow implementation or non-implementation of recommendations from previous reports was highlighted again in the Change Management Strategy (November 2021):

“It is worth emphasising again the serious ongoing risks associated with excessively slow implementation or non-implementation of these projects, a risk which is growing with each day. There was general agreement among stakeholders interviewed as part of this project that the rate of progress on implementation on key reform projects has been much slower than anticipated or required. Despite the fact that these problems have been previously identified, and the actions required to address the problems clearly set out (see, for example, Erotocritou Report 2016 and Functional Review of Courts 2018), the recommended actions are frequently not acted upon.” (p.8)

These areas of risk were specifically addressed in the Action Plan in the Change Management Strategy. Specifically, the strategy identified areas where immediate progress needs to be made and detailed the actions required to make progress.

The Change Management Strategy identified the following five key areas of action:

- A. Leadership & Governance
- B. Project Implementation
- C. Resourcing
- D. Management Capacity
- E. Communications

An Action Plan setting out clear and practical actions was developed under each of the above headings. Overall, 30 specific actions were defined.

While an Action Plan is necessary, it is not sufficient to ensure implementation. For implementation to be efficient and effective, there needs to be clear timelines and clear responsibilities allocated for the implementation of the various actions. The current report, and the KPI matrix presented below, is intended to support the efficient and effective implementation of the Action Plan.

3. Purpose of the Key Performance Indicator (KPI) Matrix and the Role of the Responsible Owner

3.1 Introduction

A Key Performance Indicator (KPI) is used to support the measurement of progress and performance of projects or actions in relation to the expected outcomes. This KPI matrix has been developed to link the actions set out in the Change Management Strategy to clear measures of progress for implementing those actions.

The KPI matrix presented below sets out a defined KPI for each action and assigns the responsibility for completion of that action to a responsible owner. It also sets a target date by which the action should be completed and implemented. The KPI matrix will allow the Supreme Court, the Reform Management Office, and other stakeholders to assess the progress on, and track the implementation of, the Action Plan. The following briefly describes some of the key elements of the matrix.

Key Performance Indicator

This is the measure that will indicate whether implementation of the action has taken place. An indicator must be clear, specific, and measurable.

Responsible Owners

As mentioned above, it is important that there is a clear allocation of responsibility and accountability for implementation. Actions in the matrix have been assigned to 'Responsible Owners', defined as the person or body considered to have the authority and knowledge to take action and make decisions that will ensure delivery of the action. Achieving a successful outcome will, however, typically depend on a collaborative effort, and the responsible owner may require the support and input of other stakeholders. Where appropriate, these 'secondary owners' are also defined in the KPI matrix below.

The role of the responsible owner is to:

- monitor and review the progress of the action
- based on that monitoring, to act to improve the plan to complete the action
- communicate information on progress or changes to those impacted by the action
- ensure the relevant data to monitor the action is collected and analysed.

Wherever possible, a single responsible owner is assigned to an action so that responsibilities are specific and clear. The President and members of the Supreme Court are assigned as responsible owners for many actions since that body has collective responsibility and ultimate authority in respect of actions pertaining to the courts. The Director of Reform is assigned as responsible owner for a number of actions on the assumption that the additional resources recommended in the change management strategy are assigned to the Office of the Director of Reform.

Timelines

It was noted in the Change Management Strategy Report (November 2021) that:

“... the actions set out here are intended to be taken in the immediate future and certainly within the next 6 -12 months. This is necessary to make the coordinated and sustained progress on courts reform now required.” (p.26)

Therefore, in the KPI matrix there is a target date associated with each action. Where some of the actions will be ongoing, the target date indicates a date of commencement rather than a date of completion. All of the target dates are within a 12-month period from January 2022, and they are set on a quarterly basis. This will allow for review of the implementation of the actions at regular intervals. A summary of the timelines for implementation of actions is set out at the end of the KPI matrix. (p 23)

The targets are ambitious. However, this fact must be set against the slow implementation of some reforms to date and the increasing levels of risk within the courts system and to the wider system of public administration, to society, and to the economy.

The table that follows sets out the **KPI matrix** with:

- a responsible owner(s)
- secondary owner(s)
- target dates assigned to each action.

4. The Key Performance Indicator Matrix and Timeline for Actions

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
A. LEADERSHIP AND GOVERNANCE	Management of Reform Programme	A.1 Deliver a commitment and declaration of intent, incorporating a vision for courts reform, from the President of the Supreme Court, supported by the key Ministries.	Declaration of Intent delivered.	President of the Supreme Court.	Minister of Finance, Minister of Justice and Public Order.	Q1 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		A.2 Re-establish the Courts Reform Steering Committee with a clear direction and new terms of reference that include responsibility for the oversight and leadership of courts reform. Senior Officials should attend all meetings.	Court Reform Steering Committee re-established. Mandate and Terms of Reference clearly defined. Record of attendance by senior officials at meetings.	President and Judges of the Supreme Court.		Q1 2022. Q1 2022. Ongoing.
		A.3 Establish the Reform Project Office under the leadership of the	Reform Project Office established.	President and Judges of the Supreme Court.	Chief Registrar.	Q1 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		Director of Reform, with clearly specified roles and responsibilities	Roles and responsibility of the Director of Reform and staff members defined.			Q1 2022.
		A.4 Assign new project implementation and administrative resources to the Reform Project Office.	Two appropriately skilled Project Implementation Officers sourced and assigned. Assign administrative staff	President and Judges of the Supreme Court.	Ministry of Finance, Public Administration and Personnel Department (PAPD), Chief Registrar.	Q1 2022. Q 1 2022.
B. PROJECT IMPLEMENTATION	Backlog in the District Courts	B.1 Establish clearance of the backlog at district court level as a project	Backlog Project established and commenced.	President and Judges of the Supreme Court.		Q1 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		B.2 Appoint a project sponsor from the Supreme Court.	Project Sponsor appointed.	President and Judges of the Supreme Court.		Q1 2022.
		B.3 Implement the recently adopted Backlog Action Plan to include a review of resources required to deliver the project.	Backlog Action Plan implemented	President and Judges of the Supreme Court.	Director Of Reform.	Q1 2022.
		B.4 Assign a Project Implementation Officer to manage the project.	Project Implementation Officer assigned to the Backlog Project.	President and Judges of the Supreme Court.	Chief Registrar.	Q 2 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		B.5 Examine the use of ICT to assist in monitoring the project and provide management information and statistics.	The role of ICT in supporting the backlog project is examined and if feasible implemented.	Project Implementation Officer responsible for the Backlog Project.	Chief Registrar.	Q 2 2022.
		B.6 Hold regular meetings with the key stakeholders to report on progress, address issues and receive feedback	Formal scheduled meetings introduced, including with the Cyprus Bar Association.	Director of Reform.	Project Implementation Officer. Chief Registrar.	Q 2 2022 and quarterly thereafter.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
	Backlog of Appeals in the Supreme Court	B.7 Consider interim solutions to reduce the backlog of appeals if legislation is further delayed.	Interim solutions identified and progressed.	President and Judges of the Supreme Court.		Q 2 2022.
		B.8 Implement the relevant recommendations of the Functional Review relating to Judicial Time Management.	Recommendations implemented.	President and Judges of the Supreme Court.		Q 2 2022.
	Civil Procedure Rules	B.9 Consider commencement of the revised Rules of Civil Procedure earlier than 1 st September 2023.	Application of the CPR at a date earlier than 1 st September 2023 considered and, if agreed, implemented.	President and Judges of the Supreme Court.	Rules Committee.	Q 2 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		B.10 Consider the application or part application of the revised Rules of Civil Procedure to the backlog.	Application of the CPR to the backlog considered and, if agreed, implemented.	President and Judges of the Supreme Court.	Rules Committee.	Q2 2022.
	Digital Audio Recording	B.11 Put in place the recommended Project Management Structure as set out in the Feasibility Study on DAR and then assess and assign appropriate resources	Appropriate and resourced Project Management structure in place at commencement of project.	President and Judges of the Supreme Court.	Deputy Ministry of Research Innovation and Digital Policy. Director of Reform, Chief Registrar.	Q2 2022 or at commencement of project.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
	Independent Court Service	B.12 Assign resources to assist the Director of Reform in providing information to the team of experts.	Sufficient and appropriately skilled staff assigned.	President and Judges of the Supreme Court.	Chief Registrar Ministry of Finance (PAPD).	Q 1 2022.
		B.13 Nominate the persons in the relevant Ministries and Departments with responsibility for engagement with the project and the provision of information to the Director of Reform and the team of experts.	Responsible contact persons identified and nominated. Process in place for exchange of information.	Minister of Finance, Minister of Justice and Public Order, Public Works Department, Deputy Ministry of Research Innovation and Digital Policy, PAPD.	Director of Reform.	Q1 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
C. RESOURCES		C.1 Prior to the commencement of any new project ensure that the necessary staff required to support the project are in place.	Sufficient and appropriately skilled staff are assigned to the project.	President and Judges of the Supreme Court.	Chief Registrar, Ministry of Finance, PAPD.	Q 1 2022 or at date of commencement of any new project.
		C.2 Undertake a formal assessment of the number and grade of staff required to allow the registries maintain continuity of service while implementing the reform projects.	Assessment of staff requirements completed and, if applicable, case submitted for additional staffing.	President and Judges of the Supreme Court.	Chief Registrar.	In advance of the commencement date of any new project.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		C.3 Provide the necessary staff on a permanent or temporary basis as appropriate.	Adequate staff resources in place, based on the assessment.	President and Judges of the Supreme Court.	Ministry of Finance, PAPD Chief Registrar	Q4 2022.
		C.4 When advertising vacancies for judges and/or staff reference the reform programme.	Future recruitment advertisements for judicial and staff vacancies refer to the courts reform programme.	President and Judges of the Supreme Court.	Chief Registrar PAPD.	Q1 2022 and onwards

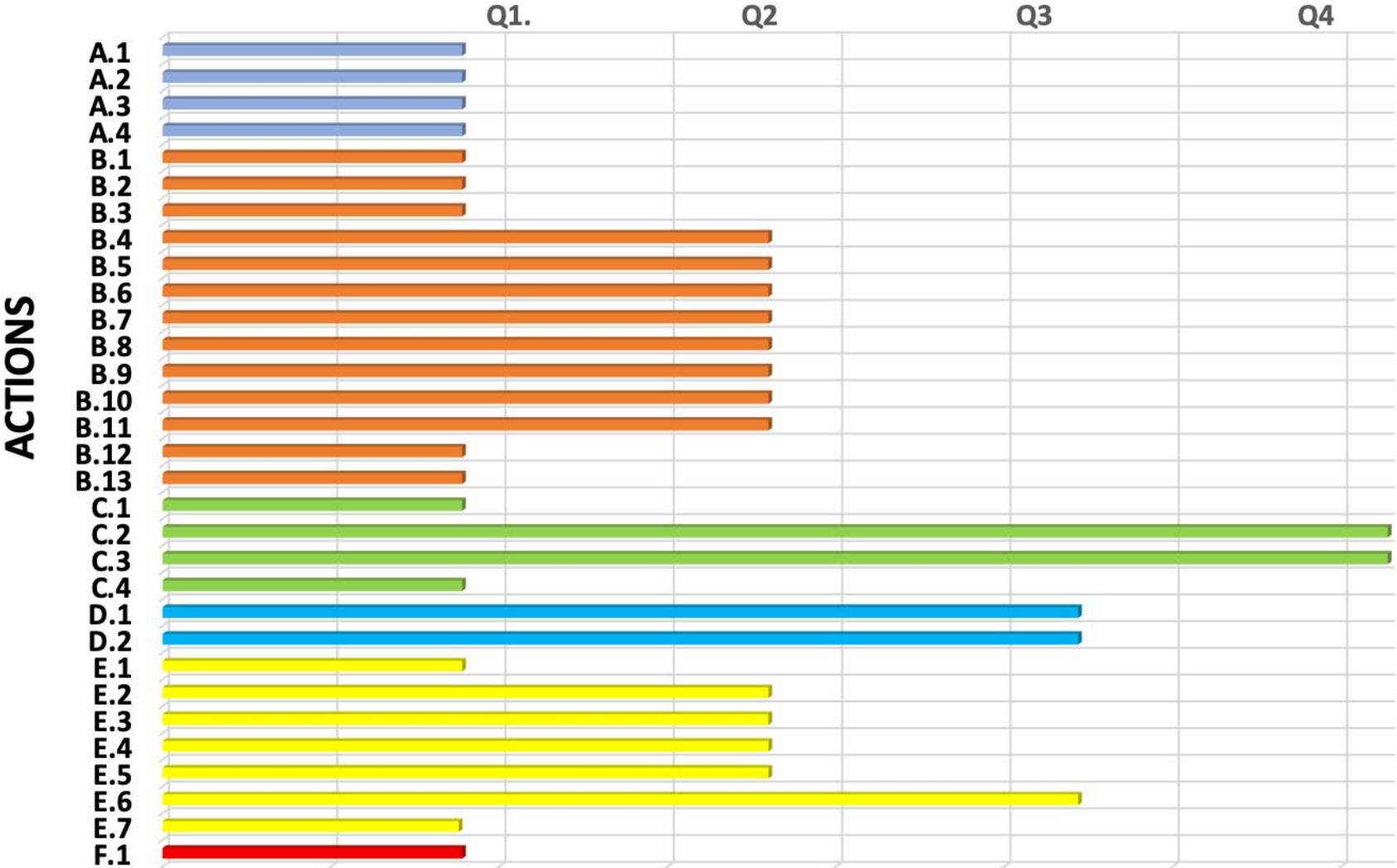
Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
D. MANAGEMENT CAPACITY	Build Management Capacity	D1. CAPA to develop and deliver a management training course for all staff with management and supervisory responsibilities in the courts service.	A tailored management training course is developed and introduced. Identify and nominate the staff to attend.	President and Judges of the Supreme Court.	Cyprus Academy of Public Administration (CAPA)/Judicial Training School/ Other Chief Registrar.	Q 3 2022 with programme of training to be completed by Q2 2023.
		D.2 CAPA to develop and deliver a project management training course for a core group of staff in the courts service.	A project management training course is developed and delivered Identify and nominate the staff to attend.	President and Judges of the Supreme Court.	CAPA/ Judicial Training School/ Other Chief Registrar.	Q 3 2022 with programme of training to be completed by Q2 2023.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
E.COMMUNICATIONS	Communication and engagement	E.1 Implement the communications strategy.	Communications strategy is implemented	Director of Reform.		Commenced by Q1 2022 and ongoing.
		E.2 Circulate all members of the judiciary and senior managers with progress reports and information issued by the Reform Management Office.	A circulation list of judiciary and senior managers for all reform reports and information is created and reports are circulated to all on the list.	Director of Reform.		List compiled and first progress report issued by Q 2 2022, and ongoing.
		E.3 Assign responsibility to senior leaders in each location to inform and encourage staff to	A senior manager in each registry appointed as a champion and communicator of reform.	The President and Judges of the Supreme Court.	Chief Registrar.	Senior managers appointed by Q 1 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		engage with reform.	The appointed managers commence regular communication.			Regular communications in place from Q2 2022.
		E.4 Establish a formal liaison mechanism to listen to, and address the concerns of key stakeholders.	Liaison meetings and contact persons with key stakeholders are established.	Director of Reform.		Q2 2022.
		E.5 Publish a regular newsletter.	A Quarterly Reform Newsletter is issued to all judiciary staff and stakeholders.	Director of Reform.		Q 2 2022 and quarterly thereafter
		E.6 Conduct a client satisfaction survey	A satisfaction survey of court users is completed.	Director of Reform.		Q 3 2022.

Area	Project/issue	Action	KPI	Responsible Owner	Secondary Owner	Target Date
		E.7 Create a staff suggestion box to encourage staff to be part of the reform and to receive feedback.	A staff suggestion box is introduced, and the contributions considered.	Director of Reform.	Chief Registrar.	Q 2 2022.
F. IMPLEMENTATION	Additional Action	Review implementation of reform projects	Quarterly review of progress completed.	Reform Steering Committee.		Q1 and at end of every quarter thereafter.

Implementation of Courts Reform Projects Timeline



5. Implementation and Review

5.1 Reviewing Implementation of the Action Plan

The implementation of the actions set out in the Action Plan in the Change Management Strategy needs to be reviewed on an ongoing basis. We recommend that the Courts Reform Steering Committee, supported by the Reform Project Office, formally review implementation against the KPI matrix set out above. Relevant members of the Steering Committee representing the Responsible Owners of each action should be in a position to provide updates.

On a quarterly basis a more formal review of implementation for that quarter should be provided. This should be documented using an additional column in the KPI Matrix entitled 'Implementation to date'. In this column should be recorded the progress made on implementing each action in that quarter. This should be updated each quarter by the Reform Project Office. Details of implementation for each action should be requested from each Responsible Owner as part of the compilation of this progress report.

5.2 Recording Progress

Where delays have occurred, or obstacles have been encountered, these should be highlighted in the progress report. Typically, actions that are progressing according to plan are allocated status 'green', actions encountering some delay or difficulty are allocated status 'amber', and actions encountering serious delays or obstacles are allocated status 'red'. Where there is a status 'amber' or 'red', notes should be attached to indicate what action is being taken or proposed to address the problem or issue. A sample template for the progress report is at Appendix 1.

The quarterly update reports on implementation should be a priority agenda item for meetings of the Court Reform Steering Committee.

It must be emphasised again that in order for progress to be made on implementation, including on the reviews of progress described above, the additional resources set out in the Action Plan must be allocated, including the additional resources assigned to the Reform Project Office.

6. Conclusion

One of the major challenges identified in relation to courts reform in Cyprus has related to implementation, including the lack of capacity for implementation within the courts system. While recommendations for reform have been made in many reports, including in the Functional Review of the Courts (2018), progress with the implementation of many of these recommendations has been slow.

The recent reviews carried out by the Institute of Public Administration, including the Assessment of Change Status of Courts Reform (May 2021), the Change Management Strategy to Support Courts Reform in Cyprus (November 2021), and the coaching of key individuals in the Courts Service, has been directed towards making more rapid progress on *implementation*. The risks associated with continuing delays in implementing reforms have been highlighted.

As noted earlier in this report, setting out reforms and associated actions is not sufficient: these actions must be supported with clear responsibilities for implementing each action, with clear measures of progress, and with target dates for implementation. By setting out a KPI matrix, this report is intended to provide that level of detail to support effective implementation and to facilitate the measurement of progress against targets. This provides an important opportunity to re-set the courts reform process in Cyprus and to provide added energy and impetus to the implementation process.

Appendix 1: Example of a Section of Progress Report

Area	Project	Action	KPI	Implementation to date	Status	Proposed Action
E.COMMUNICATIONS	Communication and engagement	E.1 Implement the communications strategy.	Communications strategy is implemented.	Part implemented – add details.		Insert text.
		E.2 Circulate all members of the judiciary and senior managers with progress reports and information issued by the Reform Management Office.	A circulation list of judiciary and senior managers for all reform reports and information is created and reports are circulated to all on the list.	Implemented on x date.		
		E.3 Assign responsibility to senior leaders in each location to inform and encourage staff to engage with reform	A senior manager in each registry appointed as a champion and communicator of reform The appointed managers commence regular communication	Not yet commenced.		Insert text.