

## New Initial Judicial Programme in The Netherlands

# Assessment for the new Initial Judicial Programme

### Introduction

Assessment on the new initial judge/justice programme has been devised on the basis of trainee judges' taking responsibility for their own programme and on there being a stimulating learning atmosphere, and also the support of training input from courts themselves and supervision provided by the core trainer. Trainee judges are assessed on a portfolio that they will be responsible for compiling themselves in line with these expectations. We have formulated a series of final attainment levels on five topics in order to determine whether or not a trainee judge has reached a stage of functioning independently as a new judge. These final attainment levels serve as measurement standards when assessing trainee judges.

A stimulating learning atmosphere requires a programme to take place in a secure setting and the assessment to enable trainee judges to develop as well as possible and build on their talents. We stick to this basis as much as possible by keeping teaching and assessment as separate as possible and making assessment transparent and objective. This allows the trainer to focus fully on the role of coaching and developing the trainee judge. The practical trainer and core trainer do provide input for assessment: they are required to complete a number of feedback forms and evaluation forms every three months for the portfolio and issuing approval of the contents of the portfolio. The latter is necessary to ensure that the portfolio represents the trainee judge as comprehensively as possible.

In order for the system of assessment to be transparent and objective, it must have clear assessment criteria, a clear procedure and as much consistent reliability amongst assessors as possible. This necessitates training of assessors and guidance from a specialist expert from SSR. This also benefits the quality of the assessment. Furthermore, the programme structure also ensures that candidates are not assessed more than is conducive to assessment from a legal perspective. The system described here - which combines fixed assessment times and supplementary assessment on request - meets that objective. The assessment system therefore has trainee-focused flexibility wherever possible and also supports didactic innovations in competency development.

### First interim assessment

The first interim assessment occurs at the end of the first nine months of the programme - i.e. following six months of training experience in a work-training environment (after the three-month preliminary phase). This assessment will focus on the question of whether the trainee judge fundamentally possesses the competencies needed to be a judge, and whether they display sufficient development. The reason for this 'quick' assessment is that it is useful to see after six months in training whether the trainee's writing and court session skills have sufficiently become competencies which the trainee now also applies in practice. If this assessment delivers a negative outcome, the court has only had to contribute a limited amount of input, and the trainee is able to transfer more easily to an alternative line of work after such a short period of time.

## **Second interim assessment**

If the individual's programme lasts three years or more, a second interim assessment will follow around half way through the remaining duration of the programme. This second interim assessment time will be specified within the trainee's personal learning plan and the date fixed so that it does not fall within six months of starting at a new work-training environment. Trainees will be assessed against the predetermined final attainment levels, and/or whether their development indicates that they will be sufficiently able to succeed in those final attainment levels in the remaining duration of the programme. The assessment may not be more than two years after the previous one.

## **Supplementary assessment(s)**

If required, the board of examiners may decide to recommend a subsequent additional assessment, not indicated in the personal learning plan submitted to the court board. Trainee judges themselves may also request one, in consultation with their practical trainer and core trainer, if they have concerns about the progress of their programme, or if they feel they have attained all the final attainment levels earlier than expected. In exceptional circumstances, court boards may also decide there needs to be a supplementary assessment. Such a supplementary assessment cannot be within six months of the previous assessment. Practical trainers and core trainers are explicitly not meant to request supplementary assessments, as this does not tally with the division between the training and assessing roles and would conflict with the sense of a secure learning atmosphere.

## **Final assessment**

In all cases, the programme will conclude with a final assessment to examine whether the trainee judge is able to function independently as a new judge. It will assess whether or not the trainee judge satisfies all of the final attainment levels.

## **Stimulating and flexible**

The above system ensures that candidates are not assessed more than they need to be, which supports the use of assessment as a legal instrument. This helps maintain a division between training and assessment. It also has benefits for a stimulating learning atmosphere, for the desired degree of flexibility and the programme's appeal. After all, assessments are stressful parts of the programme, whilst the majority of trainees successfully pass the programme anyway.

## **No assessment upon completion of work-training environment**

Although it is currently common practice, the completion of each work-training environment is not a moment for an assessment, as the transitions from each work-training environment to the next are set out in the trainee's personal learning plan and the programme as a whole focuses on developing the eleven competencies over the duration over the programme as a whole. The programme's final attainment levels have also been formulated for that aim. They have been formulated separately from the individual work-training environments.

With this structure, the assessment system corresponds with the innovative didactic perspective that the new programme structure adopts: The programme aims at constant development of competencies, with each work-training environment focusing on specific competencies. The trainee judge will only satisfy the final attainment levels after completion of the entire programme, and therefore can only be properly assessed once that point has been reached. Interim assessments for the progress made in each individual work-training environment do not fit with that system. Still, here too it should be borne in mind that specific legal knowledge relating to a given work-training environment is relatively easy to acquire, and therefore it does not need to be continuously assessed.

It will not be possible to extend the total length of the programme due to insufficient development

progress. If the candidate has not developed sufficiently, this will attract a negative outcome and the end of that trainee's programme.

### **Board of examiners assesses candidates on portfolio and interview**

Candidates will be assessed by a board of examiners on the basis of an interview and a portfolio which trainees are responsible for compiling themselves. The portfolio must include a number of compulsory pieces of evidence and another part of it can be filled as the candidate chooses to. Several specific topics will be assessed - based on the work carried out and feedback on that work. These are: Preparing Court Session/Court Session, Verdicts/Decisions and Magistracy/Professionalisation/Policy and Co-operation/Communication/Intervention. The latter two topics will also be assessed on written reports and other experiences.

### **Roles of the core trainer and practical trainer**

The core trainer and practical trainer have a specified role in assessment: ensuring that the portfolio represents the trainee judge as comprehensively as possible. For the practical trainer, this entails giving approval of the practical work carried out at the specific work-training environment at which he/she has been providing training. For the core trainer, this entails giving approval of the supplementary pieces of evidence for the Magistracy/Professionalisation/Policy and Co-operation/Communication/Intervention topics. If approval is withheld, the practical trainer or core trainer should indicate which piece(s) of evidence still need(s) to be included. The board of examiners will then request the trainee judge to provide that evidence subsequently. As it is the trainee judge who is responsible for his or her entire own programme, it is up to the candidate to decide whether or not to still add that piece of evidence to the portfolio.

### **Testing of legal knowledge?**

It sometimes happens in practice that candidates who graduated a long time ago or who have no or little experience of court proceedings, have a lack of legal knowledge which sometimes hinders their development progress. It is therefore recommended to diagnose trainees' legal knowledge level when they start each new work-training environment. This kind of "white spot diagnosis" cannot serve as an assessment standard. It can be used, though, as a basis upon which to shape the progress of the programme and to decide which courses to take. Such course activities will be set out in the trainee's personal learning plan.

The new programme does not include any purely legal knowledge tests. That is because such tests would not tally with the basic assumption that trainee judges themselves are responsible for their own course, and possessing adequate legal knowledge is obviously a major part of that. The programme is structured on the assumption that trainees on the programme hold the necessary legal knowledge - or will acquire it at the start of each work-training environment. The assessed final attainment levels also include legal knowledge, which has to be demonstrated within the practical work carried out. It should therefore be emphasised that trainee judges must ensure that their level of legal knowledge is not a factor which will obstruct their progress in the programme as a whole.