



STUDIECENTRUM RECHTSPLEGING
TRAINING AND STUDY CENTRE FOR THE JUDICIARY

Study guide for the judicial officer



Publisher's imprint

The study guide for the judicial officer study programme is published by SSR, Studiecentrum Rechtspleging, the Dutch judicial organisation's training institute. SSR has provided the training and refresher courses for (future) judges, public prosecutors and their staff for fifty years. The judicial officer study programme trains young jurists for the position of judicial officer.

The process of the modernisation and improvement of the quality of the study programme was initiated in 2006. One element of this process was SSR's appointment of a project team for the development of a study guide for the judicial officer study programme. The pilot edition of the study guide was introduced in May 2009.

SSR presented this new, revised edition in September 2010, which was amended on the basis of feedback and recommendations from users including lecturers, training consultants, trainee judicial officers, trainers and the trainee judicial officer council.

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Dear readers,

When SSR presented the pilot edition of the new study guide for the judicial officer study programme in May 2009, with a new design and angles of approach, we were interested to see how the trainee judicial officers, courts and public prosecutor's offices would respond to the new study guide and how rapidly the guide would become established.



On my visits to the various courts and public prosecutor's offices during the past few months I was surprised to see how rapidly the new study guide has become established. I am extremely gratified, since the study guide deserves it: it is a wonderful product. Although, obviously, there is always room for improvement and new insights may develop, I am convinced that in publishing this revised version of the study guide SSR has taken a major step forwards. The philosophy behind and the design of the study guide will serve as a model for other SSR study programmes.

How does the new study guide differ from the pilot edition?

A number of entry groups of trainee judicial officers have worked with the pilot edition since its presentation in May 2009, and now each programme period of the judicial officer study programme has worked with the pilot edition we have obtained a great deal of useful information. In addition, SSR staff presented the study guide to trainee judicial officers and their trainers at the courts and public prosecutor's offices in the autumn of 2009. Almost all responses to the study guide were favourable, although this does not imply that we received no suggestions for improvements.

The feedback on the study guide and the comprehensive recommendations from the trainee judicial officer council has enabled SSR to optimise the guide. Once again, I wish to express my sincere gratitude to Margreet Ahsmann, LL.M, and Angela Talen, M, who once more worked with relentless effort on the perfection of the study guide. They devoted particular attention to the public prosecutor's office programme periods (basic and advanced course) and the external traineeship since these sections had not been worked out in full detail at the time the pilot edition went to print. Consequently, these sections differ most from those in the pilot edition.

The study guide is also published on SSR's website, where the (fillable) forms referred to in this study guide are also available in the Mijn SSR section of the website. The study guide is available in Dutch and English versions.

Looking back on the process I am gratified to note that so many people devoted an enormous amount of energy to the preparation of this valuable guide. I would like express my deepest gratitude to them all.

Dear trainee judicial officers, trainers, training consultants and lecturers: it's now up to you. Use the study guide, make use of the scope and opportunities the guide offers you to create the unique, customised study programme tailored to the individual trainee judicial officers that will enable them to train and develop into the independent, professional and dynamic judicial officers required in our rapidly changing world.

Rosa Jansen,
Chair of the SSR Board
and rector of the judicial officer study programme

Zutphen, September 2010

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Study guide for the judicial officer study programme

New perspectives for the judicial officer study programme

Fifty years of a unique judicial officer study programme

Roles in the study programme

Trainee judicial officer

The trainee judicial officers bear the ultimate responsibility for their learning.¹

Court and public prosecutor's office

Trainee judicial officers study and work at a court or public prosecutor's office, where they spend most of their time during the study programme. These courts and public prosecutor's offices bear the responsibility for furthering the trainee judicial officers' day-to-day training and assessment: they provide a workplace which offers the trainee judicial officers an opportunity to experience and learn. The following parties are involved in the study programme:

■ **Trainer**

The trainer supervises the trainee judicial officer at the workplace and has, in principle, been issued certification for this duty. Trainers perform a variety of tasks: they instruct, coach, supervise, organise, give feedback, conduct progress meetings and make assessments. In addition, they serve as a role model in terms of their competence, professional attitude and enthusiasm for the profession.

It is recommended that trainee judicial officers are assigned two permanent trainers at the relevant section of the court or public prosecutor's office since this enables the trainee judicial officers to learn more and promotes objective assessments of their development. When the assignment of two trainers is not feasible then it is recommended that the trainee judicial officer is offered an opportunity to see various judges and public prosecutors at work. The trainee judicial officer can take the initiative to make the necessary arrangements.

Trainers should be relieved of some of their regular duties to provide them time for training: on average, at least one half-day is required for each trainee judicial officer assigned to a section of the court or public prosecutor's office.²

The trainer's competence profile specifies the qualities and skills to be possessed by a suitable trainer. This profile is available on SSR's website.

■ **Mentor at the workplace**

The mentor is a counsellor who can be contacted by trainee judicial officers about problems with the study programme (including private problems). The mentor is usually an experienced

judge or public prosecutor who has the authority required to call the trainer at the section of the court or public prosecutor's office to account.

The mentor's competence profile specifies the qualities and skills to be possessed by a suitable mentor. This profile is available on SSR's website.

■ **Colleagues at the workplace**

The trainee judicial officers have many colleagues at the workplace (judges, public prosecutors and legal staff) who can be of value to them during their study programme. These colleagues can be contacted with questions, watch the trainee judicial officer at work, give advice and give feedback, etc. Trainee judicial officers are expected to take the initiative to contact their colleagues and are encouraged to do so by their trainer. Asking questions promotes learning – and no-one is criticised for asking questions.

SSR

SSR is the training institute for the Justice Administration Council and the Public Prosecution Service and, as such, is responsible for the quality of the study programmes. SSR has been requested by the Justice Administration Council and the Board of Procurators-General to coordinate and organise the judicial officer study programme and prepare the curriculum. SSR maintains regular contacts with the trainers by means of platform meetings and meetings with training consultants. SSR also supports the trainers in their work by organising didactic training courses for them. SSR is the employer of the trainee judicial officers.

■ **Rector and Board**

SSR's Board fulfils the role of rector for the judicial officer study programme.

The Board has also been granted mandates which empower it to make legal status decisions and decisions on the study programme provided to trainee judicial officers. The Board has delegated virtually all these mandated powers to the training consultants.

The Board serves as SSR's contact point for the trainee judicial officers.

■ **Training consultant**

SSR has appointed training consultants for the judicial officer

¹ .
² Decision of the Presidents meeting on 23 March 2009. The Public Prosecution Service has not made a comparable decision: each public prosecutor's office makes arrangements for the time the trainers need to perform their training duties.

study programme. These training consultants are judges and public prosecutors who are seconded to SSR and supervise the training at the workplace on SSR's behalf. The training consultants monitor the national uniformity of the study programme and the assessment of the trainee judicial officers. They also serve as contact person, vade mecum and intermediary for issues relating to the study programme for the trainee judicial officers and other persons involved in the study programme, monitor the study programme and act as consultants during the assessment of the trainee judicial officers. The training consultants are, in effect, liaison officers in the triangle comprised of the trainee judicial officer, SSR in its roles as employer and training institute, and the trainers at the workplace.

■ **Others involved in the judicial officer study programme**

The judicial officer study programme coordinator is responsible for the development, maintenance and implementation of the curriculum offered by SSR.

The judicial officer training bureau is responsible for all organisational issues relating to the judicial officer study programme other than the courses and legal status issues.

The HRM department is responsible for legal status issues.

■ **Lecturers and trainers for SSR courses**

The lecturers are excellent professionals who often originate

from universities or legal practice. Trainee judicial officers attending SSR's courses can acquire the knowledge and skills (attitude) they require for their growth into professionals. The lecturers assume that the trainee judicial officers examine the study texts issued to them before the course and that they have given thought to their learning questions. In some instances the participants need to prepare for courses by completing and submitting a homework assignment. Adopting this approach ensures that the training offered by SSR is as meaningful as possible and tailored to the individual students, where the trainee judicial officers are assigned the responsibility for the design and active shaping of their learning process.

The trainers and actors who take part in the courses have themselves received training in the substance of the courses provided to the judicial organisation.

■ **Colleague students**

Exchanging experiences and insights with their colleague trainee judicial officers enables trainee judicial officers to broaden their insights into working for the Public Prosecution Service or the judiciary. In addition, they can expand their personal network. Maintaining contacts with their colleague students enables trainee judicial officers to learn from and support each other in their learning process. A number of courts and public prosecutor's offices organise special learning activities in which trainee judicial officers can meet and learn from each other.

Study programme structure

The judicial officer study programme is divided into three programme periods, namely the basic course, advanced course and external traineeship. During the basic course period the trainee judicial officers begin by following a course in the criminal law section (six months) and then continue with a course in the civil law section (ten months), the administrative law section (ten months) and, in conclusion, at the public prosecutor's office (12 months). At the end of the basic programme period the trainee judicial officers opt for either a judicial position or a position as public prosecutor and then, depending on their choice, follow a 10-month advanced course at one of the sections of the court – administrative, civil or criminal¹ – or at a public prosecutor's office. At the end of this period they then, in principle, follow a traineeship – outside the judicial system and the Public Prosecution Service – for a (maximum) of 24 months to enable them to experience the interface between law and society and see how the work of judges and public prosecutors is viewed from a different perspective.² The fulltime judicial officer study programme is usually of a period of six years.³

Trainee judicial officers who successfully complete the study programme are awarded a certificate during a graduation ceremony. This certificate constitutes, as it were, the admission ticket to a position as judge or public prosecutor.

SSR organises an introduction course at the beginning of the study programme, followed by an introduction course to the relevant section of the court or public prosecutor's office at the beginning of each programme period and supplemented with a number of SSR courses and additional learning activities organised by the section or the court or public prosecutor's office.

The organisation of the course is shown in the following diagram. The general learning assignment plan section contains information about the approach to each programme period. Information about the detailing and structure of the individual programme periods is contained in the sections specifying the curriculum (including the learning assignment plan) for each section of the court and public prosecutor's office.

DIAGRAM (in the study guide)

6 months	16 months	26 months	38 months	48 months		72 months
basic course period 1	basic course period 2	basic course period 3	basic course period 4	advanced course period 1	advanced course period 2	award of certificate
criminal law	civil law	administrative law	public prosecutor's office	chosen section or public	external traineeship	
					prosecutor's office	
6 months`	10 months	10 months	12 months	10 months	24 months	

1 The study programme does not extend to family law.

2 The external traineeship is followed at a traineeship place approved in advance by the SSR. This approval is necessary in view of the requirements imposed on the traineeship. More information is given in the Curriculum for the external traineeship section and the trainee judicial officer regulations manual.

3 Other durations are applicable for trainee judicial officers studying part-time, ill for a longer period of time or taking specific forms of leave. More information is given in the trainee judicial officer regulations manual.

Study programme principles

The judicial officer study programme is governed by a number of training principles and substantive principles. This Section lists the most important training principles together with their implications for the judicial officer study programme. The next section reviews the substantive principles of the judicial officer study programme.

Job-oriented study programme

The judicial officer study programme is a job-oriented programme since the programme is not intended to provide a general education but rather to prepare the student for work in a specific profession, namely either as a judge or public prosecutor. In contrast to more general study programmes, which benefit from a competence-oriented approach, job-oriented study programmes benefit from a combination of a task-oriented and a competence-oriented approach.

For this reason both the design of the judicial officer study programme and the assessment of the trainee judicial officers are based on the performance of the requisite tasks. The tasks, task criteria and competences jointly specify the attainment levels to be achieved at the end of the study programme.

Learning by working

Since the trainee judicial officers learn on the basis of their actions the study programme focuses primarily on the workplace. This approach links learning directly to the context and results in meaningful learning, where the learning process is perceived as a cycle that begins with a trainee judicial officer's experience or observation in the everyday work, moves on to reflection and objectification which result in new knowledge and insights the trainee judicial officer then implements in practice and, finally, comes full circle with a new experience or observation. The cornerstones of this learning process are experience, reflect, objectify and implement. Trainee judicial officers who continually incorporate new insights build up their knowledge, knowledge which also includes conduct and emotional aspects as integral elements.

The trainer plays an important role in the support of this process of observation/experience, reflection, generalisation (objectification) and implementation. The trainers hold regular meetings with the trainee judicial officers and complete feedback forms on their learning activities, thereby making a contribution to the trainee judicial officers' systematic reflection on and objectification of their experiences. In addition, opportunities need to be available to seek situations in the work which support this experiencing and learning process.

From simple to complex

A work-oriented study programme, in which students learn by acquiring experience in the performance of the tasks, requires a careful selection of the situations in which the student is placed: it is also necessary to endeavour to achieve the maximum possible gradation from simple to complex.

For this reason it is essential to create a gradual transition from a stable, demarcated and supervised environment to a broadly-defined, continually changing environment in which the trainee judicial officer makes the decisions and bears the overall respon-

sibility. The trainer plays an important role in organising this environment, where the trainee judicial officers need to state what they feel capable of taking on and discuss the manner in which they experience the work and their learning.

The meaning of 'competences'

'Competence' is a difficult term to define, and is interpreted in terms of 'skills' in the judge profile. However, equating competences with skills underestimates the importance of additional elements such as knowledge. For example, although economists can possess an undeniable analytical capability this does not imply that they also possess the knowledge required to make an appropriate analysis of the documents in a civil law dossier. For this reason this study guide adopts a broader definition of 'competence', namely 'the ability to integrate the entirety of knowledge, insights, skills, attitudes and qualities in the professional actions'. Competent conduct is observable in a variety of situations. In addition, competences can occasionally be closely interrelated, for example strength (assuredness) and self-confidence. Competences form the terminology that is used to analyse and interpret the trainee judicial officer's performance in a manner that provides for the unequivocal specification of the trainee judicial officer's points that need to be developed – or their talents – throughout the study programme.

Gathering knowledge and practicing skills

The office of judicial officer (judge and public prosecutor) is strongly knowledge-oriented: substantive knowledge, professional skills and communicative skills – the building blocks of competences – can and must to some extent be gathered, acquired and practised separately to achieve the controlled integration of knowledge and skills in the mind that is beneficial to the learning process.

For this reason the SSR courses provide for the segregated collection of knowledge and practising of skills. The majority of these courses are given to small groups, since small groups are ideally suited to exchanges of and reflections on experiences and giving feedback to each other. This enables the trainee judicial officers to become aware of their professional attitude and learn how to develop themselves further.

Additional learning activities can also be organised at the workplace (the court or public prosecutor's office) such as the classes courts organise for practising formulating judgements.

The trainee judicial officers also need to schedule the study hours required to enable them to assimilate knowledge. Consequently, the trainers need to appreciate that the 'production time' is less than the total available time.

The trainee judicial officer's responsibilities

Learning by working assumes that the trainee judicial officers bear a great responsibility for the management of their personal learning process. Trainee judicial officers are responsible for their development, in analogy with the responsibility judges and public prosecutors bear for the performance of their duties and, consequently, their development. Although the various parties involved in the study programme can give the trainee judicial officer support, the trainee judicial officer is the process owner.

For this reason it is important that the trainee judicial officers take the initiative and are always aware of the fact that they must transform experiences into learning experiences and that only they have a full insight into their learning history. Trainee judicial officers must always be fully aware of the learning goals, which issues are of importance to the learning goals and how their achievement of the learning goals is assessed. Trainee judicial officers who do not fully understand what is expected of them must ask further questions until they do understand. The trainers and other parties involved offer them the necessary support.

Suitable instructions from and monitoring by the trainers

Trainee judicial officers cannot be expected to be capable of complete self-management at the beginning of the judicial officer study programme as they are still unfamiliar with the specific position and with the degree of personal responsibility they will need to assume. Although the study programme endeavours to develop the trainee judicial officers' self-management ability this is not, as such, one of the goals. However, trainee judicial officers need to develop their self-management ability during the study programme. The trainer supports this process by gradually shifting from tight to looser management and, ultimately, to self-management by the trainee judicial officer.

This implies that the trainer begins each programme period by giving a clear explanation of what is expected from the trainee judicial officer on the basis of the curriculum stated in the study guide and that the trainee judicial officer provides for the necessary framework, since the development of the ability to assume responsibility for the learning process begins with clarity about the expectations at every point in the learning process – clarity which is provided by the trainer and the training consultant's specification of the frameworks. During the study programme the trainer ensures that the trainee judicial officer is provided sufficient work suitable for the current learning phase. The trainer monitors the learning process and plans any learning interventions that may be required. The trainer gives the trainee judicial officer constructive feedback on the work, both specific feedback (about the work in progress) and general feedback (the trainee judicial officer's overall progress), conducts a review interview with the trainee judicial officer both mid-way and at the end of each programme period and is involved in the assessment of the trainee judicial officer at the end of the programme period. The trainee judicial officer can always contact the trainer about any questions.

Assessment

The assessment of the trainee judicial officer always has an educational and selective side. The educative side is given shape in the form of the feedback the trainee judicial officer receives from the trainer, while the selective side relates to the question whether the trainee judicial officer is suitable to continue to the next programme period. In both situations the trainer (and, during the external traineeship, the training consultant) assess the manner in which a specific task is performed. The tasks and task criteria specified in this study guide constitute the framework of this assessment and contribute to the objectification of the assessment. The trainee judicial officer is expected to actively seek clarification of the background to the trainer's assessment of his or her performance, more specifically by asking questions, summarising and exhibiting a willingness to listen to the trainer's comments. The trainer needs to realise that his or her level is incomparable to that of the trainee judicial officer and,

consequently, that the feedback needs to be constructive, formulated with respect and focused on assisting the trainee judicial officer in the learning process. Giving feedback and making an assessment is then primarily an indicator: "What progress am I making?" and a challenge: "Are my efforts achieving the desired result?" Regular assessments ensure that the trainee judicial officer's personal growth and development can be monitored. Moreover, the attention the trainee judicial officer receives in regular assessments ensures that the officer's experience of these assessments shifts from "painful to be assessed" to "proud to be assessed".

Continuity of the learning process

The judicial officer study programme is divided into a number of periods to allow trainee judicial officers to become acquainted with the various sections of the court and the public prosecutor's office and enable them to develop themselves in these fields. This assignment to various workplaces and supervision by various trainers enables trainee judicial officers to acquire a wide variety of learning experiences. However, it also poses a risk to the continuity of the learning process.

The maximum possible continuity of the judicial officer study programme's learning process is guaranteed by the use of learning assignment dossiers and development dossiers.

The learning assignment dossier contains records of the results and progress in the relevant section, while the development dossier contains records of progress meetings, review interviews and assessments that serve as the point of departure for further development in the next phase.⁴ Due attention needs to be given to the transfer procedure from one period to the next: the trainee judicial officer and the trainer(s) in the new section discuss the content of the learning assignment dossier and development dossier, identify the most important results and points for development and assess their implications for the performance of the tasks in the new section.

Becoming an expert takes at least seven years

Experience has revealed that it takes at least seven years to become an expert in a given field, whilst various studies also refer to a period of 10,000 hours – i.e. intensive experience with, the practice of and reflection on a demarcated task.

This implies that trainee judicial officers continue to develop their professionalisation after they have graduated, since the judicial officer study programme yields novice judges and novice public prosecutors: although they have completed a six-year study programme, the entire six-year period is not devoted exclusively to becoming an expert in a specific profession. New judges and public prosecutors and the organisations they work for need to appreciate that the judicial officers are still novices. For this reason the period after graduating from the judicial officer study programme needs to be regarded and organised as a further apprenticeship period.

Substantive principles

The previous section of this study guide reviewed a number of training principles governing the judicial officer study programme. This Section discusses the most important substantive principles governing the judicial officer study programme.

Based on the job profile

The judicial officer study programme is based on the judge job profile (initial training) and public prosecutor job profile (the job profiles are available on the SSR website). Consequently, the study programme prepares trainee judicial officers for their future tasks and responsibilities in these positions. The judge job profile (initial training) specifies a general profile for judges on the basis that 'the judge can be deployed in at least two sections or has specialised in a specific area of law'.⁵

Training to become novice judge/public prosecutor

The judicial officer study programme trains graduates to the level of novice judge in one section of the court⁶ or of novice public prosecutor. The profiles of the two positions contain a general specification of the coherent and overarching skills and personality characteristics required for the appropriate performance of the duties of judges or public prosecutors. The key tasks of the justice administration and Public Prosecution Service constitute the overall framework of the study programme.⁷

A distinction can be made between a number of task areas, also referred to as 'result areas', in the professional actions of judges and public prosecutors, namely six result areas for judges and eight for public prosecutors. Although result areas 5 and 6 are not part of the job profile during the first year of a judge's duties they are included to complete the profile. These result areas are shown between [].

These result areas define fields in which the Board expects the incumbent to achieve results. These results can be achieved solely by judges and public prosecutors who are able to carry out a wide range of tasks and activities. Both job profiles include a definition of each task area together with a number of task or performance indicators.

The judge initial training job profile lists 14 competences which are each accompanied by four examples of conduct or 'conduct indicators', as well as a specification of three skills that the job profile states should be included in the judge's skills, namely delegation, quality-orientation and sociability. For completeness these skills (enclosed between []) are included in the following list of competences.

The public prosecutor's job profile also lists a number of competences (7) which, in contrast to the judge's job profile, are not accompanied by conduct indicators but which are supplemented with a statement of a number of critical situations in which the competences could play a role. The profile also specifies 14 essential skills together with the required knowledge and experience. Consequently, the competences and skills specified in the two profiles are not completely identical. However, the essential skills of public prosecutors include skills which are referred to as competences in the judge's job profile: for example, 'effective communi-

cation' is referred to as 'verbal fluency' in the judge's job profile. Conversely, the public prosecutor's job profile contains competences and skills that are not listed in the judge's job profile, such as 'organisational sensitivity', 'persuasiveness' and 'empathy', whilst the judge's job profile includes 'integrity', a criterion not stated in the public prosecutor's job profile. However, this does not imply that judges have no need of empathy or that public prosecutors do not need to act with integrity.

These competences and essential skills can be linked to a task area and, therefore, are necessary for an adequate performance of the relevant task area.

The two job profiles, i.e. the indicators accompanying the task areas, the critical situations, the indicators accompanying the competences and the essential skills, played an important role in the specification of the curriculum. More information about this is given in the next section.

CORE TASK OF THE JUDICIARY:

"Independently adjudicate irrespective of persons, with due regard for society and on the basis of the principles of the administration of justice."

CORE TASK OF THE PUBLIC PROSECUTION SERVICE:

"Maintain legal order in areas in which criminal law plays a role."

Task areas, judge

in accordance with the job profile

1. Preparations
2. Hearings
3. Judgements
4. Professionalisation
1. [5. Contribution to legal substance and policy]
2. [6. Supervision and training of clerks]

Competences, judge

in accordance with the job profile

Decisiveness
[Delegation]
Integrity
[Quality-orientation]
Learning capacity
Ability to listen
Verbal fluency
Situational awareness
Forming a judgement
Prioritisation
Problem analysis
Cooperation
Written fluency
[Sociability]
Strength
Self-reflection
Self-confidence

5 The judge initial training job profile dates from 3 June 2003 and the public prosecutor's job profile from 17 April 2007. However, task areas 5 and 6 in the judge's job profile are not applicable to the first year of a judge's duties. A new judge's job profile has been formulated (28 November 2007) to serve as an example of a profile within the context of the revision of the judiciary's salary and job grade structure. Since no new study programme has been proposed this study guide is based on the study programme profile dating from 2003.

6 Trainee judicial officers specialise in only one section during the advanced course. For this reason graduate judicial officers who are assigned to another section will need to be offered a course comparable to the advanced course for the relevant section.

7 Derived from Eindrapport herziening Raio-opleiding (2007), p. 153.

Task areas, public prosecutor

in accordance with the job profile

1. Authority and direction of investigations
2. Handling criminal cases
3. Victim contacts and information
4. Networking
5. Intervention, training and supervision
6. Administrative consultation
7. Policy expertise and development of law
8. Projects

Competences, public prosecutor

in accordance with the job profile

Decisiveness
Situational awareness
Forming a judgement
Organisational sensitivity
Persuasiveness
Problem analysis
Cooperation

Essential skills

in accordance with the job profile

Directive skills
Cooperation
Effective communication
Oversee the consequences of personal decisions
Switch rapidly between work of different levels
Balance between speed and due care
Balance between distance and closeness
Involvement of legal aspects, ethical and social considerations and sense of justice in the formation of an assessment
Correct formulation of the essence and cohesion
Adequate Response to unexpected twists
Identification of inconsistencies
Problem-solving capacity
Presentation capacity
Empathy

General information about the curriculum

The previous section of this study guide reviewed a number of substantive principles governing the judicial officer study programme. This Section reviews how these are used to give shape to the curriculum.

The job profiles have been used to draw up a curriculum for each section of the court and the public prosecutor's office. The curriculum is comprised of a specification of the tasks and the associated task criteria, competences and experiential standards. The tasks arising from the result areas are supplemented with orientation tasks and study tasks, as well as information about the supervision methods to be used by the trainer. A specification of this nature has not been drawn up for the external traineeship since the tasks to be carried out during the external traineeship depend largely on the traineeship place and, consequently, cannot be specified in advance.

This section begins with a brief explanation of the various terms used in the curriculum. The following subsections discuss these terms in their mutual interrelationship and explain how they are used to give shape to the curriculum for each section of the court and the public prosecutor's office.

Tasks

The tasks are derived from the job profiles and, in particular, from the result areas. Trainee judicial officers must be offered an opportunity to acquire experience within the scope of the requisite tasks as the professional performance of the office is equated to professional action in the specified result areas.

Orientation tasks

The orientation tasks are tasks which cannot be derived directly from the job profiles but which are necessary to explore the manner in which the various professionals approach their tasks. The orientation tasks are usually carried out before the trainee judicial

officers independently perform the tasks to ensure that they develop an appropriate reference framework for the tasks assigned to the relevant position.

Study tasks

The study tasks are tasks assigned to trainee judicial officers to enable them to assimilate the requisite knowledge, i.e. keeping up to date with literature and case law. Time for these study tasks must also be scheduled outside normal working hours.

Task criteria

The task criteria specify the criteria for the assessment of the performance of the relevant task and are specified in terms of observable, specific conduct. These criteria have been specified in explicit terms since experts are inclined to base their assessment of trainee judicial officer performance on these criteria without being aware that they are doing so.

Competences

The competences specify the integral entirety of knowledge, skills, attitudes, qualities and insights required to act in a professional manner. These competences help trainee judicial officers and the other parties involved to gain an insight into underlying performance aspects and provide a shared terminology that can be used to open these aspects to discussion.

Experiential standards

The experiential standards specify the amount of experience that trainee judicial officers need to achieve the attainment levels for the relevant section as expertise is largely born of experience. The experiential standards specified in the study guide are based on the performance of the average trainee judicial officer and, consequently, serve as a guideline.

Supervision

The specification of the trainer's supervision provides an insight into the manner in which the trainer could supervise the trainee judicial officer's performance of the tasks and learning process in an appropriate manner. The trainee judicial officer and trainer will ultimately need to develop an appropriate form of supervision that is compatible with the trainee judicial officer's level and degree of independence. The information in this study guide is intended to serve as a guideline for the development of the appropriate form of supervision.

Curriculum for each section

Personality development is the leitmotif of the entire study programme: the trainee judicial officers are repeatedly confronted with themselves in a continually changing environment. Trainee judicial officers work on their professionalisation by actively reflecting on the tasks they are to carry out and by becoming familiar with their strengths and weaknesses. For this reason it is important that they ask for feedback from all sections of the court and the public prosecutor's office throughout the study programme. Although the courses at the sections of the court and the public prosecutor's office share one common factor – learning how to act as a judicial officer – they also exhibit substantive differences that are determined by the nature and type of work in the relevant section. For this reason a specific curriculum has been drawn up for each section. This is also the reason why each specification of the curriculum for a specific section of the court and the public prosecutor's office begins with a brief (general) outline of the position to provide trainee judicial officers starting work in that section of the court or public prosecutor's office an insight into the work of the relevant judge or public prosecutor. This outline includes the essential and characteristic elements of the relevant position: for example, the work and thinking methodologies of criminal law judges¹⁰ differ from those of civil law judges, administrative law judges and public prosecutors.

The curriculum continues with the result areas, which are drawn up in a comparable manner: each begins with an outline of the result area, an indication of how judges ideally perform this element of their work. For example, the curriculum for civil law judges includes an outline of the preparations task area, the hearings inquiry task area, the hearing appearances task area and, in conclusion, the judgement task area. These outlines enable the trainee judicial officer to make an initial exploration of the task area and are not intended to be exhaustive: they are primarily intended to enable the trainee judicial officer to understand the importance of the competences specified for the relevant task area. Consequently, the outlines of the position and result/task areas differ for each section. However, the outlines included in the curriculum for the basic course and advanced course in a specific section are identical since they in effect specify the ultimate goal to be achieved at the end of the relevant course.

The result and task areas in the judge's profile for the three court sections – criminal law, civil law and administrative law – and in the public prosecutor's profile for the public prosecutor's office are detailed further in tasks and task criteria to make the task areas of the judges and public prosecutor more explicit for the trainee judicial officer and to provide for optimum supervision. The tasks and task criteria are derived from the indicators for the result areas, the critical situations, the indicators for the competences, the essential skills and from various meetings with trainers. They specify the criteria for the assessment of the performance of the relevant

task. As the trainee judicial officers can make only very limited use of their 'automatic pilot' at this stage the task criteria can assist the trainee judicial officers in their preparations for a task and in retrospective self-assessments of the performance of that task. The task criteria are also of use to the trainers since they in effect specify when a task has been performed in an appropriate manner.

Each task area is followed by a list (in alphabetical sequence) of the most relevant competences, the central competences. The trainee judicial officers can then understand which competences are at least of importance to the appropriate performance of the task, while the competences can assist the trainer in stating the underlying reasons for a possible inadequate performance of the task or, conversely, in stating the precise nature of the trainee judicial officer's qualities.

Each task area is also accompanied by orientation tasks that are intended to enable the trainee judicial officers to gain an insight into the work of judges and public prosecutors in that task area. These tasks include, for example, auditing a hearing, acting as the court registrar at a hearing and attending a tripartite consultation.

Each curriculum also includes study tasks that are related to the knowledge required for the relevant section and the public prosecutor's office. These are necessary as trainee judicial officers can come from very different backgrounds and will probably not all have graduated in the same subject. For this reason they will need to fill in any gaps in the knowledge they require for their work. The study tasks also enable the trainee judicial officers to reflect on the material they have learnt.

Two periods in the study programme: the basic course and advanced course

It will be self-evident that the various task areas and competences specified in the job profiles are not and cannot be addressed to an equal extent in the various sections. The basic course devotes a great deal of attention to the development of professional competences. Problem analysis is the most important professional competence in all sections. The course in each section also devotes attention to verbal and written fluency, listening and formation of an opinion. While the criminal law course places the emphasis on the initial acquaintanceship with the judge's duties and (from the sideline) the public prosecutor's duties, with a great deal of attention to the preparation and deliberation in chambers result areas, the civil law course focuses on the ability to analyse, structure and formulate judgements, i.e. the judgement results area, the administrative law course focuses on the handling of the hearing task area so that the trainee judicial officers are subsequently able to carry out this task in independence when they start in the public prosecutor's office and, in conclusion, the public prosecutor's office course focuses on learning to prioritise and make rapid decisions. For this reason the trainee judicial officers are sworn in as deputy public prosecutors at this stage of the course. Trainee judicial officers who select an advanced course at a section of the court have achieved a degree of independence sufficient for their appointment to the position of deputy judge.

The basic course also devotes attention to the task areas and competences that are common to the judicial administration and Public Prosecution Service, the most conspicuous of which include the shared 'professionalisation' and 'handling criminal cases at the hearing' task areas and the associated competences. Since the most conspicuous shared characteristic of the judge and pu-

¹⁰ Training profiles for the various duties of criminal court judges have been developed in *De strafrechter en Profiel, Deskundigheidsbevordering van de strafrechter* (2008).

blic prosecutor halves of this study programme is the training to become a 'judicial officer', which cannot be reduced to a single task area, the training of judicial officers is addressed in the following section. This section does not focus on the professional competences, but rather on the shared management and moral competences. These are not, in principle, included separately in the specification of the attainment levels since they are regarded as underlying competences required for the performance of every task: for example 'integrity'. These competences are specified solely when they need to be addressed in a specific programme period, such as the situational awareness competence in the administrative law section.

The programme periods in the various sections of the court and the public prosecutor's office are intended to continually confront trainee judicial officers with new subject matter and situations within short timeframes. This enables the trainee judicial officers to hone their analytical capability and formation of an opinion, develop their strength and self-confidence, improve their ability to reflect and accelerate their response and accommodation to new situations since the trainee judicial officers are in a better position to discover themselves and develop when they acquire as many learning experiences as possible. In addition, the trainee judicial officers can then make a more carefully-considered choice for specialisation in one of the advanced courses at a court section or the public prosecutor's office. For this reason preference is given to a section where the trainee judicial officer can still learn a great deal: the advanced course will then really be an advanced course.

Attainment levels

The attainment levels for each section are comprised of a specification of the qualities to be exhibited by the trainee judicial officers when performing the various tasks (with the associated task criteria, competences and experiential standards). A comparison of the attainment levels for the basic course and the advanced course reveals that a number of attainment levels specified for the basic course are also specified for the advanced course, although the stringency of these attainment levels differs between the two phases of the study programme. Trainee judicial officers following the basic course are, above all, required to possess a general knowledge of and insight into the limited area in which they have received their training: they are not required to comply with all task criteria specified for the various tasks at this stage. Task criteria that are not applicable to the basic course are indicated with an asterisk. In addition, the degree of complexity of the cases referred to in the advanced course differ from those in the basic

course. During the basic course trainee judicial officers will need to be able to make use of their problem-solving capacity in simple cases and cases of an average complexity and demonstrate their skills in less complex situations.

Trainee judicial officers following the advanced course will need to have deepened their knowledge and insights and broadened them to extend to special situations. In addition, they will need to adopt an adequate approach to more complex problems and work in (a greater degree of) autonomy. They will now be able to stand above the subject matter, maintain an overview in chaotic cases, think in terms of scenarios and think through the consequences of those scenarios: they are able to tackle their tasks in an integral manner and in autonomy.

The trainer's roles in the basic and advanced course reflect these differences: the trainers supervise the trainee judicial officers closely during the basic course but fulfil a primarily coaching role during the advanced course, the period in which the trainee judicial officers' decision-making powers are continually expanded. The following results need to be achieved for the successful completion of the relevant phase of the study programme.

After the basic course phase of the judicial officer study programme

the trainee judicial officer has explored the profession of judge and public prosecutor and has gained an insight into what the work entails;

the trainee judicial officer has achieved demonstrable progress in the performance of the duties of judges and public prosecutors as specified by the study programme's attainment levels.

After the advanced course phase of the judicial officer study programme

the trainee judicial officer works (virtually) at the level of a novice judge or public prosecutor as specified by the study programme's attainment levels and has acquired sufficient experience to take up the duties of a novice judge in the section chosen for the advanced course or as a novice public prosecutor. Graduate judicial officers who are assigned to a section other than the section where they followed their advanced course will lack the necessary experience in their new section. For this reason they will need to be offered a course largely comparable to the advanced course in their new section.

Trainee judicial officers who are exempted from an external traineeship are expected to achieve the requisite attainment levels at the end of the advanced course.

Judicial Officer: judge or public prosecutor

Professional competences

Judges and public prosecutors bear the responsibility for the competent fulfilment of their office.¹¹ They are under the obligation to do everything necessary to develop and maintain the knowledge, skills and personal qualities they need for the appropriate fulfilment of their office. For this reason they are responsible for the development and maintenance of a high level of competence and follow the necessary courses: for example, they are required to keep up to date with relevant developments in international law since Dutch judges and public prosecutors are also 'European'

judges and public prosecutors.

Many task areas in the two job profiles relate to the judicial officers' professional competences, such as their intellectual and analytical capabilities, their written and verbal fluency, their contactual qualities and their professional attitude. These competences are included as central competences in the specification of the attainment levels.

Management competences

The professional competences are closely related to the associated

¹¹ The following is largely derived from and inspired by an article written by M. Loth, *Met goddelijk goud gemengd: investeren in het menselijk kapitaal van de rechtsstaat*, which is enclosed as an appendix to the judge's job profile and has subsequently been published in *Trema*, September 2003, p. 247-

requirements they impose on speed, efficiency, effectiveness, control of the work processes and customer-friendliness, etc. These requirements are also referred to as management competences since they specify the skills that need to be possessed for the appropriate management of the performance of the tasks. Consequently, these management competences support and enhance the professional competences. However, other skills are of importance. The judge's job profile specifies the Professionalisation result area as follows

Judges are able, on the basis of their personal work experience and in structured collegial consultations, to:

- critically review their personal performance in their professional role (self-reflection);
- use this self-reflection to formulate reasoned choices for changes in their conduct (in their professional role);
- put these changes in conduct into practice;
- make a contribution to their colleagues' development by holding a mirror in front of their colleagues and take active part in actively reviewing the consequences of this confrontation for the relevant colleague in the relevant situation, thereby taking account of their colleague's personal development;
- adopt an adequate approach to the effect of interactions within the group.

For this reason, this task area includes at least skills such as learning capacity, self-reflection and cooperation skills that play an important role in learning. These competences need, in analogy with the other management competences, to be equally applicable to public prosecutors, even though they are not explicitly specified in one of the task areas included in the public prosecutor's job profile.

The management competences are not, in principle, included separately in the specification of the attainment levels since they play a role in the performance of all tasks. However, when specific attention needs to be devoted to a management competence during a programme period then the relevant management competence is included in the central competences.

Moral competences

The requirements imposed on the competence fulfilment of the office are not restricted to intellectual requirements but also extend to moral competences since judges and public prosecutors are also – and above all – responsible for the manner in which they fulfil their office. The moral competences relate to the core values of the offices of judge and personal prosecutor and are closely related to the personality of the judge or public prosecutor. The moral competences relate primarily to situational awareness and the ability to think and act authentically and in autonomy, together with the associated character traits such as an independent mind, moral courage and integrity. These are not, in principle, included separately in the specification of the attainment levels as they are regarded as underlying competences required for the performance of every task. However, they are specified separately when they require specific attention during a given programme period. Moral competences, in analogy with the management competences, relate primarily to character traits and, consequently, competences that transcend the judicial-professional duties and are equally applicable to the entire study programme.

Since these moral competences are of great importance to the fulfilment of the office of judge and public prosecutor a number are reviewed in the following subsections.

Situational awareness

Judges delivering their judgement and public prosecutors holding their closing speech always, to a greater or lesser extent, exercise their influence on society. Judicial officers who are aware of the role their position and organisation fulfil in society and acquaint themselves with the developments in society and society's opinion of the position of judge and the judiciary or of public prosecutor and the Public Prosecution Service are able to formulate a judgement that takes account of the issues that the parties regard as important and which is acceptable to society.

Judicial officers conducting hearings and delivering judgements or holding their closing speeches need to be able to find a balance between their independence and due regard for the entirety of policy agreements and frameworks formulated jointly with their colleagues. As a result, judicial officers need to devote continual attention to their environment and the judicial developments and changes that take place. They will also need to seek opportunities for consultations, sharing knowledge and reaching harmonisation with their colleagues (at a national level and within their court/public prosecutor's office).

Integrity

Judges and public prosecutors are required to maintain the authority and integrity of their office and to refrain from all acts that could impair the public's confidence in the judiciary: the public's confidence in judicial administration and the judiciary is the end and the maintenance of a high level of conduct – by means including compliance with the code of conduct – is the means. The basic function of the administration of justice in a state under the rule of law is to guarantee honest judgements.

A distinction needs to be made between the integrity of the office and the integrity of the officers (judges and public prosecutors), although the two have a direct relationship with each other. The first of these two forms of integrity is comprised of the institutional guarantees that encompass the office and are focused on honest judgements: the second is the integrity of the person who fulfils the office. The criterion for compliance with the integrity requirement is public confidence. Judicial officers acquire and retain authority when their words and actions demonstrate that they serve the legal order and the litigants (and not vice versa).

Impartial judgement

Independence is manifested in impartiality. Impartiality requires judges to at least fulfil their obligations without preference for or prejudice towards the standpoint or person of one of the parties. Judges also do everything possible to enhance public confidence in their impartiality, avoid making public comments about pending cases, and will disqualify themselves from a specific case when necessary (although they will endeavour to avoid or limit the need to do so). The impartiality guidelines lay down the regulations governing the prevention of (the semblance of) the entanglement of interests.

Public prosecutors also need to adopt the position as an independent finder of the truth. The public prosecutors' role in criminal proceedings is such that it is inevitable that they occasionally need to give public account for their actions before the hearing. When this is necessary then they give public account in an objective manner and without anticipating the outcome of the relevant criminal case. Public prosecutors they take express account of the interests of all the parties involved in a criminal case and avoid rabble-rousing. They also safeguard the interests of the victims and/or their dependents, where necessary, but without neglecting

the suspect's interests. Public prosecutors represent the interests of society without regard to their personal interests and without representing the interests of other parties.

Independent position

Judges must always adopt and retain an independent position, uphold the guarantees created to safeguard their independence and contribute to optimum conditions for impartial judgements. Judges can do little with respect to constitutional independence other than ensuring that this independence is not put in jeopardy. Their functional independence is manifested in the form of freedom of judgement ("liberum arbitrium"), pursuant to which judges are responsible for ensuring that their judgements are governed by lawfulness, i.e. by legality and justice. Judges are bound solely by law, not by instructions issued by any party whatsoever. Conse-

quently, all judgements must always remain free of every form of influence, pressure and direct or indirect intervention, irrespective of the cause or the reason. Public prosecutors also safeguard their independent position within the Public Prosecution Service's statutory hierarchical framework which, in practice, is manifested in the form of 'involved distance' and 'impartial finding of the truth' (see above under 'impartial judgement'). 'Involved distance' refers to the public prosecutors' position: although they are involved in the activities of the partners in the chain and the participants in the criminal proceedings, they also remain their independence from these parties at all times, in particular with respect to their relationships with the police, victims and/or surviving relatives. Public prosecutors also need to be able to cope with social pressure without losing sight of society's interests.

General information about the learning assignment plan

The training and substantive principles reviewed in the previous sections constitute the basis for the design and direction of the learning process: the previous section explained how these principles are used to give shape to the curriculum. This section reviews the structure of and activities to be carried out in every learning period.

Structure for the design and direction of the working and learning process

This study guide specifies the framework for this process in the form of a learning assignment plan which states how and what trainee judicial officers should receive, and how and what they need to learn. Structure is also essential in the supervision of the trainee judicial officers. Since structure provides for the direction, control and safety of the learning process the judicial officer study programme includes a number of predetermined contact times between the judicial officers and their trainer(s) and uses a learning assignment dossier and development dossier. This section begins with a brief explanation of the two dossiers and then continues with a more detailed review of the various meetings and interviews to be held during the study programme. The following sections specify the curriculum for each section and the public prosecutor's office, with specifications of the tasks to be carried out (and the associated task criteria and competences) and a concluding subsection with a detailed learning assignment plan listing the work to be carried out and the courses that are to be followed in each week of the programme period.

Learning assignment dossier

Work is the most important educational tool in the judicial officer study programme, and for this reason feedback on the work is essential if trainee judicial officers are to be able to learn from their experiences and give considered direction to their learning process. This is in turn supported by maintaining an up-to-date learning assignment dossier for each programme period. The learning assignment dossier is a ring file used to store the work carried out by the trainee judicial officer – such as judgements formulated by the trainee judicial officers – and all the associated feedback forms completed by the trainers. SSR has prepared a learning as-

signment dossier for each programme period.

This dossier contains the following forms (which have been published on www.ssr.nl):

- *Summary* of the tasks carried out in the relevant section or public prosecutor's office

used to list the work that has been carried out and to keep track of the extent to which this complies with the stipulated experiential standards (see the curriculum/attainment levels).

- *Feedback form* for the tasks carried out in the relevant section or public prosecutor's office

used to collect feedback on the trainee judicial officer's performance and learning process in a uniform manner.

Feedback forms have been prepared for all tasks to be carried out during the study programme. In principle, the trainer completes a feedback form once the relevant task has been carried out. The feedback forms include a 'Particulars' section which can be used to note comments about factors that have influenced the performance of the task, such as particulars about a case (for example, 'difficult case in view of the current phase of the study programme') or particulars about the trainee judicial officer (for example, 'the trainee judicial said that he had a headache during the hearing').

The feedback form also states the task criteria and competences as specified in this study guide to serve as a prompt for the trainer. The trainer does not need to award a grade for all the task criteria, but solely to the conspicuous tasks criteria. The conspicuous task criteria can be circled when the trainee judicial officer meets the relevant criterion or checked when the trainee judicial officer needs to devote attention to the criterion, i.e. with an o or x. The 'Notes' section is used to explain the reason for checking the task criteria and for other comments about the manner in which the task was performed, where relevant with a reference to the competences to indicate what is required for further development.

The feedback forms are completed on the basis of the level of the

trainee judicial officer at the end of the study programme. The information stated in the 'Notes' section automatically results in the overall conclusion, i.e. 'developing', 'at the required level', 'strength' or 'not applicable'. Trainee judicial officers will have many 'developing' points at the beginning of the study programme since they still need to carry out a great deal of work. When they make appropriate progress then these points will change to 'at the required level' or even 'strength' during the course of the study programme. This approach enables the trainee judicial officers to follow their development.

- *Feedback form, sundry*

used to request feedback in situations in which the trainee judicial officer has not carried out a specific task but which are nevertheless of interest with respect to the development of competences, for example when trainee judicial officers who have taken part in a consultation ask a colleague to give feedback on the manner in which they took part in the consultation.

- *Reflection form for orientation tasks*

to reflect on tasks carried out to explore the position, such as the auditing of hearings. The underlying idea is that trainee judicial officers can learn more from orientation tasks such as auditing when they subsequently reflect on what they have observed and identified and then review the most important conclusions for their future work.

The trainee judicial officers file the completed feedback and reflection forms in the learning assignment dossier under each task and criteria to keep clear records of their learning experiences and learning process for each task. The trainee judicial officers are responsible for keeping the learning assignment dossier up to date and for ensuring that the trainers receive the dossier well in advance of review interviews to enable them to prepare themselves.

Development dossier

The development dossier is used to monitor the trainee judicial officers' development and record their results. This dossier is a ring file (prepared by SSR) which contains general information about the trainee judicial officer and the reports of the progress meetings and review and assessment interviews. The trainee judicial officers are responsible for filing the (original) minutes of all meetings and interviews conducted with them and copies of the assessment forms in their development dossiers so that a following trainer has a clear insight into the progress they have made. Consequently, the dossier also contributes to the continuity and consistency of the study programme. The trainee judicial officers are responsible for filing these documents until the study programme has been completed. The information contained in the development dossier is also used as one input for the determination of specific learning goals for each programme period. The development dossier contains the following forms (which are also published on www.ssr.nl):

- *Summary of the timetable for the overall study programme*

used to keep records of the trainee judicial officers' progress in the study programme relative to the timetable and the trainers who were assigned to the trainee judicial officer.

- *Curriculum Vitae questionnaire*

used to make notes of important and interesting data about the

trainee judicial officers' previous studies and work experience for the intake interview and additional information that can be of importance to the trainers during the study programme. The trainee judicial officers complete this form before beginning the study programme and subsequently keep the information up to date. More information about this questionnaire is given in the subsection on the intake interviews at the beginning of each new programme period.

- *Intake form*

used to make notes of the most important information about earlier experiences for the intake interview conducted at the beginning of each programme period and to keep records of the agreements for the coming learning period. Prior to the intake interview the trainee judicial officers reflect on the most important conclusions about their learning process. These are discussed during the interview and noted on the form.

When, for example, the trainee judicial officer and the trainer evaluating an earlier programme period concluded that the organisation of the personal work was an issue requiring attention then the trainee judicial officer can discuss this during a following intake interview and explore how more attention can be devoted to this aspect during the coming programme period, for example by agreeing that the trainee judicial officer will reflect on this aspect at regular intervals and that the aspect will be a standing item on the agenda for the feedback meetings.

- *Review form*

used to make records of the performance and learning results during the first half of the study programme.

The trainers make notes of their general impression of the trainee judicial officer's progress and assessment of the performance of the tasks in each result area, together with an explanation. The competences can be used to specify the aspects that need to be developed further.

- *Progress form*

used to make notes of interim progress meetings.

The trainers make notes of their conclusions about the trainee judicial officers learning process and results, as well as any additional agreements on supervision and supplementary learning activities, where relevant. Adopting this approach increases the insight into and control of the learning process.

- *Assessment form*

used to record whether the performance and learning results achieved by the end of the course in a specific section or the public prosecutor's office comply with the requisite requirements.

The training consultant sends an e-mail with a form to the relevant trainer(s) shortly before the end of the programme period. The trainers note their assessment of the performance of the tasks in each result area on the form. They state their assessment, in their own words, of the level of the trainee judicial officer's performance, in part on the basis of the task criteria and competences specified in the study guide. The assessment is based on these aspects

determines the letter grade awarded to the trainee judicial officer's performance.

Meetings and interviews

The meetings and interviews constitute the leitmotif of the study programme. Each new programme period begins with an interview, followed by review interviews mid-way and at the end of the programme period. These are supplemented with progress meetings which are scheduled, as required, in consultation between the trainer and judicial officer. In essence, all meetings and interviews review of the trainee judicial officer's learning process. The review interview at the end of each programme period also constitutes the prelude to the selective assessment.

Forming an assessment

The trainer conducting the review interview assesses the manner in which the tasks were performed, in general initially based on the trainer's feeling or ideas about the manner in which the trainee judicial officer has performed the tasks. This approach to the assessment is justifiable in view of the experience possessed by the trainers/assessors, since their subconscious wealth of knowledge and experience enables them to interpret situations in an adequate manner. The trainer can then analyse this intuitive assessment to determine the reasons for their assessment. These reasons can then be explained to the trainee judicial officer: they can also result in specific actions to be taken in the learning process. The trainer conducting the review interview uses the task criteria and competences to indicate which issues offer scope for improvement and which knowledge and skills need to be developed further. The review interview, for the reason stated above, offers the trainer scope to begin the (educational and selective) assessment by giving an initial and general impression of the trainee judicial officer's performance of the tasks. The trainer then continues by stating the specific conduct that has been observed, whether this conduct is appropriate and, when the conduct is inappropriate, the alternatives that were available or the form of conduct that was desirable. The assessment also takes account of the number of tasks performed by the trainee judicial officer (the experiential standard). The aforementioned elements of the assessment constitute the trainer's ultimate assessment.

Explanatory notes to the meetings and interviews

Intake interview

Each programme period begins with an intake interview in which the trainer(s) and trainee judicial officer make each other's acquaintance and discuss the learning process on the basis of the current documents in the trainee judicial officer's development dossier. They then look ahead to the coming programme period and, in part on the basis of the study guide, discuss what is expected of the trainee judicial officer during the programme period. The trainer(s) and trainee judicial officer use the development dossier to discuss any points for development, where relevant, that may require specific attention in the coming programme period. These points and supplementary agreements on the trainee judicial officer's learning and development process, where relevant, are then noted on the intake form. The trainee judicial officer is also notified which assessors have been assigned to the coming programme period.

Feedback meetings

Feedback, an important factor in the learning process, is the provision of factual information about a task that has been carried out. This feedback needs to link up to the task criteria so that trainee

judicial officers understand why they have or have not done something properly. Feedback needs to be descriptive and without a value judgement. Consequently, although feedback can include well-meant, specific compliments it also needs to include a statement of the reasons for the compliments. Information about progress to date – feedback – often results in an assessment, although assessment is only one element of feedback. It is also important to give directions for the future, i.e. feedforward. Feedback is a highly effective means of encouraging the learning process, provided that it is given in the correct manner and with appropriate content. This also implies, for example, that the tasks to be carried out by trainee judicial officers should not be overly complex for the stage of the study programme and that the required result should be clear. Feedback should be given as soon as possible after the completion of the relevant task since this ensures that the feedback is recognisable to the trainee judicial officer.

Progress meetings

The mandatory review interviews are supplemented with progress meetings held between the trainee judicial officers and one or both trainers to give direction to and further the learning process. It can be important to hold progress meetings to prevent a situation in which solely feedback meetings are held, since feedback meetings often focus solely on the substantive elements of a demarcated task. Progress meetings can then be beneficial to ensure that sufficient attention is given to discussions of the trainee judicial officer's progress and, in particular, the learning process and the progress. The trainers use the progress meetings to coach the trainee judicial officers on their points for development. The number of these meetings depends on the duration of the programme period and the trainee judicial officers' needs and their development.

Mid-term review interview

The trainee judicial officers and their trainers hold a review interview halfway through the programme period.

The objectives of this interview are to:

1. gain an insight into the trainee judicial officer's learning process and progress;
2. amend the learning assignment plan, where relevant;
3. make an inventory of and discuss possible bottlenecks and points for improvement;
4. promote the learning process.

The following information is noted on the review form:

1. any particulars, where relevant, about factors that could have an influence on the trainee judicial officer's performance in a specific period (such as special activities, the officer's private circumstances and illness);
2. an overall assessment of the judicial officer's performance;
3. an overall assessment of each task area together with a statement of the grounds for each assessment as based on the relevant experiential standards, task criteria and competences.

The interview is conducted on the basis of the attainment levels specified for the relevant programme period and the agreements reached between the trainee judicial officer and the trainer(s) as noted on the intake form. The reflection prior to this interview is based on the information the trainee judicial officer has collected in the learning assignment dossier. The trainee judicial officer and trainers prepare for the review interview on the basis of the tasks and the associated task criteria, competences and experiential standards listed on the review form. The trainer notes his or her assessment of the trainee judicial officer's performance in each task area together with the points requiring the trainee judicial officer's

attention during the next programme period. This assessment is based on the level the trainee judicial officer needs to attain at the end of the basic course.

The trainee judicial officer is offered an opportunity to respond to the assessment. The trainers draw up minutes of the interview, sign the minutes and ensure that the trainee judicial officer signs the minutes to indicate agreement with the contents. When trainee judicial officers cannot concur with the trainers' opinion of their performance then their comments can be attached to the minutes in an annex. The trainers retain a copy and the trainee judicial officers file the original in their development dossier.

Review interview at the end of the programme period

The trainee judicial officers and their trainers hold an evaluative review interview at the end of each programme period (and at the end of the basic criminal law course). The objective of this interview is to gain an insight into the results achieved during the programme period as based on the attainment levels and the agreements the trainee judicial officers and their trainers made during the intake and mid-term review interviews. The reflection required for the interview is once again based on the learning assignment dossier and development dossier. Information about the full procedure governing the review interview at the end of the programme period is given in the above subsection on the mid-term review interview and in the following section on the assessment of trainee judicial officers.

Final interview at the end of the study programme

The trainee judicial officers and their training consultants hold a final interview to conclude the study programme. The objective of the final interview is to evaluate the entire study programme and look ahead to the following learning process that begins when

the trainee judicial officers are appointed to their first position as judge or public prosecutor. The Justice Administration Council and Public Prosecution Service assume that all professionals continue to learn and make efforts to further their professional development. Within this context the first few years following the judicial officers' graduation can be regarded as essential for the acquisition of the expertise they need to work in autonomy at the required level.

The agenda for the final interview includes at least the following items:

1. a review of the trainee judicial officer's study programme, the conclusions and the implications for learning and development after the appointment to the first position;
2. The trainee judicial officer's experience of the study programme (the design, training and supervision), the conclusions and the trainee judicial officer's suggestions for improvements to the study programme;
3. feedback to the training consultant.

Kickoff meeting in the new position

The graduate judicial officers discuss their strengths and points for development during the kickoff meeting for their new position and can, when so required, submit their development dossier compiled during the study programme to their supervisor and/or the officer who will supervise them in their work. This approach provides for a smooth transition from the study programme to the further learning process during the work. Novice judges and public prosecutors will acquire the necessary expertise much more rapidly when they engage actively in self-reflection. For this reason it is recommended that structural feedback meetings are scheduled. The supervisor and graduate judicial officer are jointly responsible for scheduling these feedback meetings.

Assessment of the trainee judicial officer

The previous section discussed the educational review that takes place in each programme period. This Section discusses the design of the selective assessment.

From interviews to assessment

Each period concludes with a review interview that constitutes the prelude to the formal (selective) assessment. This assessment should be a logical conclusion that is based on the last review interview and the feedback meetings: when review interviews and feedback meetings are conducted in the appropriate manner then trainee judicial officers will not be surprised about their assessment.

Statutory assessment framework

The trainee judicial officers' progress in the sections of the court, the public prosecutor's office and the external traineeship parts of the programme is assessed in accordance with the regulations laid down in the *Beoordelingsvoorschrift burgerlijk Rijkspersoneel* ('State civil servants assessment regulations'), 1985 (see Article 25 of the *Besluit opleiding rechterlijke ambtenaren* ['Judicial Officers (Training) Decree']).¹² Article 2 of the *Beoordelingsvoorschrift* stipulates that assessments must relate to a period of at least six months. In view of this requirement the first assessment in the basic criminal law course takes place after the end of this programme period, i.e. once the trainee judicial officer has been at

work for six months.¹³

The assessment uses an assessment form prepared on the basis of the judge's job profile and public prosecutor's job profile, i.e. the assessment is based on the results areas, competences and essential skills listed on the assessment form. Use of the assessment form is mandatory.

The assessment authority for the training in the courts on behalf of the court administration, the public prosecutor's office and the external traineeship respectively is the president of the court, the chief public prosecutor and SSR's Board respectively. The assessments are carried out by the officers designated for that purpose, usually the trainers, after receiving advice from SSR's training consultants. However, the assessment can also be carried out by a supervisor (a member of the judiciary or the Public Prosecution Service): this varies between the courts and public prosecutor's offices. When a supervisor carries out the assessment then the trainers serve as joint assessors or provide the necessary information. The identity of the assessors is discussed during the intake interview at the beginning of the programme period.

Procedure

The trainee judicial officer gives the training consultant notification of the name(s) of the trainers/assessors about eight weeks before the end of the programme period. When giving this notifica-

¹² The Protocol beoordeling raio's laid down in the Eindrapport Herziening Raio-opleiding, p. 99-100, has been included in this section.

¹³ All trainee judicial officers are subjected to an assessment of their development during the criminal law course and not, pursuant to the Raio Modelplannen, 1998, solely when the trainee judicial officers' performance in this part of the course is inadequate.

tion the trainee judicial officer is offered an opportunity to inform the training consultant about issues that need to be discussed during the assessment interview, such as illness, private circumstances or special activities that may have had an influence on the trainee judicial officer's performance. Once the above information has been received the training consultant contacts the trainers to make an appointment for the formal assessment.

The assessors receive the assessment form about one week before the scheduled date of the assessment. A member of the SSR staff completes the form's cover sheet (personal details and study programme details) for as far as is possible prior to the issue of the form.

The procedure for the assessment of the external traineeship is explained below in a separate subsection.

Assessment form

As indicated in the previous section (under Review interview at the end of the programme period), the trainee judicial officers and their trainers hold an evaluative review interview prior to the assessment at the end of the programme period). The objective of this interview is to gain an insight into the results achieved during the programme period. The reflection required for the interview is once again based on the learning assignment dossier and development dossier as based on the attainment levels and the agreements the trainee judicial officers and their trainers made during the intake and mid-term review interviews. This review interview simplifies the completion of the official assessment form. The form contains (to serve as a guideline) a brief list of the attainment levels of a number of task criteria together with the associated competences and/or relevant skills for the four result areas. The assessors then state their assessment, in their own words, of the level of the trainee judicial officer's performance, in part on the basis of the task criteria and competences specified in the study guide. These aspects will determine the letter grade to be awarded (A, B, C, D or E: a combination of two letters is not permitted).

The training consultant's role

The training consultant holds the meeting with the assessors on the agreed date. The assessment form the assessors have (preferably) completed in advance is discussed. The assessors and the training consultant then jointly determine the (definitive) wording of the assessment and the letter grade to be stated on the assessment form. At the end of this meeting the assessors inform the trainee judicial officer of the result. When necessary the training consultant informs the trainee judicial officer about the (legal status) consequences of the assessment.

Assessment

Once the assessment has been drawn up the assessment authority immediately places its (first) signature on the form, self-evidently solely when the assessment authority can concur with the assessment (see Article 6, *Beoordelingsvoorschrift*). A copy of the assessment form is then issued to the trainee judicial officer as soon as possible. The assessors discuss the assessment with the trainee judicial officer. When (one of the) the trainers are unable to hold this discussion they can deputise another officer. The trainee judicial officers can state their opinion of the assessment on the form. Trainee judicial officers who are unable to concur with the assessment or the reasons for the assessment can lodge their objection with the assessment authority within 14 days of the assessment. The assessment authority places its (second) signature on the form on the expiry of this 14-day period or earlier in the event that the trainee judicial officer concurs with the assessment (see Article 7, *Beoordelingsvoorschrift*). The trainee judicial officer re-

ceives a copy of the adopted assessment. The original is issued to SSR in *Zutphen*.

Trainee judicial officers who do not concur with the adopted assessment can lodge an objection (see Article 8, *Beoordelingsvoorschrift*).

Trainee judicial officers can move on to the next programme period solely when they have been awarded at least a satisfactory for all elements of the assessment. An assessment of any element on the assessment form with an unsatisfactory, i.e. an element awarded a letter of B or A, results in an ultimate assessment of all the work that can never exceed a B or A respectively.

Assessment of the external traineeship

The external traineeship is also concluded with an assessment of the work, in this instance by the relevant training consultant. The training consultant explains the procedure to the trainee judicial judge at the beginning of the traineeship and then contacts the trainee judicial officer about the assessment in time at the end of the external traineeship. The external traineeship can be followed at a wide variety of locations, and for this reason it is not possible to specify the tasks and associated criteria that will be assessed in advance. The assessment will in any case focus on the competences required for the adequate fulfilment of the position of judge or public prosecutor. The assessment will also extend to the attainment levels specified in the proposal for the external traineeship. The SSR Board is the assessment authority for the external traineeship, not the president of the court or the chief public prosecutor. More information about the procedure for the assessment of the external traineeship and the various roles in the assessment is given in the curriculum for the external traineeship section.

Repeats

When a programme period is concluded with a B grade then the course in the relevant section is extended by six months to offer the trainee judicial officer an opportunity to achieve the level required to continue to the next programme period. Repeats are not based at the same section of the court or public prosecutor's office. The trainee judicial officer is assigned to another section or public prosecutor's office and is assigned other trainers. Trainee judicial officers may repeat a maximum of one programme period during the study programme.

The training consultant makes the arrangements for a new training place and issues advice on the details of the course. The trainee judicial officers and the new trainers hold an intake interview to discuss the trainee judicial officers' points for development on the basis of their learning assignment dossier and development dossier. A new learning assignment plan is drawn up in consultation with the training consultant. The contents of this plan take account of the competences to be developed and are based all the training requirements specified in the learning assignment plan for the relevant programme period, although in proportion to the period of the repeat period. The training consultant's approval of the learning assignment plan is required.

A review interview is held mid-way through the repeat period and a (selective) assessment is carried out at the end of the period. Trainee judicial officers who achieve at least a satisfactory grade for all points return to their original district and continue the study programme. However, an unsatisfactory grade (an A or B) for one or more points results in the termination of the study programme and the dismissal of the trainee judicial officer.

Premature termination

The study programme is terminated in the event that an A grade is awarded at the end of the programme period or in the event that a second B grade is awarded during the course of the study programme (either at the end of the repeat period or in an earlier programme period). Information about the consequences for the legal status is given in the trainee judicial officer regulations manual.

Details of the curricula for the basic and advanced courses in each section of the court and the public prosecutor's office are given in the following sections of the study guide.

General information about the courses

General courses

The SSR's courses are focused primarily on the acquisition of knowledge, attitude and training skills. The curriculum for each section of the court and the public prosecutor's office specifies the mandatory courses and the discretionary courses, where relevant, to be followed during the programme period. The dates on which the courses will be held and the contents of the courses are published on the trainee judicial officer website, www.ssr.drp.minjus (accessible within the judicial section).

Courses during the basic programme period

The curriculum for each programme period begins with a basic course. This is followed by a number of courses, skills and attitude training programmes tailored to the specific section of the court or public prosecutor's office.

SSR issues each trainee judicial officer written notification by no later than two months before the beginning of the new study year specifying the course obligations for the relevant year, together with the dates of the courses for which the trainee judicial officer has been registered. SSR registers the trainee judicial officers for these courses. Consequently, the trainee judicial officers do not need to register themselves. These courses are mandatory.

Information about the discretionary courses in a specific programme period is given in the relevant learning assignment plan.

Courses during the advanced programme period

All trainee judicial officers taking part in the advanced programme period are under the obligation to follow the practical professional ethics course. SSR registers the trainee judicial officers for this course.

Trainee judicial officers opting for the judiciary are offered a package of (partially) discretionary courses in the permanent education package. The trainee judicial officers can list the courses they wish to follow on the same form in which they state their choice for the judiciary or the Public Prosecution Service. SSR then registers the trainee judicial officers for the courses.

Trainee judicial officers who opt for the Public Prosecution Service are under the obligation to follow the Public Prosecution Service's trainee judicial officer *licentievignet* licence courses (see the SSR4OM website). SSR registers the trainee judicial officers for these courses.

Information about the discretionary courses in a specific programme period is given in the relevant learning assignment plan.

Public prosecutor's office courses

The Public Prosecution Service introduced a licensing system for 'gowned officers' on 1 January 2008. This system imposes specific, quantifiable requirements on officers fulfilling a large number of positions within the Public Prosecution Service.

The system is comprised of four general licences and 21 licences for expertise positions. A specific licence has been introduced for trainee judicial officers opting for the Public Prosecution Service. Trainee judicial officers must comply with the associated requirements by the end of the course. More information about the licensing system is available from the SSR's website, SSR4OM.

External traineeship courses

SSR also organises courses for trainee judicial officers during the external traineeship. During this external traineeship the trainee judicial officers are under the obligation to comply with either the 30 hours' permanent education per annum stipulated for the judiciary or with the requirements imposed on the Public Prosecution Service's trainee judicial officer *licentievignet* licence scheme (see the SSR4OM website). SSR funds these courses. The trainee judicial officers bear the responsibility for registering for the courses they wish to follow during the external traineeship. They can register for these courses via the SSR's service desk. The training consultants review the trainee judicial officer's choice of courses on the basis of their individual points for development.

Trainee judicial officers can select courses from SSR's range of permanent professional development courses. Trainee judicial officers must register for these courses at the beginning of each study year by sending an e-mail to the service desk (SSRservicedesk@ssr.nl).

Trainee judicial officers who follow (part of) their external traineeship outside the Netherlands are also under the obligation to follow courses. Trainee judicial officers who are unable to follow (some of the) courses in the Netherlands must consult with their training consultant to determine how they can comply with their permanent education obligation.

SSR cannot guarantee that trainee judicial officers can follow the courses of their choice: courses can be full or be cancelled, depending on factors such as the number of registrations. Should a course be cancelled then SSR will inform all trainee judicial officers who registered for that course. The trainee judicial officers will then need to choose another course.

Courses after a repeat period

When trainee judicial officers have repeated a programme period then the training consultant and trainee judicial officer will consult on the appropriate courses for the officer's points for development.

Contacting SSR

Online information

A great deal of information about SSR and the judicial officer study programme is available online at www.ssr.nl. The website, which was revamped in March 2010, is continually being updated and expanded.

www.ssr.nl – which can also be accessed links on INTRO and Omtranet – contains a great deal of information of relevance to trainee judicial officers, such as news, general information about SSR, the course database and information about the study programme and the courses. Further information is available from the Mijn SSR protected section of the website. Trainee judicial officers and their trainers can apply for a password to enable them to work in this section of the website that is not accessible to the public. This section, which is equipped with extensive functions, also contains forms that can be stored in a portfolio for personal use. The users can also each other using the website's chat technology and consult with each other. The website also contains information about the user's course history.

Online version of the judicial officer study programme study guide
The study guide for the judicial officer study programme is accessible online in Mijn SSR. Users logging in with their password can access all the forms required during the various programme periods. These forms can be downloaded, completed online, saved and sent to others.

Contacting SSR

Trainee judicial officers may wish to make personal contact with SSR during their study programme. SSR has three counters for various categories of questions and issues:

for human resources management issues such as terms and conditions of employment, reporting sick and change of address: call Human Resources Management, +31 (0)575 59 53 21

for all information about the courses: call the SSR Service Desk, +31 (0)575 595 345 or send an e-mail to ssrservicedesk@ssr.nl

for all other issues relating to the course of the study programme: call the judicial officer training bureau, +31 (0)575 741 430 or +31 (0)575 595 358, or send an e-mail to raio-opleidingsbureau@ssr.nl

Contacts from other than a judicial address are made via the aforementioned telephone numbers or via www.ssr.nl

