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1. INTRODUCTION

The Kosovo Justice Academy (KJA) is the legally mandated institution to conduct training for the judiciary in Kosovo. With the Law on Academy from 19 January 2017 the transformation of the Kosovo Judicial Institute into a Justice Academy became a fact.

There are basically two different but equivalent views on the functioning of an organization, a **task related view** and, from a strategic perspective, a **goals related view**. Tasks are the means to realize goals, explicitly or implicitly given. The strategic perspective is in its core about goals and objectives, therefore in the following the perspective of goals and objectives is preferred.

A training institution has the following main functions which are related to the overall goal to provide effective trainings, which structure the training cycle for a year, with varying sequences and durations:

Tasks	Goals
Cooperation and coordination mechanism with stakeholders	Establishing good channels of communication (meetings, e-mails, joint groups, cooperation agreements) with stakeholders in order to receive and exchange necessary information
Training needs assessment (TNA)	Collecting high quality and relevant data from courts, state attorney's offices, KJC, KPC and other institutions regarding the needs of topics for training.
Selection of participants	Selection of good and correct target group for each training activity in order to achieve maximum effect of education for the right audience
Recruitment, qualification of trainers	Recruitment of qualified and motivated trainers is crucial in order to deliver proper trainings. Trainers should have knowledge, not only in field of law, but also in techniques of modern training
Development of Training Programs	Developing training programs and materials which contain mixture of theory and practical example in a suitable ratio to transfer knowledge to participants
Implementation of the Training Programs	Implementing programs in the most rational way to maximize effect of education. Choosing the proper way of learning process (workshop, seminar, round table, conference, on line training, blended training) considering also cost effectiveness
Evaluation of the Training Programs	Receive relevant feedback from participants in order to make necessary adjustments in programs and organizational matters – in short and middle term. Focus not only in reaction and learning level but also on behavior and results level (see The Kirkpatrick's model, chart 14)

These tasks can be seen as a cycle, starting with the exploration of training needs, designing and implementing the training courses and seminars and finally evaluating these trainings. This training cycle forms a functional sequence which is guided and implemented regarding and orientation at the Academy's strategic goals, general and operational objectives. A special remark concerns the evaluation task.

Evaluation of programs and courses is a basic activity of training organizations. Yet from a strategic viewpoint evaluation refers to all objectives of an organization during some predefined period. Such if the quality of stakeholder interaction is a strategic objective, this dimension must also be evaluated. Nevertheless, as training is the central function of a training institution, data related to training are the central focus of the evaluation of the implementation of the strategy.

This Handbook describes the process from assessing training needs to creating training packages, their delivery and evaluation. It refers not so much to the training policy and strategy, as to the training framework, training organization and management. It is a combination of theoretical background and explanations, followed by practical tools and tips for implementing the training cycle management. It is to be used together with the other management tools and existing handbooks such as Faculty Handbook from January 2012, EJTN Handbook of 2016, the Twinning Project's Training Guidelines Manual of 2016, the Handbook on Case-Based Training, etc.

1.1 Theoretical Background

"When planning for a year, plant corn. When planning for a decade, plant trees. When planning for life, train and educate people." Chinese proverb: Guanzi (c. 645BC)

This Handbook follows the main principles of Life-Long Learning (source "Making a European Area of Lifelong Learning a Reality", EU Commission 2001): *"all learning activity undertaken throughout life, with the aim of improving knowledge, skills and competences within a personal, civic, social and/or employment-related perspective"* (EU Commission). Behind the idea of Life-Long Learning (LLL) stands the conviction that learning is an omnipresent occupation, which is not limited to classrooms, but happens every day and throughout all our lives. This idea was raised as a pre-condition for satisfying employment and good services to customers and trustees in different fields of state and society, also in the judiciary. As far as planned learning in vocational training is concerned, it comprises establishing adequate objectives of learning, meeting the real needs of trainees, fostering employability, professional job performance as well as responsibility towards society. The principles which underpin lifelong learning and guide its effective implementation emphasize the centrality of the learner, the importance of equal opportunities and the quality and relevance of learning opportunities.

- partnership approach - all relevant actors, in and outside the institutional system, must collaborate for strategies 'on the ground';
- trainees orientation - insight into the needs of the trainee, along with learning needs of organizations, communities, wider society and the labor market are necessary;
- adequate resourcing – LLL needs sufficient financing and effective and transparent allocation of resources;
- creating a culture of learning - developing the possibility to enable learning by anyone, anywhere, at any time, and recognize and value various kinds of learning and training approaches including formal and non-formal learning, increase learning opportunities, raising participation levels and stimulating demand for learning;
- quality assurance - mechanisms for quality assurance evaluation and monitoring with a view to striving for excellence on an ongoing basis.

Learning is described in general as changing of behavior and training is understood more precisely as **intentional change of behavior with measurable results.**

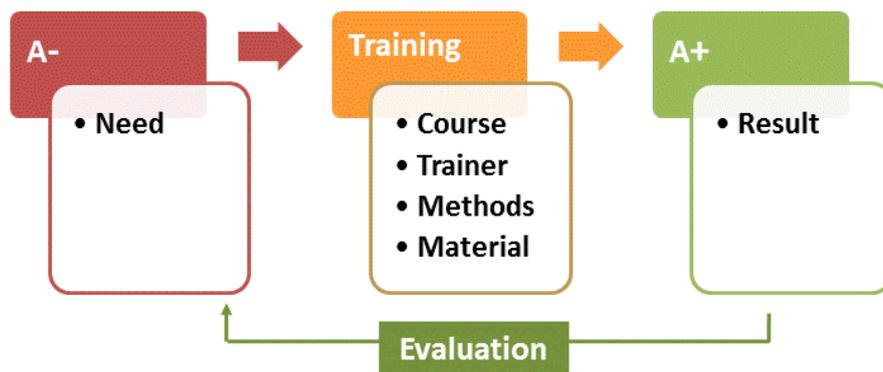


Chart 1: Training as changing of behavior with measurable results

Judicial training aims to achieve specific results in the work sphere, mainly the acquisition of new competencies and skills for improved work performance. The success of training must be measurable, and this requires constant monitoring. The whole training process is cyclic – from the assessment of training needs to the evaluation of training results and once completed the cycle continues starting from the beginning thus representing a non-stop process.

Before elaborating on the tasks and the general and specific objectives, two terminological remarks in accordance with EU wording need to be inserted. The products of a training institution like trainings, consultations or conferences will be called the **outputs** of the organization. The outputs provide for the primary domains of measurements regarding the specific objectives of the organization. The change of behavior, which is envisaged by training, constitutes the **outcome** (or *result*), which is dependent on multiple factors (quality of trainers, training material, attitude of trainees, e.g.). The global goals like the professionalization of the judicial system are called the **impact** of training. There are outcomes and impacts within middle term and long-term ranges. Outcomes quite often refer to system features like trust but there are also outcomes on the individual level that should contribute to system features.

Box 1: input, output, result and impact indicators

Resource or input indicators refer to the budget allocated to each level of the assistance.

Financial indicators are used to monitor progress in terms of the (annual) commitment and payment of the funds available for any operation, measure or programme in relation to its eligible cost.

Output indicators relate to activity. They are measured in physical or monetary units (e.g., length of railroad constructed, number of firms financially supported, etc.).

Result or **Outcome** indicators relate to the direct and immediate effect on direct beneficiaries brought about by a programme. They provide information on changes to, for example, the behavior, capacity or performance of beneficiaries. Such indicators can be of a physical (reduction in journey times, number of successful trainees, number of roads accidents, etc.) or financial (leverage of private sector resources, decrease in transportation cost, etc.) nature.

Impact indicators refer to the consequences of the programme beyond the immediate effects. Two concepts of impact can be defined:

- **Specific** impacts are those effects occurring after a certain lapse of time but which are, nonetheless, directly linked to the action taken and the direct beneficiaries.
- **Global** impacts are longer-term effects affecting a wider population.

Taking a training seminar as example, we can say that:

- *Outputs* are the measurable parameters of the seminar (e.g. number of participants, venue and costs);

- *Outcome* is what happened in the heads of participants (learning effects, acquired skills, enlarged knowledge, e.g.);
- *Impact* could be that a participant gets promoted to a better position (= specific impact) or that the performance of his organization improves and citizens develop more trust towards this organization.

1.2 Practical Considerations

Training is about acquiring new cognitive and behavioral skills but also on attitudes that are the consequence of acquiring new values via training. Quite often these facets need some time to be anchored and cannot be measured at the end of the training. Especially a dimension like work performance only if positively induced by training must crystalize in the application of new declarative and procedural knowledge at the working place. This would be an outcome that is difficult to measure but nevertheless lies at the heart of training.

To enable a practical implementation each building block will be completed by a strategic recommendation. The term strategy quite often refers to some overall plan with linked goals, while the training management cycle refers to following the specific steps that will get you to the desired results.

2. „SHARED RESPONSIBILITY “- COOPERATION AND COORDINATION WITH STAKEHOLDERS

2.1 Theoretical Background

Stakeholders gained an increasing importance in modern organization theory. Their interests are regarded as essential for the success and even for the survival of corporations and institutions. The word “stakeholder” can be traced to the beginning of the 17th century in England but got its meaning in the organizational context 1963 with a conference of the Sandford Research Institute. This conference was on interaction in teams of individuals. Nowadays the concept is used mostly in relation to organizations. But organizations can function as a macro-team.

The basic concern was an ethical or moral one. How to interact with your social environment. In modern terminology, it is about taking care of others or not harm others. The lesson learnt by humans is, probably genetically encoded to work well in small groups, and at least in modern societies, that taking care is in the middle (2-5 years) and long run the more

sustainable strategy. **Cooperation beats competition.**

Interaction, e.g. cooperation, is about accomplishing common goals as modern anthropology, psychology and social psychology has gathered evidence transculturally and

Box 2: Stakeholder Analysis

Stakeholder analysis in conflict resolution, project management, and business administration, is the process of the assessing a decision's impact on relevant parties. This information is used to assess how the interests of those stakeholders should be addressed in a project plan, policy, program, or other action. Stakeholder analysis is a key part of stakeholder management. A stakeholder analysis of an issue consists of weighing and balancing all of the competing demands on a firm by each of those who have a claim on it, to arrive at the firm's obligation in a particular case. A stakeholder analysis does not preclude the interests of the stakeholders overriding the interests of the other stakeholders affected, but it ensures that all affected will be considered.

historically for human beings. There is some variance over cultures and times concerning cooperation but with modern societies cooperation becomes the rule. The issue of cooperation is about in-group and out-group cooperation. While in-group cooperation is not a problem, out-group cooperation is a kind of indicator for modernity. If cultures are still very “*groupish*”, outgroup cooperation is not the rule.

If there are common goals, cooperation concerns the “How” to accomplish these goals. Thus, common goals are only a necessary condition for cooperation, but cooperation can fail if there is no common understanding about how to reach them. Within the context of a training institution the How-question relates to learning.

As William James, one of the most important Psychology-Philosophers of modern Psychology stated it: “Thinking is for Doing” and if accepted that “Learning is for Thinking”, the conclusion should be:

Training institutions should focus on practical activities and evaluation should be crucial part of learning process and process of improving activities in institution.

2.2 Practical Considerations

Cooperation with stakeholders, which include in Kosovo’s judiciary primarily the KJC and KPC but also other ones like presidents of courts, heads of prosecution offices, judges, prosecutors, professional associates, legal officers and all the other members of the administrative staff within the judiciary, is primarily about agreements on common goals to achieve the “shared responsibility” which is requested for successful performance of Kosovo’s judiciary. This does not exclude the discussion of the means, e.g. specific training activities. But the Academy sees its responsibility to establish processes and structures of evaluation to establish Educational Controlling as a fundamental tool to learn about how it should perform. Established evidence and insight need to be made available for all stakeholders to shape the future according to common goals.



Chart 2: Stakeholders

(Michelle Bruno, 05 October 2015, <https://ungerboeck.com/blog/tradeshaw-stakeholders>)

2.3 Tools and Cooperation Mechanisms

The main stakeholders and the Academy should interact via representatives;

1. Representation of stakeholders in the Managing Board of KJA
2. Participation in the Programme Council
3. Training Commission of the KJC and competent authority of KPC

Mechanisms of cooperation are:

1. Regular cooperation meetings
2. Alignment of training policies
3. Sharing Training Evaluation Reports and feeding in continuously with relevant information

The **regular cooperation meetings of Academy with KJC and KPC** should have the following structure:

- Initiation by Academy (suggest date and invitation)
- Quarterly meetings on a regular basis (e.g. first Tuesday in March, June, September, December)
- Venue: Academy
- Participants: Director of the Academy, Chairmen of KJC and KPC, Program Coordinator of the Academy, Department of Training / Training Office of KJC and KPC, Court and Prosecutorial Office representative, Heads of Initial and Continuous Training of the Academy.

Concerning the standard agenda 4 topics out of the following should be considered by the Academy and suggested to the councils with the invitation:

1. Controlling Data - presentation of Academy	<ul style="list-style-type: none"> • number of trainings conducted • quota of participation • quality of trainings • degree of Academy's capacity utilization
2. Recent Developments	<ul style="list-style-type: none"> • Relevant Legislation • Status of the Academy •
3. Training Needs – focus on workplace orientated learning	<ul style="list-style-type: none"> • New formats needed (short notice, next program) • New ideas
4. Trainers	<ul style="list-style-type: none"> • Evaluation results • Use of Case Based Training • Use of modern training methods • Need for new trainers
5. IT-Development	<ul style="list-style-type: none"> • Status of The Academy's database • SMIL • General Usage • Distance Learning
6. International Cooperation	<ul style="list-style-type: none"> • Status of projects at the Academy, KJC, KPC • Needs for further international cooperation • EJTN • Possibilities for international hospitations (work shadowing)
7. Public Awareness and Public Relations (PR)	<ul style="list-style-type: none"> • Status • Present ideas

In addition to the standard topic there can be current topics added by all participants. The controlling data preferably should be provided in due time before the meeting.

Besides these formal interactions we propose information channels on the level of operational units who are responsible for the implementation and evaluation of the organizational activities with a training focus. Within the context of this document the primary focus should be on exchange and analyses of data.

3. ELEMENTS OF THE TRAINING CYCLE

The cyclic structure of the tasks of a training institution like the Justice Academy was already mentioned in the introduction. The Training Cycle begins long before the training program is conducted and continues after the program has been completed. The figure is an illustration of the four stages of The Training Cycle.



Chart 3: Training Cycle

The training cycle comprises of these four stages, which are briefly described subsequently.

4. TRAINING NEEDS ASSESSMENT

4.1 Theoretical Background

To identify the training needs of the beneficiaries is for almost all training institutions one of the main issues. The tacit assumption is that knowing the training needs will enable to design seminars that customers will apply for. The number of participants related to the number of seminars is core **success indicator**. Organizations have a vital interest as well that training for its employees is focusing on their real professional needs. The right topics must be trained to make the organization more efficient and effective.

Needs assessment should be considered easier for an organization, because it might know the shortcomings of employees, at least supervisors should know. But employees quite often have own assessments of their gaps, which might differ from the superior's estimation. Who decides about the needs? If employees are sent to trainings that they consider as not important to them, training success is questionable. Thus, training needs constitute an issue even within organizations.

One solution to close the gap between individual and organizational perception of training needs is to identify training needs in appraisal interviews between supervisor and employee. This approach would lead to individualized training and learning, which is for instance practiced during the coaching and mentoring in the practical phases of initial training for judges and prosecutors at the Justice Academy. In normal training situations several employees with the same needs are sent to a common training.

In cooperation between Academy and stakeholders the most important thing is to establish an efficient system of needs assessment through questionnaires, appointment of trainees and feedback in appraisal interviews between supervisor and employee.

Training needs assessment is quite often seen and operated as a single shot approach. It is considered here to install it as an integral part of the training cycle that is embedded in surveys and other data. The idea that there are needs, which only must be identified accordingly being trained away, is misleading. The needs profile may change due to training and experience, but new needs emerge to legal, social, cultural and technology changes. The need for lifelong learning is that environments change, and adaptations are necessary. The training needs can vary from substantive and procedural law, legal thinking and writing, communication and questioning of witnesses.

Training needs as other needs are means to ends. Thus, the needs must be identified according to their functional relationship to given goals. Policies are defined by the KJC and KPC and stakeholders like presidents of courts, heads of prosecution offices, judges and prosecutors. Yet, besides these stakeholders at least two other stakeholders must be considered. As training is in some basic sense about increasing cognitive and behavioral skill and social behavior the mentors are an important stakeholder. Not less important are the trainees themselves who know at least partly about their knowledge and skill gaps, have aspirations and need motivation to take part in a successful learning process. To make the collection of trainings from different perspectives different data sources should be considered to match the different perspectives.

Such a comprehensive approach is only seldom realized because the resources to implement it are not given and even if data for all stakeholders are given the analysis and synthesis is very difficult.

Training needs assessment is regarded as part of multi-layered capacity building processes, in which the *environmental, systemic level* (framework conditions for realizing and demonstrating capacity, e.g. judicial, administrative, legal, political, socio-economic level of a country) is intertwined with the *organizational level* (organizational cooperation and factors that influence the organizational performance, e.g. human resources, physical resources, organizational strategic planning and management) and the *individual level* (personal attitudes and readiness to acquire and use own competencies for setting and achieving objectives), as it is depicted in chart 4.

Level 1 (enabling environment) comprises: the new reform legislation of the judicial sector (Laws on Courts, KJC, KPC, KJA, Criminal Code and Criminal Procedure Code, or other laws). Level 2 (organizational level) is related to the practical cooperation and coordination capacity between relevant stakeholders of the judicial training and education sector (KJA, KJC, KPC, MoJ, other relevant stakeholders like presidents of courts, Chief prosecutors of prosecution offices, , various categories of

administrators in the judiciary as well as media). On this level the determination of training priorities as well as the identification of target groups and their training needs takes place. Level 3 (individual level) embraces the full scope of human resources management and development, in which training needs assessment takes place based on interviews, questionnaires and other techniques.

Training needs assessment is a demanding and complex undertaking, and it should integrate relevant stakeholders in Kosovo, especially the KJA, KJC, KPC and other important stakeholders. TNA has to be understood as a continuous process of cooperation between practitioners and institutions, working in the judicial sector, to conduct work place related assessments and enable demand-driven training measures in cooperative exchange. This implies strong commitment of all involved partners to the implementation of the capacity development process.

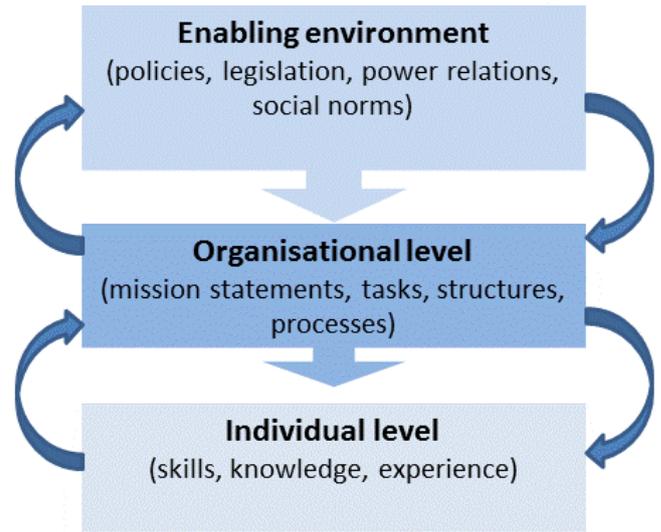


Chart 4: capacity development levels (Klaus Erdmann)

Under these conditions a new organizational judicial training cycle could be established as to enable KJA to gather, analyse and systematize data within both court and prosecution systems on the training needs of judges and prosecutors, collect data related to the relevance, importance and necessity of training programmes, conduct surveys of judges and prosecutors on quality implemented trainings, etc. and thus play a coordinating role in the implementation of the Judicial Training Strategy. It seems to be common grounds to use the findings from performance evaluation of judges and prosecutors to identify the needs for training.

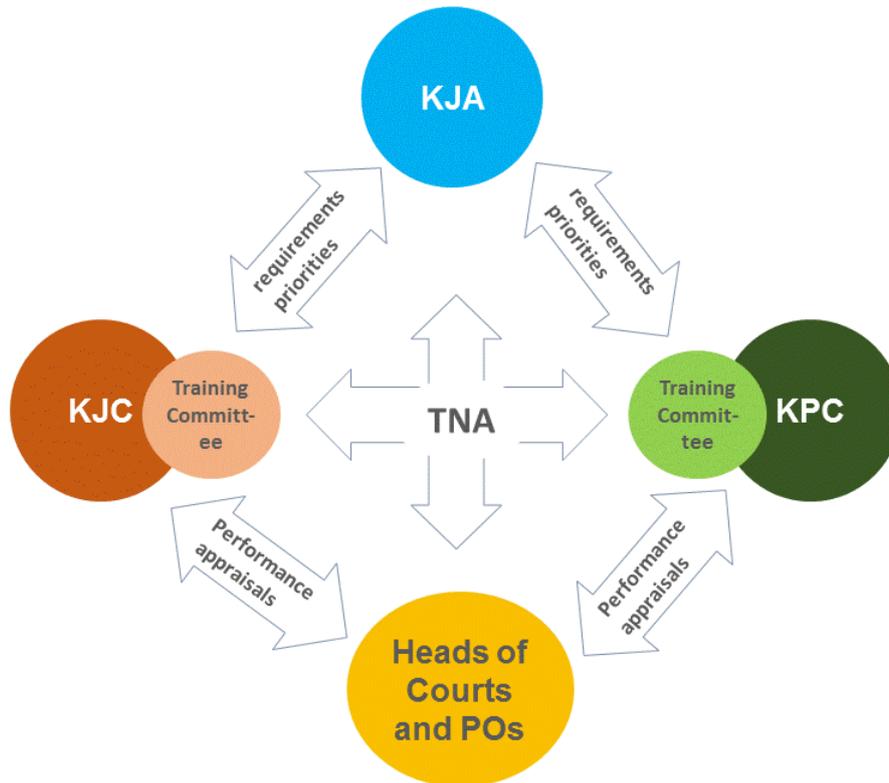


Chart 5: TNA on organizational level (Klaus Erdmann)

Complexity, organizational requirements and goals of this process are depicted in chart 6.

	WHOSE CAPACITY?	CAPACITY TO DO WHAT?	HOW TO DEVELOP CAPACITY
ENVIRONMENTAL LEVEL	Constitution and other normative, political and economic conditions, EU and other donor institutions	<ul style="list-style-type: none"> strengthen the rule of law in Kosovo, contribute to legal harmonization, Improve Policy Coordination 	Judicial Sector Performance Assessment, Strategic Planning, Stakeholder & SWOT Analysis
ORGANIZATIONAL LEVEL	KJA, KJC, KPC, MoJ and other relevant judicial sector institutions	Organizational mandates and coordination procedures, task distributions, working processes in the judicial sector	Stakeholder Integration: consultative meetings, organizational needs assessments
INDIVIDUAL LEVEL	Judges, Prosecutors and other Civil Servants	Human Resources Capabilities and Development (knowledge, skills, attitudes) to fulfill job requirements, improve legal skills, close performance gaps	Needs Assessment: e.g. Interviews, Questionnaire Survey

Chart 6: TNA in the frame of capacity development (Klaus Erdmann)

4.2 Practical Considerations

Training Needs Assessment can be implemented “top down” by defining the necessary skills which have to be acquired for performing a certain job or profession. Otherwise it can also be structured “bottom up”, when for instance organizational change is occurring and existing staff has to be reallocated. Various instruments are available, interviews, questionnaires, or organizational standards.

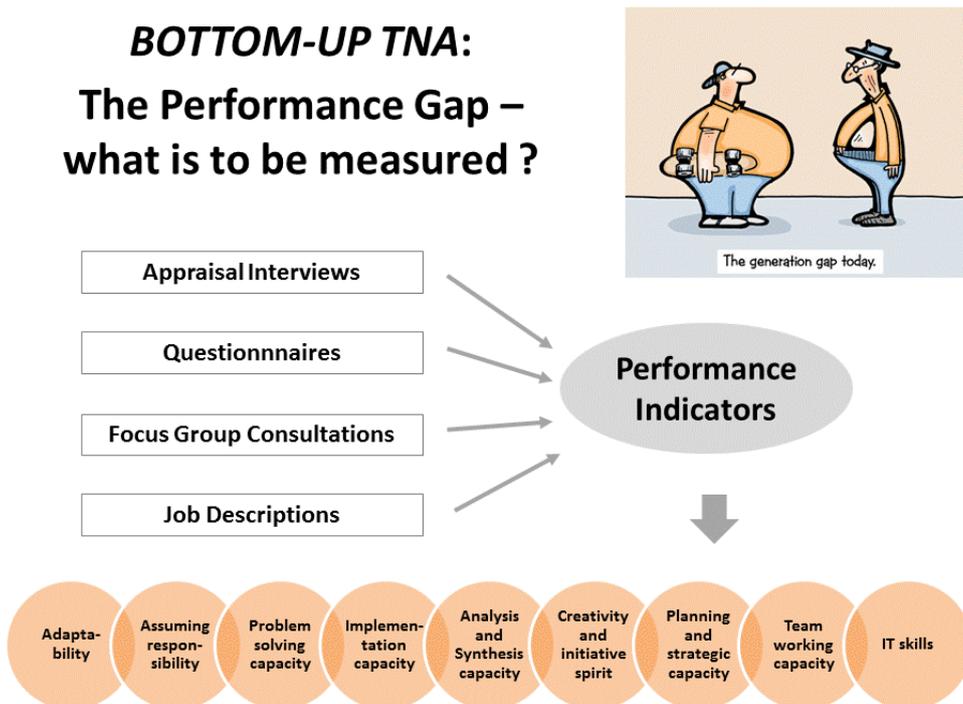


Chart 7: Bottom-up TNA (Klaus Erdmann)

The team conducting the TNA should engage judges/prosecutors with training experience and experts of various profiles, such as associates with pedagogical experience. TNA identifies training needs i.e.

shortage of skills and/or knowledge in certain areas and a general content of the suggested training. The purpose of the TNA is to ensure that these gaps are addressed and resolved. Training needs are usually the ones you can anticipate (e.g. changes of the law, new target groups etc.), the ones that are a result of training monitoring (e.g. questionnaires, evaluation, feedback etc.) and the one that are a result of certain sudden issues (e.g. troubles in applying new law). There are several techniques to conduct TNA such as:

- questionnaires
- consultation with subject matter experts and/or persons on key positions (e.g. judicial officials dealing with special issues, presidents of the courts, foreign experts etc.)
- discussion with steering bodies (e.g. steering body of the training institution)
- interviews and focus groups
- evaluation and survey
- document revision
- direct observation on the training

It is advisable to use several techniques at the same time to maximize the results i.e. to get a comprehensive overview. For example, a training institution can conduct consultations and discussions followed by questionnaires or a survey which results are then checked by a focus group.

TNA result should not be only a list of topics that should be implemented through training. One of the benefits of TNA is also that it can help in directing the financial and logistic resources of a training institution to areas of the utmost priority. TNA should also include a second step which is **analysis** dealing with the issues such as:

- what is a current institutional climate concerning the training
- what are the target groups?
- how will the training impact selected target groups?
- what is the length of a training (1-3 days or modules)
- what are appropriate training methods (conference, seminar, workshop, round tables, web based training or exchange of experience)
- what is the budget available for the training
- which trainings should be a priority

4.3 Tools and Mechanisms

The training institution should systematically and methodologically approach to conducting the TNA. This comprises internal organization and making sure that the outside actors are willing and prepared to adequately participate in the TNA. Most of the training institutions use **questionnaires** and surveys as a popular technique when conducting TNA since these methods can provide input from many people in a relatively short period of time, they are fast and do not require substantial financial input. However, surveys and questionnaires provide only a basic level of information which needs to be further developed by additional TNA techniques such as discussions and focus groups. Moreover, one of the downsides of questionnaires is that there is a risk of a fractional response since people are usually reluctant in completing them. The negative aspect should be minimized by creating a good questionnaire with a combination of close-ended (yes or no answers) and open-ended questions (one that require more than one-word answers).

Focus groups are an excellent appendix to questionnaire results as they can be utilized to determine priorities in identified training needs and the methodology of training (workshop or seminar, handbooks or just case law etc.) The training institution should determine the composition of the focus group, but the presence of some trainers should be a mandatory prerequisite. It is also advisable to conduct some

individual interviews, preferably with the training participants as they can provide a direct insight into training needs concerning their daily tasks, needs and a profession. Evaluations after the training are often specifically connected to the topic of the training and questionnaires and surveys are sometimes too generic, so this approach can provide some valuable input.

Another valuable resource are relevant documents like **national plans and strategies** where the training institution can determine what is important on a local and regional level concerning the training. **Consultations** with steering bodies and key experts are not only important during the TNA but afterwards when reviewing the results (**analysis**) as they can determine priorities and strategies in the training implementation.

Approved Mechanisms for TNA at KJA:

1. Evaluation questionnaires after each training session;
2. Training assessment forms completed by judges and prosecutors after each training;
3. Recommendations KJC, KPC, Supreme Court, State Prosecutor's Office, the Association of Judges and Prosecutors Association;
4. Meetings with judges and prosecutors, court presidents and chief prosecutors of prosecution;
5. Recommendations of local institutions and international organizations;
6. Proposals of KJA trainers (through special meetings);
7. Reports of Courts and Prosecution;
8. Recommendations of the Office of Performance Evaluation of judges and prosecutors;
9. Analysis of the agenda of the institutions for drafting and amending laws;
10. The research programs of regional and international training institutions;
11. Staff proposals, the Governing Council Program Council and KJA;
12. Analysis Mechanisms Impact Assessment Training;
13. Strategies and documents adopted by the institutions which contain recommendations for the judiciary and the rule of law;
14. Monitoring of print and electronic media;

This is a high variety of methods. It may be advisable to concentrate on the most effective methods. For more information see the Report "Training Needs Assessment, Evaluation and KJA's Database.

5. COURSE DESIGN

5.1 Theoretical Background

There are two approaches to identify new seminars. The most common used is to ask for new topics, subjects that cover some domain of declarative knowledge like a new law. The alternative approach is to identify competencies being trained and designing seminars by composing them through the integration of competencies.

The second approach seems more fine-grained and sophisticated, but most people still do not think in competences, but in topics which are units of declarative knowledge. As competences are macro-skills the issue is to combine the knowledge about needs competences and needed topics to design integrated seminars.

"Competence means the proven ability to use knowledge, skills, and personal, social and/or methodological abilities, in work or study situations and in professional and personal development",
Recommendation of the European Parliament and of the Council of April 2008

Both approaches can be implemented in a qualitative and more structured quantitative way, e.g. asking open questions or closed ones, were potential topics or competences are listed. As open questions cannot be considered an invariant stimulus and it is very effortful to establish quantifiable results they are considered at best as an additional tool of data collection.

Modern psychology and cognitive neuro-science has provided a lot of evidence, that competencies, skills whether they are cognitive, affective or behavioral are not learnt in vacuum but always in learning processes on declarative and procedural knowledge. Therefore, it is not a sensible option to train them as pure skills. They are learnt when learning on concrete topics or activities are the focus of the learning process.

This implies that a competence-oriented learning process must be a learning process on concrete subjects like genuine or fictitious cases, even soft-skills like leadership or motivation. Concerning the capability of correct legal reasoning the option is to learn it by focusing on cases while a soft-skill like supervision is learnt via social interaction in groups.

5.2 Competency Model

Competency models are analytical instruments to make us aware that professional work competencies never stand alone. Work competencies are embedded in individual human capacities, and they are deployed only in a social context. Personal and social competencies interact with technical and methodical competencies in every professional activity.

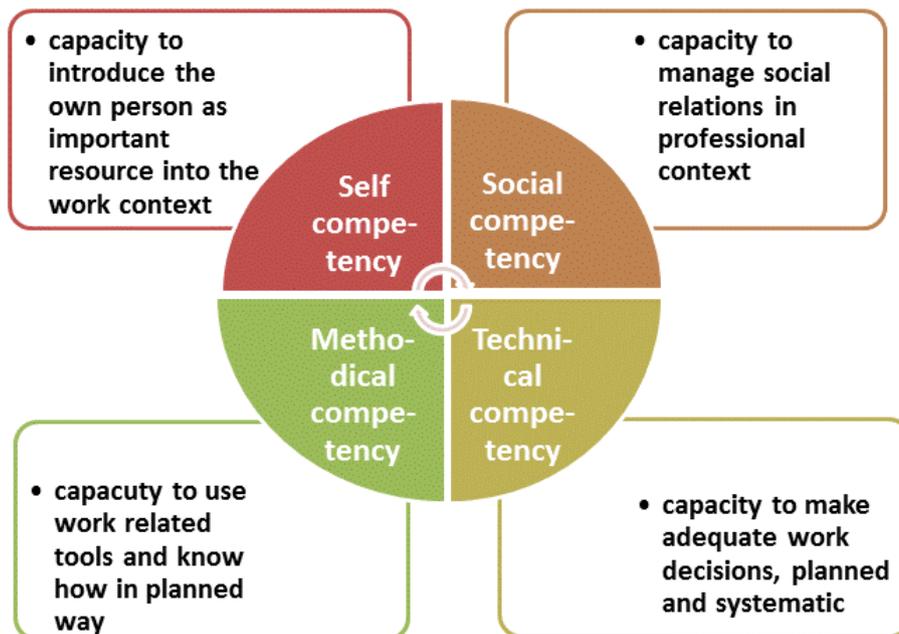


Chart 8: Competency model (Klaus Erdmann)

Not only personal, social, technical and methodical capabilities are interwoven, when we act. To establish a competency practically, we need specific *skills* with which our *knowledge* is applied. Last not least is the quality of our results is dependent from the *attitude* which is motivating us for practical actions.

The following chart depicts the different dimensions on which competencies are located, which we call knowledge (cognitive), skills (practical proficiency) and attitudes (affective). Attitudes are the secret motors of learning, but it is most difficult to reach this dimension, because attitudes are below the visibility, like the downstream part of an iceberg.



Chart 9: how to define competences (Klaus Erdmann)

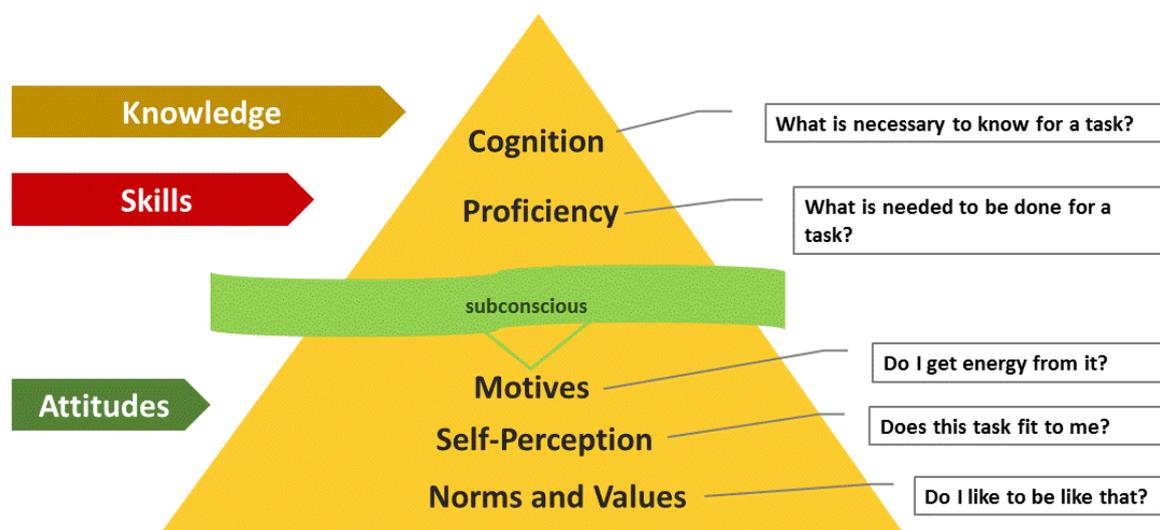


chart 10: Competency dimensions (SSR – Study and Training Center for the Judiciary of The Netherlands)

For more information on Competency model, please refer to Training Guidelines Manual, drafted by TWP in 2016.

5.3 Practical Considerations

The Academy pays attention to the insights from learning theory by designing seminars that are multifaceted in making learning like natural informal learning a multidimensional space and process.

Course design comprises the translation of training needs concerning a certain subject matter into *competencies*, which shall enable professionals to accomplish new tasks or to perform old tasks better. But identification of competencies is only the first step of the design. Furthermore, in a process of fine-tuning, general competencies have to be detailed into specific sub-competencies, considering the different specifications (personal, social, technical, methodical competencies) and dimensions of competencies (knowledge, skills, attitudes). In this context the *learning intensity* becomes relevant and various sub-competencies fine-tuned.

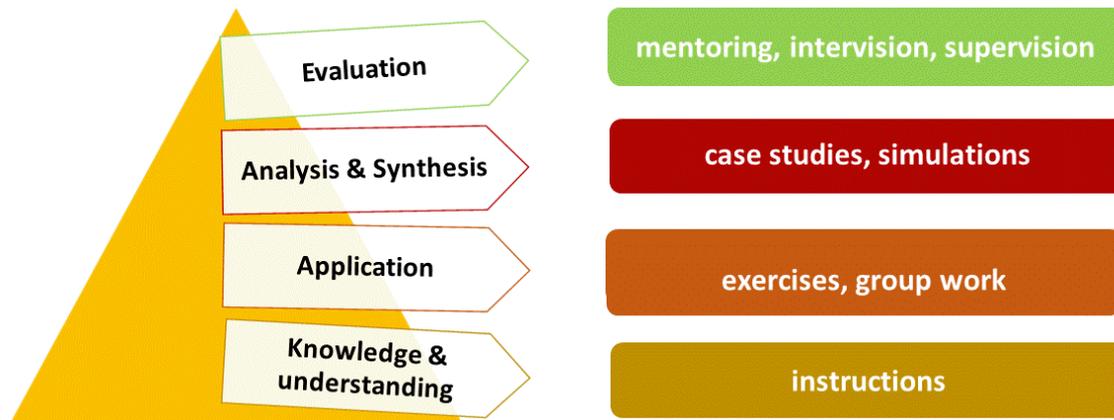


Chart 11: Learning intensities and training methods (Klaus Erdmann)

They have to be sequenced in a coherent *session plan* and a *curriculum*. Training materials (participant’s manual), presentations (trainer’s manual) and exercises have to be elaborated, until the *training package* is completed.

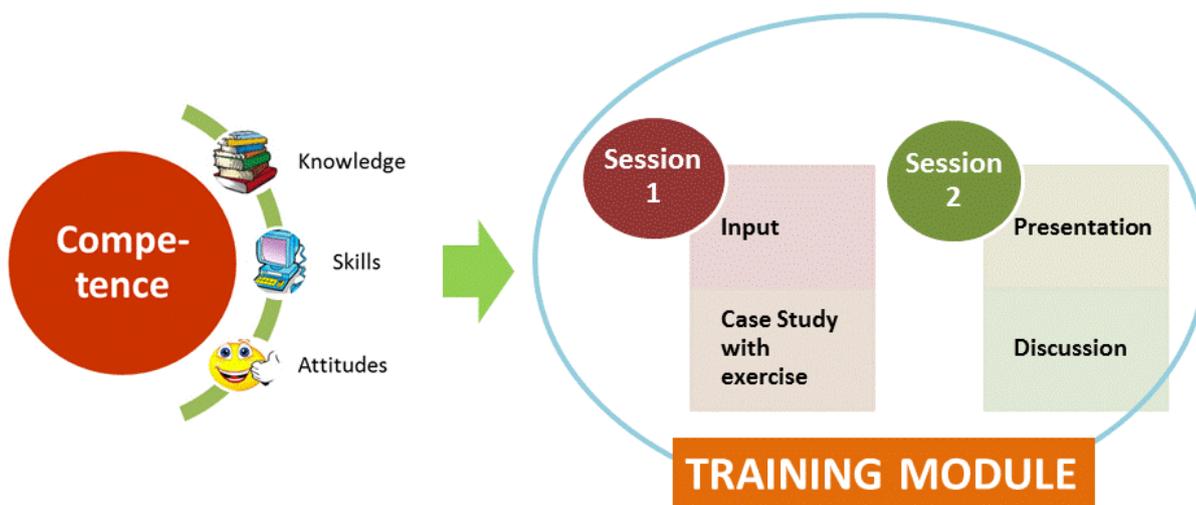


Chart 12: From competences to training modules (Klaus Erdmann)

There are many things to consider in designing a training program. The type of training should be decided so that to achieve the best results: onsite classroom, virtual classroom, self-paced e-learning, performance support tools, self-study, or a combination of these and others in a blended learning solution. The following questions will help determine the location of the training:

- How many participants need this new knowledge and/or skills?
- Where are participants located?

- How much time is required?
- How much consistency is needed?
- When is training required?
- How many participants will be in each class?
- What level of trainer expertise will be required?

To ensure that the learning is applied back on the job different methods should be built in.

5.4 Tools

Strategic innovation emerges from the boundaries of organization because the agents who have contact with clients and stakeholders get to know the new needs organizations should serve. This implies that the trainers are the one who sell the products to the clients. They can and should be the source of strategic change in the product line.

Conferences or workshops are a working model before the new program can be launched where the trainers compete on innovational change.

Relation to performance evaluation

The schedule below illustrates an example of professional competencies of judges and prosecutors and how they can be connected to the performance and its evaluation:

competence	sub-competences	performance descriptions (knowledge, skills, attitudes)
Personal Integrity and Professional Conduct	<ul style="list-style-type: none"> • Independence and impartiality • Self-Assurance and Authenticity • Scrupulous Commitment to Fair Trial 	Is convinced about legal system and its quality; represents a decision taken; demonstrates individuality and firmness towards the impact of own actions; dare where necessary, to go against the prevailing views; is clear about expectations, draws boundaries.
Legal and Judicial Abilities	<ul style="list-style-type: none"> • Decisiveness, judicial decision making • Persuasiveness • Analytical and judgment ability • Leadership responsibility, Directing 	<p>Takes decisions based on available data; act decisively even when the pressure increases.</p> <p>Gives a clear and unambiguous understanding of the structure of the seat and the process followed in the drafting of the statement; gains acceptance by the parties for the decision; formulates pointed and insightful; perceives possibilities to bring the parties together and to mediate in resolving the dispute.</p> <p>Processes and unravels a variety of data; systematically examine and assess; asks questions based on understanding; discusses issues according to situations; uses a logical train of thought that leads in the creation of statements until a clear and transparent reasons.</p> <p>Plans and organizes own work on the case; involves others on relevant topics; leave it where possible to others to maximize expertise; organizes work of employees as efficiently as possible; informs others about the progress of work; adjusts procedures (content, quality, and temporality) if required.</p>
Professional Commitment	<ul style="list-style-type: none"> • Court management capability • Learning ability and self-reflection • Collaboration Ability • Good resilience and capacity to carry high work loads 	<p>Developing research, organizational and managing capacities, ability to preside hearings and court sessions and to lead meetings.</p> <p>Openness to feedback from others and committed to learning; is curious, actively seeks new and or other situations; takes scholar in its repertoire.</p> <p>Willingness to participate in professional education and</p>

	<p>commitment to attend regular forms of training, increase of professional capacities for the local and international legislation</p> <p>Is open to collaboration with others; take the initiative and uses opportunities to share knowledge, support and consults others to improve quality and efficiency of justice.</p> <p>Exchange of practices with institutions connected to the work of courts and prosecution offices.</p> <p>Willingness to participate in professional education and commitment to attend regular forms of training, increase of professional capacities for the local and international legislation.</p>
<p>Social Awareness</p> <ul style="list-style-type: none"> • Listening and communication • Adaptability • Persuasiveness • Awareness about social environment 	<p>Shows understanding for the situation of others and makes personal contact; has an eye for motives of others and picks up less pronounced signals; active listening - gives the feeling to others that their input is received.</p> <p>Adjusts own approach when the situation changes or insights so dictate; Adaptation to specific circumstances and various situations</p> <p>Gives a clear and unambiguous understanding of the structure of the seat and the process followed in the drafting of the statement; gains acceptance by the parties for the decision; formulates pointed and insightful; perceives possibilities to bring the parties together and to mediate in resolving the dispute.</p> <p>Has an eye for social developments and forms own image in the context of the law; looking for old, new and contradictory information and different perspectives that may affect the judgment and procedure; shows awareness of the influence of different background and the parties; has visibility into the impact of their own role and position in the social context and considers this while maintaining distance. Knowledge related to the socio-economical context in which the functions are practiced</p>

(source: Kosovo Judicial Institute, Initial Training Program 2016-17 for newly appointed prosecutors, KJI 2016)

Training curriculum planning is setting the objectives and learning outcomes during the trainings depending on the target groups. The steps in the training curriculum planning are connected and they sometimes overlap, (e.g. evaluation which should occur in most of the steps to determine progress), however, it would be futile to design a training activity before the learning outcomes and the content are determined.

A curriculum is the transformation of targeted competencies into a didactic program, where course objectives, training goals, contents, learning intensities, training material and exercises, single training units, training methods and testing procedures are brought into a coherent structure.

5.5 Defining training goals and objectives

Training content has to be defined following exemplifying the envisaged competencies under the jurisdiction of clearly determined learning goals and overall course objectives. The importance and valuation of training goals is decisive for the learning intensity. Learning goals are directly related to targeted competencies. The curriculum plan is integrating learning goals and tools into a coherent structure.

It is important to distinguish objectives and learning outcomes:

Objectives are the intended results of a curriculum in a sense that that they are trainer-oriented and are usually a set of intended results, understanding the subject matter and working with it that the trainer will cover during the training.

Learning outcomes are achieved results of what was learned in a sense that they are learner oriented i.e. what it is that a participant of training should learn. They are more specific and therefore more measurable than objectives which help in identifying further training needs

Learning outcomes set out what the participants/ trainees will know and be able to do after participation in curriculum activities i.e. the training. Learning outcomes are one of the most important parts of the competencies-based training system as they are closely related to what a trainee can do after training. Determining learning outcomes also facilitates in deciding on the training method.

There are five levels to express learning outcomes using active verbs (which are listed as an example below):

If you want the participants to...	Use active verbs:
Know	Recognise, write, state, define, identify...
Comprehend	Indicate, explain, classify, comprehend, select...
Apply	Implement, instruct, solve, use...
Analyse	Analyse, investigate, compare, identify, examine, interpret...
Synthesise	Conclude, combine, argue, discuss, derive, summarise...
Evaluate	Evaluate, determine, judge, defend, justify, assess...

Learning outcomes must:

- be specific (specify the level of a knowledge or a skill that the participant of a training must demonstrate)
- contain active verbs
- be attainable in a given time frame
- be measurable

Example:

Box 3: Example of objective and learning outcomes for a 6-hour workshop for judges and prosecutors on European judicial interaction techniques in the area of human rights protection

Objective: *To demonstrate, promote and develop tools of judicial interaction as possible solutions for overcoming obstacles that a national judge is facing in cases involving human rights protection*

Learning outcomes: *By the end of the training session the trainees will be able to:*

- *correctly solve cases concerning a right to a fair trial and freedom of expression*
- *use different judicial interaction techniques and dialogue in solving cases concerning the human rights protection*
- *apply international treaties in combination with national law*

The most common mistake in determining training outcomes is that they are often described too broadly and therefore cannot be measured. For instance, in the above shown example one of the training outcomes could have been stated as:

- The participants will be able to value different judicial interaction techniques...

This training outcome is not measurable, and the trainees are not sure what is expected of them. It is advisable to use active verbs to set learning outcomes which can be assessed by e.g. short worksheets where the participants can demonstrate that they have met the training outcome.

5.6 Defining the target group

The training institution must also mind the **target group** when defining the training outcome as it corresponds to answering the question which level of skills and/or knowledge is required. Different target groups of course require different objectives and therefore different training outcomes. The training institution should cooperate with the trainers to determine the learning outcomes based on the target group. Part of the data in the TNA facilitates in determining the target group of the training. Usually the training institution has a previously set target groups for which they are organizing the training, but the TNA can help in determining a specific target group within a wider group. For example, concerning the continuous training of judges and prosecutors, the TNA can help in deciding whether the training should be implemented only for judges or public prosecutors, or for higher levels of jurisdiction etc.

The choice of a **specific target group** (general being e.g. judges and prosecutors) also influences training design as it can have an impact on communication and interaction during the training. When designing a training activity, the training institution should have in mind the following:

- the level of experience of the target group
- the hierarchic level of the target group
- is the target group representing one court or different courts and regions?

A general assessment shows that the participants of the training more easily communicate and interact with their peers who have the same or similar previous experience and knowledge. If the goal of a training activity is to for example inform the participants on some issue, then it is acceptable to have a large mixed group of participants of all hierarchy levels. Otherwise, if the intended outcomes are certain skills it is better to have a small homogenous training group of peers with the same previous knowledge and experience.

5.7 Selection of participants

Selection of the participants as a task is in accordance with our stakeholder perspective: This implies that we take not only the preferences of our main stakeholders, KPC and KJC into account but while considering trainees as stakeholders taken their needs and wishes to participate seriously.

There is a natural step ahead that serves organizational needs which should follow in the near future. In employee talks, partially in the context of job appraisal supervisors and supervisees **agree** on training needs for the judge/ prosecutor .This agreement is based on a shared understanding of objectives and goals of the organization. The implications are that all members of an organization should know about organizational goals in general and the specific objectives of their working unit. Ideally this serves the intra-organizational alignment and realization of the strategy. The organization and the internal function and the strategy become aligned.

For further reference please check KJA Strategy 2018-2023.

5.8 Recruitment and qualification of trainers

In traditional organizations, the best trainers for the new and even semi-experienced members of an organization are their supervisors. This model is more and more popular as very important part of learning domain is called non-formal learning and takes place by observation and imitation. This view is evidenced by a lot of studies. The so-called system of dual education on the job and in the classroom, reflects the evidence in its historical roots and latest application.

For a training institution that recruits its trainers as experts from the subject field of the training this is obviously an asset but also a challenge. The insights in the value of non-formal learning takes its inspiration especially from the learning of crafts that is displayed visually. It is learning by observation and imitation. Learning by observation is a bigger challenge if there are not procedural or manufactural skills

but cognitive skills involved which must be made perceivable by speaking or writing, which imply listening or reading. Additionally, not every “cognitive worker” makes a good role-model for learning.

KJA has a long tradition in applying peer training and mentoring.

For further reference please see Mentor Handbook of 2016.

Finally, to train is an expert skill and not every person who does a good job must be able to transfer his/her skills in a training setting. In the end there is still the gap between skillful performance and the declarative knowledge that is transferred in a training setting.

5.9 Practical Considerations

Academy has introduced the dual system in the Initial Training Programme, where theory and practice are alternated and a system of mentoring.

Expert trainers have learned their training skills for a long period and stay in their job if well evaluated over many trainings. Thus, the recommendation is to improve training by a natural competition between professional trainers with other than judicial background and the judicial trainers performing the training right now. The idea is not a formal competition but using the trainees as natural jurors when evaluating the courses. Adaptation processes might be a natural process that can increase the quality of training.

All training institutions need thresholds for trainer’s performance. These must become public and visible, e.g. average rating values may not be below or above some score. And there must be interventions like train the trainer offers, refresher trainings and even exclusion of bad performing trainers. This requires that the trainees learn to evaluate critically. This is also a task for the Academy.

Given a mixture of judicial and non-judicial trainers even joint training workshops are an option for the academy where learning takes place as an information exchange with a platform of training samples.

5.10 Tools

Transparent announcement and selection of trainers

Continuous development of trainers through ToT Programmes, refresher trainings, supervision and intervention

Workplace oriented trainings, reviewing case studies and preparing simulations and moot court.

5.11 Training Content and methods

After the training outcomes have been determined, the training institution must find the most appropriate content to achieve the set outcomes. Content development is the phase that in practice is the lengthiest as it involves developing training materials, training plans, training aids etc. that facilitate in realizing the training outcomes and ultimately the programme goals.

The **content design** contains several integral parts:

- Scope of the content – what the curricula includes i.e. the expanse of topics and activities needed to achieve intended training activities. Questions that can be asked when designing a scope of the content are e.g.
- What content should the target group know to meet the set training outcomes? What is the current level of competencies, knowledge, skills etc. of the target group?
- What will the target group know/ be able to do if they know this content?

It is of course impossible to include all the content that is available on the subject, so trainers should make the decision what to include and what not. In practically oriented trainings the most relevant approach is to refer to common knowledge and concentrate on the issues that are worth discussing and debating.

- Sequence - refers to 'when' of the curriculum lessons, topics, activities which was broadly explained in the 'format and structure' part of the training.
- Content outlining – this step must produce what will be taught. The steps that can help outline the content are:
 - Determining the necessary knowledge for achieving the training outcomes
 - Determining the performance/skill needed to achieve the training outcomes

Training outcomes also have an impact in deciding on the choice of a **training method** which is further restricted by several factors e.g. financial means, trainer's availability and expertise of the training format etc. A classical *ex-cathedra* seminar (lectures without interaction) has been a preferred method in judicial education for decades, but this approach should be completely abandoned and replaced by modern training methods. Every training institution should combine several training methods within one training curricula to maximize the effect of the training itself.

5.12 Training Techniques

The different training techniques are briefly reminded below, as training managers and administrators should be familiar with them and demand their usage and mixture within a training proposal:

1. Role plays, moot court, case studies etc.
2. Feedback, structured observation, multiple choices (e.g. participants must choose one out of four choices and explain why), structured discussions etc.
3. Lectures and presentations (e.g. participants are presented with some written material and must find a basis to answer a question themselves)
4. Checklists (e.g. the participants check whether the theory was applied correctly in a case study)
5. Mind maps

According to this theory, effective learning happens only if the participants of training finish all four cycles:

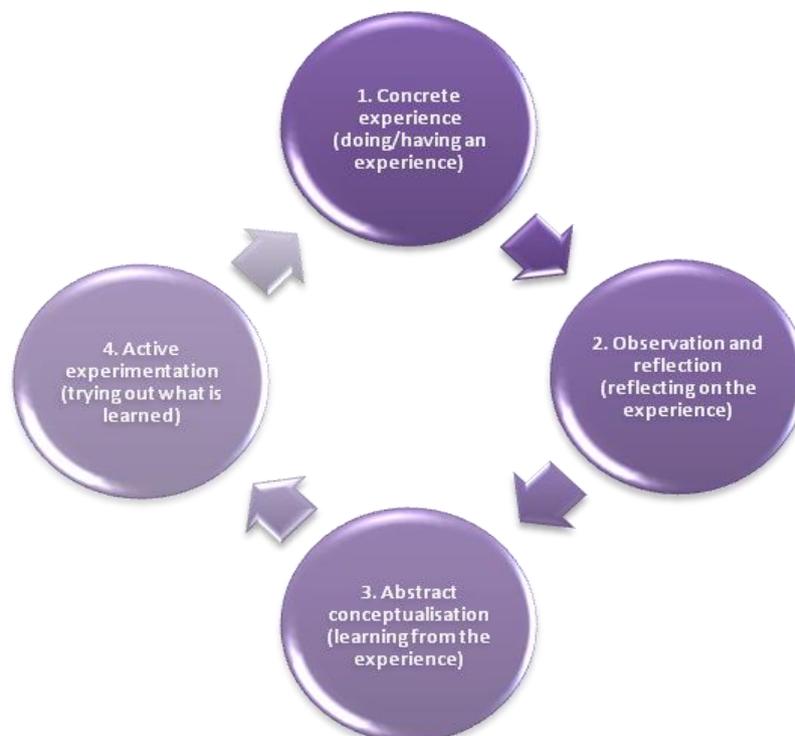


Chart 13: D. Kolb's Learning Cycle
<https://www.simplypsychology.org/learning-kolb.html>

It is important to remember that attending the training is not enough. To effectively learn, the participants must actively participate in the training and that is how the training must be designed.

Also, when designing training, the training institution and the trainers should have in minds a common understanding that:

People acquire skills:	People acquire knowledge:
10% by hearing	10% by doing
25% by seeing	15% by hearing
65% by doing	75% by seeing

There are several face-to-face training methods in judicial training which have to be mentioned in this handbook, as well as taught in every Training of Trainers (ToT). Some methods are of course more suitable to attain an intended training outcome than others. For example, if intended outcome of training is a certain skill, mere lectures will not be enough to achieve the outcome. Mentioned below are the most popular methods:

- **Icebreakers** - exercises used at the beginning of a training for the participants to get to know each other
- **Lectures combined with group work**- it is important to combine lectures with group activity to facilitate active participation and to avoid *ex-cathedra* approach
- **Presentations combined with group sessions**
- **Case studies** - presenting a specific situation which is analysed with a purpose to find a solution or highlight important issues
- **Problem solving** - identifying, analysing and solving problems
- **Moot court** - role playing that helps the participants to demonstrate the theory by assuming roles of a judge, plaintiff, defendant, police officer, witness etc.
- **Brainstorming** – the participants are invited to think freely and to offer ideas and solutions to problems. The important note is that all ideas are recorded, and they are not to be criticized.
- **Snowballing with feedback session**- the participants are divided into smaller groups where they share ideas and experiences on a subject matter. Conclusions of all the groups are shared at the feedback session.

Modern training methods that should be considered are e-learning and blended learning. **E-learning** as a method has several advantages such as the fact that a bigger number of people from different regions can be trained at the same time without it having an impact on their daily duties (since the participants do not have to be present physically at the training location they can do the training at home). Some of the disadvantages of e-learning are that it is expensive (especially in the developing phase of the e-learning methodology) and as a tool it is not as efficient when it comes to developing judicial skills. **Blended learning** is a combination of various training methods to maximize the effect of the learning process and minimize the downsides of certain methods, for example, a combination of e-learning and live training.

6. IMPLEMENTATION OF TRAINING PROGRAMMES, DELIVERY OF TRAINING

The Academy's staff should be involved in the process of producing the training materials and monitor the contents of trainings delivered through Academy.

Ideally, the implementation of the training curriculum includes these steps:

- Recruiting the trainers
- Producing the training materials
- Testing and revising the training materials
- Implementing the training curriculum

Template for module development:

Modul No.	Title	Comments
Training period (scheduled time)	2 days	
Module coordinator / mentor	N.N.	
Workload	Instruction: 16 hours	Case description and Moot Court basics sent in advance
Acquired competencies	<ul style="list-style-type: none"> • Didactical Knowledge • Methodological competency • Professional Commitment • Analytical skills • Professional Conduct • Managerial Responsibility • Leadership 	<ul style="list-style-type: none"> - Self-confidence in designing and conducting Moot Court - Professional Conduct and performance - Authenticity as a trainer - Fair commitment - Independence and integrity - Adopt different perspectives - Interpret complex legal issues.
Qualification goals	<ul style="list-style-type: none"> • Participant is committed to practice simulations for efficient judicial training delivery. 	Effective and confident use of legal writing and simulation techniques.
Learning contents		
Learning intensities	Knowledge and understanding to being able to apply	
Learning methods	Instruction with simulations	
Testing (format)		

6.1 Course delivery

Course delivery is a social interaction between a group of participants and a trainer. Different facets of communication are playing a crucial role in this process. Not only contents related to a subject matter are contained in verbal messages, but also self-portrayals (how one wants to be seen), personal relations (what someone thinks of the other) and demands (what someone wants the others to do) are embedded and transmitted. The trainer needs to orchestrate these communicative dimensions in an interactive manner, so that personal and social competences of participants are challenged in the training process as

well as technical and methodical aspects. Furthermore, course delivery is the time for exercises, exercises, and more exercises. The old saying “Practice makes perfect” is very much valid. Course delivery is providing participants with the safe environment and the opportunity to practice judicial skills and new behaviors.

6.2 Course Administration

The implementation of the training program is an administrative function of a training institution but in modern training organization it is not a 100% rule-based process but a more autonomously grounded series of repeated activities by administrative agents.

Competent officials in a training institution are responsible for a predefined field of trainings (criminal, civil, administrative, etc.), training programs (ITP, CTP, ToT, training for Administrative staff, etc.) or subjects and specializations. They administrate, e.g. invite participants, take care of the materials to be distributed but also stay in contact with trainers who conduct the seminar and develop working relationships. They may or may not participate in the design of programs but have some basic knowledge on the subject matter being trained. If there are no lead trainers employed by the organization in any specific field they can even, if experienced enough, take decisions which trainer could conduct a seminar and/or adapt an old program in cooperation with external trainers. In some sense they act as training managers, taking full charge of the effective delivery of the training.

They should know about the planned numbers of seminars and participants in their domain and their task is to run the implementation of their part of the program that the related objectives are to be fulfilled in their domain. This knowledge comes from periodic talks with their supervisors and constant interaction with trainers. They know about the successes and failures of the courses within their domain, they collect the evaluations sheets, as well as informal feedback and represent their own feedback for their work.

The employed trainers of the institution act as their supervisors. This presupposes that administrative staff receives some freedom of action, delegating autonomy but demanding commitment to organizational objectives and prior qualification or learning on the job.

6.3 Tools

Academy's organizational structure (schedule of responsibilities) – functional division of departments Inter-departmental work processes and organization Training Handbook – Academy has a working Training handbook, a collection of templates for documents that regulate the administration of training delivery. Empowering administrative staff to manage trainings (appoint the staff member to be responsible for specific training course) Checklist for training implementation Timeframe
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7. EVALUATION OF THE TRAINING PROGRAMS

7.1 Theoretical Background

Evaluation is about all organizational processes, structures and defined objectives addressed above. The present chapter is a realistic stocktaking to make evaluation a functional tool for the Academy given the constraints right know.

Evaluation is the fundamental mechanism underlying human learning. Behavior that is not successful in accomplishing goals becomes dismissed, while successful behavior is learned. In some fundamental sense that is the primary biological function of learning that has also a fundamental outreach in cultural learning. As biological learning is life-long it is only a logical step to make cultural learning life-long.

Organizational learning is not different but has its own restrictions as different people should be coordinated but that applies to all organizational activities.

While learning in the basic sense is about means and ends organizational learning is about organizational activities and objectives. But the logic is the same only the terminology differs. What makes organizational learning more difficult is the acceptance of common goals or in most organizations the explicit setting of goals and organizational awareness.

Due to some common effect that trainees rate these dimensions not independently but score more or less high, medium or low individually on all the dimensions some variability is missing to base an intervention say on a dimension like didactics. Trainees are either satisfied with any dimension, dissatisfied or rate in the medium range. This implies that training institution know about their very good and very bad trainers but not so much about the bad aspects of the goods ones and the good of the bad ones. To provide some deeper knowledge training institution apply observation of training by some expert on a sample basis.

There is a second effect of the usage of evaluations sheets that limits their value. There is clearly a bias to higher ratings with even some cultural variability. To cope with that effect a second wave evaluation after 6 months is quite often launched to get information especially about the training effect into the working domain. For trainings in the domain of Public administration this is a viable option because trainees can be more easily tracked. Even a questionnaire to supervisors becomes more and more an option to receive a sound picture about the worth of training. This is a specific option when the supervisors or the home-organization of the trainees is concerned about training.

Training is the output of a training institution but training is in the end about some outcome for an organization and the stakeholders of that organization like beneficiaries and especially citizens in the domain of the justice system. If training is about increasing performance within an organization this can in some way be measured within that organization, e.g. ratings of supervisors but it is generally difficult to measure the outcome for the organizational environment. Nevertheless, European public administration have quite often launched questionnaire to citizens to have their interaction with them evaluated.

This evaluation dimensions seems not within the range of the academy but could be an option for her stakeholders.

In a natural way there are always a kind of hard data for training institution. It is on one side the balance between seminar planned and delivered and it is the number of participants partitioned between the different training domains. They provide for insights concerning goals of a training institution and its performance.

7.2 Practical Considerations

Evaluation of training in a narrow sense focus on the evaluation of seminars and courses via evaluation sheets or open questions at the end of the seminar. To steer a training institution quantitative data from evaluations based mostly on Likert Scales provide for the primary data pool. Although the evaluation sheets do differ in lengths and differentiation they focus on training dimensions such as methods, didactics,

trainer competence concerning knowledge and social behavior, applicability of the training contents, working atmosphere.

Modern Database and IT systems allow the easy processing of collected data and numerous possibilities to calculate ratios, indicators and monitor and analyze them.

7.3 Tools

Templates for generating reports on:

- Trainings Overview
- Trainers Overview
- Participants Overview
- Training Needs Assessment Prioritizing

Indicators for evaluating training – collect data, process data, calculate indicators, analyze trends

- Number of trainings
- Overall quality of training
- Trainer evaluation
- Duration adequacy
- Usefulness/ Relevance to practice
- Mean values, correlations and trends analysis

7.4 The Kirkpatrick's model



Chart 14: Kirkpatrick Model of Training Evaluation
(<https://www.kirkpatrickpartners.com/Our-Philosophy/The-Kirkpatrick-Model>)

The Kirkpatrick's model is one of the most used models in the area of evaluation theory and practice. The main aspect of this model is that evaluation is not a one step process but a complex process which main goal is to determine not just the achievement of training outcomes but also the sustainability of training objectives. It is based on four levels:

- **Level One: Reaction-** examines the participants' level of satisfaction of the training process. It is important to measure the level of satisfaction to know how to improve future

trainings and to include the things that are possibly missing. The tools for carrying out this part of the evaluation are usually questionnaires and surveys, but they can also be feedback directly on the training either by direct questioning of the participants or by watching their body language and reactions.

Examples of evaluation tools	<ul style="list-style-type: none"> • Post-training questionnaires • Feedback forms • Post training surveys • Verbal reactions 	Relevance and conditions	<ul style="list-style-type: none"> • Not expensive • Quick
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The evaluation questions should be as such:

- Did the participants think that the training was useful?
 - Did they think it was successful?
 - Was the content adequate?
 - Did they like the method of delivery?
 - Did they find the practical part of the training useful and adequate?
 - Did they like the venue?
 - Was the material useful?
- **Level Two: Learning-** measures the increase in knowledge, skills or attitude i.e. what have the participants learned as a result of the training. The learning outcomes of training are a starting point of this level which is usually used for initial training programme but can also be used for continuous training of judicial officials. If possible, it is recommended that the knowledge, skills or attitude of the participants are measured also before the training begins to have a comparison value.

Examples of evaluation tools	<ul style="list-style-type: none"> • Test before and after the training • Interviews • Observations 	Relevance and conditions	<ul style="list-style-type: none"> • Not expensive • Relatively easy • Less easy for complex learning
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- **Level Three: Behaviour-** measures how the participants apply the information in the workplace i.e. to what extent the participants changed their behaviour based on the training received. This is perhaps the most difficult level in terms of judicial training evaluation as the changes of behaviour might not be visible at once but after a longer period. The training institution should make effort to have this in mind and to try to determine these changes either by conducting follow up surveys or interviews with the participants after a reasonable time has passed since the training. The cooperation of the heads of judicial bodies is essential here as they might find the questionnaires a waste of time, so the training institution should explain the benefits of such analysis.

Examples of evaluation tools	<ul style="list-style-type: none"> • Interview over time • Observation over time • Questionnaires 	Relevance and conditions	<ul style="list-style-type: none"> • Time consuming • Requires cooperation of head of judicial bodies
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- **Level Four: Results-** measuring the outcomes of a training i.e. analysing the outcomes that are positive for judicial officials or overall when needed. As a level of evaluation, the challenge is how to determine which outcomes are suitable for a long-term assessment (e.g. higher number of judicial decisions which are minding the practice of the ECHR). As this level of evaluation is costly and time consuming (enough time must pass to allow the change to be visible), the training institution should carefully decide which results should be measured. Also have in mind that some trainings are too subjective to be validated through empirical data.

Examples of evaluation tools	<ul style="list-style-type: none"> • Post training surveys • Follow-up needs assessments • Interviews • Monitoring statistical indicators 	Relevance and conditions	<ul style="list-style-type: none"> • Difficult to determine if enough time has passed • Has to be repeated to see if the changes took root • Keep current statistics and monitor indicators
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7.5 Practical considerations

As with every model there are some negative sides to consider. The Kirkpatrick’s model can be costly and time consuming at certain levels, especially level 3 and 4, so the training institution must carefully decide for which programme these levels are going to be used. In judicial context, level 3 and 4 are to be used only if the information is needed for the benefit of the judicial profession as a whole. They are also useful to measure the impact of training in relation to applying specific legal amendments or innovation and determine regulatory impact and its implications.

It is important to remember that although ideally best-case scenario, it is not necessary to conduct evaluation at all levels for every programme but to prioritize. Depending on the training programme, some training activities can simply be evaluated to determine if the participants were satisfied with the training. Thus, it is important to have an expert evaluation team equipped with analytical skills at the training institution. The training programmes that need evidence that the learning outcomes are relevant in practice and the training programmes that are a core activity of the training institution should be prioritized. However, models of evaluation will also depend on the training institution logistical and financial support.

Level	WHAT is being measured?	WHY?	HOW?
1	<p>Reaction</p> <p>Reaction evaluation is about the perception of judges and prosecutors about the training process.</p>	<p>The degree of participant satisfaction provides information about the bond between the trainer and the trainee, about content management, suitability to the level of trainee readiness, so on.</p> <p>It gives a great deal of information about trainees since their reactions show what they value individually.</p>	<p>Using:</p> <p>Questionnaires.</p> <p>Feedback forms.</p> <p>Verbal reactions.</p>

2	<p>Learning</p> <p>Evaluation of learning is a central process in initial training. It should be well structured to obtain proper measurement of what happened from input to output context-wise.</p>	<p>Adult learning is about individual development and change. Knowledge, skills and behaviour are considered when designing the training process.</p> <p>Learning in initial training should be checked and tested to prove that training is adapted to the needs of the judicial system and individuals.</p>	<p>Tests before and after the training.</p> <p>Interviews.</p> <p>Self-assessment hand-outs.</p> <p>Observation sheets.</p>
3	<p>Behaviour</p> <p>Behaviour evaluation looks into competency transfer from the training environment to the workplace environment.</p>	<p>Although the principles of adult education direct training, it is useful to re-visit the training process (content and method) at the moment when the former trainees are active at the workplace. The information obtained could be used to redesign the initial training programme and adjust the courses offered for continuous training of judges and prosecutors.</p>	<p>Observation and interviews over time are required to assess change, relevance of change, and sustainability of change.</p>
4	<p>Results</p> <p>Evaluation of results measures the effect on the job or environment by the trainee.</p>	<p>The way in which the work and activity of the judges and prosecutors is perceived at the court and prosecutor's office is an evaluation that takes into account different views at the level of everyday professional life.</p>	<p>Management reports</p> <p>Evaluation of judges and prosecutors (after 1/2/3 years of activity proper)</p>

The table reflects the basic Kirkpatrick structure and it is based on conclusions done by *EJTN (European Judicial Training Network)* training sessions on evaluation.

7.6 Efficiency of Training

Modern organization care about training and developing their human resources. Whenever we talk about judicial training, it is difficult to apply the normal measure of efficiency, namely return on investment. For every euro spent on training, there should be an adequate return of the investment in terms of earnings. The KJA is a public, independent institution with the legal entity status, financed by the state budget and is not expected to generate profit, nor even be self financed, although with the new law on Justice Academy it is allowed to provide training to free legal professions if they pay for the accrued expenses. . In the system of justice, it is all about improving the skills of people and their integrity.

Efficiency of training normally related to public budget spent on training of the judiciary in relation to improving its performance and service to the public good and rendering justice. The impact of judicial training is measure long-term by relating investments in training to the indicators of efficiency of justice.

For further reference please see CEPEJ Guidelines on the Efficiency of Justice and KJC Performance Assessment.

8. ANNEX

THE IMPLEMENTATION STAGE OF A TRAINING PROGRAM Reminder of some practical aspects

When reached implementation phase (after assesment, design, development) and prior to evaluation phase, training manager should take into account some practical aspects for efficient traning implementation.

Modern interactive training requires modern technical equipment, for example:

- LCD projectors,
- laptops with Internet access,
- video cameras, smart boards,
- audio technology,
- interpreting technology including soundproof booths,
- flip-charts, etc.

The training manager and the trainers have a common goal in the support given to participants for them to overcome barriers and to create good, positive atmosphere.

Big, medium-sized and small training rooms with tables and comfortable chairs providing an open and welcoming atmosphere will contribute to the success of training sessions of different types and applying different methodologies, from conference speeches to workshops in small groups.

School desks should be avoided. An arrangement of tables in the typical “U” shape (horseshoe) may be perfect to promote interaction between traniners and participants. There should be room for the trainers to move within the horseshoe.

It is also important to take care about moderate temperature, daily light (if possible).



Picture shows typical „U“ shape table layout

Signature list (List for certifying presence) – with data for trainers and participants (name, surname, institution, working position, contact details, space for signature) should be provided for all activities and distribute to participants at the beginning (seminars) or after the lunch break (workshops).

If workshop lasts for more than half day or one day, it is important to provide signature list for every day.

The training manager will send copies to the bodies in charge of keeping personnel records (or send it in electronic way from data base on demand).

It is advisable to provide name tags and nameplates at the table for trainers and participants.

Materials needed for the seminar should be provided for all in hard copy version/USB/CD or at desktops in laptops. General materials such as scripts, powerpoint presentation, can be sent after the seminar via e-mail.

If possible, bottles and glasses should be allocated at the tables.

If possible, coffee and lunch should be provided – it is strongly connected with networking, which is important consequence of the training process (sharing work e-mail addresses and contacts).

At the beginning of the event, welcome speech should be done by organizer/training manager – with short introduction of topic and trainers.

It is good to begin activity with some ice breaking method – to achieve relaxed atmosphere and get to know each other.

Certificates of attendance (with logo of organizer, name of event, names of trainers, date, place, signature of director) should be provided – for participants and trainers.

The training manager and trainers jointly have to supervise whether each attendee has actually been present throughout the training event.

Certificates should be disseminated at the end of the training session by trainers or training organizers or together.

Attendance of trainings should be important factor in career advancement considerations.

Evaluation should be done near the end of activity (45 - 60 minutes before closure) – definitely not at the end – for instance 5 minutes before closure.

That is important to avoid getting unrealistic marks.

It is also useful if the training organizer extends the evaluation questionnaires to organizational issues. Content and organizational questions (regarding venue, logistics, infrastructure) can be combined in the same questionnaire.

According to the handbook it might be an option for the training manager to be present at the end of the training to collect personal feedback.

In addition – examples of Signature List and Certificates for Participants and Trainers



**Republika e Kosovës
Republika Kosova/Republic of Kosovo**

Akademia e Drejtësisë/Akademija Pravde/Academy of Justice

Workshop/seminar/coference

Title

name of organizer/s (KJA)

Place, date

Signature list

Attendees					
No.	Surname, name	Name of institution, working position	Telephone	E-mail	Signature
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
Trainers					
No.	Surname, name	Name of institution, working position	Telephone	E-mail	Signature
1.					
2.					
Kosovo Justice Academy					
No.	Surname, name	KJA (Training manager)			
1.					

Time of start:
Time of end :



Republika e Kosovës
Republika Kosova/Republic of Kosovo

Akademia e Drejtësisë/Akademija Pravde/Academy of Justice

Name and surname

Participated on the workshop/seminar/conference

„Title“

Trainers: - name and surname, position, institution

Place, date

Name, surname
Director of KJA

Signature



Republika e Kosovës
Republika Kosova/Republic of Kosovo

Akademia e Drejtësisë/Akademija Pravde/Academy of Justice

Name and surname

position, institution

Conducted the workshop/seminar/conference

«Title»

In organization of KJA

Place, date

Name, surname
Director of KJA

Signature