



## SUMMARIES - RESULTS, CONCLUSIONS, RECOMMENDATIONS

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### ***WP1. Towards greater access to justice to the public as an aim for reform***

Access to justice is conceived as a fundamental right and a necessary component of a democratic State organized according to the rule of law. It can be defined as access to just and fair solutions for judicable problems of citizen whenever a legal need is perceived. While judicial problems include a legal component, they are not limited to this dimension and often include a social component. Frontline legal aid is essential in the access to justice discourse. There are two types of frontline legal aid. The first type is traditional frontline legal aid provided by private lawyers and focused solely on legal assistance. The second type is socio-legal aid which refers to a group of legal service providers who act as experts in dealing with problematic situations beyond the scope of traditional legal aid. In recent years, frontline legal aid has been the topic of political debate in Belgium and subject to policy changes when in 2014 the competence for frontline legal aid has been transferred to the jurisdiction of the French-speaking and Dutch-speaking Communities. This research aims to clarify how frontline legal aid is organized and whether or not it is successful in facilitating access to justice for citizens.

Frontline legal aid is often described in various models: the charity model, the judicare model, the welfare model, complex mixed models and finally, we discerned a fifth model, the e-Justice model. These models reflect the balance of power between the various service providers within the legal aid system. In modern-day society, focus is shifting from the knowledge worker and the legal profession as key to the organization of (socio-)legal aid to the tasks and services that must be delivered to the citizen. As a result, non-legal professionals are increasingly important in providing frontline socio-legal aid and an era of post-professionalism has begun.

This research firstly looked at the traditional institutions that provide access to justice, namely the House of Justice and the Commission for Legal Aid. It became apparent that in daily practice, both institutions have failed to deliver the service the legislator intended. Secondly, a qualitative observation of the practice at the outreach centres in Leuven and Tienen was carried out. These outreach centres were a pilot-project of the local Commission for Legal Aid and the community centres (CAW) to reach the most vulnerable citizens. Finally, a quantitative pilot-project was set up in order to gain insight in the online behaviour of citizens confronted with legal problems. The results showed that online legal aid is slowly gaining momentum. It can be expected that in the future, more and more citizens will turn to online platforms for information or even to compile legal documents and submit an application to the court.

The research comes to the conclusion that a lot of work still needs to be done to provide coherent and qualitative access to justice for all citizens, because currently there is no general policy framework regarding the different institutions that provide access to justice and therefore there is a lack of integrative approach. As such, new public management has not (yet) reached the field of socio-legal aid. In order to improve access to justice through frontline (socio-)legal aid, five recommendations are drawn up which should serve as guidelines to the policymaker.

## **WP2. Challenges involved in the transformation of the role, position and status of the “managers” of reforms in the justice system and the police**

The second work-package puts the focus of the JAM project onto the managers, the head of an entity, whether they are part of the Judiciary, First President, Prosecutor-General, President of a Tribunal, Royal Prosecutor, Judge Advocate for Labor or part of the police sphere, Director Coordinator, Judicial Director or local chief of corps. Over the last decades, they have witnessed an evolution of their respective institutions, in a more or less noticeable way. They have had new requirements imposed upon them with a neoliberal flavour inspired by *New Public Management* within a context of criticism of the bureaucratic mode of organization and functioning (Vigour, 2008). These changes brought about a transformation of their role and function as managers, gradually abandoning the image of the simple administrator in favour of that of the multi-tasking strategic manager (Guilmot, 2016). The ongoing reform projects, the Police Services Optimization Plan and the Reform of the Judiciary do not seem take a step backwards. They are offering a promise to managers based on accountability, autonomy and freedom, leading the way to a largely preponderant strategic role, leading to the emergence, as we see it, of the figure of the *top local manager*.

Starting with an inductive, qualitative and empirical approach combining interviews, case studies and focus groups, we have highlighted the processes of interpretation and appropriation developed by the entity managers in the face of the reforms that are being imposed on them and to which they must give substance within their organization and they must do this in a context of reduced budgets and in the absence of any central guidance from the political world or from the internal upper institutional hierarchy. Given the characteristic longitudinal dimension of data collection specific to the second work-package, our results are organized into two stages, a time T0, from the start of the reform projects and a time T+1, following eighteen months of implementation. The data thus bears testimony to the evolutionary nature of the process of implementation and sensemaking (Weick, 1995). They highlight how the leaders of the Judiciary have gone from a "circumspect preliminary movement" to a "voluntary dynamism", the way their counterparts in the deconcentrated level of the Federal Police have shifted away from "accompanied dynamism" towards a phase of "consolidation" and ultimately, the way in which the "voluntary or even forced dynamism" came to replace the "wait-and-see attitude or voluntary dynamism" initially witnessed by the local chief of corps. Each actor seems to have his own interpretation, giving a contingent dimension to reform projects and their concrete achievements, marked by a localism that is sometimes pushed to the limit. The initial promise eventually appears to be scorned, the operational part of the real work of the strategic manager has become, in this period of change, exponential.

Through our recommendations, we particularly advocate an awareness and a recognition of the observed local activism. It appears that the achievements, removed from any top-down imposition, are more in line with the needs of entities. Thus, promoting the dissemination of these practices may be appropriate to avoid the excesses of a multiplication of costs incurred in different places or an increased distance between organisations that is too wide.

### ***WP3. The administrative actors of the police and judiciary, caught between bureaucratic stability and management agitation***

WP3 was the opportunity to learn more about the identity and work of certain actors in criminal justice and the police. Hitherto, scientific, political and media fields have known little about these workers: the court clerks, secretaries, assistants, collaborators, in short all the administrative actors who work with the police and judges in police stations, prosecutors' offices and courts. Our research showed that – despite their role often reduced to that of a 'management item' (Salle et Moreau De Bellaing, 2010) – they are indeed full-fledged professionals, with their own identity, know-how, skills and specific knowledge that enables them to follow their profession in compliance with all the rules and to participate actively, fulfilling their crucial role in the functions of the police and judiciary. The study also examined the managerial transitions under way in these institutions and highlighted the diversity and accumulation of the changes experienced by these workers in their daily jobs, an observation that can be extended to all the baseline professionals who ensure the State's sovereign police and judiciary functions. The changes can be vast reforms adopted by political authorities – such as those in the judicial and police realms since the 1990s. Or they can be more local or peripheral – initiated by the management of an organisation or less directly addressing the institutions studied. All disrupt the stability so dear to bureaucracy model organisations and they are beyond the control of the baseline workers. The majority of these changes are imposed from above, top-down, leading to uncertainty and unpredictable situations, requiring constant adaptation. The ability to adapt, however, requires a certain degree of stability, a firm foundation for professional know-how. The evolution from work specialisation towards polyvalence clearly illustrates this: specialisation allows the actors to concentrate on a limited number of tasks and to develop a precise and attentive know-how, generally valuable in their eyes. This is undermined by a growing pressure to develop polyvalence, motivated by management perspectives. The actors are increasingly expected to 'do a bit of everything' while they now have less and less time to learn to diversify their activities. The research highlighted the 'brutal temporalities' they face: a stressful race for time due to evolutions in their work situation but also to the diverse and varied changes of which they know little or nothing about and they are rarely associated in the decisions. All change requires time for adaptation, and it is even more the case for changes adopted by others, working in areas far from the daily reality of the baseline workers.

Our recommendations thus stress the importance of knowing more about and listening to the actors at the base, being attentive to their work and their reality in order to open the black box and gain better understanding of the concrete workings of the justice and police. We feel it is important to know more before trying to change, but also to know more in order to recognise these actors and their 'real' work. This is needed to improve the transmission and preservation of their knowledge and their profession, more artisanal than it may appear and crucial to the very functioning of the police and judiciary.

⇒ **Keywords:** justice reform, police reform, users, management, stakeholders