

MADE NOT BORN: LEARNING HOW TO LEAD



Once considered an innate ability, now a set of skills that can be learned. *Kay Evans* explains how the Judicial College supports modern judges in their roles as leaders and managers.

IN A CLIMATE of constant change and reduced resources, judicial leaders and managers across all jurisdictions face greater challenges than ever before. To support judges in these roles, in June 2013 the Judicial College invited a number of senior judges from across all jurisdictions to attend a Leadership Forum. The purpose of the forum was to agree the skills and attributes required of judges with leadership and management responsibilities, identify the training needs of those judges, and design an outline programme that would enable them to meet those needs and achieve the goals required by the Judicial Executive Board (JEB).

As a basis for these discussions, I provided the forum members with a short history of the development of leadership and management studies.

‘Leadership’ is a topic that has been the focus of discussion and research for centuries and while academic studies on both leadership and management have multiplied since the 1970s no agreed single definition of either currently exists. However, it is interesting to note that in many respects the skills and attributes that have been identified for an effective leader have changed little over time (see panel below).

The theory

Until the 20th century much of leadership theory was based on a model of military characteristics and a belief that leaders were born, not made. The theoretical frameworks of the 18th and 19th centuries in particular were dominated by the notion of the ‘heroic’ leader. It was not until the 1950s that Professor John Adair, a renowned British academic in leadership, successfully demonstrated that leadership was a set of skills that could be trained, rather than an exclusively innate ability. His work began the move away from the ‘the great man’ theory of a charismatic, heroic leader who was born to rule, towards behavioural and situational leadership models.

The ‘Contingency’ model of leadership¹ was developed in the 1960s and is still the basis of many of the most rigorous models. It argues that while there might be a range of generic leadership skills and abilities, there should also be consideration of the situational variables with which leaders must deal. Further, the 1970s saw the introduction of the ‘Servant’ model of leadership² which emphasised the ethical responsibilities of leaders to their followers.

Moreover, a report in 2013 by the Centre for Creative Leadership on future trends identified

Xenophon (300 BC)

Leaders:

- Inspire others by encouragement.
- Remind people of the higher purpose.
- Are firm, fair and visible.
- Show humanity.

Bass BM and Riggio RE (2006)³

Leaders:

- Articulate a vision that is appealing and inspiring.
- Instil pride, gain respect and trust.
- Provide a role model for highly ethical behaviour.
- Provide empathy and support.

the support of more flexible, reflective and sensitive leaders as a priority in leadership development. Without this focus, they argued, leaders would remain incapable of dealing with the complexity of the modern world.

Management as an area of study separate from leadership began to be discussed in the late 19th century. Much of early management theory was reflected in the definition taken from the Latin ‘manus’, meaning hand. Theory focused initially on the practicalities of managing machinery and other resources, including people. Adair’s ‘Action-Centred Leadership model’,⁴ developed during his tenure at Sandhurst Military Academy, helped to raise the perception of management as a skill set and role. Adair argued that not all leaders are necessarily great managers, but the best leaders will possess good management skills.

Defining leadership

There is such a wide range of definitions for both leadership and management that to list them all would be self-defeating, overwhelming and possibly a waste of our time. However, it is interesting to consider some of the definitions and how they relate to judicial leaders.

Leadership is often defined in one of two ways. Either, very simply, ‘a leader is someone who has followers’ (Drucker 1974).⁵ Or, more fully, to include a list of the leader’s roles and responsibilities, ‘leadership defines the future of an organisation, aligns people with a vision, and inspires others to make that vision happen, despite obstacles’ (Kotter 1996).⁶

Definitions of management often follow the same formula. Either, very simply, ‘the art of getting things done through people’ (Parker-Follett 1926)⁷ or, more fully, ‘management ensures that organisations run smoothly,

keeps things in order, and deals effectively and efficiently with problems as they occur’ (Kotter 1996).

There are valuable elements of management not always found in leadership, e.g. administration and managing physical resources. Leadership also contains elements not necessarily found in management, e.g. inspiring others through personal enthusiasm and commitment. Miller *et al* (1996)⁸ make the following distinction between leadership and management, reflecting the words of Rear-Admiral Grace Hopper, US Navy (1987):⁹

‘Management involves using human, equipment and information resources to achieve various objectives. On the other hand, leadership focuses on getting things done through others: *Thus you manage things but you lead people.*’

...judicial roles will include both leadership and management in varying proportions – a continuum of leadership and management.

However, for judicial purposes the line between leadership and management is often even more blurred. There will always be differences dependent upon the jurisdiction in which the judge sits, the structure of the jurisdiction, the level of the role and the scope of the judge’s responsibilities. The agreement reached by the forum was that judicial roles will include both leadership and management in varying proportions – a continuum of leadership and management. At any one time a judge may carry out their role in different proportions, often moving up and down the continuum as necessary. It is important to remember that judges also have a judicial role on which their leadership and management role is overlaid; they do not have the luxury of a pure leadership and management role.

The conversation among the forum members was aided by the statement on judicial leadership

and management skills, prepared by the Judicial Office HR in collaboration with senior judges. The framework describes the skills which can promote successful judicial leadership and management.

Developing a new approach and programme

The forum identified the following priority areas of development:

- Understanding the organisation.
- Communicating and working with others.
- People management.
- Managing yourself as a leader.

Following the forum, the JEB asked the Judicial College to design a cross-jurisdictional Leadership and Management Development (LMD) programme to address these priorities. The College, in collaboration with senior judicial leaders and with Judicial HR, developed the new programme based on training that had already been successfully delivered to Supreme Court Judges, Family Division Liaison Judges and Designated Family Judges, Resident Judges, Civil High Court Judges and Residential Judges within the Immigration and Asylum Tribunal.

Furthermore, the Judicial College drew on the expertise of others whose leadership and management approach reflects in some ways that of the judiciary. These included bishops of the Church of England, medical consultants and the Army.

Experience of the first programme

The first LMD programme was launched in March 2014 and was specifically designed to be cross-jurisdictional to promote the sharing of experiences and expertise among courts judges, tribunal judges and coroners alike. The

programme is designed for all newly appointed judges with leadership and/or management responsibilities and to be relevant to all levels of seniority. Existing judges with leadership and/or management responsibilities (LMJs) are also encouraged to attend any of the modules as appropriate for their learning needs.

The programme consists of three modules, the content of which has been designed with the support and involvement of a cross-jurisdictional working group of senior judges. Each module begins with a face-to-face workshop and is followed by a number of work-based activities linked to the role of judicial leader and manager.

There are some important themes that run through all of the modules, including leading and managing change and developing effective relationships.

The workshops are held for between 20 and 30 participants and emphasis is placed on learning from each other and from senior leaders. The activities include input from experienced judicial leaders, including Employment Tribunal

President Judge Brian Doyle and Lord Justice Ryder, as well as opportunities for discussion with colleagues and peers. The focus is very much on skills and behaviour, and time is built in for discussion and reflection about how these will be applied in the judges' specific context.

Newly appointed LMJs also have the option to select a leadership mentor from a group of specially trained mentors nominated by Chamber or Pillar Presidents, Presiding Judges and the Chief Coroner. The programme takes up to four months to complete; however, the mentoring element is available for up to 12 months.

The future of the programme

Since the first run in March 2014, the overall response to the LMD programme has been very

'To have an entire day exploring our leadership roles and responsibilities in the context of the wider environment was fantastic.'

positive. Participants have appreciated having the time to explore their leadership roles and responsibilities in conversation with other judges: ‘To have an entire day exploring our leadership roles and responsibilities in the context of the wider environment was fantastic.’

In their feedback, many of the participants expressed how much they had gained from the workshops. For example: ‘I take the view that you should leave every training course with at least one useful new piece of information or practice for every day that you attend – and I certainly gained that from this course. Thank you.’ And: ‘It re-affirms the fact that we have a leadership role. Suddenly you realise the job is important and, significantly, it is recognised as such.’

The programme has also received acclaim internationally and was accorded a ‘promising practice’ by the European Commission’s Survey of Judicial Training in 2014, shortly after it was launched. Since then I have been invited to speak at the European Judicial Training Network’s Conference on Leadership in July 2015 to update them on the development of the programme.

As a follow-up to the three LMD modules, a new workshop is being developed to provide opportunities for reflection, sharing of leadership and management experiences and further learning, one year on. The first of these events will take place in December 2015.

For those judges who already have experience and expertise in their roles as leaders and managers, as well as those who have completed the programme, the college is currently developing a series of half-day masterclasses on key topics, such as ‘Leading and Managing Change’ and ‘Managing Stress and Developing Resilience’. These masterclasses will be available from the autumn of 2015.

And finally . . .

At its most basic, leadership can be defined as influencing others to achieve the organisation’s goals and deliver its vision. Many writers have observed that in order to inspire and motivate people to achieve these goals, the goals themselves need to be viewed as worthwhile or for some greater purpose. Delivering the organisation’s goals needs in turn to deliver a benefit to others, the community or to society. Leadership and management in the judiciary will always be deeply challenging and in many respects more complex than other in environments. However, the fundamental worth of judicial goals will always be self-evident to those you lead.

Kay Evans is an Education and Development Adviser, Judicial College.

For judges who are interested in participating in the Leadership and Management Development programme or who would like information about the forthcoming masterclass series, please contact me on kay.evans@judiciary.gsi.gov.uk.

¹ Fiedler FE (1964) ‘A Theory of Leadership Effectiveness’.

² Greenleaf RK (1998) ‘The Power of Servant Leadership’.

³ Bass BM and Riggio RE (2006) ‘Transformational Leadership’.

⁴ Adair JE (1973) ‘Action-Centred Leadership’.

⁵ Drucker P (1974) ‘Management: Tasks, Responsibilities, Practices’.

⁶ Kotter J (1996) ‘Leading Change: The 8-Step Process’.

⁷ Parker-Follett M (1926) ‘The Giving of Orders’.

⁸ Miller D, Catt S & Carlson J (1996) ‘Fundamentals of Management: A Framework for Excellence’.

⁹ Schieber P (1987) ‘The Wit and Wisdom of Grace Hopper’.