

## MEASUREMENT OF QUALITY SERVICES IN COURTS – THE SERVQUAL METHOD

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**Abstract:** One of the ways to assess the level of contentment with the services offered by Poland's court system is the use of tools customarily applied in organizations where quality management has been implemented. Therefore, the purpose of the article was to analyze the possibility of using a modified Servqual method to measure the quality of service as perceived by stakeholders, based on the difference between expectations about what they receive and the perception of the service actually provided. In the study described herein, the use of the method was based on 22 observations and 22 expectations presented in comparative form and classified according to the Likert scale. Herein, 5 gaps in the model and the most important expectations indicated by the stakeholders were identified. In the conducted study, the most important expectations that users pointed out were: providing stakeholders with personalized attention when providing the service; the neat appearance of employees; convenient office hours; behavior of court staff that inspires stakeholders' trust; high competence in answering questions and the opportunity to conduct consultations; visual attractiveness and modernity in furnishing rooms and equipment; personalized care and a friendly atmosphere; security and certainty of the effects received (documents forwarded, consultations, rulings issued by a judge etc.) and confidentiality.

**Keywords:** public services, quality of services, common courts, Servqual.

### 1. Introduction

The activities of the public sector are services of public organizations for citizens and other persons staying, at the time of delivery of a given service, in an area under the control of a given country. On comparing the customer's position in relation to market and public services of the same kind, it can be stated that it is significantly different. The customer usually chooses the service provider from at least several competing offers offered on the

market and there is no obligation to use particular service. Unfortunately, the lack of choice of a tender, the obligation to use, free access and certainty of survival mean that public service providers may have, compared to market service providers, less incentives to improve the quality of services provided (Szarfenberg).

According to the European Commission, “citizens and businesses rightly expect access to high quality public services at affordable prices throughout the European Union”, and access to them “is an essential element of European citizenship and is necessary to enable Union citizens to fully enjoy their fundamental rights” (European Commission, 2004).

Within the European Union, the detailed definition of services of general interest afforded to citizens and the manner in which they are provided, are left to the Member States. National, regional and local authorities of individual countries are responsible for defining, financing, organizing and controlling services of general interest. To fulfill this mission, public authorities should, first and foremost, have at their disposal an appropriate level of knowledge and the necessary instruments for action.

Over the years, it turned out that, for the legislator, both European and national, instead of explicitly saying what services and public services are, it was much more convenient to limit themselves to stating what they are not. There have been some attempts in the EU and national law to state what these are, but the provided clarifications mostly pointed to the *definiens* determined by negation. This problem concerns both the concept of “service” and “public service” or “public service of general interest”. At the European level, in the nineties, in an attempt to define the concept of “service”, or rather evading it, “*service* means all self-employed economic activity, normally provided for remuneration, in accordance with Art. 50 of the Treaty” (Article 4, point 1 of Directive 2006/123/EC of the European Parliament and of the Council of 12.12.2006 regarding services in the internal market, OJ EU L 376 of 27.12.2006).

A concept harmonizing the principles of the functioning of public services of general interest in the Member States that would, at the same time, properly take into account the diversity typical for individual services of this type and the specificity of situations in which such services are provided has never been developed. Common courts are also among the organizations that carry out this duty on behalf of the state and in connection with its obligation to provide the public with certain services.

In the eighties, it was argued that the quality of service is the overall customer assessment of the service offered by the organization, which is often based on formulated observations (Parasurman et al., 1985); hence, an empirical causal relationship is suggested in which the perception of the services of users corresponds to the series of combined activities that support the function of the providing services. In the particular case of the judiciary, it is, therefore, suggested that the assessment of the quality of services should come from their perception – both positive and negative – because, in addition to the assessment of the organizational practices of courts that have a direct impact on the service function, judicial

stakeholders form an opinion on judicial attitudes and activity in the provision of their services (Murillo, 2014).

One of the possibilities to ascertain the level of contentment with the services offered by courts is the use of tools customarily used in organizations where quality management has been implemented. Therefore, the purpose of the article was to analyze the possibility of using a modified Servqual method to measure the quality of service perceived by stakeholders, based on the difference between expectations about what they receive and the perception of the service actually provided. In the study described herein, the use of the method was based on 22 observations and 22 expectations, presented in comparative form, classified according to the Likert scale. The scope of the article included the identification of gaps in the model and an analysis of the most important expectations pointed out by stakeholders.

## **2. The concept of public services**

Defining public services is especially difficult, as there are many examples of accumulation of clashing particular and often conflicting economic and political interests, both when creating laws governing services of general interest and in the practice of enforcing them. Public services of general interest and the context in which they are provided, both domestic and EU, are constantly changing and will continue to evolve in the future.

For the purposes of the study, it can be assumed that public services of general interest are those services which the state – as part of its obligations – provides or ensures provision to the general public, meeting the minimum of its needs in the dimension determined by social contract. Therefore, their provision is an expression of the implementation of the public interest and requires the involvement of the state in both organizational and financial terms (Ząbkowicz, 2017). The classic definition formulated at the turn of the 1950s and 1960s can also be cited, according to which “all activities directly or indirectly related (e.g. in the distribution of products) to meeting human needs, but not serving directly to produce items, are called services” (Lange, 1959).

In the literature, the features distinguishing public services from other types of services include consumption of a non-trivial nature and the inability to exclude anyone from this consumption (Kozuch, Kozuch, 2011, p. 35; Kachniarz, 2012, p. 23; Kozuch, 2004, pp. 84-85, Perska-Tembłowska, 2017). Borowiec (2007, p. 40; Janoś-Kresło, 2002) gives the characteristics of all public services, including: immateriality, temporal unity of service and consumption, no exclusion from consumption, inability to collect and store, as well as public utility. Each subsequent consumer in no way contributes to the violation of another's rights (Borowiec, 2007, p. 40).

The provision of public services is associated with the pursuit of the public interest, which may occur as a result of the putting into place of two types of services: classic, otherwise known as clean, and mixed, also called private services provided by the public sector, free of charge or at partial payment. The criterion for separating classic public services are usually natural causes, while mixed services are based on social causes, as well as shared values present in a given society in the national policy and social doctrine (Kozuch, Kozuch, 2014, p. 15; Kozuch, Kozuch, 2011, pp. 35-36; Kachniarz, 2012, p. 24, Perska-Tembłowska, 2017).

The report published in 2016 prepared for the Ministry of Development regarding the conditions for the activation of public services (Trutkowski, 2016) contains two types of applications of a universal nature, i.e. those related to the lack of minimum standards for the provision of public services, as well as regarding the relationship between real social needs and the services offered.

These issues were dealt with in detail in sector analyzes, which highlighted: the lack of standardization of the costs of providing social and communal services (Sierak, Bitner, 2016, p. 20), the lack of widespread acceptance and application of the developed standards for the implementation of social consultations (Mandes, Budzisz, 2016, p. 42), the need to develop quality standards in waste management and water and sewage management of municipalities (Goleń, Wareżak, 2016, pp. 78-103), examples of quality standards enacted locally in the provision of social assistance services (Rybka, Piłat- Pawlak, 2016, pp. 140-177) and the need not to decide to raise both technical and personnel standards for medicinal entities and to stabilize the financial standing of these entities (Wójcik, 2016, p. 271).

In the horizontal analysis, the postulated development of qualitative criteria for assessing the services offered does not necessarily mean a unification of the methods of their implementation. It is important to distinguish the standards of the quality of social services from the standards of satisfying needs, because the standards of satisfying these needs are an immanent part of the standards of services provided (Wójcik, 2016, pp. 364-399).

In relation to social needs for which public services are provided, there is a problem that they are not homogeneous. They can be the result of, among others political past, cultural traditions, patterns of social behavior, but also geographical conditions, applied local management practices and specific legal and institutional conditions (Bartkowski et al., 1990). They are a consequence of generalized locally occurring problems that affect the nature and state of social relations (Alderfer, 1969; Ivancevich et al., 2007).

A rigidly defined framework for the implementation of tasks does not allow for adapting the manner of providing services to real needs, however, remaining in a dialogue with the society may translate into shaping a long-term policy leading to the improvement of the quality of services (Potkański, 2016, pp. 334-335).

### 3. The specificity of the services offered by the courts

Common courts are also among the organizations that carry out this duty on behalf of the state and in connection with its obligation to provide the public with certain services. Poland guarantees the right to know about the functioning of the state and its institutions, including courts and tribunals (Bernarczyk, 2011). Art. 61 of the Constitution of the Republic of Poland indicates the right of every citizen to obtain information on the activities of public authorities and persons performing public functions (Journal of Laws, 1997, No. 78, item 483). Access to public information is also regulated, and in more detail, by the Act of 6 September 2001 on access to public information, in particular, in Article 2 the “right to public information” was included (Journal of Laws, 2001, No. 112, item 1198).

The reason for improving the status of a citizen in court was Art. 6 of the European Convention on Human Rights. This guarantees the right to a fair trial, but currently the improvement of justice is no longer expressed only in strengthening the protection of the interests of the parties to the trial (providing insight into the files of the case, guaranteeing the rights of the defense, as well as resolving the case within a reasonable time), but also in changing the approach to customers in court (Rychert, 2011).

In public organizations, such as courts, the activities performed can be divided into: adjudication, issuing duplicates and providing information. This division is presented in Fig. 1.



**Figure 1.** Division of court activities. Source: own study based on M. Odlanicka-Poczobutt, 2016.

In courts, rulings arise as a result of many trials, including court hearings, secretaries deal with copies, and information is usually provided by the Customer Service Office. The quality of administering of justice results from the Act and should be considered as its immanent feature.

Due to the need to adapt the activities of courts to EU requirements and to increase and facilitate access to justice, Customer Service Offices (CSO) were established in courts, whose primary task is to provide information. The CSO provides forms that are obligatory in court proceedings, i.e.:

- official forms of pleadings that are required in simplified, order and writ proceedings,
- application forms for exemption from court fees.

Europe has developed certain standards, according to which, increasingly less often, citizens in court are “subject” to the third power. In addition, many “soft law” documents in force within the European judicial networks and Council of Europe bodies show that courts are increasingly playing a service role, both towards society and other national bodies. Of course, this is not about the concept of service, which should not be understood in its strict sense, but rather as an approach aimed at ensuring an appropriate level of respect for rights, quality, efficiency and reliability of work, also about the approach to the citizen as a “customer” of justice (Rychert, 2011).

Considering the perception of stakeholders of court activities, it should be borne in mind that, in its users, it usually develops as a result of assimilation of a series of services provided primarily based on personal experience, information collected from the environment and responses to system dysfunctions (López, and Zúniga, 2014). Justice as a public service includes positive and negative traits (Murillo, 2014).

According to the recommendations of organizations that uphold the quality of the judiciary, the way to treat a citizen in court is as important as administering justice (Rychert, 2011). One of the possibilities to check the level of contentment with the services offered by courts is to use tools customarily used in organizations where quality management has been implemented.

#### **4. A proposal for measuring the quality of public services using the Servqual method**

The expectations of the court’s stakeholders usually differ from the views of the management and other court staff on this subject. This discrepancy can be identified by using the Servqual method. Servqual is based on the service quality gap model and focuses on identifying the main causes of service quality problems by assessing users’ perceptions and expectations regarding the services provided. This tool can be used to measure the quality of services of private and public organizations (Murillo, 2014). The level of contentment of court users would allow determining the potential quality of services provided, although, unlike the quality of produced goods, it is quite difficult to assess, because it takes into account both the result and the process as a result of which it was provided.

The Servqual method finds its place among the most popular methods described in the literature that are used to measure the level of service quality. It derives from the service quality model, the essence of which is based on identifying differences, called gaps, in the five areas studied, presented by A. Parasurman, V.A. Zeithaml and L. Berry in 1985

(Parasurman et al., 1985), which were presented in Table 1. By using this method, recommendations arise on the processes that could be applied to improve service quality (Wolniak, Skotnicka, 2011).

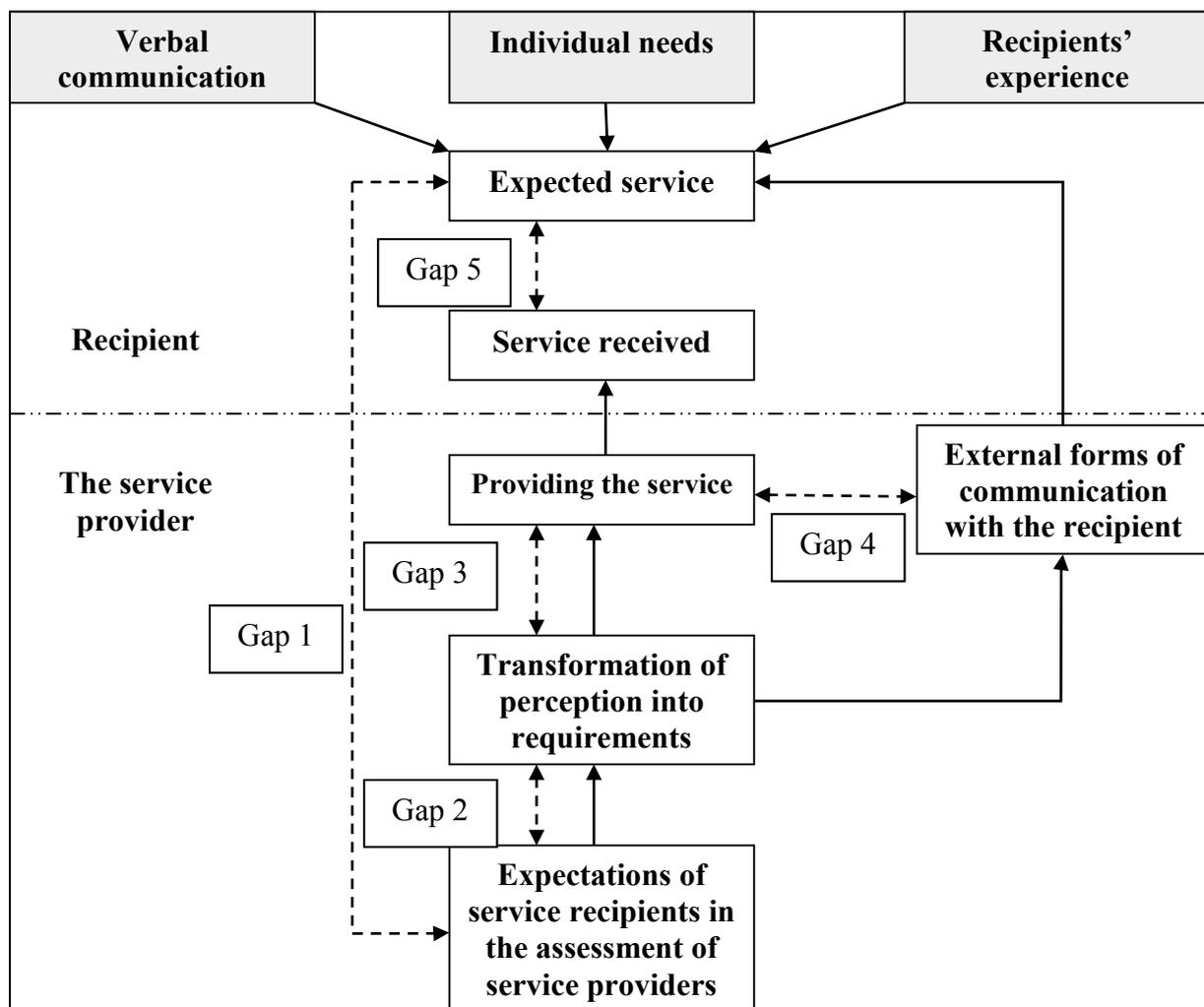
**Table 1.**

*Description of gaps in the presented model*

GAPS 1-5	
Gap 1	The discrepancy between the recipient's expectations and the service provider's perception of these expectations
Gap 2	The discrepancy between the perception of customer expectations by the service provider and the requirements assumed in the specification of the service
Gap 3	The discrepancy between the requirements assumed in the specification of the service and the quality of the service provided
Gap 4	The discrepancy between the quality of the service provided and the information the recipient has about the service provided
Gap 5	The discrepancy between the level of fulfilling expectations and the customer's perception of the service

Note. Prepared on the basis of: Stoma, 2012; Urbaniak, 2013.

The service quality measurement model is shown in Figure 2.



**Figure 2.** Service quality measurement model (5 gaps). Source: study based on: Stoma, 2012; Korzyńska, 2012; Chmielewski, 2008; Wolniak, Skotnicka, 2011.

Servqual has been criticized in the past (Buttle, 1996; Cronin and Taylor, 1992) for the fact that the five dimensions (tangibility, reliability, responsiveness, certainty, empathy) are not universal, and it is believed that this model, based on well-established economic theory, statistics and psychology, does not guarantee the validity of results. However, Servqual has been widely used for almost three decades in both the original and modified versions (Groves et al., 2009). Despite doubts about the validity of the results, a review of the literature suggests that it is the most well known and widely applied model developed by scholars to assess the quality of services.

The proposed method is a multistage, quite easy to use scale, used to measure the quality of services from the customer's point of view. Conducting research and obtaining results based on this method thus becomes a direct feedback mechanism supporting the sustainability of decisions taken and, at the same time, ensuring continuous improvement. Bowen and Lawler (1992) appreciated the importance of personnel providing services and its direct impact on user contentment. The services provided by the judiciary include, to a high degree, attributes based on trust and people-to-people contacts, which should translate into the importance of raising the awareness of judicial staff about the fact that the quality of services is entirely dependent on their results and their role as a public official (Murillo, 2014).

Court management should receive relevant information on how to best provide services and make policy, operational procedures and resource allocation decisions (Paterson, 2009); therefore, striving for a higher level of service quality requires that both *back-office* processes and *front-office* processes in the judiciary are designed and adjusted to expectations (Murillo, 2014). The Servqual method assumes that users determine the quality of the service based on the difference between the expectations of what they will receive and the perception of the service actually provided.

## **5. An example of using the Servqual method in courts**

The basis for analyzing the applicability of the Servqual method was to measure the contentment of stakeholders of the courts of Costa Rica (Murillo, 2014). In the mentioned studies, a mixed method using the Servqual tool, together with partially structured interviews and observation, was applied.

The main purpose of the conducted study was to contrast the assessments of users of services provided by courts with the perception of government officials themselves, during their work, as well as to compare these assessments with expectations regarding the quality of services expressed by the court's stakeholders.

In this study, the use of the modified Servqual method tool was based on 22 observations and 22 expectations, presented in a comparative form, classified according to the Likert scale, which, according to Clegg (2001) is useful to assess the opinion of a given person on a particular topic, in this case, for measuring the perceptual concepts of court stakeholders. 22 contrasting questions have been put together in 5 dimensions:

- *Tangibles* – Material things (also: material housing of services, tangibility): Appearance of physical objects, equipment, personnel and communication.
- *Reliability* – Dependability: the ability to accurately deliver the promised service.
- *Responsiveness* – Reaction (also: reaction ability): readiness to help court stakeholders and provide services.
- *Assurance* – Certainty (also: competence, professionalism): knowledge and courtesy of civil servants and their ability to create a climate of trust.
- *Empathy* – Empathy (also: convenience, affordability of services): care and individual attention devoted to service users.

In order to conduct the study, the basic form of these dimensions was modified and reads as follows:

- Tangibles – physical perception;
- Reliability – service delivery;
- Responsiveness – responsiveness;
- Assurance – confidence in the system;
- Empathy – focus on service user's needs.

In the study, the ten most important expectations that users pointed out, were:

- The judiciary provides users with personalized attention when providing the service [Empathy – focus on service user's needs].
- Justice staff have a neat appearance [Tangibles – physical perception].
- Judicial opening hours are convenient for all users [Empathy – focus on service user's needs].
- Behavior of court staff inspires and transfers trust to service users [Assurance – confidence in the system].
- Judicial staff are competent enough to answer specific questions and consult with service users [Assurance – confidence in the system].
- Material elements related to the provision of services used by the judiciary are visually attractive (signs, information posters, brochures etc.) [Tangibles – physical perception].
- Justice staff offers personalized care to service users (the service is tailored to the specific needs of service users) [Empathy – focus on service user's needs].
- Service users are confident in the results of the judiciary (documents forwarded, consultations, verdicts issued by a judge etc.) [Assurance – confidence in the system].

- Justice staff always has a nice attitude towards service users [Assurance – confidence in the system].
- The judiciary has modern equipment (computers, data systems, information systems provided to users) [Tangibles – physical perception].

Summing up the presented research, it can be stated that the assessment of the quality of court services is primarily related to the level of user contentment, the high level of which can be obtained with proper determination and taking into account the needs and expectations reported by users.

## 6. Summary

The scope of the article included the identification of gaps in the model and an analysis of the most important expectations pointed out by stakeholders. Within the existing gaps, identified by the Servqual model, the authors of the analysis defined a perceptual difference between the expected services, rooted in the minds of users, and the perception of employees responsible for providing services about the perceptions of those users, regarding services to be provided and identified as the existing gap between the expectations of recipients and perception by managers. In the study described herein, the use of the method was based on 22 observations and 22 expectations, presented in comparative form, classified according to the Likert scale.

In the conducted study, the most important expectations that users pointed out, were grouped by dimensions: providing users with personalized attention during the provision of the service; neat appearance of employees; convenient office hours; behavior of court staff that inspires stakeholders' trust; high competence in answering questions and the opportunity to conduct consultations; visual attractiveness and modernity in furnishing rooms and equipment; personalized care and a friendly atmosphere; security and certainty of the effects received (documents forwarded, consultations, rulings issued by a judge etc.) and confidentiality.

The proposed method of conducting research could be successfully applied after appropriate modifications, in Polish courts. The level of service quality offered by the courts is linked to the contentment of its users, and strengthening and ensuring an "acceptable" level of service quality will be possible, provided that the real needs and expectations of stakeholders are taken into account. Research will be continued.

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