



# Justices Training Committee of the Judicial Institute (JTCJI)

## Annual report to the Lord President

### January to December 2022

March 2023

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Please note that the following Appendices are provided in conjunction with this report:

**Appendix A: collated JTAC Sheriffdom Training Reports**

**Appendix B: collated feedback sample on Judicial Institute JP training courses 2022**

## 1. Introduction

In terms of the [Justices of the Peace \(Training and Appraisal\) \(Scotland\) Order 2016](#), (*the 2016 Order*) the content, scrutiny and reporting on training of justices of the peace (JPs) is delegated to the Justices Training Committee of the Judicial Institute (JTCJI).

This annual report provides the quality assurance required by the Lord President under articles 7(4) and 11(3) of the 2016 Order. The JTCJI has no recommendations to make to the Lord President in terms of the 2016 Order.

### 1.1 Purpose of the Report

This Report is required in terms of articles 7 and 11 of the 2016 Order and contains:

- (a) The collated JTAC Reports as required by article 7(4) of the 2016 Order (Appendix A); and
- (b) An analysis of the training delivered by the Judicial Institute (JI) and the JTACs during the 2022 training period.

This report should be read with a recognition of the ongoing impact of the Covid-19 pandemic during 2022.

## 2. Number of JPs

2022 is the third year of the second iteration of the three-year training cycle. According to JI figures, at the end of 2022 there were approximately **213** JPs in Scotland.

## 3. National Training Programme and JTCJI directions

**3.1** In terms of article 6(1) of the 2016 Order, by no later than 30 September each year the JTCJI is required to set out the National Training Programme for the following year. This includes the up to date national curriculum, details of JI training, and any topics prescribed for delivery by JTACs in the following year. The JTCJI is on track to meet this requirement in September 2023 for the 2024 training year.

**3.2** In 2021 no topics were prescribed for delivery by JTACs in 2022. The JTCJI made a policy decision in 2017 that national training topics would be prescribed in exceptional circumstances only.

## 4. Sherifdom Training Reports – Quality Assurance

**4.1** The majority of JP training takes place locally, determined by JTACS within the parameters set by the national curriculum, the National Training Programme, and any JTCJI directions.

**4.2** As a result, the focus of the JTCJI is not to influence the topics to be prioritised locally, but rather to set educational standards and establish processes for the quality assurance of JTAC training.

**4.3** The JTCJI annual report and National Training Programme have been successfully used as a method of quality assurance. The JTAC annual reports are submitted following an agreed template.

**4.4** The JTCJI's overall analysis of the JTAC reports is based on the following two headings:

1. analysis of the overall training plan;
2. evaluation of feedback received over the 12 month period.

### 4.4.1 Analysis of the overall training plan

This section of the template asks the JTACs:

*“Please provide your overall analysis of the impact of your training plan and the courses you delivered.*

*Please reflect on:*

- *How the training needs of justices of the peace in your sherifdom were identified, considering the training objectives contained in the national curriculum for justices of the peace, and the prospectus for Judicial Institute training;*
- *The training expertise, methods and delivery approaches used;*
- *Any changes that were made to your plan. Please include your updated course schedule as Appendix A to this report, highlighting any changes to your original plan.”*

### Training Needs analysis

When designing and delivering training it is useful to be guided by the training cycle: identify the learning needs, design the training, deliver the training, and evaluate what was delivered. The JTACs all evidenced a practice of training needs analysis across

the board. The high-level learning objectives contained in the national curriculum were used as a starting point and supplemented by the following:

- feedback from justices in evaluation questionnaires;
- needs identified in appraisals, and passed to JTAC;
- assessment of legislative changes, case law and appeals;
- reflections on local court issues;
- procedural changes due to the Covid-19 pandemic;
- post-court discussions; and
- consultation with JPs, Legal Advisers (LAs), justice partners and the Judicial Institute.

JTACs mapped their training delivery to the national curriculum as required. Most JTACs reported on the need to produce a flexible training programme taking into account the uncertainty brought about by the pandemic. The Sherifffdom of North Strathclyde (NS) reported the importance placed on training to refresh knowledge and understanding given the long periods when JPs were unable to sit. The Sherifffdom of South Strathclyde, Dumfries and Galloway (SSD&G) highlighted the requirement to be able to react to developing training needs to ensure that training provision remained relevant. The Sherifffdom of Tayside, Central and Fife (TC&F) received numerous suggestions from justices regarding topics of training and endeavoured to provide sufficient choice to allow justices to attend any of the training session to fulfil individual learning needs.

## **Priorities for Training**

### *Core content*

Programmes as planned contained the core content normally delivered: road traffic law, sentencing, court craft and case management. JTACs recognised that these key areas are the focus of local and national training and commented that the training regimes complement one another. The prior temporary suspension of the JP courts, bringing the potential for JPs to feel less confident and deskilled, prompted JTACs to re-evaluate the most pressing needs. Some planned training was cancelled to make room for priority training. Two topics which stood out as reoccurring in the JTAC reports were: recognising and dealing with adjournments and “churn” as well as the importance of court management. Other training delivered included: sentencing

process guidelines, trauma informed practice, signing duties, community payback orders, structured deferred sentences, and utility warrants.

### *Social context*

The training programmes evidenced the JTACs understood the need to deliver training specific to the local context. NS encouraged local forums to setup short training sessions to focus on particular issues related to their local court area. SSD&G provided training on examining local court procedures, and discussion of best practice. This involved discussion on any subject of interest to the local court, and the context in which the court operates. The Sheriffdom of Glasgow and Strathkelvin (G&S) contacted local Justices directly by email and telephone to ask for their individual input on the content of the training plan.

### *Court observation*

A small number of JTACs were able to facilitate visits to courts. NS offered Sheriff Court visits in Greenock and Paisley. The Justices were able to meet with Sheriffs throughout the day and discuss the cases and procedure in the court they were observing.

### *Annual training conference*

Several JTACs were able to host their annual training conferences in 2022. GH&I hosted a conference on the theme of “sentencing” which included a presentation from the Scottish Sentencing Council on the sentencing guidelines, and from a sheriff on the essentials of sentencing. This was an interactive conference, with one session in a game format, and involved the social sharing of experiences. SSD&G hosted a conference on a diverse range of topics, from a variety of guest speakers. G&S held a very comprehensive all-day training event, looking back at the preceding year in criminal justice, and forward into the next. This event included a number of guest speakers including Police Scotland and Alcoholics Anonymous (AA).

### **Training delivery**

Most reports evidence a mix of in-person and remote courses, although the Sheriffdom of Lothian and Borders (L&B) chose to deliver a fully remote programme of training in 2022. Most JTACs embraced the use of technologies to overcome the difficulties of being able to meet in person. They ensured that the courses were easy adaptable to

be delivered remotely via WebEx Meetings if necessary. Remote learning had some benefit in reducing costs and allowing training to be delivered efficiently without Justices having to travel. In addition, a number of the JTACs reported that they recorded the training and made it available to Justices who were unable to attend the live session. Three reports highlighted that the optimum length of an online training session was 2 hours, in order to keep participants engaged and interested. It was noted by the majority of JTACs that face-to-face training was popular with the many local justices preferring to train that way (TC&F, G&S).

The need to utilise varied methods, tools and techniques, whether delivered remotely or in person was understood and evidenced. A tailored blend of methodologies was chosen to enable JPs to learn in a way that best suited their learning preferences and acknowledge their diverse range of backgrounds.

Workshops, presentations, Q&A sessions, Brief Notes, scenario based exercises, small group discussions, pre-course workbooks, court observations, online resources and mock courts were widely recognised as options available which could be offered as appropriate.

### *Expert Contributors*

Training was provided by experienced Senior Legal Advisers, Legal Advisers, Judicial Office Holders, and external contributors including the following:

- Criminal Justice Social Work Department (L&B)
- Drink drive rehabilitation scheme provider (SSD&G)
- Fines Enforcement Theme (NS)
- Trauma Aware Law Group (NS)
- Scottish Sentencing Council (NS, GHI and SSD&G)
- National Autistic Society (G&S)
- Alcoholics Anonymous (G&S)
- Police Scotland, Drugs Unit (G&S)

#### **4.4.2 Evaluation of courses delivered**

This section of the JTAC report template asks for the JTAC to report on:

- *Your method of training evaluation conducted and the results of the evaluation taken;*
- *Any lessons learned and action taken to further improve future training.*

Across the reports, there was evidence that an in-depth evaluation of courses was informing the ongoing training needs analysis, and the continuous improvement of course design and delivery.

##### *Methods of Evaluation*

Five sheriffdoms provided an anonymised feedback sample and these are included with the reports in Appendix A. Evaluation surveys were completed by participants for the majority of courses and a variety of information was collected:

- Most JTACs sought qualitative feedback;
- Most JTACs compiled feedback on individual courses or longer programmes and these were discussed at JTAC meetings to improve delivery or influence future content;
- Some JTACs sought quantitative feedback; and
- Some JTACs have analysed evaluation form return rates and the fullness of feedback.

JTACs analysed feedback thoroughly to facilitate continuous improvement throughout the year, which informed the current, and the future training programme.

##### *Feedback and improvements to training*

All the sheriffdoms provided examples of feedback received from JPs, and some included specific lessons learnt:

- GH&I – feedback from a previous conference event suggested that not enough time was devoted to discussing scenarios and the JTAC took this on board and responded by revising the topics and allocating more time to group work in the 2022 conference.

- SSD&G - A recurring theme in feedback was lack of time at training sessions and the JTAC took that on board and planned a programme that can be completed within the session time, but had some additional exercises prepared and only to be used if needed.
- NS – Justices rated pre-course workbooks, which contained case scenario exercises highly. The feedback response rate was below expectation, so the evaluation form will be revised in 2023 in order to improve the response rate.
- L&B – Suggestions for changes to improve future training received from JPs and facilitators were considered and where possible, implemented for future sessions. L&B found that circulating presentations post training was highly beneficial. This allowed notes to be made available after each session for Justices to consider further and to incorporate into their role.
- TC&F - Feedback in general was very positive and it became apparent that in the main, the Justices preferred face-to-face training. However, it appeared to be widely accepted by Justices that using and embracing technology was part of the JP role and we will continue to take advantage of the ability to train remotely as and when appropriate.
- G&S – feedback from a training was generally positive due to a variety of delivery methods and a good balance between presentations and the opportunity for discussion. This resulted in participants feeling engaged.

#### **4.4.3 Self-study**

To acknowledge that face-to-face learning could only be reintroduced gradually, the JTCJI discussed and agreed principles for self-study in 2020:

1. JPs should be permitted to claim up to 6 hours credit for self-study, towards the 12 hour 'mandatory training' requirement.
2. Self-study can only be counted towards that 6 hour maximum where:
  - a) It is aligned to the National Curriculum for Justices of the Peace; or
  - b) It arises as a result of a recommendation during an individual JPs appraisal process, to the JTAC, all in terms of s. 12(4) (e) of the 2016 Order.
3. Monitoring:

- a) Where the JI is able to assist, it will continue to provide sheriffdoms with statistical information in relation to the completion of online JI courses or resources by JPs.
  - b) Where training is designated as ‘JTAC training’, sheriffdoms will require to satisfy themselves as to completion of any self-study elements by JPs.
4. JTACs are currently required to report back on the effectiveness of their training plans and any self-study elements should be reviewed as part of this.
  5. This decision was reviewed in late 2022, after feedback from JTACs, and will be reviewed again in the second half of 2023.

All JTACs offered sufficient learning opportunities to enable JPs to comply with their statutory obligation of twelve hours’ training. It was the responsibility of the individual JTACs to monitor the self-study element of training. For example, NS, TC&F and SSD&D asked justices to complete a reflective training log which was submitted at the end the year. GH&I and L&B also found that Justices made use of the increased provision of self-study, which was reported to be a useful addition to helping Justices gain their full training hours required. SSD&G provided a list of websites and webinars that had suitable study topics, and strongly recommended the Hub as a useful source of up to date information and case law.

## 5. Judicial Institute Courses

### 5.1 Overview

As well as setting national standards, and quality assuring local delivery the JI maintains its important remit to deliver core training.

Under the guidance of both the Director and Deputy Director, core courses delivered by the JI enhance and reinforce local learning utilising, where possible, the judicial learning suite to deliver mock courts and other simulations as well as peer learning across sheriffdoms.

During the (2020 / 21 / 22) three year cycle, the JI provided approximately **306** training spaces on JI courses, sufficient space to train every JP that could have required training. According to JI figures, **99** JPs attended JI training courses in 2022.

## 5.2 The Core Courses

The core courses delivered by the Judicial Institute in 2022 were:

- Road Traffic for Justices;
- Courtroom Communication for Justices;
- Unrepresented accused for Justices; and
- Decision Making for Justices.

Throughout the core courses the JI commits to teaching certain topics pervasively. These include domestic abuse issues, unrepresented accused, vulnerable witnesses, equal treatment, ethics and social context.

In addition to the JI courses for JPs, a Train the Trainer course was delivered for Legal Advisers and Sheriffdom Legal Advisers.

The JI courses delivered in 2022 were designed to be delivered remotely. Each course was delivered twice.

### 5.2.1 Courtroom Communications for Justices, 18 January and 6 September

#### *Course Description and Objectives*

Justices are required to exercise significant authority, which is communicated through words, tone and body language. This course will concentrate on those aspects of authority related to style and professional persona. It aims to help justices adapt the way they communicate, to express complex ideas in an understandable way and to increase flexibility of expression without sacrificing authenticity or authority.

Justices may sit infrequently and this course provides the opportunity to practice courtroom communication in a safe environment. This workshop will challenge participants to enhance and reinforce key courtroom communication and management skills.

Vox Coaching will lead on the theory and techniques around communication and management.

By the end of the course participants will have a greater awareness of:

- Their effectiveness in courtroom communication;

- A range of techniques to ensure their words are clearly heard and fully understood;
- Their impact on others;
- A range of techniques with which to secure full engagement in court;
- How to use these techniques in common challenging courtroom situations; and
- How to respond to equal treatment issues and the social context.

### *Remote Delivery*

The JI worked with VOX Coaching to deliver a live online learning course tailored to JPs' learning needs. Core communication skills remained the focus of the training which was delivered through a blended approach, part self-study and part live learning. This involved engaging in the completion of video exercises, contained in a bespoke handbook on the Judicial Hub, as well as participation in the live online workshops. The live online element of the course (via Zoom) comprised morning and afternoon sessions facilitated by VOX and the JI Directors. The JI had previously adjusted its Live Online Learning Policy to permit the use of the chat function which was a central tool for this course.

### *Evaluation*

This course generally receives very positive feedback, and it works well both online and in person. However, even when delivered remotely this course is high cost, due to being delivered entirely by an external contractor, and the participant numbers tend to be low. A significant amount of effort is undertaken by the JI team to market and promote the course using flyers, and regular emails to the SLAs. It has subsequently been agreed that the design of the course will be reviewed in 2023.

## **5.2.2 Road Traffic for Justices, 10 February and 25 October 2022**

### *Course Description and Objectives*

Road traffic cases represent the largest proportion of cases in the JP court. This course is designed to enhance and reinforce justices' knowledge and skills in this specialist area. The course will ensure you are aware of the priorities of Police Scotland and will also introduce you to the work of the Drink Drive Rehabilitation scheme. The legal and evidential issues will also be covered. The course will cover

the substantive law and procedure in relation to special reasons and exceptional hardship. Other topics to be addressed include mobile phones, drink driving and the unrepresented accused.

By the end of the course participants will have a greater awareness of:

- The Drink Driving Rehabilitation Scheme (DDRS);
- Special reasons and exceptional hardship law and procedure;
- The role that social context and equal treatment plays;
- Particular issues and challenges nominated by themselves before the course;
- Common challenges arising in road traffic cases;
- Referring those convicted of drink driving to the DDRS at sentencing.

#### *Remote Delivery*

Questions submitted by participants using a pre-course survey were used to direct the focus of discussion. During the course, participants engaged in a Q&A session on the most common issues arising when dealing with cases involving exceptional hardship and special reasons. This was followed-up with small breakout groups to allow participants to discuss case scenarios, more fully. The afternoon was an information session about the Drink Driving Rehabilitation Scheme (DDRS), involving the participants undertaking an activity included in the scheme. The day concluded with a discussion around sentencing in notable cases.

#### *Evaluation*

This course received good feedback, and was evaluated highly. However, the DDRS session was delivered by a new external contributor, LTP Driver Training, and involved case scenarios that will require further adaptation to the Scottish Courts setting. This course will be redesigned for in-person delivery and will be offered in person in the first half of 2023.

### **5.2.3 Unrepresented Accused for Justices, 5 May and 29 November 2022**

#### *Course Description and Objectives*

The number of unrepresented persons appearing in all of the Scottish courts is increasing. This brings a number of challenges in terms of the words, behaviour, and expectations of all parties in court. Justices have to remain impartial and ensure that

justice is done and seen to be done. This course will enhance and reinforce current practices.

By the end of the course participants will have a greater awareness of:

- The common challenges arising with unrepresented accused;
- The role of the Crown and their duty to the court;
- The role that social context and equal treatment plays; and
- How to communicate with the accused and the Crown.

### *Remote Delivery*

This course involved a facilitated discussion / coaching session on the challenges posed by unrepresented accused in court. This was followed by an interactive presentation by an external speaker, on the topic of communicating with people with learning disabilities. The rest of the course involved the use of a selection of case scenarios, which progressed through the stages of the court process. These were first discussed by participants in small breakout groups, and then in plenary.

### *Evaluation*

There was some feedback that the use of breakout discussion session, were too many and that other types of activities could be incorporated. This is however limits to the types of activities that can be applied effectively during online learning, using Webex. This course will be redesigned for face-to-face delivery in the second half of 2023.

## **5.2.4 Decision Making for Justices, 8 June and 15 December 2022**

### *Course Description and Objectives*

Justices may sit infrequently and this course provides the opportunity to enhance and reinforce their approach by looking at different aspects of decision making and sentencing in a safe environment. We will cover ‘twelve skills of judicial decision making’, formulating reasons and articulating decisions, and the factors that can and should influence a sentence. Other matters to be covered include adjournments, continuation without plea, evidence, defective complaints, the relationship with the legal adviser and aspects of special reasons.

By the end of the course delegates will have a sound understanding and greater awareness of:

- The common challenges arising out of decision making and sentencing;
- The key aspects of decision making and sentencing;
- The role that social context and equal treatment plays;
- How to approach decision making and sentencing; and
- How to formulate reasons.

### *Remote Delivery*

This course used a case scenario to look at the challenges presented from the pleading diet through to sentencing. Participants were divided into breakout groups and given the opportunity to explore what they viewed as the essential aspects to judicial decision making. They also undertook a group task: exploring scenarios for decision making with authority and relaying their views back to the group. The final exercise involved discussing challenges faced in sentencing, and participants were asked to vote for the challenges that they most wanted to discuss.

### *Evaluation*

This course has been delivered in a similar format for some time and is now due a review in 2023. Some of the scenarios and sessions require updating and redesign. This course will go through changes in 2023 and it will be delivered in a remote format and also face to face in 2023.

### **5.2.5 Sheriffdom Legal Adviser Facilitation**

In 2021-2022 Interim Head of Education, Anne Kinsella, supported the Justice of the Peace training by way of course facilitating with Sheriff Susan Craig. As part of that, Anne reviewed all JP course materials, case studies, and design. The JI also received excellent feedback from Justices who attended training, that they found the co-facilitation of Sheriff and Sheriffdom Legal Advisor to be a positive experience. The JI also found that having direct SLA involvement provided the JI with the opportunity to update materials. It also provided SLA's with good insight and knowledge into JI training practices these were fed back to the Sheriffdom JP training.

After further discussion at the Justices Technical Training Committee (JTTC) it was agreed that this approach benefits all involved in JP training and that SLAs will be continue to co-facilitate future JI courses. In November & December 2022, Alison Rennie, TC&F, and Julie Scott, NS, supported the unrepresented accused and decision making course. All JP courses of first half 2023 have been allocated an SLA and all courses are being updated and reviewed with their support.

### **5.2.6 Train the Trainer for Legal Advisers, 27 October 2022**

#### *Course Description and Objectives*

Designed as a half-day module, this Train the Trainer programme is intended to provide space, time and materials for Sherifffdom Legal Advisors and Legal Advisors to reflect on the training they offer Justices of the Peace. This course will examine the Judicial Institutes (JI) experience in designing and delivering fit for purpose training using technology and live online learning for judicial office holders. This course will also cover the JI experience of designing and using case scenarios. It will consider the challenges faced and look at the solutions found. There will time for participants to discuss the course materials and approaches.

By the completion of this module the learner will have:

- Increased confidence in using Webex functions including breakout groups to deliver live online learning to JPs;
- A greater knowledge of how the JI use technology to enhance learning for judges; and
- A broader understanding of how to approach the design of case scenarios.

#### *Remote Delivery*

This course was delivered to 10 Legal Advisers. It began with an overview of educational theory that can be useful to consider when designing and delivering training, whether that be remote learning or in person. This was followed-up by a practical demonstration on how to utilise Webex features for successful live online learning. The last session focused on ways in which to design and use case scenarios in training.

The next course will contain different topics, so that the same participants can attend, and will be delivered in the second half of 2023.

### *Evaluation*

In the weeks following the training, feedback was received that the training had already been put to good use, preparing LAs in SSD&G to redesign face-to-face mock court training, for a live online learning mode of delivery, with increased digital skills and confidence.

### **5.3 Evaluation of JI courses**

Evaluation surveys are distributed for all JP courses delivered by the JI, and the feedback by attendees is collated and discussed by the JI Directors, Education and Learning Manager, and the Head of Education. This approach fosters continual improvement to individual courses and the programme overall. Feedback for the courses included in this report can be found in Appendix B.

## **6. JI e-resources for JPs**

During the 2022 training period the JI continued to develop online resources. The JTACs recognise the importance of the Hub and actively encourage JPs to access it, acknowledging that JP development is not confined to formal sessions, especially with the increase in self-study hours from 2 hours to 6 hours during the reporting period.

### **6.1 Judicial Hub**

#### *JP e-resources*

The JP e-resources are hosted on the Judicial Hub. They cover a range of relevant subjects and come in a variety of forms including print resources, Brief Notes, Briefing Papers and Bench Books.

### **6.2 Quality assurance / content review of JP e-resources 2021-2022**

The JTTC assume responsibility for the quality assurance of JP resources and an annual review is carried out by Legal Advisers. They review and provide comments and suggested changes on existing resources and report to the JI which updates resources as appropriate.

In the second half of 2021 a small number of resources were identified as requiring additional updating and rewriting. A collaborative project was initiated between the Legal Advisers and the JI to re-develop these resources. During the reporting period the JI had received drafts of new learning resources on Trials, Practice and Procedure, and on Sentencing. These resources will be finalised and uploaded to the Judicial Hub in 2023.

## **8. Conclusion**

**8.1** The JTACs and JI continue to reevaluate JP learning needs, course design, and methods of delivering training.

**8.2** The JTACs and JI remain committed to the ongoing development of education for JPs. The JTACs demonstrate ongoing good quality learning for JPs across Scotland.

**8.3** Article 7(3) of 2016 Order provides that this report may include recommendations. The JTCJI has no recommendations to make.

**8.4** Article 11(1) (i) of the 2016 Order provides that a JTAC must implement any direction and have regard to any guidance issued by the Lord President (in carrying out the Lord President's responsibilities under section 2(2)(d) of the 2008 Act) on judicial training or appraisal that applies to JPs.

**8.5** We would be pleased to discuss matters arising from any matters relating to this annual report with the Lord President.

***Sheriff Principal N Ross***

***JTCJI Chair***

***Jenny Kindberg***

***Senior Education and Learning Manager***

***JTCJI Secretary***