



# Justices Training Committee of the Judicial Institute (JTCJI)

## Annual report to the Lord President

### January to December 2023

March 2024

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

**Appendix A: JTAC Sheriffdom Training Reports**

**Appendix B: feedback sample on Judicial Institute JP training courses 2023**

## 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 2023 training period.

## 2. Number of JPs

2023 is the first year of the third iteration of the three-year training cycle. According to Judicial Office figures, at the end of 2023 there were approximately **230** 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 courses, and any topics prescribed for delivery by JTACs in the following year. The JTCJI is on track to meet this requirement in September 2024 for the 2025 training year.

**3.2** No topics were prescribed in 2022 for delivery by JTACs in 2023. The JTCJI made a policy decision in 2017 that national training topics would be prescribed in exceptional circumstances only.

## 4. Sheriffdom Training Reports

### 4.1 Background

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. 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 and enhancement of JTAC training. The National Curriculum, the National Training Programme, and the JTAC annual training reports have been successfully used as a method of providing direction and reporting.

The design and delivery of training is usefully structured by the training cycle: identify the learning needs, design the training, deliver the training, and evaluate what was delivered. 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.

### 4.2 Analysis of the overall training plan

This section of the template asks the JTAC to provide an overall analysis of the impact of its training plan and the courses delivered. This includes how learning needs were identified, what the training priorities were, and how training was delivered.

#### 4.2.1 Training Needs analysis

The JTACs all evidenced a practice of training needs analysis. JTACs mapped their training delivery to the National Curriculum as required and reported on the need to produce a flexible training programme to encompass a variety of topics which address the needs of Justices. Other sources of information to identify training needs was gained from the following:

- feedback from Justices in course evaluation forms;
- needs identified through the appraisals process;
- assessment of legislative changes, case law and appeals;

- reflections on local court issues;
- procedural changes;
- pre and post-court meetings; and
- direct consultation with JPs, Legal Advisers (LAs), justice partners, and the Judicial Institute.

#### **4.2.2 Priorities for Training**

##### *Core content*

Programmes as planned contained the core content normally delivered: road traffic offences, 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. Other training topics included:

- domestic abuse
- LGBT+ awareness
- autism awareness
- resilience training
- hate crime aggravations
- Dangerous Dogs Act 2010 and Annoying Creatures s49 applications
- utility warrants

##### *Local context*

The training programmes evidence that the JTACs understand the need to deliver training specific to the local context.

The Sheriffdom of South Strathclyde, Dumfries and Galloway (SSD&G) provided a session on the importance of the working relationship between the Justice and the Legal Adviser (LA). This session highlighted the values of communication, trust and teamwork between Justice and LA, and helped to reinforce the strong bond between the LAs and Justices within the Sheriffdom.

A key theme for training delivered by the Sheriffdom of Glasgow and Strathkelvin (G&S) was appreciating different Justice Partner's interests, giving a particular insight into their purpose and understanding of the operation of the criminal justice system as a whole.

The Sheriffdom of Grampian Highland and Islands (GH&I) delivered local training based on emerging training needs, and the Sheriffdom of Lothian and Borders (L&B) identified local training topics which focused on the utilization of professional and ‘soft’ skills, as well as increasing legal knowledge.

#### **4.2.3 Training delivery**

Most reports evidence a return to in-person training courses, with a large reduction of training being delivered remotely. L&B delivered all of their training in-person. This was the same as GH&I, where the JTAC took the general view that there is considerable benefit from in-person contact between Justices, which facilitates the free exchange of views and ideas, and that Justices welcome the ability to meet each other in a social environment.

The Sheriffdom of North Strathclyde (NS) JTAC retained a mixture of remote and in-person training in the 2023 programme, and continues to adapt and improve as a result of lessons learned. Recordings were made of the remote training sessions and those were shared with Justices who had been unable to attend the session. This ability to record and view training at a later date was appreciated by Justices as detailed in their evaluation responses. The provision of a laptop to all JP courts in the last couple of months will mean that JPs who do not have the necessary technology at home can come to the court and access the training from there.

The JTAC for SSD&G were mindful of the benefits of remote delivery methods and continued with some online ‘coffee and catch up’ sessions. The Sheriffdom of Tayside, Central and Fife (TC&F) took a similar approach and held some training remotely, highlighting the convenience that remote delivery provides.

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. The following methods were widely recognised as options available to supplement the traditional presentation and lectures, and were provided as appropriate:

- Interactive workshops
- Scenario based training

- Pre-course workbooks and exercises
- Court observations
- External visits
- Q&A sessions
- mock courts

### *Court observation*

A small number of JTACs were able to facilitate visits to courts. L&B facilitated a number of Justices to sit with Sheriffs and Summary Sheriffs, observing professional and experienced judges first hand.

NS offered a visit to the Sheriff Appeal Court. The visit was extremely successful as four of the seven appeals heard that day involved JP cases and therefore the Justices were able to observe the Appeal Court dealing with cases relevant to them.

SSD&G also organised visits to both the Sheriff and Appeals Courts. The visits provided Justices with the opportunity to observe in Court and to reflect upon how they control and command their own courts. Having the opportunity to study how Sheriffs explain their reasoning and decision-making proved to be invaluable.

### *Annual training conference*

Several JTACs were able to host an annual training conference in 2023. For example, GH&I hosted a conference on the theme of court craft and hate crime, under the title “That Was Challenging...Not Your Average Case”. The objectives of this conference were to increase confidence and effectiveness in court-room practice, develop techniques to ensure that Justices are seen to be running their court efficiently, and to gain an understanding of how minority groups in society are affected by crime and the court system.

NS held a training conference on court craft, consisting of a full day mock trial covering subjects such as prior statements, trial within a trial and no case to answer submissions.

SSD&G hosted a conference on a diverse range of topics, including a session on trauma informed practice from the Head of Implementation for the Lord Justice Clerk’s review. Mock Trials court followed in two parts. Complaints, court sheets and

appropriate case papers were replicated, which gave the 'mock' experience an authentic feel.

TC&F's annual training event focused road traffic cases, which are the majority of cases coming through the JP court. There were sessions on exceptional hardship proofs and road traffic sentencing.

### *Expert Contributors*

Training was designed and led by experienced Senior Legal Advisers and Legal Advisers. Judicial Office Holders and a range of external contributors were invited to speak. Here is a list of some of the external contributors:

- Criminal Justice Social Work Department
- Make Yourself Heard
- Scottish Autism
- Police Scotland, various teams
- National Autistic Society
- Criminal Justice Specialist Service
- Glasgow Bar Association
- Four Pillars
- Citizens Advice Bureau

#### **4.2.4 Evaluation of courses delivered**

This section of the JTAC report template asks for the JTAC to report on how evaluation of the training courses was conducted and how this might improve future training.

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

### *Methods of Evaluation*

After each course, JTACs analysed feedback thoroughly to facilitate continuous improvement throughout the year, which informed the current, and the future training programme. Evaluation feedback surveys were completed by participants for the majority of courses, many of which provided both quantitative and qualitative data for



analysis. Most sheriffdoms have provided an anonymised feedback sample and these are included with the reports in Appendix A.

### *Feedback and improvements to training*

All the sheriffdoms provided examples of feedback received from JPs, and many listed specific lessons learned and where enhancements were identified:

- GH&I – The JTAC recognises that developing training in the form of putting presentations and pre-course work in a booklet form is highly beneficial. This allows the training to be delivered in a coherent manner and allows for notes to be made at all stages of the training and gives a record of the training for future reference. This is one feature that has been used increasingly over recent years and has proved to be very popular with Justices. Copies of the work-book and facilitators notes have been made available after each session in the JP chambers for future reference.
- SSD&G - Coffee & Catch up sessions were held on various dates and were used as a less formal approach to discuss common themes. The hour long sessions were held online and provided Justices with an open forum to discuss current relevant issues with their peers, and to bring up their own concerns or challenges. The JTAC note the distinct style of this type of session and the advantages of providing less formal sessions such as these. The JTAC will take forward the positive feedback from the Coffee & Catch Up sessions and consider implementing these as a more regular occurrence in training.
- NS – The JTAC introduced a JP Surgery, the purpose of which was to provide an online “water-cooler” conversation space for Justices. This was introduced following feedback from JPs, where they had expressed that they missed the opportunity during the pandemic to share experiences with fellow Justices and obtain input from peers. JPs met online three times during the year and the sessions were Justice led. Feedback suggested that amendments to the format of the surgery would ensure JPs would get the most out of the sessions. The JTAC has taken this feedback on board and has recently written to Justices to obtain views on how these sessions could be improved.

- L&B – Previous feedback received from JPs suggested that online learning was best suited for shorter sessions, therefore the longer training was delivered in-person. The JTAC also adopted the approach of combining presentations by external contributor with small group exercises facilitated by a LA, allowing the exploration of topics in more detail and a free exchange of views.
- TC&F – The feedback from Justices was very positive with some suggesting topics for future training events. The JTAC will continue to take advantage of the availability to train remotely in future training plans and will continue a blended approach to the delivery of training.
- G&S – Taking note of feedback meant that a copy of learning outcomes was sent to speakers to ensure that expectations were met. In addition, speakers were asked to build in time for question and answers (Q&A) as Justices found this to be valuable in developing their learning experience.

#### **4.2.5 Self-study**

Prompted by disruptions to training caused during the global pandemic, the JTCJI discussed and agreed that JPs should be permitted to claim up to 6 hours credit for self-study towards the 12 hour ‘mandatory training’ requirement. In March 2023 the JTCJI committee voted and agreed that the 2024 self-study hours be decreased to four hours (additional hours can be approved in extenuating circumstances).

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 and TC&F asked Justices to complete a reflective training log which was submitted at the end of the year. The JTAC for SSD&G strongly recommended the Hub as a useful source of up to date information and case law, and an excellent source of self-study materials.

GH&I found that five Justices made use of the provision for self-study which had been shown to be a useful addition to JP training where they have not been able to gain their full hours from local, sheriffdom or national training. This included watching the High Court Trial of William MacDowell broadcast by the BBC as part of

the Murder Trial series. This enabled Justices to compare and learn from court craft in the High Court. It was noted that not all learning, although of interest may be included, and the JTACs reserve the ability to ensure that self-study is linked to the National Curriculum.

L&B and TC&F 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 required training hours.

## **5. Judicial Institute Courses**

### **5.1 Overview**

As well as setting national standards and quality assuring local delivery the Judicial Institute (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.

### **5.2 Sherifffdom Legal Adviser Facilitation**

The JI courses continues to benefit from a co-facilitation approach between the Directors of the Institute and Sherifffdom Legal Adviser / Legal Advisers. The JI has found that having direct SLA involvement provides the JI with the opportunity to keep course materials relevant and bespoke to Justices. It also provides SLAs with good insight and knowledge into JI training practices which are fed back to the Sherifffdom JP trainers.

In 2022 the Justices Technical Training Committee (JTTC) agreed that this approach benefits all involved in JP training and that SLAs will continue to co-facilitate future JI courses.

### **5.3 The Core Courses**

The core courses delivered by the Judicial Institute in 2023 were:

- Modern Road Traffic Challenges for Justices;
- Communicating with Confidence for Justices;

- In the Spotlight: Unrepresented accused in the JP Court; and
- Leading with Confidence: 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.

The JI courses delivered in 2023 were delivered both remotely and in-person. Each course was delivered twice, except the Communicating with Confidence course which was cancelled in January 2023 due to low numbers.

#### **5.4 Courtroom Communications for Justices, 12 October**

##### *Course Description and Objectives*

This course provides Justices with the opportunity to practise courtroom communication in a safe, simulated environment. This is an interactive, role play led workshop which will challenge participants to enhance and reinforce key courtroom communication and management skills. Justices are required to exercise significant authority, which is communicated through words, tone and body language. This course concentrates on those aspects of authority related to style and professional persona. It aims to help participants to adapt the way they communicate, to express complex ideas in an understandable way and to increase flexibility of expression without sacrificing authenticity or authority. VOX Coaching led on the theory and techniques around communication.

The course assists participants with the following:

- 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.

### *Design and Delivery*

The JI, worked with VOX Coaching, for the last time, to deliver an in-person course tailored to Justices learning needs. Core courtroom communication skills remained the focus of the training, looking at confidence, authority and the communication choices that can be made in a range of situations in the courtroom. This 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 in-person workshops. This course covered maps and vocabularies to structure communication and a pragmatic toolbox of practical approaches. There was plenty of opportunity provided to practise developing skills in a safe environment. The Deputy Director added suggestions and critiques from a judicial office holder's point of view.

### *Evaluation*

This course generally receives very positive feedback, and it works well both remotely and in person. However, this course is delivered entirely by an external contractor, is high cost yet the participant numbers tend to be low. A significant amount of effort is undertaken by the JI team to market and promote the course but that has not had the desired effect. It was agreed that this would be the last iteration of the course in the current format and it would be redesigned for 2024. James McPherson, Sheriff Legal Adviser, supported the review, and co-facilitated the new iteration of the course with Sheriff Cottam.

## **5.5 Modern Road Traffic Challenges for Justices - 2 February and 20 November**

### *Course Description and Objectives (20 November 2023, remote)*

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 focuses on the legal and evidential issues arising from road traffic cases.

This interactive course covers the substantive law and procedure in relation to special reasons and exceptional hardship and examine the subtleties and

complexities arising in this complex area. Other topics covered include mobile phones, drink driving and the unrepresented accused.

The course assist participants with the following:

- 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; and
- Common challenges arising in road traffic cases.

### *Design and Delivery*

This course was facilitated by Sheriff Cottam and by James McPherson, Sheriffdom Legal Adviser. The course started with a short presentation detailing exceptional hardship and special reasons, followed by open discussion. This was followed by a breakout group activity looking at scenarios of road traffic challenges that frequently arise. After this an Assistant Procurator Fiscal addressed common issues from the prosecution side, and a Police Sergeant presented scenarios on current road traffic issues including drink/drug roadside testing, e-scooters and e-bikes, and fixed penalties. After lunch there was a practical online submission in which participants were given the chance to practice hearing an exceptional hardship plea.. Questions submitted by participants using a pre-course survey were used to direct the focus of a plenary discussion to touch upon any areas not addressed previously in the day.

### *Evaluation*

This course received very positive feedback. The police session was praised and it was decided in debrief to expand this session, particularly the content on the e-scooters and e-bikes which will be given more time in the next iteration. This course was very interactive and the breakout session scenarios used received good feedback. The remote version of this course will follow a similar structure in 2024.

## **5.6 In the Spotlight: Unrepresented accused for Justices in the JP Court - 26**

**April and 29 November**

*Course Description and Objectives (29 November 2023, in-person)*

The number of unrepresented persons appearing in all 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 modern practices.

The course addresses the commonly experienced challenges that arise with unrepresented parties and equips Justices with the skills to deal with these with confidence.

There is a practical facilitated workshop led by experts to provide advice on communicating with people with learning disabilities in court. Justices have several opportunities during the day for discussions between themselves and the wider group to explore the challenges that arise at each stage of proceedings.

Topics including treating an unrepresented party fairly, and the Crown's disclosure obligation are examined. Further areas of discussion include, freemen on the land, pleas of convenience, continuations without plea, adjournments, and avoiding churn.

The course assists participants with the following:

- 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.

### *Design and Delivery*

For the first time since before the pandemic this course was delivered in-person. Kevin Walsh, Legal Adviser, co-facilitated this course with Sheriff Cottam. Two directors from SOLD (Supporting Offenders with Learning Disabilities ) contributed to a session about communicating with unrepresented accused persons with learning disabilities. Both contributors had personal lived experience of the scenario in question. They started the session by role playing interviews at the police station: one scenario with good communication and one with poor communication. This was followed by a Q&A session. The session was supported by two National Development Workers at People First (Scotland). The session received particularly positive feedback.

## *Evaluation*

In the evaluation analysis it was noted that the SOLD session with People First stood out as the highlight of the course, being the most effective at delivering the message of the difficulties of communicating with unrepresented accused with learning disabilities. It is unknown how this session will translate into a remote course, so that will be reviewed for remote versions of the course.

## **5.7 Leading with Confidence: Decision Making for Justices - 3 May and 12**

### **December**

#### *Course Description and Objectives (12 December 2023, In-Person)*

This course has been updated to provide all justices the opportunity to enhance and reinforce their approach by looking at different aspects of decision making and sentencing in a safe, simulated environment. There will be an opportunity to reflect with peers on practice and to share any tips, concerns and experiences as a judicial office holder.

The course will prompt justices to consider the main aspects of judicial decision making with facilitated breakout sessions in the context of each stage of the process from pleading diet to trial.

Other matters that will be covered include adjournments, continuation without plea, evidence, defective complaints, and the relationship with the legal Adviser.

In the final session of the day, a guest speaker discusses common issues seen in the Sheriff appeal court, providing an opportunity to discuss issues surrounding sentencing with peers and the speakers. The course assists participants with the following:

- The common challenges arising out of decision making and sentencing;
- The key aspects of decision making and sentencing; How to approach decision making and sentencing.

## *Design and Delivery*



Sheriff Cottam and Rose McLeary co-facilitated this course. It began with a reflective discussion session drawing on participants' prior experience of challenging decision making and sharing with the group. Sheriff Cottam then followed this with a presentation on ten guiding principles of decision-making. Sheriff Principal Anwar discussed the Sheriff Appeal Court and current JP and summary cases. 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 of judicial decision making. They also undertook a group task: exploring six scenarios for decision making with authority in which they took turns to practice on the simulated bench. .

### *Evaluation*

This course went through a significant overhaul in 2023, with the updating of the design and the scenarios. This resulted in very positive feedback during the post-course analysis with several participants highlighting the quality of the course materials. This course will be delivered in a similar format for 2024.

### **5.8 Train the Trainer for Legal Advisers**

The JTCJI has approved a train the trainer course to be provided to Legal Advisers once every three year cycle. No course was delivered in 2023, and the next iteration is planned for the second half of 2024.

### **5.9 Evaluation of JI courses**

Evaluation surveys are distributed electronically for all JP courses delivered by the JI, and the feedback is collated and analysed by the JI Directors, Education and Learning Manager, and often the facilitating Sherifffdom Legal Adviser. This approach fosters continual improvement to individual courses and the programme overall. Feedback for the four courses detailed 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 Justices 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 2022-2023**

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 a new sentencing resource for Justices has been uploaded to the JP section of the Judicial Hub. A Trials, Practice and Procedure resource is currently awaiting editing before it is ready to be published.

## **7. Conclusion**

The JTACs and JI continuously evaluate JP learning needs, course design, and methods of delivering training. Both the JTACs and JI remain committed to the ongoing development of education for JPs. The JTACs demonstrate the provision of ongoing good quality learning for Justices across Scotland.

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

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.

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***