

Annual Report 2017-2018



Judicial Institute for Scotland

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Welcome from the Chair



I am delighted to present the Judicial Institute Annual Report for the year to 31 March 2018.

No judge is born great. To a certain extent, each is made. Whatever qualities an individual brings to the bench, their judicial skills can be sharpened and improved. That's the role of the Institute. Our courses are fashioned by judges for judges. The training is not restricted to new statutes, or developing case law. Shared knowledge and experience are equally important. When five or six judges sit at a 'plectrum' table in the Learning Suite and address a practical problem, they naturally compare approaches. Out of their discussion and collaboration comes deeper understanding.

I wish to thank every member of our team for the high quality of their contribution. It is valuable work.

The Hon Lord Woolman
Chair of the Judicial Institute for Scotland

Welcome from the Director



During the period covered by this Report the Judicial Institute has maintained its domestic and international reputation as a leader and innovator in the arena of judicial training. The Institute's award winning digital learning and communications platform, the Judicial Hub, goes from strength to strength providing a much valued and highly regarded judicial resource which serves as a key education and learning delivery channel and has transformed and consolidated the online support provided to judges remotely.

In August 2017, Sheriff Andrew Cubie demitted office as Deputy Director, his period of appointment having concluded, and in that same month the Institute's first Head of Education Jessica MacDonald also moved on after six years. I would like to thank Andrew for his sterling work as Deputy Director and the support he gave me. I wish him well as he returns to full time work in Glasgow Sheriff Court and also as he takes up his new role with the Sheriff Appeal Court. I thank Jessica for establishing a clear educational philosophy and for steering the Institute in its early years.

The new Deputy Director is Sheriff Susan Craig who has wasted no time in getting to grips with the work of the Institute in designing and chairing courses as well as wrestling with, inter alia, the task of keeping the Jury Manual up to date. I am delighted to be working with Susan. The new Head of Education is Collette Paterson, whose background is in legal education and training policy and operations. She is tasked with supporting the Board by developing the Institute's new strategy for the period 2019- 2021.

This year we ran a successful induction event for 15 prospective new justices from the Sheriffdom of Glasgow and Strathkelvin. We also launched our Domestic Abuse Toolkit for over 300 justices, our first blended learning module with such a large group and which, in a first for the Institute, required all Justices to self-certify as to their completion.

We are required to run two separate induction courses for new sheriffs, with five participants in the first course and two in the second. While the participants provided very positive feedback on the courses, this piecemeal, rather uncoordinated approach to shrieval appointments is not helpful in terms of Institute planning and use of resources. We have, however, had several very useful meetings with representatives of the Judicial Appointments Board, not least Nicola Gordon and Erica Clarkson, the new Lay Chair and Chief Executive respectively. It is hoped that the process of shrieval appointment may in the future develop a more predictable

pattern of annual competitions, which will allow for better planning and use of resources at the Institute

We offered a number of training events for senators focusing on particular aspects of their jurisdiction including taking evidence on commission and civil procedural hearings. I am very grateful to the Lord President and Lord Justice Clerk for their assistance in identifying suitable topics for these events.

We worked throughout the period on a new tribunal training strategy as required by the Tribunals (Scotland) Act 2014. This all led to our new Head of Tribunal Training, Jonathan Kidd, taking up his post in April 2018, just after the period covered by this report. I am grateful to Lady Smith, the President of Scottish Tribunals, and all of the individual chamber presidents for their continuing support.

Finally, our wider engagement with other judicial training bodies has developed. We have hosted a number of visits to Parliament House by foreign judges and in September 2017 I travelled to Lahore to work with the Punjab Judicial Academy on designing a training course for their use.

I work with a terrific team of colleagues who strive on a daily basis to deliver a service of the highest quality to Scottish judges. The success and global reputation of the Institute is entirely thanks to their efforts. Their commitment is particularly clear when navigating complex new challenges for judicial education such as those which have and will continue to be presented by the court reform and digitisation agenda of the Scottish Government and the SCTS. I would like to finish by thanking them for all that they do to make my job as Director so exciting and rewarding.

Sheriff Alistair JM Duff
Director of the Judicial Institute for Scotland

Governance and Management Structure

Judicial office holders in Scotland

The Judicial Institute has a remit for providing education and training to judicial office holders in Scotland as discharged by the Lord President. The Institute supports 1000 judicial office holders in Scotland:

Judicial Office Holders 2017-18*	
Senators	35
Sheriffs Principal	6
Sheriffs	121
Summary Sheriffs	34
Part-time Sheriffs	36
Part-time Summary Sheriffs	5
Tribunal Members	454
Justices of the Peace	309
Total	1000

*Judicial office holders at September 2017. Tribunal Members and Justices of the Peace at March 2018

Advisory Council of the Judicial Institute

The Advisory Council of the Judicial Institute meets on a quarterly basis. Its purpose is to provide advice and counsel to the Judicial Institute Board on matters relating to the functions of the Judicial Institute. Written reports on key issues are provided to the Council for consideration and discussion. Members of the Council are also requested to report on pertinent issues at the request of the Board.

During the year, Judge Shona Simon, Justice of the Peace Tom Finnegan and Sheriff Johanna Johnston were re-appointed for a further three year term. Sheriff Pino Di Emidio was appointed to replace Sheriff Susan Craig following her appointment as Deputy Director. Professor Sian Bayne of Edinburgh University was appointed as a lay Council member to replace Dr Judith McClure.

The Institute's Governance Framework is available on the [Judiciary of Scotland website](#).

Management Structure 2017-18

Chair	The Hon Lord Woolman
Vice Chair	The Hon Lady Stacey
Director	Sheriff Alistair JM Duff
Deputy Director	Sheriff Andrew Cubie to August 2017 Sheriff Susan Craig from August 2017
Head of Education	Jessica MacDonald to August 2017 Collette Paterson from January 2018
Head of JP Programmes	Collette Paterson to December 2017
Digital Education and Learning Manager	Jackie Carter
Programme Manager	Lesley Macaulay to January 2018
Learning Support Officers	Jenny Ulyet and Lesley Moorhouse

Fifth Anniversary

During the reporting year, the Judicial Institute celebrated its fifth anniversary, reflected on its successes and considered its ambitions for the next five years.

Creation (2013)

The establishment of the Institute as an academic institute founded on a clear educational philosophy ensured that Scotland's approach would be comparable with the highest international standards of judicial education. The opening of the Institute's own purpose-built learning suite signalled a clear move away from the delivery of traditional 'conferences' and towards professional standards of judicial education and training.

Expansion (2014-2016)

By 2014 the Judicial Office had launched a national consultation on changes to Justice of the Peace training. By 2016, the Institute's remit had broadened and in addition to delivering training in our own learning suite, in the area of Justice of the Peace training we became responsible for the development of a national curriculum, national training standards, and quality assurance of training delivered by Sheriffdoms. As our quality assurance expertise grew, we identified that quality assurance would also become an important aspect of the Institute's tribunal judge training model.

Team (2016-2018)

There was an independent academic review of the Institute by Professor Dame Hazel Genn and Professor Cheryl Thomas of the UCL Judicial Institute in 2016 and a separate independent audit of our digital education specifically. As the breadth and complexity of the Institute's responsibilities increased, we identified the need to review our operational structures. New education and training specialist posts were created at all levels in the Institute and the first post-holders were appointed. Now we are confident that, for each course we deliver, an expert team of judicial and training experts upholds our judicial educational philosophy and principles of adult learning. This is done through the careful design and delivery of the individual learning activities on that course.

Innovation

Notwithstanding the challenge of establishing the Institute in its first five years, innovation in course design and delivery has continued to be at the forefront of how we operate. This has included the introduction of blended learning induction in 2015, the use of technology enhanced learning activities in our judicial learning suite,

and the first learner-led, self-certified, blended learning module for lay justices in 2017. On the fifth anniversary of the opening of the Judicial Learning Suite, it was re-launched with a new 'Alison Suite', the latter having been refreshed with all the technologies that have been rolled out in courts across Scotland. Innovation is what drives our team of creative, passionate people.

Future

In the reporting period, we started to consider our strategy for the period 2019-2021. Reflecting on our successes and lessons learnt in the last five years, it is our ambition to remain creative and innovative in our design and delivery of judicial education and training in Scotland. We will also be agile and responsive to change, in respect of the court and digital reforms of the Scottish Courts and Tribunals Service.

A selection of images taken of the team on the fifth anniversary of the Judicial Institute and the launch of the newly equipped 'Alison Suite' in January 2018:



Calendar of Judicial Institute Courses and Events

Our face to face training programme is a significant aspect of our business and how we respond to new and developing areas of interest for the judiciary. We delivered 46 days of training and hosted three days of judicial exchange during the reporting period.

April	7	Historic Abuse
	18	Visit by Thai PhD students
	25	Unrepresented Accused for Justices of the Peace
May	4	Road Traffic Act
	8	Solemn Trial Management for Senators
	11	Fatal Accident Inquiries
	19	Sentencing
	29	Sentencing for Senators
June	2	Equality Assessors
	12-13	Court of Justice of the European Union Visit
	16	Family Law
	22	Decision Making for Justices of the Peace
	27	Exploring Technology and Social Media - Judging in a Digital World
September	1	Simple Procedure
	8	Road Traffic for Justices of the Peace
	14	Road Traffic Act
	20	Train the Trainer
	27	Roads less Travelled
October	9	Mentoring for Senators
	17	Courtroom Communications for Justices of the Peace
	20	Expert Evidence
	24	Adults With Incapacity

November	1	Historic Abuse
	6	Taking Evidence on Commission for Senators
	14	Unrepresented Accused for Justices of the Peace
	20	Child Welfare
	23	Sentencing
December	1	Sheriff Principal Training
	13	Decision Making for Justices of the Peace
January	17-19	Sheriff Induction
	22-23	Sheriff Induction
	30-31	Induction for Justices of the Peace
February	8	Civil Case Management
	12	Taking Evidence on Commission for Senators
	19	Road Traffic for Justices of the Peace
	20	Long Trial Protocol for Senators
	26	Solemn Case Management
March	8	Courtroom Communications for Justices of the Peace
	12	Anonymising Opinions for Senators
	13	Adoption and Permanence
	15-16	Sheriff Induction
	19-20	Sheriff Induction

Course Highlights

All of the Judicial Institute's courses are designed to meet the the developing needs of Scotland's judiciary and in line with educational philosophy of the Judicial Institute. Here, we highlight two courses. We also highlight our train the trainer course.

Civil Case Management, 8 February 2018

Case management and the systems that support it are changing in Scotland's courts. This course for Sheriffs focussed on the principles of judicial case management while giving a practical interactive demonstration of the SCTS' new Integrated Case Management System (ICMS) to Sheriffs. This demonstration was facilitated by the SCTS ICMS Business Change Manager who was supported at all stages of the design and delivery by the Judicial Institute's specialist education advisers. This was a complex and technology heavy course, utilising the newly upgraded Alison Suite facsmile bench which replicates the technologies which have recently been rolled out in the Scottish courts. This will remain a core Judicial Institute course as court technologies continue to evolve and change in next few years.

Post course feedback:

"I gained insight into the future pathways for case management issues and shared experiences with colleagues that will inform my decisions."



Judging in a Digital World, 27 June 2017

This annual course supports the judiciary with their role judging in an increasingly digital world. Participants were guided through the uses of data storage devices, judicial online resources on the Judicial Hub such as eBooks, LINETS and Westlaw. The course explored social media, providing an overview of the channels and networks available and the impact on and interaction with the law, judges, and courts and in the courtroom. Judge Barry Clarke delivered the session 'Technology and

social media – a judicial survival guide’. Judge Clarke’s presentation was filmed by the Judicial Institute Digital Media Production team (shown below) for wider application.



Post course feedback:

“I am far more able and confident in my ability to use online resources as a research tool, and to do so out of court. That will make a significant difference to the time available to me and consequently lessen the stress involved in completing tasks within court hours”.

Train the Trainer, 20 September 2017

Following established principles of adult learning, this course equipped judicial trainers across Scotland with the facilitation skills required to lead training sessions in their local Sherifffdoms. The day was run ‘technology-light’ to replicate training facilities in the Sherifffdoms. The course was entirely designed and delivered by the Head of Justice of the Peace Programmes with the support of the Learning Support Officers, making best use of the specialist skills in the Judicial Institute team. A number of highly interactive and participative training tools and techniques were used on the course and sign-posted as suitable for incorporation into participants’ own training facilitation toolkits. Participants were introduced to different learning styles and learner types as well as group dynamics. Thereafter, delegates were given the opportunity to apply all the theory and facilitation tips they had received by facilitating their own small groups.

Post course feedback:

“The Course confirmed and reinforced best practice in relation to facilitation and helped to put facilitation into proper context. Of particular benefit was the reminder of how important the training plan is when designing training courses”.

Judicial Hub Resources

Two law graduates undertake all of the legal research required to support the Institute's courses and online judicial resources on the Judicial Hub. They also provide the secretariat support for all of the Judicial Institute's committees and working groups. Many of these resources are used on the bench by the judiciary and are regularly updated:

The Jury Manual

The Jury Manual sub-committee agreed a number of revisions which updated the Manual in June 2017. These included new chapters on legislation surrounding abusive behaviour and sexual harm, human trafficking and exploitation, forced marriage and breach of non-harassment orders. Additional updates included sections on dockets, domestic abuse aggravations, previous inconsistent statements and causing serious injury by dangerous driving. A further raft of updates were incorporated in June 2018.

Criminal e-Bench Book

Sheriff Alastair Brown continues to provide useful updates to the Criminal Bench Book. Last year saw revision of the chapter on 'Appeals', and later this year there will be an update dealing with powers of arrest and questioning.

Civil e-Bench Book

The Civil Bench Book is currently under significant revision under the supervision of Sheriff Tom Welsh. Sheriff Aisha Anwar has agreed to contribute by reviewing the chapters she provided in the earlier edition. It is hoped that this will be launched later in the year.

The Equal Treatment e-Bench Book

Sheriff Duff attended the Equality and Diversity Forum meeting chaired by Lord Woolman on 7th February 2018, to discuss updating and amending the Equal Treatment Bench Book. It is anticipated that this will be heavily revised in the coming year to take account of various legislative and procedural changes that have occurred.

Sentencing Checklist and Sexual Offences Checklist

Sheriff Nigel Morrison QC continues to update both the Sentencing and Sexual Offences Checklists. March 2018 saw a major update to the Sentencing Checklist taking account of recent statutes and cases law, with fuller treatment of breaches of orders. The Sexual Offences Checklist was updated in May 2017 with inclusion of the Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010, as well as incorporating changes following the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 coming into force.

Key Partnerships and Visits

Visit by Judges from the Court of Justice of the European Union and UK Supreme Court, June 2017

The Judicial Institute facilitated a three day visit from CJEU judges, which coincided with the UK Supreme Court sitting in Edinburgh for the first time on 12th June. The visit included a dinner attended by the CJEU judges, UKSC judges, the Lord Advocate, the Solicitor General and the Dean of Faculty amongst others. This was followed by a one day event held in the Judicial Institute Learning Suite with discussions on case allocation, judicial review and EU withdrawal. Lord Hodge took part in this event. The CJEU judges also attended a civil appeal in the Inner House of the Court of Session, a criminal trial in the High Court and a session of the Supreme Court. The CJEU judges also met the First Minister and Lord Advocate.

Pakistan

Visit by Pakistani Judges, 5 July 2017

The Judicial Institute facilitated one day of a visit to Scotland by a delegation of judges from Punjab Province, Pakistan. This included discussion of court management led by Steve Humphries, judicial case management led by the Rt Hon Lord Turnbull and an explanation of judicial training in Scotland by Sheriff Duff.

Visit to Pakistan by Judicial Institute, 15-24 September 2017

Sheriff Duff and employment judge Christa Christensen, Director of Tribunal Training for Judicial College in London, were then invited to the Punjab Judicial Academy in Lahore. The purpose of the visit was to create a skills based and interactive training module to help address the serious problem of the behaviour of lawyers in the court

room in Punjab, and the lack of training for judges to be able to keep control. This module was designed and handed over on Friday 22nd September, and will subsequently be delivered by the trainers at Punjab Judicial Academy.

Presentation to Norwegian Judges, 6 October 2017

Sheriff Craig was invited to make a presentation to 34 judges and staff from the Frostating Court of Appeal, Trondheim, Norway who were in Scotland on an educational visit. Sheriff Craig spoke about the role of the Judicial Institute, the Scottish Legal System and, given their jurisdiction, spent some time considering both civil and criminal appeals. They had a particular interest in the judicial appointment process and diversity within the judiciary, so time was spent considering the role of the Judicial Appointments Board for Scotland. They were very surprised by the number of judges in Scotland, with the Norwegian judicial community being approximately three times larger. The concluding session was around case management where there was a discussion about the introduction of the digital court. The Norwegian system has experienced challenges similar to our own.

EJTN Short-term Exchange, 16-20 October 2017

The Judicial Institute hosted a visit from EJTN judge, Pénélope Postel-Vinay, who is in charge of the Continuing Education and Training of French professional judges in civil law. During her visit Judge Postel-Vinay sat in on the Courtroom Communications and Expert Evidence courses to see how the JI facilitates judicial training. She met with members of Judicial Institute staff, was shown the Learning Suite and attended various internal meetings.

Crystal Scales of Justice Award Ceremony, 27 October 2017

Having received the Crystal Scales of Justice Prize in 2015, awarded by the Council of Europe European Commission for the efficiency of justice (CEPEJ), the Judicial Institute was delighted to host this year's award ceremony in Parliament House. The Lord Justice Clerk opened the ceremony alongside the President of CEPEJ. A round table discussion on 'does justice need innovations?' was followed by an introduction to the four shortlisted projects. This year the prize was awarded to Norway for their project on 'Witness Service in Norwegian courts', the result of a national agreement between the Norwegian Courts Administration and the Norwegian Red Cross. Through this initiative, Red Cross volunteers support witnesses in judicial proceedings. This assistance is designed to reinforce the trust of witnesses, and

consequently, the quality of their testimony as well as demonstrating the social responsibility of judicial administrations.

India's Daughter Screening, 4th December 2017

Working closely with the Faculty of Advocates, particularly Anna Poole QC and Niall McCluskey, the JI participated in a screening of India's Daughter, a documentary film by the BAFTA award winning Director Lesley Udwin. This is a hard hitting work which examines the society and values of India after a 23-year-old medical student is raped and murdered on a bus. A number of senators, sheriffs and others attended the screening at the invitation of the JI. At the conclusion of the film Lesley Udwin engaged in a lively Question and Answer session with the audience.

Digital

We continue to ensure that digital education and learning technology tools and techniques are embedded within judicial education, learning and teaching and that online learning complements our face to face programmes. There were a number of developments in this area during the reporting period.

Independent Audit

The independent audit of our digital education and blended learning induction programme was highly complimentary of the JI's progress in its first years and also provided options to further develop and enhance the blended learning programme, user interface and eLearning modules.

Judicial Hub Enhancements

The Hub underwent a major software upgrade and structure redesign during the summer of 2017. This refreshed and modernised the site providing new and improved features and benefits to the Judicial Institute and learners.

Digital Media Production

A significant investment was secured to procure high quality video production equipment and editing software, digital design and eLearning (instructional design) software. We also developed our in-house skills to ensure the delivery of high digital media content.

ActivBoard

The interactive whiteboard in the Judicial Learning Suite was replaced with a multi-touch functionality 'ActivBoard'. This is an interactive touch screen display system that provides a wide range of tools to support presentation, learning and teaching delivery. The technology allows the creation and delivery of interactive learning experiences to further develop learner interaction, collaboration and audience response activities.

Justices of the Peace

With the Judicial Institute at the half way point of the first three years of our Justice of the Peace training framework, this reporting year provided an excellent opportunity for both reflection and planning.

Delivery and quality assurance

The Judicial Institute's training programme for Justices of the Peace has not changed during the period of this report. The programme reflects the key contemporary learning needs of justices: road traffic – recurring themes; courtroom communications; decision making and sentencing; and the unrepresented accused. In addition, the Judicial Institute continues to offer Prospective Justice of the Peace Induction and Train the Trainer programmes, as required.

Our Train the Trainer programme is an important aspect of the Judicial Institute's quality assurance of overall Justice of the Peace training. Following observation of the train the trainer course delivered by our colleagues at the Judicial College of England and Wales and also building on train the trainer guidance produced by the European Judicial Training Network, of which the Judicial Institute is a member, in October 2017 we launched our own train the trainer course. It was fully designed and delivered by our in-house team. This was a significant milestone for the Judicial Institute, as whilst exclusively for Legal Advisers in the SCTS, it is our intention to develop this as a flagship course to meet a broader range of trainers' needs.

All of these courses ran successfully in the reporting period and received positive feedback from attendees. Similar programmes will therefore be run in the next reporting cycle. Course feedback indicates that our highly practical and interactive approach is a valued aspect of our training and we are committed to ensuring this is a prominent aspect of future courses.

Domestic abuse training

One of the most significant developments in the reporting year was the Judicial Institute's response to a training need arising out of a potential increase in the number of domestic abuse cases being brought before the Justice of the Peace court. The Judicial Institute's blended learning approach to this training need was implemented with strong co-operation from parties external to the Judicial Institute including Crown Office and Procurator Fiscal Service and Scottish Women's Aid, as well as the Sheriffdoms. It included an online toolkit dealing with knowledge and understanding, and workshops dealing with practical and analytical skills delivered locally by each Sheriffdom. Feedback on this approach was positive, and both the

training and the collaborative delivery of the training need were viewed as a significant success. We plan to apply this model to training for the professional judiciary as appropriate.

JP eResources

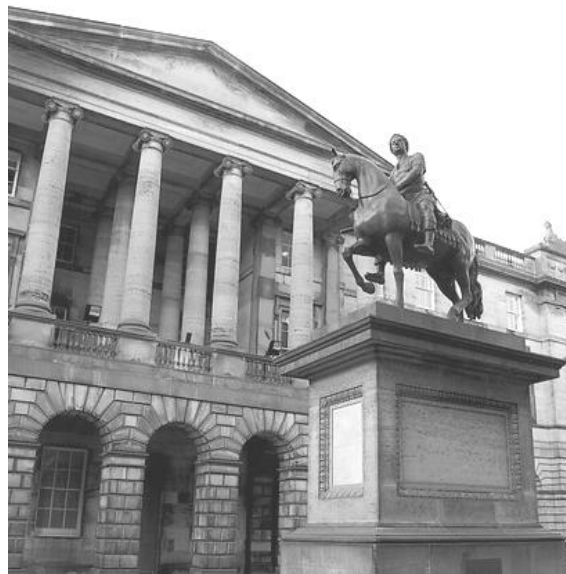
In addition to face-to-face training, the Judicial Institute continues to provide Justice of the Peace e-resources - a combination of text, visual aids and multimedia clips - for use on and off the bench..



Tribunals

During the reporting period, the Judicial Institute created the new post of Head of Tribunal Training and appointed the first post-holder. The purpose of the role is to develop and implement the strategy and policy for the training of tribunal members in the devolved first tier tribunal system in Scotland, as required by section 34 of the Tribunals (Scotland) Act 2014. The Head of Tribunal Training was given an initial brief to undertake a scoping exercise to understand the tribunal training landscape and identify how the Judicial Institute will partner with each chamber in the delivery, design, evaluation and quality assurance of training for tribunal members. This will be the priority in the next reporting period, with implementation from early 2019.

In terms of future opportunities, there is a strong desire to collaborate and work together – for example in relation to topics such as tribunal craft, decision writing and ethics as well as reviewer training and train the trainer. Generally, it is widely recognised and understood that a training model based on quality assurance should be implemented to cover all tribunal training. This model should also be flexible in approach and based on ongoing partnership between the Judicial Institute and each of the chambers to balance the specialist nature of tribunal member education with the educational and quality assurance expertise of the Judicial Institute.



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