

Annual Report 2016-2017



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 2017.

The process of change within the Scottish court system has continued apace with the introduction of the new Simple Procedure in the sheriff court. The Institute held courses to support sheriffs and summary sheriffs in their work getting to grips with this new process.

2016 saw the launch by SCTS IT of the Integrated Case Management System for civil cases. The Institute designed online resources to help judges work with this innovation. ICMS is an evolving tool and the Institute has committed to collaborating with IT in an effort to assist judges to make the best use of it.

As a result of discussions with COPFS we devised a number of training interventions for lay judiciary in areas where we had not historically placed our focus. There has been training on domestic abuse, offensive behaviour at football, benefit fraud, and aggravated offences.

Meantime the Institute has continued to focus on its core remit, providing induction training to new summary sheriffs and senators as well as prospective justices of the peace, and also offering a rich prospectus of courses which judges can attend.

I have enjoyed working with the Vice Chair, Lady Stacey, and the excellent Institute team in ensuring that the Institute has continued to provide to judicial office holders a service of a quality which has attracted international respect.

As ever, the future holds further challenges, not least the need to meet the training needs of Tribunals as they transition to become part of SCTS and thus the Lord President's responsibility. I have no doubt that the Institute has the capacity and imagination to address the issues which the year ahead will produce.

The Hon Lord Woolman
Chair of the Judicial Institute for Scotland

Welcome from the Director



The last year has seen the Judicial Institute continue to deliver support of the highest quality to judges in Scotland, whether through face to face courses or the development of online resources, including blended learning techniques.

Early in the year we provided two induction courses for the first intake of new summary sheriffs. This course uses new technologies to the best advantage including a number of online delivery components to which learners can later refer.

We developed three blended learning modules where the delegates were expected to view videos and complete exercises online before attending the face to face part of the induction. This approach allows for pre course exercises to be submitted in advance, saves time during the course and brings the delegates to a level of readiness well before the course starts. This proved very successful and was a strategy used again for senator induction and for the next round of summary sheriffs this year.

We have also delivered new induction courses for 42 prospective justices of the peace. As lay members of the judiciary usually have no legal training, we introduced an online learning module on legal ethics as recommended pre-course work. Additionally, there is a new statutory training requirement for all justices of the peace to attend JI training to enhance and reinforce learning undertaken in their Sherifffdom. We have enjoyed welcoming prospective and existing justices of the peace to our learning suite in Edinburgh.

The year ahead will bring more challenges. We are looking forward to intensifying our involvement in the training of tribunal members. There will be more new judges requiring induction. We also have our constant need to offer a suite of courses which meets the training needs of the different strata of the judicial community. Meantime the Judicial Hub Virtual Learning Environment (VLE) continues to evolve and will be further enhanced with additional functionality so that we can continue to design and deliver the best possible learning experiences.

The Institute continues to be a leader in judicial training because of the skill, dedication and teamwork of my colleagues. I know they will rise to the opportunities for further enhancing its reputation.

Sheriff Alistair Duff
Director of the Judicial Institute for Scotland

Governance Structure

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 and its remit for providing education and training to judicial office holders in Scotland as discharged by the Lord President. 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.



At its June 2016 meeting the Advisory Council welcomed Lady Stacey as Vice Chair, Sheriff Gerard Sinclair as the new part time sheriff representative, following Brian Cameron's appointment as summary sheriff, and Stuart Fair, JP who replaced Robin White following his retirement.

The Council also acknowledged the hugely valuable contribution Dr Judith McClure had made to the work of the Institute over ten years.

Response to the Genn Review

Judicial Institute Response to the Review of Judicial Training in Scotland

In March 2016 the *Review of Judicial Training in Scotland*¹ was published. It was an eagerly anticipated review of the Judicial Institute's performance relative to other judicial training organisations and provided the Judicial Institute with helpful recommendations as well as recognising its achievements and its progress since the original 2008 report². The independent review was commissioned in order that the Judicial Institute could further enhance and improve its function and as a judicial education provider and therefore we committed to an official response, approved by the Advisory Council for the Judicial Institute (ACJI) that would feed into our business plan and build in means to act upon the recommendations.

The review recognised and commended the Judicial Institute for its significant progress in many areas including, but not limited to, praise for our ability to innovate and our willingness to take creative risks in our course design, our positive learning environment and our excellent facilities referring to both the physical and online learning environments. The review also identified areas where there was still a need to evolve and develop which included training needs analysis and evaluation. It also indicated that the Judicial Institute needed to improve the way we engaged external course contributors, in particular, it stated that the quality of presenters and presentations fell below expected standards at times.

Lastly the review encouraged courses to adopt a more learner-centred approach to teaching methodology and move away from passive presentations. The review commended our digital education strategy on the whole but did recommend that we enhance the connections between our digital product and our face to face delivery.

This is how the Judicial Institute responded:

¹ Genn H. and Thomas C. *Review of Judicial Training in Scotland* UCL Judicial Institute, 2016

² Professor Dame Hazel Genn, *Judicial Learning Needs Analysis for the Judicial Studies Committee for Scotland*, August 2008.

Training Needs Analysis

The Judicial Institute recognised that a Learning Needs Analysis, a more learner-centred approach to identifying learning needs with more flexible learning solutions as opposed to an automatic training response, would be an appropriate undertaking and aims to incorporate an LNA in its future strategy. The aim will be to identify the causal factors of a learning need to better identify the appropriate learning intervention.

Evaluation

In August 2015 a new evaluation framework was drawn up as part of the new education strategy and is now in year two of operation. The evaluation framework is being carefully monitored and will undergo an enhancement project over the summer of 2017.

Use of external contributors

The Judicial Institute acknowledged this was an area where improvement was required. The Judicial Institute has put measures in place to address this. Judicial Institute staff will work more closely with external contributors so that they are better supported throughout all stages of their work with the Judicial Institute; from planning through to delivery and evaluation.

Course delivery

The Judicial Institute fully endorses active learning and endeavours to embed active learning opportunities in all courses.

Increase connections between digital and face to face learning

The Judicial Institute is in the second year of running blended learning courses and they have received very positive feedback. The Learning Technology Team keeps abreast of digital innovations in education and continues to make excellent progress in this area.

The Judicial Institute has made considerable progress since the 2008 review and it is committed to sustaining the impetus for growth and improvement. The Judicial Institute welcomed the recommendations from the 2016 review and recognises that in order to evolve it must reflect on and respond to those recommendations.

Over the last year we have made significant advancements in many areas and we have done so with great success thanks to the professional rigour, expertise and dedication of our staff.

Jessica MacDonald
Head of Education

Technology in Learning

Reshaping the judicial education landscape

Digital technology has the potential to enhance the quality of judicial education making a difference to the learning value through a more personalised, tailored and overall flexible experience for the learner.

Information technology has built a new world for educators and learners, and the judicial institute is exploring the application and use of learning technologies, techniques and tools to develop courses and resources to reshape and respond to these technological changes and to keep pace with the latest trends and innovations relevant to the delivery of judicial education. This is an exciting new stage for the judicial institute as an education provider presenting an opportunity to continue to explore new and innovative ways to use technology to develop digital literacies for the judiciary and to further enhance the learning and teaching experience for judicial education in Scotland.

Highlights during 2016-17

Blended Learning Programmes (more information provided on page 11)

- Blended Learning Induction Programme for Summary Sheriffs
- Blended Learning Induction Programme for Justices of the Peace

New eResources

- Online Simple Procedure Online Toolkit
- Integrated Course Management System Online Resource
- Domestic Abuse online Toolkit for Justices of the Peace

Jackie Carter

Learning Technology Manager

Justice of the Peace Training

The reporting period represented the finalisation of the new framework for JP training and the implementation of that framework. The Justices of the Peace (Training and Appraisal) (Scotland) Order 2016 requires that all JPs attend 12 hours of training per annum, to include 6 hours of Judicial Institute training once every three years. All Sheriffdom and JI training is mapped to a new national curriculum.

Delivery and quality assurance

The JI delivers its own training programmes, and quality assures Sheriffdom training. Once every three years a JP will enhance and reinforce their Sheriffdom training at a JI course. Each JP will select a course which assists them in meeting their personal learning and development needs. Our courses are highly practical and interactive, incorporating bench simulation where appropriate. There is a focus on peer learning, and learning with the professional judiciary. Topics reflect the key recurring learning needs of justices and a number of matters are taught pervasively across all courses. These include court craft, social context, equal treatment, the unrepresented accused, and vulnerable witnesses and special measures.

Prospective Justice of the Peace Induction

In January 2017 we delivered our new two-day induction to 42 prospective justices of the peace. Our revised programme focuses on court craft and laying the foundations for post-appointment training. We successfully piloted an optional blended learning module in 'legal ethics' to support our lay judiciary.

JP eResources

For use on and off the bench, these are based around interactive menu headings for easy access to particular points. They are a combination of text, visual aids and multimedia clips. We continue to improve existing and add new resources.

Collette Paterson
Head of Justice of the Peace Programmes

Calendar of Judicial Institute Courses and Events 2016-17

April	4	Adoption and Permanence
	6-12	Summary Sheriff Induction (Cohort 1)
	14	Regulatory Offences under the Spotlight
	22	Vulnerable Witnesses and the Use of Courtroom Technology for Justices
	27	Exploring Technology and Social Media: Judging in a Digital World
May	3-9	Summary Sheriff Induction (Cohort 2)
	16-19	Senator Induction
	25-26	Residence and Contact Cases
	30-2	Hosting the 2 nd International Congress of Brazilian Judges Association
June	10	EJTN General Assembly, Amsterdam
	17	Sentencing – A Holistic Approach
	24	Unrepresented Accused in the JP Court
	30	Simple Procedure and the Consumer Rights Act
July	7	JP Appraiser Training
	14	Judicial Institute Lecture by the Rt Hon Lord Gill
September	1-2	Anatomy of a Jury Trial
	6	Visit by Beijing High Peoples Court
	8	Fatal Accident Inquiries
	16	Expert Evidence
	21	Train the Trainer for Legal Advisers
October	3	The Challenges and Complexities in Historical Abuse Cases
	12	Exploring Technology and Social Media: Judging in a Digital World
	14	Road Traffic for Justices – Recurring Themes
	21	Mentoring Skills Refresher
	24	Civil Jury in the Personal Injury Court Training

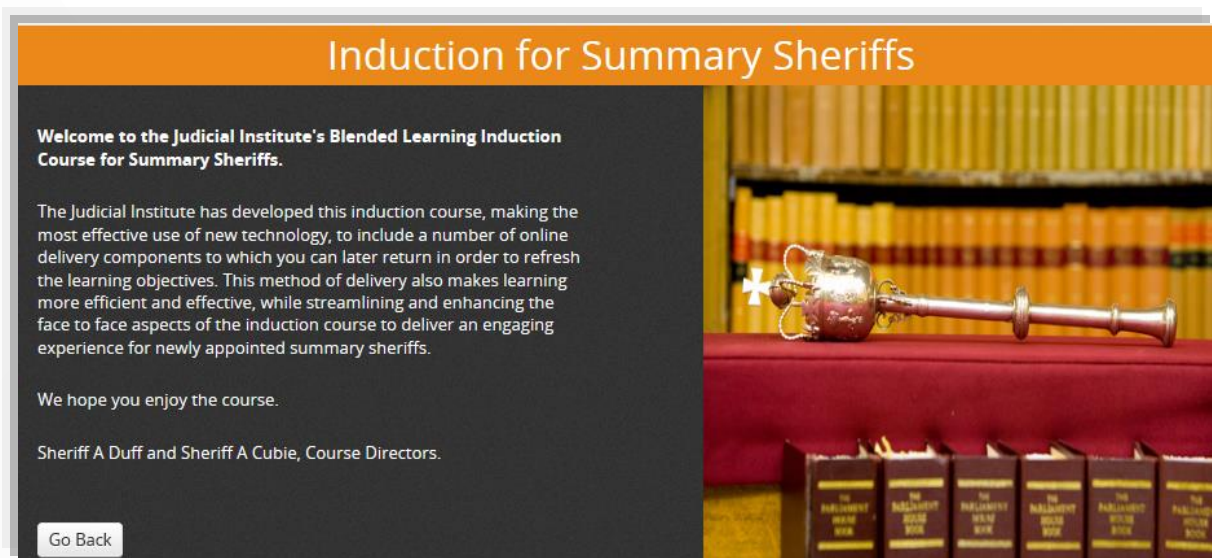
November	7	Judicial Conduct and Ethics
	14	Courtroom Communication – Coaching for Justices
	21	Simple Procedure
December	2	Sheriff Appeal Court Training
	8	Unrepresented Accused in the JP Court
	19	Decision Making in Procedural Hearing
January	16	Solemn Trial Management for Senators
	26-27	Induction for Prospective Justices of the Peace (Cohort 1)
	30	Beyond Borders – Visit by Bahrain Delegation
February	2-3	Induction for Prospective Justices of the Peace (Cohort 2)
	9-10	Anatomy of a Jury Trial
	15	Mentoring Skills
	20	Road Traffic for Justices
	24	Simple Procedure
March	9	Courtroom Communication – Coaching for Justices
	13	Party Litigants and Lay Representatives
	20	Sentencing for Senators
	27-31	Summary Sheriff Induction

Illustrative Examples from the 2016-17 Prospectus

Blended Learning Induction for Summary Sheriffs (BLISS) and the Creation of the Digital Media Production

Following the launch of the Judicial Hub Virtual Learning Environment (VLE) in March 2014, the Judicial Institute committed to delivering blended learning in 2015 using the Moodle based Hub as an online learning platform.

The Judicial Institute further enhanced the 2015 pilot Blended Learning Induction Programme for Summary Sheriffs on the Judicial Hub in 2016.



The Blended Learning Induction for Summary Sheriffs (BLISS) Pilot 2016 brought together the JI Course Directors, Heads of Learning Technology and Project and Programme Team staff to explore the latest innovations in pedagogic methods, and how technology could aid the delivery of the existing five day face to face induction course. The overall aim was to introduce and test a blended learning delivery approach to improve teaching quality through a blend of technology, curriculum design and innovative pedagogic methods and to enhance the effectiveness of judicial induction and the overall judicial induction learning and teaching experience.

- ✓ Using technology as an enabler of pedagogical methods
- ✓ Equipping staff with the skills required to embrace blended learning
- ✓ Getting the balance of the blend right to improve learner engagement
- ✓ Innovating teaching methods to drive the judicial learner experience

- ✓ Navigating major transformation in learning and teaching strategy
- ✓ Design and deliver a blended learning induction course that will be employed in summary sheriffs induction in 2016
- ✓ Create quality content for use in a blended learning course by applying principles from tried and tested blended learning approaches
- ✓ Combine the delivery of traditional face to face instruction with digital and computer mediated activities regarding content and delivery to develop a blended programme of induction
- ✓ Use appropriate instructional design and learning tools and technologies to construct modules of the blended course
- ✓ Develop digital course materials that convey expectations for blended interactions

To achieve the objective of creating in-house digital media content for online and eLearning resources the Digital Media Production Project was launched and the Institute's learning Technology Team has:

- ✓ Established the Digital Media Production Team
- ✓ Invested in high quality video production equipment and editing software
- ✓ Invested in digital design and eLearning (instructional design) software
- ✓ Developed in-house project management, digital media production and content production skills

The Technology Enhanced Learning Strategy supports the Institute's Education Strategy and the independent review makes reference to the strategic documents with significant reference to the principle of social constructivism and Moodle as a tool to support social constructivism and the overall educational philosophy of the Institute. A review was commissioned to provide an independent review of the pilot and to review the user interface and the eLearning modules. As a result the Judicial Institute Learning Technology Team will continue to make good use of eLearning, digital media production to improve content and activities and develop online learning.

Jackie Carter
Learning Technology Manager

Domestic Abuse Toolkit for Justices of the Peace

Blended learning supports our ability to respond timeously to national training needs. On 1 March 2017, we launched an online domestic abuse toolkit which was 'Stage 1' learning in this new area. The first product of its type to be produced by the JI, the domestic abuse toolkit included contributions from COPFS and Scottish Women's Aid. Justices were able to access online lectures, read briefing papers, and engage with a FAQ section. Justices self-certified that they completed the learning in the toolkit in advance of 'Stage 2' face to face learning in their Sheriffdom, which was based around court simulations.

Domestic Abuse Toolkit

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It is possible that from March 2017, the Crown Office and Procurator Fiscal Service (COPFS) will prosecute the least serious domestic abuse cases in the JP court. It is important that JPs develop their knowledge and understanding, as well as practical and analytical skills, in order to deal effectively with these cases.

Training has been designed in two stages:

Stage 1 <i>Knowledge and understanding</i>	Self-study online toolkit which should be absorbed in the following order: <ul style="list-style-type: none"> three online lectures by the JI (x2) and Scottish Women's Aid (x1) e-resources COPFS briefing paper (FAQs) 	Accessible now. Learning time: 60-90 minutes
Stage 2 <i>Practical and analytical skills</i>	Face to face training: <ul style="list-style-type: none"> to discuss matters arising from the Stage 1 learning to discuss or simulate realistic court scenarios 	Training to be offered to you by your Sheriffdom by June 2017. Your Sheriffdom will notify you of dates. Learning time: TBC

It is only possible to engage with the Stage 2 learning after completion of Stage 1.
To confirm that you have engaged with the Stage 1 learning place a check in the box in the **Completion of Stage 1** section below.

Video Resources

The Typologies of Domestic Abuse Nel Whiting, Scottish Women's Aid



Video Length: 9:44 mins

Timestamps:

- 01:56 - Situational Couple Violence
- 03:22 - Intimate Terrorism
- 09:00 - Violent Resistance

[View script](#)

eResources - Briefing Papers

Joint Protocol between Police Scotland & COPFS: In partnership challenging domestic abuse cases	View or Download PDF resource
JI JP e-Resource on Vulnerable Witnesses and Special Measures	View resource - Link to the Justices Hub
Quick Reference Guide: Bail and sentencing considerations	View or Download PDF resource

UKIJSJC

The UKIJSJC is a collaborative network of all the Judicial Studies Committees of the UK and Ireland and has an annual meeting which rotates between each jurisdiction to discuss matters of joint interest with regards to judicial training. However this was the first time that a course had been jointly organised by the constituent members and this deepening in collaboration was a result of an EJTN requirement that the four jurisdictions of Scotland, England, Northern Ireland and the Republic of Ireland jointly organise a training event. The topic chosen for the event was Judicial Conduct & Ethics.

The Lord President, Lord Carloway chaired the day and in the morning there was a session delivered by Lord Woolman entitled "Comparative Judicial Ethics" and this was followed by a session delivered by Judge Barry Clarke "Social Media: A Judicial Survival Guide". The afternoon consisted of three practical sessions consisting of social media scenarios, standards of conduct scenarios and conflict of interest scenarios. Each jurisdiction provided two scenarios for the sessions.

Feedback from the course noted:-

“It was a very successful training event and, although it sparked much controversy, delegates found they had much in common. The subject of the day was judicial ethics and there were many good scenarios regarding social media. It was very helpful to consider the modern ways in which a judge might cause themselves problems. Regional Employment Judge Barry Clarke presented a very good session where he demonstrated just how vulnerable individuals were on social media and how easy it was to track down individuals even if they weren't on social media.

The course was also a good example of being able to discuss matters with people from a variety of different backgrounds and different levels of judicial experience.”

JI Lecture 2016

On 9 July 2016, the Rt Hon Lord Gill delivered the fourth Judicial Institute Lecture entitled "The Scottish Legal System – What Next?"

In his opening statement Lord Gill stated,

“Yes, I shall certainly be considering the future of our system of law; and yes, I shall be looking at issues of urgent concern to our profession and our judges; but my whole aim and object is to impress upon you the internationalism of Scots law and of the Scottish legal outlook and to urge upon you the contention that it is through that international perspective that Scots law can ensure its own survival. In short, in the pursuit of excellence, internationalism is and should be central to the Scottish legal tradition.”



The lecture was very well received and attended by members of the judiciary and invited guests of the Judicial Institute.



Management Structure

Judicial Institute Management Structure 2016-17

Chair	The Hon Lord Woolman
Vice Chair	The Hon Lady Stacy
Director	Sheriff A Duff
Deputy Director	Sheriff A Cubie
Head of Education	Jessica MacDonald
Head of JP Programmes	Collette Paterson
Learning Technology Manager	Jackie Carter
Programme Manager	Anne Fisher
Programme Manager	Lesley Macaulay

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