

Annual Report 2019 - 2020



Judicial Institute
for Scotland



'Supporting justice in Scotland through the provision of the highest standard of judicial training and education.'



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I am delighted to present the Judicial Institute annual report for my second and last full year as Chair of the Board, the year ending 31 March 2020.

At the start of this reporting year the Institute produced its first written strategy and set out its purpose which is to *'support justice in Scotland through the provision of the highest standard of judicial training and education'*. We also published our business plan. As a result, this year's annual report is produced in a new style which maps our activities against those strategic priorities and what we set out to do this year. I am confident that this approach makes it even clearer what the Institute's role is in supporting justice in Scotland.

In addition to delivering our core business, a multi-faceted programme of face to face and digital learning initiatives, the Institute has continued to operate at the centre of developments in the justice system. We trained nearly every judge in Scotland on how to deal with cases arising from the new domestic abuse crime, focussing on coercive control, introduced by the Domestic Abuse (Scotland) Act 2018. We prepared an ambitious and innovative response to the introduction of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019, the first step towards a criminal justice system in which all children and other vulnerable witnesses can give their evidence on a pre-recorded basis outwith the court setting and prior to the trial. On the civil side, we have closely monitored the development of the Children (Scotland) Bill. And in respect of court and digital reforms, we worked closely with the Scottish Courts and Tribunals Service (SCTS) on bespoke training responses for the judiciary.

During this reporting year, we undertook a considerable number of activities to review our performance as an Institute in the UK, Europe and globally. A highlight was that the Institute was selected to present at the International Organisation for Judicial Training conference in Cape Town, South Africa. Every two years this conference selects and showcases best practice in judicial education worldwide. The Institute was selected to present on the conference theme of how judicial education can support 'Public Confidence in the Judiciary', which is central to our purpose.



Towards the end of the reporting year, like everyone else, we were faced with the sudden and previously unimaginable impact of COVID-19 on the work of the judiciary, the Institute, and our day to day lives. Restrictions were imposed just as we were about to deliver our ninth and final domestic abuse course and achieve our target of raising awareness of the new crime with every judge in Scotland as the Lord President had requested. This was an unprecedented task underpinned by an innovative blended learning design and was a programme we were immensely proud to be on the cusp of completing.

We know that restrictions will affect our priorities in the next reporting period and are working on our response at the time of writing.

My fellow Board members Sheriff Alistair Duff and Sheriff Susan Craig continued with their appointments to the Institute as full time Director and part time Deputy Director respectively. The Vice Chair, Lord Armstrong, and I remain grateful for their work realising and achieving our ambitions day to day. They ensure that we never lose sight of our philosophy that all aspects of judicial education in Scotland, from strategic decisions to how individual sessions on courses are designed, are judge-led.

Lady Stacey

Chair of the Judicial Institute for Scotland



I have been the Director of the Judicial Institute since 2014. The reader would expect this foreword to dwell on the highlights of the reporting year which has passed – the courses, new developments to our online learning platform the Judicial Hub, the design of new resources, conferences and international engagement. I will come to some of these things.

However, just as the year drew to a conclusion in March, the world was turned upside down. The impact of the COVID-19 pandemic brought specific consequences for the Institute, most significantly the suspension of all of our face to face courses till the end of 2020 and the lockdown of all team members so that, as I write, the entire Institute team is working from home, using the latest technology, to hold meetings, develop resources, maintain the Judicial Hub and plan for the rest of the year ahead as well as into 2021.

Turning to the year just gone, highlights for me have been:-



Induction for new judicial office holders

The Judicial Institute delivered two sets of induction courses. In November 2019 we held a course for 15 new Sheriffs and Summary Sheriffs, the largest number that I can recollect ever having on one course. In January 2020 we provided an induction course for five new Senators, once again the largest single group of new judges of that tier requiring induction.



Judicial leadership

On 22 November 2019 the Institute assisted the Lord President with the design and logistics of this event which he led. It was attended by senior judges from across the UK, Northern Ireland and the Republic of Ireland, including all three Chief Justices. The event presented an opportunity to start a conversation about how judicial leadership in Scotland could develop; learning from and working with other jurisdictions. The objective was to provide the Lord President with feedback on current practices, structures and systems in different jurisdictions, an analysis of opportunities, and evidence that supports options for next steps. The event provided a forum for judicial engagement and participation. Leadership challenges, and the practices, structures and systems used to respond to them in different jurisdictions were discussed.



Collaboration with Scottish Courts and Tribunals Service

During the reporting year the Institute has developed excellent working relationships with the Scottish Courts and Tribunals Service (SCTS) in order to support judges in mastering digital innovation within the court system. Specific projects were the Civil Portal Online, Unified Communications and the roll out of Windows 10, still in progress. The relationships formed and the techniques developed will stand us in good stead as we confront the challenges of court processes likely, in future, to be even more reliant on technology and remote working.



Vulnerable Witnesses

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 introduced the presumption, from January 2020, that all child witnesses (under 18s) in certain High Court cases would have their evidence taken by commissioner in advance of the trial, with the consequence that those child witnesses would not require to attend the trial itself. The Judicial Institute training response, known as Project Echo, has been developed in line with the phased implementation of the 2019 Act and in line with the differing learning needs of Senators and Sheriffs. The first phase involves events for Senators and an online resource kit for all judges which will include written material, filmed expert contributions and scripted and filmed hearings showing examples of good practice. In respect of the latter the Institute is collaborating with the Faculty of Advocates and the Law Society, who will have access to the film for their own training purposes. The second phase will comprise events for Sheriffs to coincide with the run up to roll out of the new procedures in the sheriff court.

Throughout the year I have had enormous support from the Chair, Vice Chair and Deputy Director. However I must pay tribute, once again, to the imagination, skill and hard work of all of the Institute team who have committed themselves to ensuring that the Institute has continued to meet its core purpose to support justice in Scotland through the provision of the highest standard of judicial training and education.

Sheriff Alistair JM Duff

Director of the Judicial Institute for Scotland



Judicial office holders in Scotland

The Judicial Institute's purpose is to support justice in Scotland through the provision of the highest standard of judicial training and education.

The Institute supports 638 judicial office holders in Scotland:

Judicial Office Holders 2019-20*

Senators	35
Sheriffs Principal	6
Sheriffs	116
Summary Sheriffs	39
Part-time Sheriffs	29
Part-time Summary Sheriffs	2
Tribunal Members	161
Justices of the Peace	250
Total	638

*Judicial office holders at May 2020.

NB The number of tribunal members was incorrectly stated in the 2018/19 report and has been corrected.

Governance of the Judicial Institute

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

The Board of the Judicial Institute meets quarterly. The Chair is Lady Stacey, the Vice Chair is Lord Armstrong and the remaining members are the Director and Deputy Director who are appointed to the Institute on a full and part time basis respectively. The Head of Education is the lead official for the Institute and attends in an advisory capacity.

The Advisory Council meets twice per year. The Council is comprised of representatives of all judicial offices and members provide insight on matters relating to the Institute's work at the request of the Board.

During the year, the following changes were made to the membership of the Advisory Council:

Dr Caroline Bruce of NHS Education for Scotland was appointed to replace Professor Sian Bayne of Edinburgh University as a lay member.

Sheriff Gerard Bonnar was appointed to replace Summary Sheriff Tony Kelly

Sheriff Lorna Drummond was appointed to replace Sheriff Johanna Johnston.



Committees and working groups of the Judicial Institute

Several committees and working groups lead on key aspects of the Judicial Institute's work as follows,

Justices' Training Committee of the Judicial Institute (JTCJI)

Chaired by Sheriff Principal Pyle, the work of this Committee is governed by [The Justices of the Peace \(Training and Appraisal\) \(Scotland\) Order 2016](#).

On an annual basis the JTCJI keeps the [National Curriculum for Justices of the Peace](#) under review. This document underpins all training for Justices in Scotland. The JTCJI also agrees the National Training Programme for Justices of the Peace, which details the education the Judicial Institute will provide for Justices in the following training year.

The other key function of the JTCJI is to report annually to the Lord President to give an account and an evaluation of all Justices' Training and Appraisal Committee (JTAC) training. JTACs provide local Sheriffdom training for Justices in line with nationally set standards, any other learning and development activities delivered by the JTACs and all Judicial Institute training. This includes assuring the Lord President that those who deliver training to Justices across Scotland have the skills to do so, for example through the Institute's 'train the trainer' initiatives.

The Committee meets twice per year and is made up of Justices from each Sheriffdom and a Sheriffdom Legal Adviser representing all six Sheriffdom Legal Advisers.

Justices Technical Training Committee (JTTC)

Chaired by Judicial Institute Deputy Director Sheriff Susan Craig and made up of all six Sheriffdom Legal Advisers in Scotland; the JTTC is a working group of the JTCJI.

The key remit of the JTTC is to identify legal or training issues of relevance to Justices and provide advice on the development of training programmes and materials.

Judicial Education for Tribunals (JET)

Chaired by Judge Anne Scott, President of the Tax Tribunal Chamber and Temporary President of the Social Security Chamber, the JET working group brings together representatives from each devolved Tribunal.

The JET working group was established in 2018. This was after the Lord President assumed responsibility for tribunal training under section 34(1) (a) of the [Tribunals \(Scotland\) Act 2014](#).

The working group's remit is to identify and develop core training programmes, agree training guidelines and a quality assurance framework for specialist training undertaken by the tribunals themselves, and implement the agreed tribunal training model. JET provides oversight to the 'Tribunal Craft' course the Judicial Institute delivers for Tribunal judicial office holders.



Equality and Diversity

Chaired by the Institute's Chair, Lady Stacey. During the reporting period the Equality and Diversity committee reviewed and approved a proposed project to update the Equal Treatment Bench Book used by judges. This project is now with authors and the committee will regain its continuous improvement role when the new Bench Book is launched.

Jury Manual

Chaired by Lord Matthews. The Jury Manual is one of the most frequently accessed resources on the Judicial Hub offering a collection of suggested directions which judges may refer to when composing their charge to the jury, complemented by guidance on the applicable law.

The Jury Manual is updated regularly by a committee comprising of Sheriffs and High Court judges. The committee meets on a quarterly basis and also engages regularly by email to discuss possible revisals. During 2019-20, the volume of work for the Committee has grown significantly as a result of the regularity of significant Appeal Court decisions.



(Figures of mercy and justice, Parliament Hall).



Director of the Judicial Institute

Executive Director of the Judicial Office



Tim Barraclough



Sheriff Alistair JM Duff

Head of Education

Depute Director of the Judicial Institute



Sheriff Susan Craig



Collette Paterson

Digital Education & Learning Manager



Brian-Damien Morgan

Learning Support



Jenny Ulyet



Sabine Forsyth

Head of Programmes



Charles Welsh
Operations Manager



Sarah Webster

Head of Tribunal Training



Jonathan Kidd
(Until Dec 2019)

Legal Support



Laura
Bremner

Digital Education & Learning



Andrew
Wallace



Attila Toth

Project Support



Michelle
Morrow

Course Support



Sean Groat



Christopher
Ferguson



Alastair Plews

[JI Governance Framework](#)
(JI Board not represented)

Success Criteria and Key Performance Indicators



Overall responsibility for the delivery of the Strategic Plan rests with the Judicial Institute Board. It has identified the success criteria and key performance indicators in the graphic below. Together with the specific actions set out in the annual business plan, these form the basis of what will be reported on in the Judicial Institute annual reports starting this year. In reporting year 2021/22, the third and last year of the current strategy, the Institute will also review the entire three years governed by the strategy using these success criteria and key performance indicators.

Success Criteria	Key Performance Indicators	Data Source
New judicial office holders are considered by Sheriffs Principal and the Lord President to have been supported for judicial office by induction.	We design and deliver an induction tailored to the needs of a new judge on day 1 on the bench.	Feedback from Sheriffs Principal; Feedback from judicial manager; Feedback from Summary Sheriffs' Association, Sheriffs' Association and Scottish Justices' Association; Judicial Attitudes Survey; Unsolicited feedback email and phone calls.
Learning needs for judicial office holders are timeously identified.	We deliver training sufficiently in advance of any statutory deadlines or implementation dates.	Commencement or implementation dates.
Learners value the Judicial Hub overall and consider that online and blended learning products are used proportionately to meet their needs.	Judicial Attitudes Survey supports the proposition; We receive positive/do not receive negative feedback on newly introduced online and blended learning products; Hub Helpdesk calls are low whilst Hub engagement levels are high.	Our project debrief meetings (<i>team expertise</i>); Judicial Attitudes Survey; Hub engagement statistics/Google analytics/learner journeys; Hub helpdesk queries; Unsolicited feedback email and phone calls.



Success Criteria

Learners consider that the Institute's content, choice and methods of face to face training delivery (*traditional or technology-enhanced*) meet their needs.

Key Performance Indicators

Quality is consistent across our portfolio;
Judicial Attitudes Survey responses support the proposition;
We have evidence of a portfolio of ambitious sessions, including technology-enhanced sessions through which we routinely use learning technologies in the learning suite;
Learners consider the course learning objectives are met after course;
Learners consider that their personal aspirations for learning are met after course;
Learners reflect later that learning has had an impact on their practice;
Learners refer to particular sessions based on particular educational/digital training methods as having had an impact;
Learners consider the entire JI experience to contribute to their learning;
Attendance levels and drop-outs.

Data Source

Consistent use of key operational tools;
Our course debrief meetings (team expertise);
Our evaluation of our overall data set (team expertise);
Stage 1 and Stage 2 evaluation data for courses; Targeted one to one interviews/samples;
Discussion and verbal feedback at courses;
Judicial Attitudes Survey;
Unsolicited feedback email and phone calls;
Booking system attendance statistics for types of course and overall.



Success Criteria	Key Performance Indicators	Data Source
Sheriffs Principal and the Lord President consider that the Institute's provision supports their requirements.	Our business model is aligned with court programming and we take pressures of court business into account in our planning.	Feedback loop with Sheriffs Principal; Feedback from Lord President.
The Institute is working collaboratively with its key stakeholders.	<p>We have evidence of a portfolio of products which evidence sharing of good practice in education;</p> <p>Our performance, proportionately, at least matches other judicial institutes in the UK and internationally.</p>	<p>SCTS change project outcomes for judiciary;</p> <p>Memorandum of understanding with ELU;</p> <p>Number of third party contributors to courses and other learning interventions;</p> <p>Learning from events like EJTN & UKIJSC, benchmarking & study visits.</p>



Reflecting on the judicial landscape as well as our successes and lessons learned, in our [strategic plan for the period 2019-2022](#) we identified **four key strategic priorities**. By focusing our efforts on these we identified that we would be able to achieve our purpose over the course of three years. For each of these priorities, we set out what we aimed to achieve, by detailing the main strategic objectives that were to be delivered. These were, in turn, broken down into greater detail in our business plan for the year as shown in Appendix A of our strategic plan.

In the graphic below, our strategy map details how our **four strategic priorities** are broken down into the *main strategic objectives*.

The Delivery of Justice	Judicial Education Model	Excellence and Relevance in Course Provision	Excellence and Relevance in our Online Provision
Strategic priority 1 – we will promote developments in the efficient and effective delivery of justice through appropriate learning interventions.	Strategic priority 2 - we will assure the viability of our model for judicial training and education.	Strategic priority 3 - we will consolidate and innovate and offer meaningful, stimulating, modern and relevant blended and face to face courses.	Strategic priority 4 - we will consolidate and innovate and offer meaningful, stimulating, modern and relevant information, knowledge and learning on the Judicial Hub.
<p><i>1.1 Engage with relevant change projects and programmes;</i></p> <p><i>1.2 Embed opportunities for learning around court and digital reform into our portfolio;</i></p> <p><i>1.3 Collaborate where there are synergies between staff and judicial training.</i></p>	<p><i>2.1 Ensure our judicial education policies remain world class and based on rigorous evidence;</i></p> <p><i>2.2 Maintain the JT's profile and reputation.</i></p>	<p><i>3.1 Deliver fit for purpose inductions;</i></p> <p><i>3.2 Be responsive and deliver the most valuable courses;</i></p> <p><i>3.3 Ensure we offer choice;</i></p> <p><i>3.4 Develop the quality of our course provision.</i></p>	<p><i>4.1 Continuously improve the Judicial Hub platform and content;</i></p> <p><i>4.2 Develop our capacity to design quality online learning products.</i></p>



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Strategic priority 1 – we will promote developments in the efficient and effective delivery of justice through appropriate learning interventions.

1.1 Engage with relevant change projects and programmes;





1.2 Embed opportunities for learning around court and digital reform into our portfolio;

1.3 Collaborate where there are synergies between staff and judicial training.

Areas of activity:

-  **We engaged proactively with the SCTS on court reform and digital change. We produced bespoke training responses for the judiciary on the new [Civil Online portal](#) in March 2019 for new simple procedure (formerly known as ‘small claims’) cases, unified communications in May 2019 and Windows 10 in February 2020. We worked closely with the SCTS training department, the Education and Learning Unit, on knowledge exchange which ensured synergies between the judicial and staff training. Through this work, we identified the optimum model for the judicial education responses to court reform.**
-  **Our annual 'Judging in the Digital Age' course was redesigned, focussing on advanced Westlaw (legal research platform used by all lawyers and judges in Scotland) skills, the new digitally enhanced Sheriff Court Library Service, and Cyber Security. The afternoon was dedicated to a workshop on the new Civil Online portal. SCTS court officers facilitated a highly interactive, real-time simulation of the submission of a claim, simulating the role of claimant, respondent, Sheriff and court officer (15 Sheriffs attended this session on 9 April 2019).**
-  **In anticipation of the need to train Sheriffs on the introduction of what would become the Vulnerable Witnesses (Criminal Evidence) Scotland Act 2019, we worked closely with the SCTS and the Scottish Government on the phased implementation of the Bill. We delivered a refresher course for Sheriffs on Taking Evidence by Commissioner, which also acted as a pilot to inform our training response to the 2019 Act, which was implemented in the High Court in January 2020 and is anticipated to impact the sheriff court from summer 2021. (14 Sheriffs attended this course on 29 January 2020). We also published a briefing paper for high court judges to coincide with the implementation of the Act in the High Court.**



-  **We continued with long-range planning in respect of the devolution of the presently reserved tribunals, including creating chambers' pages on the Judicial Hub platform and planning for the recruitment and induction of additional tribunal judicial office holders.**
-  **We led on the design of a judicial leadership initiative for the for the Scottish judiciary. The Chief Justices of England and Wales, Northern Ireland and the Republic of Ireland, together with a cohort of Scottish judicial office holders, considered the future of judicial leadership in Scotland. (20 members of the Scottish judiciary attended this programme in November 2019).**
-  **We collaborated on wider justice sector projects. In the first project of its type for the Institute, this included collaboration with the Faculty of Advocates and Law Society of Scotland on filming simulated ground rules hearings, for use by each organisation as part of its own response to the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019.**
-  **Towards the end of the reporting year, we supported the SCTS and Judicial Office for Scotland with their response to COVID-19. We wrote briefing papers on the UK and Scottish Coronavirus legislation, as well as a number of associated briefing papers on the management of courts during the initial stages of the pandemic.**






'To support justice in Scotland through the provision of the highest standard of judicial training and education'

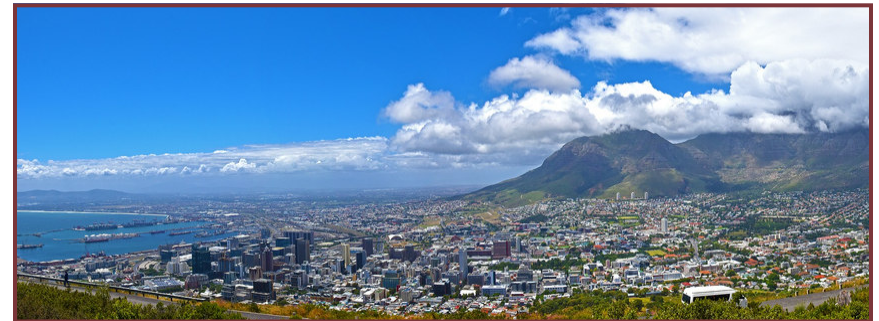
Strategic priority 2 - we will assure the viability of our model for judicial training and education.

2.1 Ensure our judicial education policies remain world class and based on rigorous evidence;

2.2 Maintain the JI's profile and reputation.

Areas of activity:

-  **We** enhanced our national and international networks by increasing the number of activities with which we engaged.
-  **We** hosted five study visits, with topics ranging from principles of judicial education to the judicial function in specific types of cases. We hosted delegations from Norwegian courts (4 April 2019), Taiwanese Constitutional and Criminal Courts (4 September 2019), Chinese Family Courts (15 October 2019), and Chinese High Courts (5 November 2019). We also hosted a multi-disciplinary delegation of Ukrainian judges, barristers and academics (29 November 2019).
-  **We** conducted three visits overseas to support the justice systems of other countries. We were hosted by Kosovo with a focus on community sentences (4-7 June 2019), Lebanon on criminal law, evidence and risk (19-23 August 2019) and Turkey on judicial induction (23-25 September 2019).



(A city view of Cape Town where representation from the Judicial Institute presented to the International Organisation of Judicial Training conference)



We undertook six activities specifically focussed on judicial education which allowed us to learn as well as benchmark our approaches against good global practice.

- (1)** We attended the annual General Assembly of the European Judicial Training Network (EJTN), (Bucharest, Romania 22-28 June 2019). There it was agreed the three judicial training institutions of the UK would be awarded the status of observer (as opposed to member) on the day the UK would leave the EU and Scotland, through the Institute, was also elected to be represented on the EJTN Working Group on Judicial Training Methods.
- (2)** We attended the annual conference and meeting of the UK and Ireland Judicial Studies Council (Belfast 9-11 October 2019), which rotates across the four jurisdictions. There, we contributed to a conference dedicated to how judicial education can be enhanced generally, and specifically how judicial education can be designed with the needs of unrepresented parties in mind. We also commenced preparations for Scotland hosting this event in the next reporting year.
- (3)** We contributed to the Republic of Ireland's academic review of judicial education, hosting Irish academic Dr Rónán Kennedy of School of Law, National University of Ireland, Galway, at the Judicial Institute (Edinburgh, 26 June 2019), and were noted as an example of 'international best practice' in Dr Kennedy's official report on the future of judicial education in the Republic of Ireland.
- (4)** Following our response to the call for papers in May 2019, we were selected to present at the International Organisation of Judicial Training conference (Cape Town, South Africa 22-26 September 2019), on the topic 'supporting public confidence in the judiciary'. We presented on the restructure of the Institute and how our post 2016 operating model has improved outcomes for judicial learners.
- (5)** We participated in our first meeting of the European Judicial Training Network Judicial Training Methods Working Party (Brussels, 17-18 February 2020). Scotland, together with Germany and Latvia, commenced design work on an all-European judicial education conference on 'innovative curricula/training plans'. This conference will cover how challenging topics across Europe can be addressed using innovative learning techniques, for delivery in Germany in 2021.
- (6)** Lastly, we appointed Dr Caroline Bruce, Education Project Manager for Trauma at NHS Education Scotland to our Advisory Council. This further enhanced our Council's ability to draw on good practice from the medical profession, in respect of professional education.



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Strategic priority 3 - we will consolidate and innovate and offer meaningful, stimulating, modern and relevant blended and face to face courses.





3.1 Deliver fit for purpose inductions

3.2 Be responsive and deliver the most valuable courses






3.3 Ensure we offer choice

3.4 Develop the quality of our course provision

Areas of activity :

-  **We** enhanced our ability to prioritise the quality and continuing relevance of our courses and course material, by permanently appointing a Head of Programmes in June 2019. This is a new, senior and hands-on operational post responsible for the design and overall quality of our face to face portfolio.
-  **For** a second year we contributed to the tripartite group comprised of the Judicial Appointments Board for Scotland, Scottish Government and Judicial Office for Scotland (incorporating Judicial Institute). This group streamlines the recruitment, appointment and induction learning for new judicial office holders, benefiting newly appointed judicial office holders and the administration of justice overall. We continually improved all iterations of induction delivered and provided induction for six Summary Sheriffs, nine Sheriffs, five Senators and five temporary High Court Judges in the reporting period, across three programmes.
-  **We** commenced a longer-term project to review induction for Sheriffs as it reached its fifth year in its current form, focussed on close collaboration with Sheriffs Principal to understand the bespoke needs of Sheriffdoms, as well as collaboration with the Sheriffs and Summary Sheriff Associations.
-  **We** worked with University College London and the Judicial College of England and Wales to identify how we could undertake a formal needs analysis and survey judicial learners on their experiences and our provision through the next Judicial Attitudes Survey.



-  **We committed to the continued improvement of the implementation of our evaluation policy at both a course and organisational level, and commenced a longer-term project to review our evaluation policy.**
-  **We restored our level of provision to 2017 levels, following a drop in provision in 2018, and ensured our planning for 2020 maintained those levels of provision. This resulted in an additional five courses compared with the previous reporting year. Our mean course attendance for the period was 15. Whilst there was only a very slight increase in mean course attendance compared with the previous period, overall we provided an additional 79 training places compared with the previous reporting period.¹**
-  **133 members of the professional judiciary took part in domestic abuse and coercive control courses. The reporting period accounted for six courses out of the suite of nine courses delivered in this area, following the Lord President's direction to ensure we raised awareness of the Domestic Abuse (Scotland) Act 2018 amongst the professional judiciary. The ninth course planned for March 2020 was postponed due to COVID-19 and alternative arrangements are being put in place.**
-  **We maintained high quality training provision for Justices of the Peace, including our scrutiny of Sherifffdoms' own training and statutory reporting to the Lord President on the quality of all Justice of the Peace training.**
-  **We implemented the first year of a new tribunal judicial office holders' training approach, working directly with Tribunal Chamber Presidents. We delivered the first cross-jurisdictional 'Tribunal Craft' course to 12 tribunal judicial office holders on 26 November 2019. We also secured agreement on a quality assurance model for Tribunal Chambers' own training.**



Head of Education representing the Judicial Institute for Scotland as a new member of the EJTN Judicial Training Methods Working Party (Brussels, February 2020)

¹. Course provision figures exclude induction courses.






'To support justice in Scotland through the provision of the highest standard of judicial training and education'

Strategic priority 4 - we will consolidate and innovate and offer meaningful, stimulating, modern and relevant information, knowledge and learning on the Judicial Hub





4.1 Continuously improve the Judicial Hub platform and content

4.2 Develop our capacity to design quality technology enhanced learning products

Areas of activity :

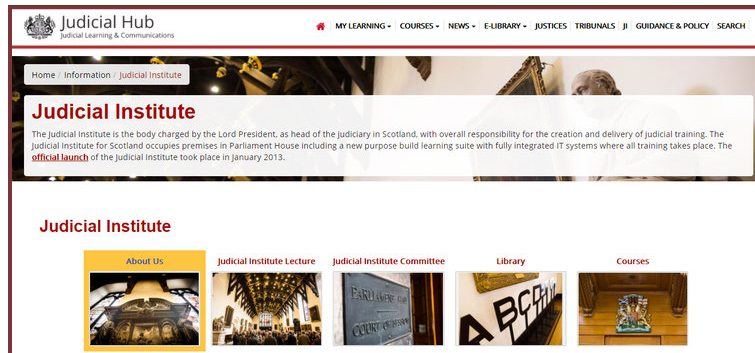
-  **The Judicial Hub platform remained the central reference point for all judicial office holders in respect of learning. Access rates were high across all judicial offices with 72 percent actively accessing within the past year. This was enhanced by our domestic abuse training approach, which was a blended learning programme where online learning on the Hub preceded the face to face element.**
-  **To provide the optimum learner experience in respect of aesthetics, navigation and search functionality, we made enhancements to the Judicial Hub including improvements to the style and quality of documentation, updating background systems to optimize reporting which is a foundation of a learning management system as well as implementing standards for key aspects like accessibility and security. We also undertook a number of internal, quality control projects which ensured its reliability and sustainability. This included replacing all links to case law and legislation embedded in our educational content following changes instigated by the key legal research platform Westlaw, and commencing a project to create new 'wiki' based versions of the Institute's bench books to allow for quicker and easier updates to these key resources used daily in court (Criminal Bench Book, Civil Bench Book, Sentencing Checklist, Jury Manual, Equal Treatment Bench Book).**
-  **We commenced a longer term project to produce a revised Equal Treatment Bench Book focussed on practical guidance for judges and practical assistance for court users.**



-  **Recognising the importance of 'just in time' learning resources being made available to judges on the Judicial Hub, we produced 150 Brief Notes (our series summarising new legislation and case law) on topics including challenges to validity of EU instruments post-exit day and extended sentences. We also produced eight new Briefing Papers (our suite of guidance on more complex topics) and four updates to existing Papers in key areas such as widening juror engagement and drug driving regulations.**
-  **We supported the wider Judicial Office for Scotland with their use of the Judicial Hub by establishing a trained editors' group, ensuring that key messages for the judiciary are able to be cascaded directly by all parts of the Judicial Office for Scotland (Sentencing Council, Library Services, Scottish Civil Justice Council).**
-  **We continued to upskill our education and digital leads, ensuring that collaboration on innovative digital learning approaches pervaded our training response overall.**
-  **We negotiated amendments to contracts with the key external suppliers of our Virtual Learning Environment/Learning Management System and our digitally-enhanced learning suite, and procured new tools and licences for enhancing our technology enhanced learning products. We established enhanced service level agreements and project management tools. In this way we managed risks to our online and face to face provision, and also delivered tangible results including enhancing sound in our learning suite. We also managed our learning suite from a new multi-media room rather than in front of learners whilst courses are taking place.**

The Judicial Hub 2019/20

The Judicial Hub remains the single platform used to support the work of Judicial Office Holders in their crucial roles at the centre of the Scottish legal system. On it are hosted educational materials and updates, resources, and relevant news and updates.



(Judicial Institute's Judicial Hub learning management system)

Combined Virtual Learning Environment and Learning Management System

The Judicial Hub is both a virtual learning environment and learning management system. It provides a secure online platform from any location, and from any digital device. Judicial users can book places on Judicial Institute courses and also find pre-course reading and learning associated with those courses there. The virtual learning environment is continuously reviewed to improve the learner experience.

Sustainability

On an annual basis the Judicial Hub undergoes multiple reviews to ensure data governance assurances are met and content remains fit for purpose. These include legal reviews, examining security and policy standards as well as testing accessibility and functionality. Digital policy is an ever-evolving matter and the Judicial Institute prides itself on ensuring the Hub remains at the forefront of these developments. A dedicated team supports the Judicial Hub day to day.



(Judicial Institute's Erskine suite facsimile bench, used for court simulations)



Resources

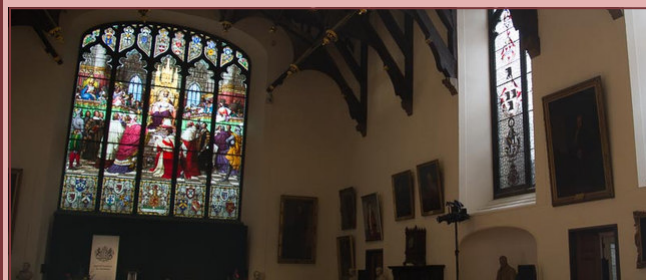
The Institute continually updates its suite of legal resources, available at any time and on any device. In 2019/20, the Institute produced a wide range of resources ensuring 'just-in-time' learning on new legislation, case law, procedures and policy. These resources ranged from our popular Brief Notes series to more detailed Briefing Papers where changes required more intensive treatment, to bespoke resource kits which form part of blended learning interventions but are also standalone resources. All resources were tailored to the judiciary, highlighting matters of relevance to them in their daily work.



(Supreme Courts' Library)

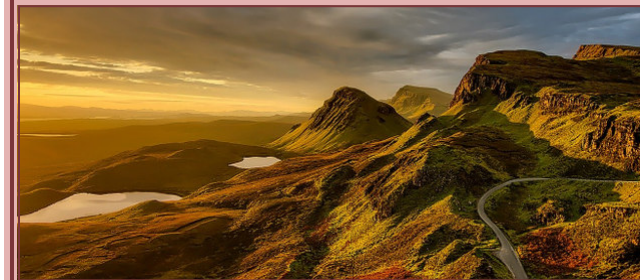
Briefing Papers are written by a combination of our shrieval Directors, legally qualified Legal Assistant, and judges who are specialists in the paper subject. In this reporting period, Briefing Papers were published on topics ranging from the SCTS measures to widen accessibility for jurors with hearing and sight impairments to the victim surcharge, and human trafficking. We produced 150 Brief Notes, eight new Briefing Papers and four updates on existing Briefing Papers in the reporting period. The Judicial Institute continues to work with colleagues from other parts of the justice sector and members of the judiciary to ensure that papers are accurate at time of writing and are kept up to date. This year we were particularly pleased to receive input from Dame Sara Thornton, Independent Anti-Slavery Commissioner, to Lord Mullholland's paper on 'human trafficking'.

Pages dedicated to Justices of the Peace were overhauled in this reporting period to make it easier for the judiciary to navigate. The e-resources and each Sheriffdom's Justices of the Peace Training Plan were placed on a single page for ease of use and streamlined. In this area, Sheriffdom Legal Advisers from each of the six Sheriffdoms contributed to the annual content review.

*April*

Date	Event	Learners (No.)
4th.	Visit by Norwegian Judges.	6
9th.	Judging in the Digital Age.	15
29th.	Taking Evidence on Commission for Senators.	19

Date	Event	Learners (No.)
2nd.	Unrepresented Accused for Justices of the Peace.	16
7th.	EU Withdrawal – the Implications.	17
13th.	Domestic Abuse and Coercive Control.	23
14th.	Domestic Abuse and Coercive Control.	24
31st.	Arbitration for Senators.	10

*June*

Date	Event	Learners (No.)
10th.	Sexual Offences for Senators.	11
11th.	Modern Sentencing Challenges.	26
18th.	Decision Making for Justices of the Peace.	11
25th.	Judicial Writing.	16

May

Our face to face programme is at the core of our business. Through it we respond to new and developing areas of interest for the judiciary each year. We also provide refresher courses in core topics, taking a three-year view. In this reporting year we delivered 43.5 days of face to face programming, for a total of 520 learners, and hosted five judicial delegations.

Date	Event	Learners (No.)
3rd.	Domestic Abuse and Coercive Control.	20
4th.	Visit by Taiwanese Judges.	8
5th.	Domestic Abuse and Coercive Control.	20
12th.	Courtroom Communications for Justices of the Peace.	11
17th.	Adults with Incapacity.	8

September



October

Date	Event	Learners (No.)
4-8th.	Sheriff and Summary Sheriff Induction.	15
12th.	Visit by Chinese Judges.	6
14th.	Unrepresented Accused for Justices of the Peace.	16
20th.	Vulnerability in Court.	9
24th.	Leadership Event.	16
26th.	Tribunal Craft.	12
29th.	Visit by Ukrainian Judges.	35

Date	Event	Learners (No.)
1st.	Domestic Abuse and Coercive Control.	21
4th.	Domestic Abuse and Coercive Control.	25
8th.	Family Matters.	18
14th.	Road Traffic for Justices of the Peace.	10
15th.	Visit by Chinese Judges.	6
17th.	Retirement Course.	12
30th.	Human Trafficking and Jury Charging Developments.	15


November





December

Date	Event	Learners (No.)
13-17th.	Senator Induction.	5
29th.	Taking Evidence on Commission.	14




February

Date	Event	Learners (No.)
4th	Courtroom Communications for Justices of the Peace.	9
11th.	Commercial Litigation.	10
* 18th.	Domestic Abuse and Coercive Control.	15

December

Date	Event	Learners (No.)
5th.	Modern Sentencing Challenges.	20
11th.	Decision Making for Justices of the Peace.	9

January



February

Date	Event	Learners (No.)
7th.	Evidential Developments.	22
19th.	Decision Making for Justices of the Peace.	14
27th.	Family Law.	13

March

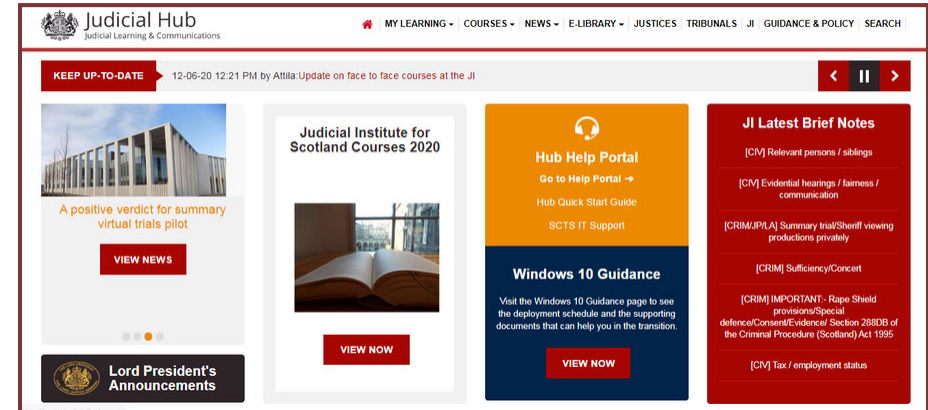


* Planned course postponed due to COVID-19. Course rescheduled to late 2020.

How we ensured and maintained quality

Judicial education in Scotland is judge-led, judge-devised and judge-delivered. During the reporting period, in everything we designed and delivered we also protected the fundamental principle of judicial independence.

The expertise of our Judicial Directors was supported by our team of educational specialists to design our programme of courses and the 43.5 days of training we delivered in the reporting period. This design team worked closely with our digital team to use our virtual learning environment, the Judicial Hub, to enhance the educational experience of Scotland's judiciary. Finally, our specialist course team supported the judicial learners to enrol on courses. All of this ensured a high quality delegate experience for over 500 learners.



(The Judicial Hub homepage)

Quality and continuous improvement of our education was further ingrained into our design processes. Learners continued to be consulted on the effectiveness of their education after each course. Suggestions for improvement were often forthcoming and every comment was read, analysed and, if appropriate, used to inform subsequent iterations of the course.



Domestic Abuse & Coercive Control - Project DARK

13 May 2019, 14 May 2019, 3 September 2019, 5 September 2019,
1 October 2019, 3 October 2019, 18 March 2020 – postponed

In response to the Domestic Abuse (Scotland) Act 2018, towards the end of the previous reporting period, we launched the first ever blended learning programme for the entire professional court judiciary with the first of nine blended courses.

This education programme continued throughout this reporting period and the face to face element was delivered on another six occasions. Our anticipated ninth and final face to face course was postponed due to the COVID-19 health restrictions and alternative arrangements were explored to ensure the professional court judiciary would all be made sufficiently aware of this topic.

It is unusual that we run a course so often within a year, and this was at the Lord President's specific request to maximise awareness of the 2018 Act. This also provided the opportunity to refine the course each time it was delivered.

Feedback from delegates was reviewed after each course. As the year went on we improved the educational experience for the delegates and enhanced the learning design, such as by including data on cases prosecuted under the new Act and by providing more time for the delegates to reflect on the victim's perspective in domestic abuse cases.

Welcome to the Domestic Abuse Resource Kit

Domestic Abuse Resource Kit

Sheriff Alistair JM Duff
Director of the Judicial Institute for Scotland

Introduction

The Domestic Abuse (Scotland) Act 2018 will be implemented on 1 April 2019.

The Act creates a specific statutory offence of domestic abuse and makes a number of associated changes to criminal procedure, evidence and sentencing in domestic abuse cases. It is in two parts:

Part One provides for an offence consisting of abusive behavior towards a partner or ex-partner and for the Scottish courts to have extra-territorial jurisdiction over that offence. It also makes provision for matters connected with the offence, such as a statutory aggravation that the perpetrator, in committing the new offence, involved or affected a child, as well as a statutory defence, and of course penalties.

Part Two introduces a schedule which makes a number of associated reforms to criminal procedure, evidence and sentencing relating to the creation of the offence of domestic abuse.

Judicial Hub Help Portal

The Hub Help Portal contains useful materials such as online instructional videos about how to locate, access and navigate information. We advise you to consult the resources and invite you, if you wish, to [contact the DEAL manager](#) to arrange a session in the judicial learning suite or remotely.

Once you have accessed the introduction, tick the small box to the right to identify you have completed this section, this will unlock the next part of the course.

- Learning Overview and Objectives
- The Crime
- Coercive Control, Psychological Harm and Trauma
- Prosecution
- Case study and e-activity
- Next Steps
- Supplementary Reading and Resources

(Judicial Hub hosted Domestic Abuse Resource Kit)

Learner feedback:

"I thought it was a very good course. This is the most I have engaged with, enjoyed and benefitted from the pre course work."

"Overall this was a well organised course which greatly improved my knowledge base."

"The first speaker (Women's Aid) was excellent, giving an in-depth harrowing narrative of coercive control. She gave me much to think about. She joined the group discussion with relevant comment."

Taking Evidence by Commissioner and Project Echo

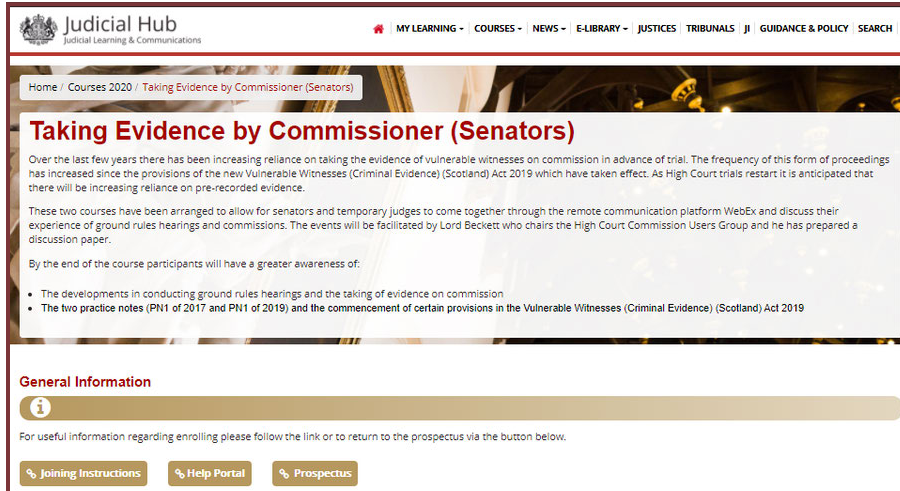
29th January 2020

Over the last few years, there has been increasing reliance on taking the evidence of vulnerable witnesses by commissioner in advance of trial. The frequency of this form of proceedings will increase having regard to the provisions of the new Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019. This course had a particular focus on the changes introduced by the Act, already in effect in the High Court and to some extent in the sheriff courts. The Act is anticipated to take full effect in the sheriff courts in the latter part of 2021.

This course covered the procedure around commissions, in particular ground rules hearings, the appropriate ways to achieve the best evidence by commissioner, the particular characteristics of vulnerable witnesses, and changes in the SCTS estate being made to facilitate the taking of evidence by commissioner.

The lessons learnt from the delivery of this course fed into the Judicial Institute's Project Echo, which is a larger blended learning initiative which will launch in the next reporting period and will identify, design and deliver learning opportunities for Senators of the College of Justice, Temporary Judges and Sheriffs in line with the provisions of the 2019 Act. As part of our continuous improvement approach, the participant feedback was reviewed to inform the Echo project scope, and the newly designed learning interventions which will take place in the second half of 2020 and the first half of 2021.

Participants found this course worthwhile and timeous given the phasing in of the 2019 Act:



Judicial Hub
Judicial Learning & Communications

MY LEARNING - COURSES - NEWS - E-LIBRARY - JUSTICES - TRIBUNALS - JI - GUIDANCE & POLICY - SEARCH

Home / Courses 2020 / Taking Evidence by Commissioner (Senators)

Taking Evidence by Commissioner (Senators)

Over the last few years there has been increasing reliance on taking the evidence of vulnerable witnesses on commission in advance of trial. The frequency of this form of proceedings has increased since the provisions of the new Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 which have taken effect. As High Court trials restart it is anticipated that there will be increasing reliance on pre-recorded evidence.

These two courses have been arranged to allow for senators and temporary judges to come together through the remote communication platform WebEx and discuss their experience of ground rules hearings and commissions. The events will be facilitated by Lord Beckett who chairs the High Court Commission Users Group and he has prepared a discussion paper.

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

- The developments in conducting ground rules hearings and the taking of evidence on commission
- The two practice notes (PN1 of 2017 and PN1 of 2019) and the commencement of certain provisions in the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019

General Information

For useful information regarding enrolling please follow the link or to return to the prospectus via the button below.

[Joining Instructions](#) [Help Portal](#) [Prospectus](#)

(Judicial Hub hosted Taking Evidence on Commission course)

Learner feedback:

"I have no doubt that this course will help me greatly when managing and presiding in commissions in future."

"...I found it extremely helpful, well structured, well presented and also well timed given the present legislative changes."



2019 marked the completion of the first three year cycle of Justices of the Peace training, maintaining the national curriculum. Since 2017, the Judicial Institute has designed and delivered (twice a year) a suite of four national training courses on the following topics: Road Traffic, Courtroom Communications, Unrepresented Accused in the JP Court and Decision Making and Sentencing.

Delegates on each course were asked to complete a pre-course survey in advance of the training, to ensure that the issues to be covered best met the needs of those attending. Thus each course was designed and developed as a result of both pre-course and post-course feedback. Through each evolution, participants continued to examine, through discussion and court simulations, the challenges which arise at each stage of proceedings and the most effective ways of dealing with the issues.

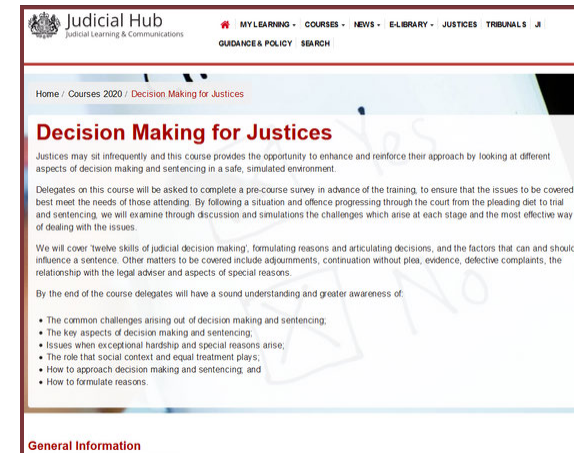
Decision Making and Sentencing

This course allowed Justices to enhance and reinforce their approach to decision making on the bench. Participants progressed through a mock case, from the pleading diet to trial and sentencing and discussed the challenges which arise at each stage.

Each iteration of this course began with a session assessing the 'twelve skills of judicial decision making,' followed by exercises which incorporated formulating reasons and articulating decisions, as well as the factors that can and should influence a sentence.

In both iterations held in 2019, Community Safety Glasgow facilitated an interactive lecture on issues regarding the suitability of the Community Payback Order (CPO) sentence, and the impact of CPOs in breaking the cycle of reoffending.

Following feedback, this session was replaced with a session on "decision making with authority". Participants engaged in small group discussion, centred around eight scenarios which focused specifically on practical skills for the bench.



(Judicial Hub hosted Decision Making for Justices course)

Learner feedback:

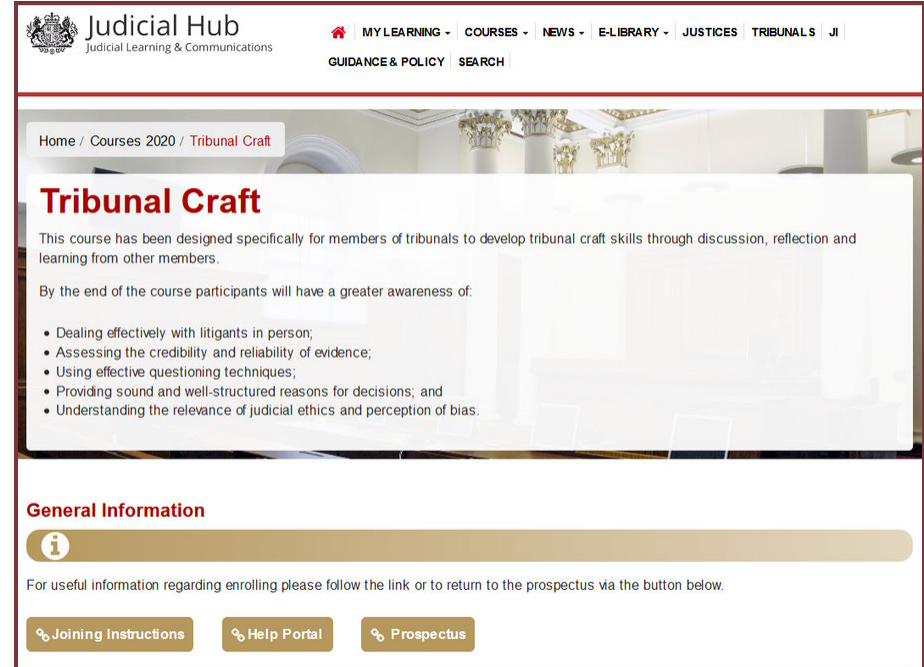
"Very enjoyable and helpful course which has helped me reinforce what I am doing that is positive but also allowed me to reflect on areas I could improve on. Very well run course with good balance on listening and discussing."

Tribunal Craft

In November 2019, the first cross-jurisdictional ‘Tribunal Craft’ course hosted by the Judicial Institute took place in the Learning Suite.

Participants had the opportunity to improve their judicial skills through practice and learning from other judges. Sessions including dealing effectively with unrepresented parties, assessing the credibility and reliability of evidence, using effective questioning techniques, providing sound and well-structured reasons for decisions, and understanding the relevance of judicial ethics and the perception of bias.

This course was delivered by Tribunal Chamber Presidents and included realistic examples and case scenarios for discussion. The first course received very encouraging feedback and further courses will be delivered in the future.



The screenshot shows the Judicial Hub website. At the top is the Judicial Hub logo and navigation links: MY LEARNING, COURSES, NEWS, E-LIBRARY, JUSTICES, TRIBUNALS, and JI. Below these are links for GUIDANCE & POLICY and SEARCH. The main content area features a banner for the 'Tribunal Craft' course with a background image of a courtroom. The text on the banner states: 'This course has been designed specifically for members of tribunals to develop tribunal craft skills through discussion, reflection and learning from other members.' It also lists the learning objectives: 'By the end of the course participants will have a greater awareness of: Dealing effectively with litigants in person; Assessing the credibility and reliability of evidence; Using effective questioning techniques; Providing sound and well-structured reasons for decisions; and Understanding the relevance of judicial ethics and perception of bias.' Below the banner is a 'General Information' section with an information icon and a link to the prospectus. At the bottom are three buttons: 'Joining Instructions', 'Help Portal', and 'Prospectus'.

(Judicial Hub hosted Tribunal Craft course)

Learner feedback:

“You will revise and develop your knowledge and skills for your own jurisdiction and learn a great deal about the work of other tribunals, make new connections and be reminded of the responsibilities and value of your role.”



Overseas visits for educational purposes in 2019/20

Overseas visits are also undertaken in order to share knowledge and learn from judicial training colleagues in other countries. Again, knowledge exchange can involve discussion on specific aspects of the judicial role and approaches to judicial education. In the reporting year, all visits were funded by the host with the exception of Scotland's presentation at the biennial International Organisation of Judicial Training (IOJT) which, following the selection of Scotland's paper for presentation, was funded by the Judicial Office for Scotland.

Date	Host	Judicial Office Holder	Event	Location	Purpose
4 - 7 .06.2019	Sheriff A Duff	Yes	Judicial conference	Kosovo	Director attended and gave a presentation on community sentencing. Learning by discussion with other attendees.
26 - 28.06.2019	Sheriff A Duff	Yes	European Judicial Training Network General Assembly	Romania	Learning from other countries by Assembly participation. Judicial Institute elected to join Judicial Training Methods Working Group.
19 - 23.08.2019	Sheriff A Duff	Yes	Lebanese visit	Lebanon	Director was invited to return to Beirut to further develop engagement with the judges of the Military Tribunal. He presented on the topic of risk management.
20 - 28.09.2019	Sheriff S Craig and Head of Education	Yes No	Biennial IOJT Conference	South Africa	Scotland selected as example of best global practice in how judicial education can support public confidence in the judiciary. Presentation, Q&A, and learning from other countries through conference attendance.
20 - 28.09.2019	Sheriff A Duff	Yes	Judicial Training seminar	Turkey	Director attended and spoke at a seminar in Ankara on Initial Judicial Training in Europe. Learning through discussions held with attendees from other countries.
16 - 18.02.2020	Head of Education	No	European Judicial Training Network Working Group	Belgium	Scotland invited to join the 'Judicial Training Methods Working Group' which is responsible for designing learning interventions suitable for a European judicial audience.



Visiting delegations hosted by the Judicial Institute in 2019/20

The Institute hosts European and international delegations in order to share knowledge with judicial colleagues from other countries. Knowledge exchange can involve discussion on specific aspects of the judicial role and approaches to judicial education.

Delegations fund their own travel and accommodation. As delegations are hosted in the Judicial Institute's own learning suite in Parliament House, Edinburgh, the costs of hosting are usually minimal and are absorbed in the overall running costs of the Institute.

Date	Host	Event	No. of delegates	Purpose
4.04.2019	Sheriff A Duff	Visit by Norwegian delegation	6	Discussions on the Scottish court and judicial system and judicial training.
4.09.2019	Sheriff S Craig	Visit by Taiwanese delegation	8	Presentation on the Scottish legal system and court structure, overview of the justice sector and introduction to the Judicial Institute's work.
15.10.2019	Lady Wise	Visit by Chinese delegation	6	Several presentations on different aspects of Family Law.
12.11.2019	Sheriff A Duff	Visit from Guangxi High Court, China	6	Discussions on judicial appointments process, the role of the Judicial Office and judicial training.
29.11.2019	Sheriff A Duff	Visit from Ukrainian Delegation	35	Presentations on Scottish courts and judicial structure, judicial appointments process and judicial independence, including Q&A.

Total Expenditure 2019/20 £86,575

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'Supporting justice in Scotland through the provision of the highest standard of judicial training and education.'

Judicial Institute
for Scotland

