



Training Plan 2023 - 2025

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Judicial Institute
for Scotland



*‘Supporting justice in Scotland through the
provision of the highest standard of judicial
training and education.’*

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Introduction

This training plan sets out a number of short, mid and longer term objectives for the Judicial Institute to cover the period from 1 April 2023 – 31 March 2025. These objectives are organised under seven headings that relate to the main areas of the Judicial Institute’s remit. Many of these areas overlap to some extent. The short-term objectives are designed to be as realistic as possible and make use of the resources currently available to the Institute. Objectives that will take more time to achieve may not be fully achievable without further investment by SCTS or other relevant parties. Any cuts to our budget in future years may well curtail aspects of this plan.

It is important to acknowledge that the Judicial Institute has been, until very recently, a

provider of a specific format of face-to-face judicial education. The measures employed to maintain operations during the pandemic and the growing prevalence of digital technology are factors that have led to increased opportunities for the JI to do things differently. Potential avenues to widening our core remit have also presented themselves, some of which are highlighted below.

The plan articulated below is underpinned by a general intention to refine and protect the activities that we do well. At the same time, we want to facilitate change and innovation where it will improve our current practices. As such, the plan is designed to enable incremental, considered evolution and - in relation to some areas of our work - transformation.

Live Courses

1.1 Sheriff induction

Sheriff Induction and subsequent refresher courses have been running more or less to the same model for a number of iterations. The move to online delivery led to inevitable compromises that we hope to remove. There is now opportunity to redesign fully the induction curriculum to support a coherent transition for new judicial office holders both for the first full year of office and well into early career.

Short term: We will continue to provide a core five-day in-person induction. We propose to reconsider the structure and content of the course to support the initial stages of transition to a full judicial role. This will include re-consideration of the extent of pre-reading and other pre-course work.

Mid to longer term: We intend to move towards the development of a substantial online compendium-style resource of relevant information that can be consulted as required by new sheriffs once the induction is complete. There is already much material in place that can be repurposed and refined for this purpose. Over time this may be further developed to include training videos or interactive resources that focus on specific aspects of the role of sheriff.

We will consider expanding the use of simulated court practice in the induction course. Unfolding mock scenarios will be developed which intertwine parallel learning strands of digital skills and professional ‘soft’ skills including more effective communication and judicial ethics.

1.2 Courses for sheriffs and summary sheriffs

Across the three year period covered by this plan, we will develop our portfolio to strengthen training opportunities in the following topics:

- judicial ethics
- legal skills
- modern judicial skills
- personal welfare & security
- social context
- substantive law

Short term: We will provide high quality case management training in both criminal and civil court contexts to help judicial office holders to contribute to the reduction of backlogs and delays in the court process. These courses will be developed as changes in procedure and rules are brought into force; pilots such as the Summary Case Management Pilot come to fruition.

Mid to longer term: We will continue to provide courses concentrating on substantive law, evidence and procedure. We will return to Adoption/Permanence as well as Adults with Incapacity if not already provided at this point. We will support continuing need to ensure

judicial office holders are best prepared for sentencing. The implications of Sentencing Council guidelines will be built into courses. The wider approach to sentencing and areas such as sexual offences will be continue to feature prominently in the programme for the court judiciary. Our Roads Less Travelled courses will focus on areas of judicial work encountered with less frequency but which present significant challenges to judicial office holders.

In years 2 and 3, we will revisit the need for Sheriff Appeal Court training. We will seek further opportunities to collaborate with judges in the provision of courses on specialist or niche subject matter.

As with sheriff induction, we will develop case studies and scenarios that will promote contextualised learning in judgecraft and digital literacy. For example, in a sentencing course there may be opportunities to include learning outcomes in judicial writing and use of Microsoft One Note or Microsoft Word alongside the substantive legal content.

1.3 Courses for senators

Short term: We will conduct a review and refresh of senator induction. We are expecting one individual to complete induction in 2023. We will seek input from the JI Board and other senior judges to make the May course as comprehensive as possible. We will continue with this work for future senator inductions. We will provide all relevant material for judges who have little background in criminal proceedings. We will extend this to inductions for temporary High Court judges. In addition, we will review and rationalise the extensive reading list provided to new senators.

We will provide a training curriculum for senators as guided by the Lord President and Lord

Justice Clerk. In the first part of 2023, we will offer two events, one of which relates to appeal report writing and the other relating to the interaction between oral and written advocacy. Further, we will offer tailored courses in mentoring, trauma-informed judging and other relevant topics.

Mid to longer term: we will respond to senator training needs as they arise, in discussion with the Lord President and/or the Lord Justice Clerk, or upon requests from senators.

1.4 New specialist Sex Crimes Court

Following on from the Lord Justice Clerk's review, we expect to carry out a scoping exercise to seek to understand the nature and extent of the training needs that will arise if and when the new court is established. This is likely to

be a significant project which will involve both training for affected judiciary and the creation of additional resources to assist them as the court comes into operation.

1.5 Judicial mentoring

Short term: The first mentoring course for sheriffs was delivered in November 2022. We intend to develop this further so that we can provide this training to all sheriffs, summary sheriffs and senators who may be nominated to act as mentors over years 1 and 2 of this plan. We will explore changes to the current delivery model, possibly reducing the day-course to a half-day training. A reduction in attendance requirements for the live in-person training is likely to be dependent on the development of a self-study resource to be provided online. Participants will be expected to complete the online component in preparation for the course.

Mid to longer term: We will increase internal (JI staff and judicial tutors') expertise in mentoring, coaching and mediation to support and augment the quality of delivery of training both for new mentors and those attending refresher training.

We will scope learning requirements for mentees so that we can put in place training initiatives to support that side of the mentoring relationship. We will take steps to seek to develop supplementary guidance materials and resources to support the administrative aspects of the mentor-mentee relationship.

2. Training for Justices of the Peace

Short term: we will support an increase in the number of JPs to be trained at sheriffdom level in 2023. We have been advised that an induction course for a substantial number of new JPs will be required later in 2023 or early 2024 and anticipate a significant training commitment once the Scottish Government agree the number of new appointments.

We anticipate continuation of the existing model of training for JPs which is reviewed and agreed periodically by the Justices Training Committee of the Judicial Institute (JTCJI). We will make

refinements where required, including offering each course once per year online and once in person.

Mid to long term: we will explore an initiative to repurpose our Trauma-Informed Judging courses resources for Justices, working closely with sheriffdom legal advisers to create a relevant training resource.

3. Tribunals

Work continues in SCTS to progress the devolution of the reserved tribunals. The recent expansion of the Social Security Chamber and the establishment of the Local Taxation Chamber has prompted greater demand for training by first-tier tribunal members, the majority of which is provided by chambers. The potential transfer of the Mental Health Tribunal for Scotland into the Chambers structure may have important knock-on implications for training. The growing first-tier provision will have a consequential effect on the number of appeal applications. This is expected to lead to increased training needs for senators and sheriffs sitting in the Upper Tribunal as that provision also expands.

Short term: the Institute will continue with its established approach to tribunal training, providing the twice-yearly Tribunal Craft course. We will also continue to provide partnership reviews on a voluntary basis for training provided

by chambers.

We expect to run further iterations of the Upper Tribunal course according to identified need.

Mid to longer term: we will continue to review provision for tribunals on the Judicial Hub. We aim to make the Hub more readily available to the growing tribunal membership and to provide more relevant content for the benefit of first-tier tribunal judges.

We will consider new and different ways of collaborating with chambers in the design and delivery of online training and resources. Initial projects will look at transforming some of the current paper-based resources and manuals provided to members into interactive online formats. Current JI resourcing does not permit more than small scale pilots projects at present. We hope to develop some resources as a proof of concept in 2023 which may assist in making the case for additional or diverted resources.

4. Online Legal Resources

4.1 Bench books

Short term: The Equal Treatment Bench Book is significantly out of date. Substantial work is required to bring it to a form that is fit for purpose. We will recruit and prepare a suitable editor and support team. We will continue with the ongoing update and refresh of the Jury Manual. This review will provide editorial updates to the substantive content, specifically in terms of

simplifying the language of the manual. It will also incorporate improvements to the formatting and accessibility of the wiki platform in which the manual is hosted.

Mid to longer term: we will keep all bench books under periodic review, refining and updating as required.

4.2 Resource kits

Short term: we will review all existing kits, including those regarding Domestic Abuse and Trauma to maintain their currency.

Mid to longer term: we will keep the content of the Digital Courts Toolkit under critical review and consider replacing or updating it to fit with

rapid developments in this area. We will develop new Resource Kits to supplement courses where this type of resource will be beneficial. We will explore opportunities for the conversion of existing course content on the Hub into a Resource Kit format.

4.3 Knowledge management and search

Short term: We will include questions about search experience in any surveys we deploy. We will continue to develop the wikis project which uses a specific tool called a wiki to provide web-based content and information relating to a topic.

Mid to longer term: we will seek to improve the experience of resource search for Hub users, considering alternative databases, tools and approaches to the Hub.

5. Digital Projects

5.1 IT and support training for judges

An ambitious and ongoing plan to continue the digitalisation of criminal and civil justice is underway by the SCTS change labs, mapped out to 2025. It is important for SCTS to recognise the importance of judicial training and support as an enabler of this plan. There is no dedicated IT training resource in SCTS, in spite of the substantial digitalisation that has taken place in recent years. IT support is currently provided to judges and staff via the online service portal. Judges are signposted to the service portal via the Hub to varying degrees of success. The Judicial Institute hopes to play a role that supports the efforts of other component parts of SCTS to assist judges to make the most effective use of available IT hardware and software.

Short term: we will review data collected via surveys of the judiciary to design pilot initiatives

for IT training. Working with ELU, we will join up with staff training where relevant. We expect to focus initially on training for ICMS, and include sessions on the use of the application in the induction course. We will also look at training in Microsoft applications relevant and useful to judicial work, for example One Note, Outlook and Teams.

Mid to longer term: we will contribute to the development of a sustainable model for the provision of IT skills training judges, tailored to different judicial roles. We will work closely with CDi digital change labs to ensure all judiciary are prepared for the increasing use of digital systems, online case management and other technologies. We will design courses and case studies that focus on digital topics including remote hearings, online dispute resolution, digital

case management, cybercrime and social media offending. We will embed training in core digital

products and applications into induction and continuous learning.

5.2 Judicial Hub

The Judicial Hub is now fundamental to the education and training provided to judicial office holders. It has a significant role in supplementing in-person courses, providing a platform to house various pre- and post-course learning content. The Hub also offers a suitable platform for innovative forms of learning that depart from the traditional day-course offering.

Short term: We will work towards the development of a strategic enhancement plan for the Judicial Hub to ensure the platform is capable of meeting our educational aims for the coming years. We will collaborate with other SCTS business units to improve online knowledge search and management for judges. We will explore learning analytics as a method of evaluating Judicial Hub usage and develop a systematic approach to analysis and reporting.

We will develop a road map to assure the digital accessibility of the Judicial Hub. This will include full compliance with The Public Sector Bodies (Websites and Mobile applications) Accessibility Regulations 2018.

We will look at expanding the use of a new

online compendium format via which we can share learning resources to audiences beyond enrolled course participants. In 2022 this proved to be an efficient way of disseminating newly compiled Sheriff Appeal Court materials.

Mid to long term: we will consider the configuration and skill set of the JI team in relation to digital learning to ensure this facilitates an overall shift towards digital forms of learning.

We will use our strategic enhancement plan to develop the Hub and its content further. We will put in place as routine more rigorous evaluations of the Hub so we can assure the platform continues to meet the requirements and expectations of judges.

Virtual learning environments like the Hub are evolving. We will continue to monitor industry developments and conduct small-scale initiatives and research to ensure we are using the right tools. Our digital staff will be supported to develop industry contacts and take part in digital education conferences and networking events.

6. Delivery Model

6.1 Hybrid learning

We acknowledge that judicial office holders have different preferences for attendance at JI courses. Whilst many value the chance to meet other judges in person for training, others favour the flexibility and accessibility of online learning.

Short term: in late 2022, we began testing out audio visual technologies in our Learning Suite to enable remote participation in an in-person course. Learning from this, we hope to procure a technology solution for the Learning Suite to be operational in early 2023. We will identify

a small number of courses and events in the 2023 curriculum that can be delivered in hybrid mode.

Mid to longer term: the exploration of hybrid courses will inform our next steps. If successful, we will develop policy, procedure and learning

designs to support courses delivered in hybrid mode. We will review the staff team and ensure we have suitable roles in place to support an increase in digital forms of learning, including hybrid delivery.

6.2 Judicial Learning Suite

The Judicial Learning Suite in Parliament House remains a valuable learning environment. We will continue to adjust its design over the coming years to accommodate new approaches to learning design and delivery. The move to online learning during the pandemic has highlighted that many judicial office holders value opportunities to interact with their peers in-person during courses. The advantage of in-person learning is that it offers spontaneous opportunities for informal learning and networking in

between formal activities. This is very difficult to achieve when learning remotely online.

Short term: we will procure and set up audio visual equipment in the Learning Suite to allow remote attendees to observe and participate in in-person courses.

Mid to longer term: we will explore ways of increasing the functionality of the room. We will create a new area with a specific facility for breakouts and social learning.

6.3 Judicial contributions

We will revisit some of the suggestions made in the Genn and Thomas Review of 2016 that aim to expand judicial involvement in JI projects.

Short term: although some judicial office holders will not be able to play an active role in JI activities beyond occasional involvement in courses, many have already contributed to a large and expanding online repository of course materials on the Hub. Despite being of very high quality, course content provided by judicial and other contributors tends to be made available to course attendees only. We intend to

make more of this content routinely available to non-attendees. We will use the Hub to highlight when course material is available, in a similar manner to Brief Notes and other content.

Mid to longer term: in addition to providing general access to course materials, we will consider developing selected content into interactive online learning activities (including online forum discussions or special interest groups) that can be accessed by any Hub user for the purposes of self-directed learning.

6.4 Joint training for staff and judges

Short term: the JI has agreed to work collaboratively with ELU on learning and development projects that apply to staff and judiciary. Two particular areas selected for commencement in

late 2022/ early 2023 are IT training for judicial office holders and Trauma Leaders training. We intend to devise some short term objectives for both projects to be delivered and evaluated by

end of 2023.

Mid to longer term: in October 2022, a course was delivered to a mix of lay and professional judiciary alongside staff from the Scottish Land Court and the Lands Tribunal for Scotland. We will remain alert to seek to identify further opportunities to combine attendees from

different groups in future courses. We will link this with developments in hybrid delivery so that staff from any sheriffdom can attend courses as remote participants. We will also explore providing access to courses to judges from other UK jurisdictions.

7 International Links and Outreach

Short term: We are working towards delivery of the Lord President's advocacy event on 23 February. We will make a further bid to the Judicial Office to provide a replacement to the cancelled lecture in FY 23/24.

We will continue to participate actively in international judicial training networks and events. Specifically, we will fulfil our commitments to the UK and Ireland Judicial Studies Committee; the European Judicial Training Network and the International Organisation for Judicial Training. The JI is preparing a programme for a four day seminar in Trier, Germany in June 2023 as part of the EJTN programme of judicial training. This will be our main international focus for the first half of 2023. In the second half we will attend a meeting of the UKIJSC.

We will participate in the Joint Standing Committee on Legal Education in Scotland.

Mid to longer term: we will explore, in collaboration with other staff teams of the Judicial Office, initiatives for schools outreach involving Scottish judges. A similar scheme has been established in England and Wales. It aims to widen access to the profession and increase transparency in relation to the judicial role. Building links with Scottish schools is also a way of raising the profile of the Judicial Institute in the wider education sector.



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