



# Annual Report

## 2020 - 2021

Published: 30 September 2021

Judicial Institute  
for Scotland



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

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# Welcome from the Chair

Having now completed my first full year as Chair of the Judicial Institute, I am honoured to present our Annual Report for the year to 31 March 2021. I was appointed as Chair on 1 April 2020 and would like to thank my predecessor, Lady Stacey, for her hard work and dedication to the role.

I am supported in my role by the Vice-Chair, Lord Beckett, and by Sheriff Alistair Duff and Sheriff Susan Craig, the Director and Deputy Director respectively. The primary strategic objective of the Judicial Institute is to support justice through the provision of the highest standard of judicial education, and we have continued to deliver this despite the challenges and uncertainties brought by Covid-19. We devised and implemented a Disaster Recovery Programme with short and long term objectives, approved by the Board, and delivered on these critical activities. Although we were no longer able to hold face-to-face courses, we redesigned all our courses for delivery online. We provided support to the judiciary in adapting to remote courts and virtual hearings, maximising the use of digital platforms. We utilised the Judicial Hub, our bespoke (and easily-accessible) online portal, to provide “just-in-time” learning materials, with a dedicated Coronavirus section and a continuous flow of information and communication.

In addition, we launched the Preliminary Hearings Bench Book and continued to update the Jury Manual, Civil and Criminal Bench Books to keep pace with rapid developments in law and practice.

The Institute has met the challenges head-on: innovating and adapting our methods to ensure that the provision of judicial training and education has continued, without compromising the safety of the judiciary or the JI team. We have continued to operate at the heart of the justice system, designing the Children (Scotland)

Act 2020 Resource Kit to raise awareness of the changes brought about by the legislation and the implications for the judiciary when dealing with cases involving children. Additionally, we delivered an interactive “Family Matters” course on the Act and related civil hearings.

Throughout the pandemic, the Institute has worked closely with the Scottish Courts and Tribunals Service and the Judicial Office and, in particular, was involved at every stage in relation to the resumption of jury trials and the use of remote jury centres.

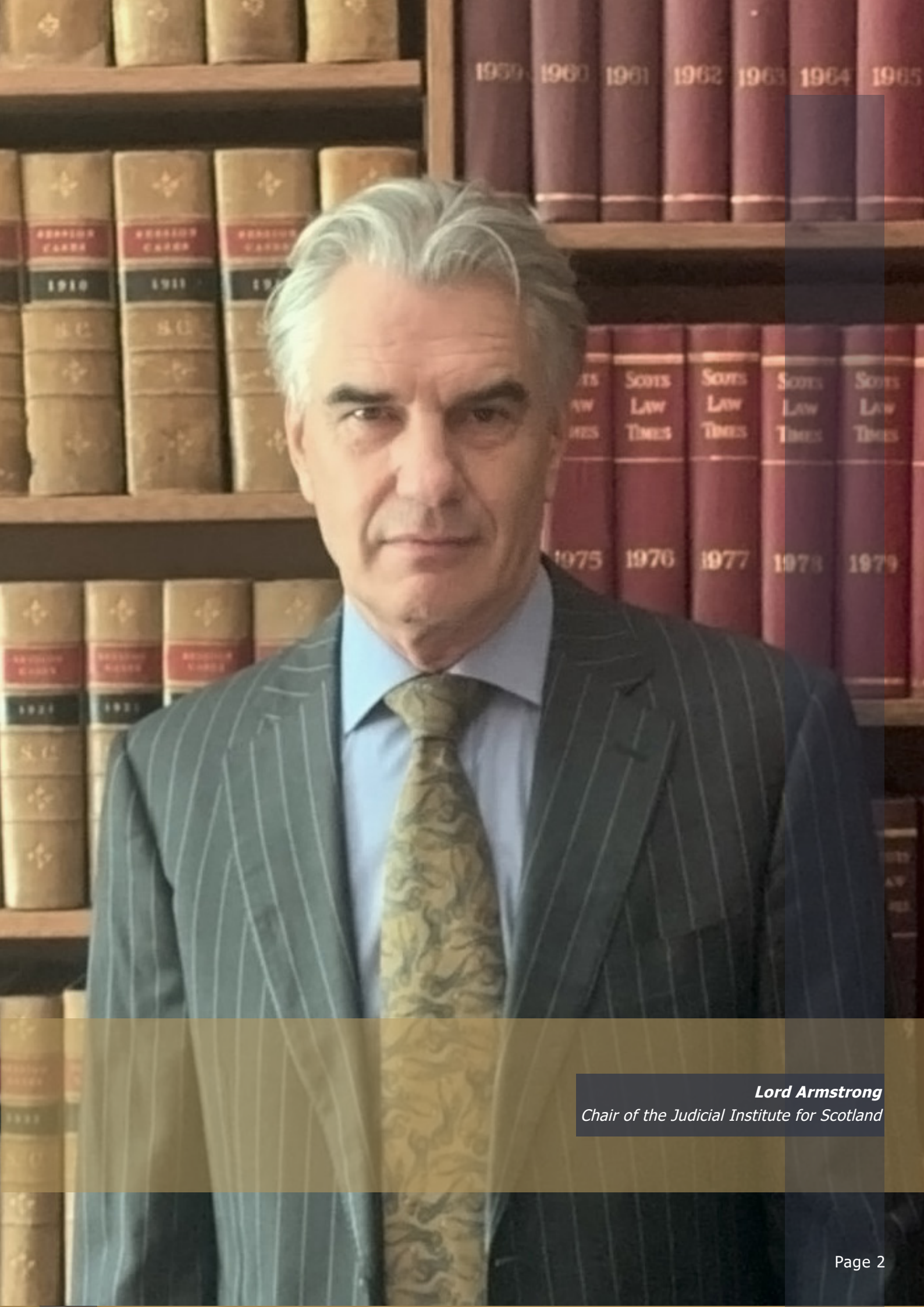
All the while, we have remained in close contact with our judicial training colleagues internationally: in the other parts of the United Kingdom, Ireland, the rest of Europe and beyond. This is essential to ensure that we, at the Institute, can continue to offer world class training to the judiciary.

It would be disingenuous to claim that the work of the Institute has continued without interruption. Inevitably, some courses were cancelled, overseas visits curtailed and our prestigious JI lecture postponed. As society recovers from the pandemic, and court users adapt to the new landscape, we at the Judicial Institute will undoubtedly face new challenges. The pandemic has accelerated the pace of change, and allowed innovative ways of working that we will now build upon to continue to deliver first class judge-led education.

## **Lord Armstrong**

Chair of the Judicial Institute for Scotland





**Lord Armstrong**  
*Chair of the Judicial Institute for Scotland*

# Welcome from the Director

I have been the Director of the Judicial Institute since 2014.

Over the last reporting year the Judicial Institute has had to respond to the challenges inflicted on us by the continuing COVID-19 restrictions. As the full impact of the pandemic became better understood it was clear that there would be no swift return to our offices and Learning Suite in Parliament House and in-person courses would be impossible for the foreseeable future. The decision was taken, with the approval of the Lord President, to suspend our courses as in-person events until the end of 2020, and then for all of 2021.

We initiated our Business Continuity Plan which came to feel more like disaster recovery.

## 2020

We reviewed our planned courses for 2020 and identified those we regarded as critical and which would, without fail, require to be delivered as online events. These were Taking Evidence by Commissioner (for senators), Sheriff and Summary Sheriff Induction and the ninth and last of our planned courses on domestic abuse. These courses were redesigned for delivery online and proceeded successfully.

The Sheriff Induction course was significantly recalibrated to take account of the new circumstances. There were 16 delegates and the course proceeded online over, effectively, three full days when we delivered the core support required to prepare the new appointees for sitting. Over the following three months we then delivered a number of short, targeted follow up events, also online, to address other areas of judicial skill and to allow the new judges to reflect on their initial weeks of sitting.

## Resources

We committed to maintaining our online resources, especially the Jury Manual.

Our creation and publication of other online resources was significantly increased in order to cope with the wave of new legislation and procedures designed to allow courts to resume functioning. The Institute was represented on a number of working groups focusing on restarting aspects of court work or redesigning processes to cope with the requirements for physical distancing. We published several new resources to support judges having to come to terms with virtual courts.

Other non-COVID related resources were published including the new Preliminary Hearings Bench Book. This resource and our Briefing Paper on Restarting Solemn Trials were, exceptionally, made publicly available for the benefit of the professions.

## 2021

Looking forward to 2021 we planned a curriculum of courses for the first half of the year, to be delivered online. As our experience of online delivery has increased we have become better able to design and deliver such events. Details of courses delivered are provided later in this report.

We carried out filming of a “mock” ground rules hearing as part of our Project Echo on taking evidence by commissioner. In this regard we received marvellous support from the Faculty of Advocates, the Law Society and in particular our “actors”, Lord Burns, Ronnie Renucci QC, Vice Dean of Faculty, and Jane Farquharson QC. This film will be used as part of future training.

We also delivered two in-person courses – induction for three new senators and one new sheriff, both of which could proceed in the Learning Suite given the small numbers involved.

## International Engagement

Opportunities for international engagement became very different.

In June I attended online the annual General Assembly of the European Judicial Training Network which was notionally in Zagreb. Since the UK left the EU our status on the EJTN has been reduced to that of observer. This hugely diminishes our access to financial support for judicial attendance at events, once that becomes possible again.

In September I took part in an online conference in Tashkent, Uzbekistan on the subject of “plea bargaining”. There is a plan to introduce into the Uzbek crimi

nal code a process for plea bargaining.

A Slovenian NGO called Regional Dialogue, which is involved in judicial system capacity building there, asked me to participate.

In October the Institute hosted online the annual meeting of the UK and Ireland Judicial Studies Council where, inter alia, the four jurisdictions shared their experience of coping in the pandemic.

## Conclusion

It must be noted that in December 2020 our wonderful Head of Education, Collette Paterson, left us to become Chief Executive of the Judicial Appointments Board for Scotland. Collette has been a huge part of the progress made by the Institute in recent years. I was very sorry to see her go and I wish her well in her new post. Anne Kinsella, Sheriffdom Legal Adviser for South Strathclyde Dumfries and Galloway has stepped in, on secondment, as acting Head of Education and has proved to be a welcome, steady hand on the management tiller.

It is customary in forewords like this for the Director, Chair or whoever to thank the team for their hard work over the year just gone. Never has such an expression of gratitude been more heartfelt and more richly deserved. The whole Institute team has had to work in almost total isolation, with, initially at least, limited digital tools, to deliver our core remit, to discharge the Lord President’s responsibility for training and to support the judicial community. My colleagues have not just met this challenge but have done so while maintaining our commitment to provide the highest standard of judicial training and education. They deserve great credit.

As ever I have also received unstinting support from the Chair, Vice Chair and Deputy Director.

**Sheriff Alistair JM Duff**

Director of the Judicial Institute for Scotland





# Governance and Management

## 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 791 judicial office holders in Scotland<sup>1</sup>:

Senators	35
Sheriffs Principal	6
Sheriffs	113
Summary Sheriffs	39
Part-time Sheriffs	27
Part-time Summary Sheriffs	2
Tribunal Members	362
Justices of the Peace	207

## 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 Lord Armstrong, the Vice Chair is Lord Beckett 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 supported by the Legal and Secretariat Manager.

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:

- Sheriff Principal Aisha Anwar replaced Sheriff Principal Derek Pyle;
- Judge Anne Scott, Judge Shona Simon and Sheriff Pino Di Emidio were reappointed;
- Sheriff Lorna Drummond was appointed to replace Sheriff Johanna Johnston;
- Sheriff Peter McCormack replaced Sheriff Gerard Bonnar; and
- Dr Susan Stokeld JP replaced Mr Tom Finnigan JP.

## 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 Anwar, 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

<sup>1</sup> Justice of the peace figures as at 30.04.2021 and all other judicial office holders as at 14.07.2021.



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.

## Jury Manual Committee

The Jury Manual is one of the most frequently accessed resources on the Judicial Hub. It offers 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 revisions. During 2020-21, the volume of work for the Committee has grown significantly as a result of the regularity of significant Appeal Court decisions, the introduction of written directions in jury trials and other directions specific to remote trials.

*Image:  
Fireplace and  
clock in the  
Parliament Hall*



# Judicial Institute for Scotland Organogram as of 31 March 2021



**Kay McCorquodale**  
Executive Director  
Judicial Office



**Sheriff Alistair JM Duff**  
Director  
Judicial Institute for Scotland



**Sheriff Susan Craig**  
Depute Director  
Judicial Institute for Scotland

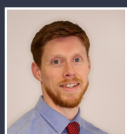


**Anne Kinsella**  
Interim Head of Education

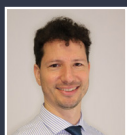
## Digital Education and Learning Team



**Brian-Damien Morgan**  
Digital Education and Learning Manager



**Andrew Wallace**  
Learning Technology Officer



**Attila Toth**  
Digital Learning Officer

## Legal and Secretariat Team



**Laura Bremner**  
Legal and Secretariat Manager

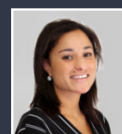


vacant  
Legal Assistant

## Learning and Project Support Team



**Jenny Kindberg**  
Learning Support Officer



**Sabine Forsyth**  
Learning Support Officer



**Michelle Morrow**  
Project Support Officer

## Operations Team



**Sarah Webster**  
Operations Manager



**Christopher Ferguson**  
Course Support Officer

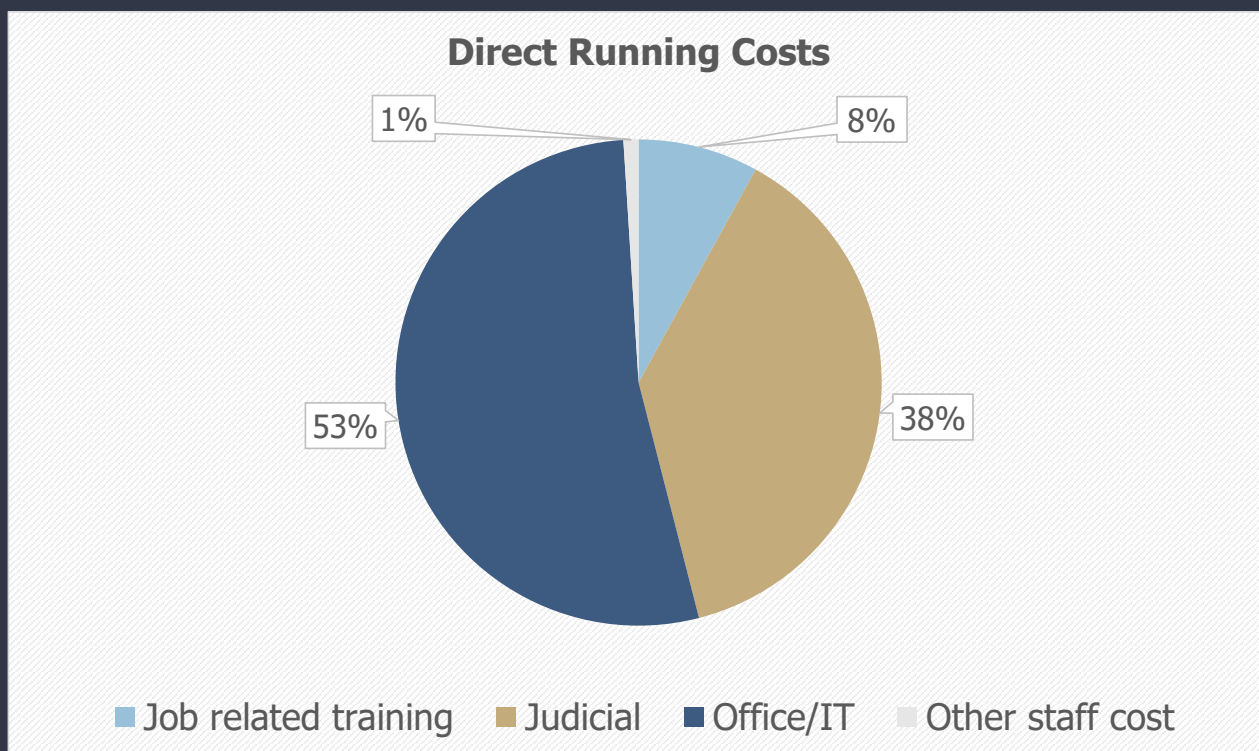


**Sean Groat**  
Course Support Officer

## 2020/21 Expenditure

The expenditure this year was impacted by the pandemic with the curriculum being offered re-

motely. There were no overseas visits nor did we host any delegations. In total expenditure in respect of direct running costs was £55,538.



# 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 is reported on in the Judicial Institute

Annual Report. 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 from day one on the bench.	Feedback from Sheriffs Principal;  Feedback from Summary Sheriffs' Association, Sheriffs' Association & Scottish Justices' Association;  Judicial Attitude Survey;  Unsolicited communication from judicial office holders.
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 Attitude 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 Attitude Survey;  Hub engagement statistics/Google analytics/learner journeys;  Hub helpdesk queries;  Unsolicited communication from judicial office holders.



Success Criteria	Key Performance Indicators	Data Source
Learners consider that the Institute's content, choice and methods of face to face training delivery ( <i>traditional or technology-enhanced</i> ) meet their needs.	<p>Quality is consistent across our portfolio;</p> <p>Judicial Attitude Survey responses support the proposition;</p> <p>We have evidence of a portfolio of ambitious sessions, including technology-enhanced sessions through which we routinely use learning technologies in the Learning Suite;</p> <p>Learners consider the course learning objectives are met after course;</p> <p>Learners consider that their personal aspirations for learning are met after course;</p> <p>Learners reflect later that learning has had an impact on their practice;</p> <p>Learners refer to particular sessions based on particular educational/digital training methods as having had an impact;</p> <p>Learners consider the entire JI experience to contribute to their learning;</p> <p>Attendance levels.</p>	<p>Consistent use of key operational tools;</p> <p>Our course debrief meetings (<i>team expertise</i>);</p> <p>Our evaluation of our overall data set (<i>team expertise</i>);</p> <p>Stage 1 and Stage 2 evaluation data for courses;</p> <p>Targeted one to one interviews/samples;</p> <p>Discussion and verbal feedback at courses;</p> <p>Judicial Attitudes Survey;</p> <p>Unsolicited communication from judicial office holders.</p> <p>Booking system attendance statistics for types of course and overall.</p>
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.	<p>Feedback from Sheriffs Principal;</p> <p>Feedback from Lord President.</p>

Success Criteria	Key Performance Indicators	Data Source
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 &amp; UKIJS, benchmarking &amp; study visits.</p>

## Strategic Progress

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.

The Delivery of Justice	Judicial Education Model	Excellence and Relevance in Course Provision	Excellence and Relevance in our Online Provision
1.1 Engage with relevant change projects and programmes;	2.1 Ensure our judicial education policies remain world class and based on rigorous evidence;	3.1 Deliver fit for purpose inductions;	4.1 Continuously improve the Judicial Hub platform and content;
1.2 Embed opportunities for learning around court and digital reform into our portfolio;	2.2 Maintain the JI's profile and reputation.	3.2 Be responsive and deliver the most valuable courses;	4.2 Develop our capacity to design quality online learning products.
1.3 Collaborate where there are synergies between staff and judicial training.		3.3 Ensure we offer choice;	
		3.4 Develop the quality of our course provision.	

# Strategic Progress

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

## 1. The Delivery of Justice

**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 reform into our portfolio*

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

### **Areas of activity:**

- We responded proactively at the start of the COVID19 pandemic by developing a strategic and operational plan to support Scottish Courts and Tribunal Service (SCTS) and Judicial Office for Scotland (JO) in responding to the pandemic. As an immediate response we identified the educational activities that we had a duty to deliver (level 1 priorities)<sup>2</sup>. The Board and the Lord President agreed that the Institute should design, deliver and evaluate live online learning for the first time. Live online learning was a brand new learning method for the Institute and was not part of our model prior to the disaster.

- We collaborated with SCTS, Scottish Government, Faculty of Advocates, Law Society of Scotland and Crown Office and Procurator Fiscal Service providing assistance and 'just in time' learning materials for the judiciary. We published 64 Brief Notes and 4 Briefing Papers on Coronavirus legislation alone from both the UK and Scottish Parliaments, and 4 briefing papers on

the management of courts during each stage of the pandemic. Along with others we were at the forefront on the education and training response to virtual hearings for all persons involved, both internal and external including operational staff and the judiciary.

- We embraced the opportunity to deliver, as pilot online learning, both the course 'Taking Evidence on Commission' and Sheriff Induction. We initiated new facilitation approaches, calling upon the experience of the NHS and other jurisdictions, and implemented new rules of engagement (WebEx joining instructions) for use in our live sessions. These pilots provided us with an opportunity to evaluate and develop live online learning, not only as a response to the crisis but as a sustainable learning method in the longer term in Scottish judicial education.

- To inform our initial remote operating model we carried out an unprecedented consultation exercise with all Sheriffs Principal and all Sheriffs who had planned to attend courses that were cancelled as a result of the pandemic. The purpose of the consultation was to identify priority areas for learning so that we could consider meeting those learning needs during 2020 through remote learning methods. The data gleaned from the formal consultation informed both 2020 and 2021 planning.

- We continued to collaborate on wider justice sector projects, one being the Preliminary Hearings Bench Book project, which aims to ensure a consistent and effective approach to case management as described by the Lord Justice General in his Foreword:

*"The Bench Book will provide support to the Preliminary Hearing judges in dealing with the many issues which must be addressed. It will also be*

<sup>2</sup> Level 1 priorities are educational activities that the JI must deliver by a certain date as they are critical to the delivery of justice in Scotland, such as judicial induction or learning interventions timed to the introduction of significant changes to law, evidence or procedure.



*a valuable tool for practitioners who will better understand the obligations which rest upon them and the expectations the court will have of them."*

Our digital team ensured the document met current accessibility standards, advising on textual emphasis, formatting and bookmarking. We worked closely with Judicial Communications and the Lord President's Private Office to launch the public-facing Bench Book to the legal profession and the judiciary, receiving thanks from the Lord Advocate and Solicitor General for sharing this valuable Bench Book publicly.

- We were involved from the outset with SCTS in restarting solemn business and the Remote Jury Centres project after jury trials were paused from March until July 2020 which allowed us to provide judges with valuable insight into new processes and lessons learned. We matched the pace of change by continually updating materials culminating in the Amalgamated Briefing Paper, covering the restart of solemn trials using remote jury centres and the new written directions process. Due to the exceptional circumstances, the Briefing Paper was made available to all practitioners. Our proactive engagement and learning resources were fundamental to supporting the successful restart project.
- Collaboration with SCTS Education and Learning Unit (ELU) was critical as both our staff and the wider SCTS required to utilise digital platforms to deliver key services. We worked closely with ELU in creating guidance for our staff to set up and manage Cisco WebEx Events which sets a high standard for WebEx event management and is an essential guide for attendees at our educational events.
- We engaged with subject experts to design and deliver a Children (Scotland) Act 2020 Resource Kit which raises awareness of the new skills required and new obligations on the court when approaching cases involving children. The Resource Kit features a video on the topic of taking the views of the child and a number of Briefing Papers highlight the key changes to the decision making process in the Act.



*Image:  
Figure of Justice,  
Parliament House*

## 2. Judicial Education Model

**Strategic priority 2 – we 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:**

Despite the restrictions on travel imposed as a result of the pandemic we continued to engage remotely with national and international organisations and took every opportunity this afforded to benchmark and to showcase the work done to continue to deliver world class judicial education. We undertook a number of activities designed to enhance cross border cooperation and share best practice. The focus of these this year was the response to the pandemic and how we adapt to change within a judicial setting.

- As part of the UK delegation we participated in the Annual General Assembly of the European Judicial Training Network (EJTN) which was hosted remotely in Zagreb. A number of speakers addressed delegates including Didier Reynders, European Commissioner for Justice and Secretary General Judge Marcus Bruckner, on activities and the impact of COVID-19. (19 June 2020)
- We met remotely with British Embassy officials in Beirut to discuss possible further engagement following a successful visit to Beirut in August 2019 which in turn had built on a previous visit followed by members of the Lebanese judiciary and British Embassy based in Beirut visiting the Judicial Institute in order to discuss justice system improvement.
- We attended a remote conference of the Rule of Law section of the Commonwealth Secretariat at focusing on how the COVID-19 pandemic had affected access to justice in the Commonwealth. The discussion highlighted how access to justice for vulnerable groups, such as the homeless, the

poor, and women and children in situations of domestic violence, had been adversely affected by the pandemic. The conference focused on the question of whether the COVID-19 pandemic has promoted the delivery of justice through virtual means. (18 August 2020)

- We participated in an online conference in Tashkent, Uzbekistan on the subject of "plea bargaining". There is a plan to introduce a process for plea bargaining into the Uzbek Criminal Code. Regional Dialogue, a Slovenian non-profit organisation involved in judicial system capacity building in Uzbekistan, invited Sheriff Duff, Director of the Judicial Institute, to contribute. (10 Sept 2020)
- We attended a remote conference hosted by the National Judicial Institute of Canada in partnership with the International Organisation for Judicial Training. The conference focused on the response of judicial training bodies globally to the pandemic. (24 September 2020)
- We hosted the United Kingdom and Ireland Judicial Studies Committee Conference (UKIJC), an annual meeting of those responsible for organising judicial training in England and Wales, Northern Ireland, Scotland and the Republic of Ireland. Each jurisdiction focused on their response to the pandemic with emphasis on judicial training and incorporated a formal meeting with each country presenting annual reports of their activities. (8 October 2020)

## 3. Excellence and Relevance in Course Provision

**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 contributed to the Tripartite working group, comprised of the Judicial Appointments Board for Scotland (JABS), Scottish Government and Judicial Office for Scotland, streamlining the recruitment, appointment and induction process for judicial office holders. It is vital that we are sighted on judicial recruitment campaigns as this permits critical forward planning. As we move towards the recovery phase of the pandemic we anticipate a need for additional judicial resources and planning is in place to meet this demand.

To continue to deliver induction in lockdown we redesigned the Sheriff Induction using a blended method of self-study, live online learning and follow up sessions. We have continued to review these inductions to develop a sustainable induction model that we will adapt for the increasing requirement for this core activity.

- We responded to the ongoing need for social distancing by committing to deliver a full curriculum of courses in 2021 using the medium of live online learning. All courses were redesigned during the reporting period and, after careful consideration of the options, we restructured all-day courses to three 1.5 hour modules, with breaks. We considered the optimum number of attendees to be 16, this being the median number at face to face courses in 2019 and also the maximum number possible for an effective learning experience. Our aim was to replicate the learning experience of small group peer learning, which is integral in our education philosophy, and we utilised virtual break out rooms to achieve this.

As one learner commented in a post course survey:

*"Good. useful insight into how done in another type of forum and some lessons transferrable. Liked breakout rooms and good discussion examples. Good to have chairs and note takers pre selected"*

Recognising that choice was critical we delivered 16 courses during the reporting period, despite the constraints of the pandemic, and this comprised 80 hours of learning. We added our 'Remote Judging – Effective Justice?' course to the suite of courses already provided. Following initial suspension of many court functions, the pandemic provided both the challenge and opportunity to accelerate the digitalisation of many court processes and work progressed rapidly to enable civil and criminal cases to proceed utilising digital technology. We delivered this timely course twice in the reporting period providing both an overview of developments and also practical advice to the judiciary on this new way of delivering justice.

- The ninth and final iteration of the course on the new domestic abuse offence was re-designed and delivered through a blend of online pre-course materials and delegate engagement followed by a remotely conducted workshop. Delivery of this final course implemented our commitment to the Lord President to raise awareness amongst all judges of the Domestic Abuse (Scotland) Act 2018 and overall we have delivered nine courses on this topic with 192 participants. The Domestic Abuse Resource Kit remains the primary online content and is available as a refresher.

- In consultation with the Justices Training Committee of the Judicial Institute (JTCJI) we considered that delivering Justice of the Peace (JP) training courses was neither appropriate nor necessary during the first stage of the pandemic when JP courts were not sitting. We reviewed our three year obligation to deliver training to justices and were confident our redesigned online courses available from 2021 would enable justices to fulfil their statutory training obligation for the remainder of the triennium. This continuing support of JPs included both increasing the level of credit for self-directed online study and promoting the Hub as a valuable resource for this. We continued rigorous quality assurance of all JP training and supported the Sheriffdom Legal Advisers with a dedicated page on the Hub.

- We supported Tribunals by hosting the Judicial Education for Tribunals (JET) working group in November 2020, ensuring continuing access to a dedicated section on the Judicial Hub platform and redesigning, for online delivery, a remote Tribunals Craft course. We worked closely with the Tribunals Presidents on the redesign of 'Tribunal Craft' and learned from their expertise on the use of break out rooms.

## 4. Excellence and Relevance in our Online Provision

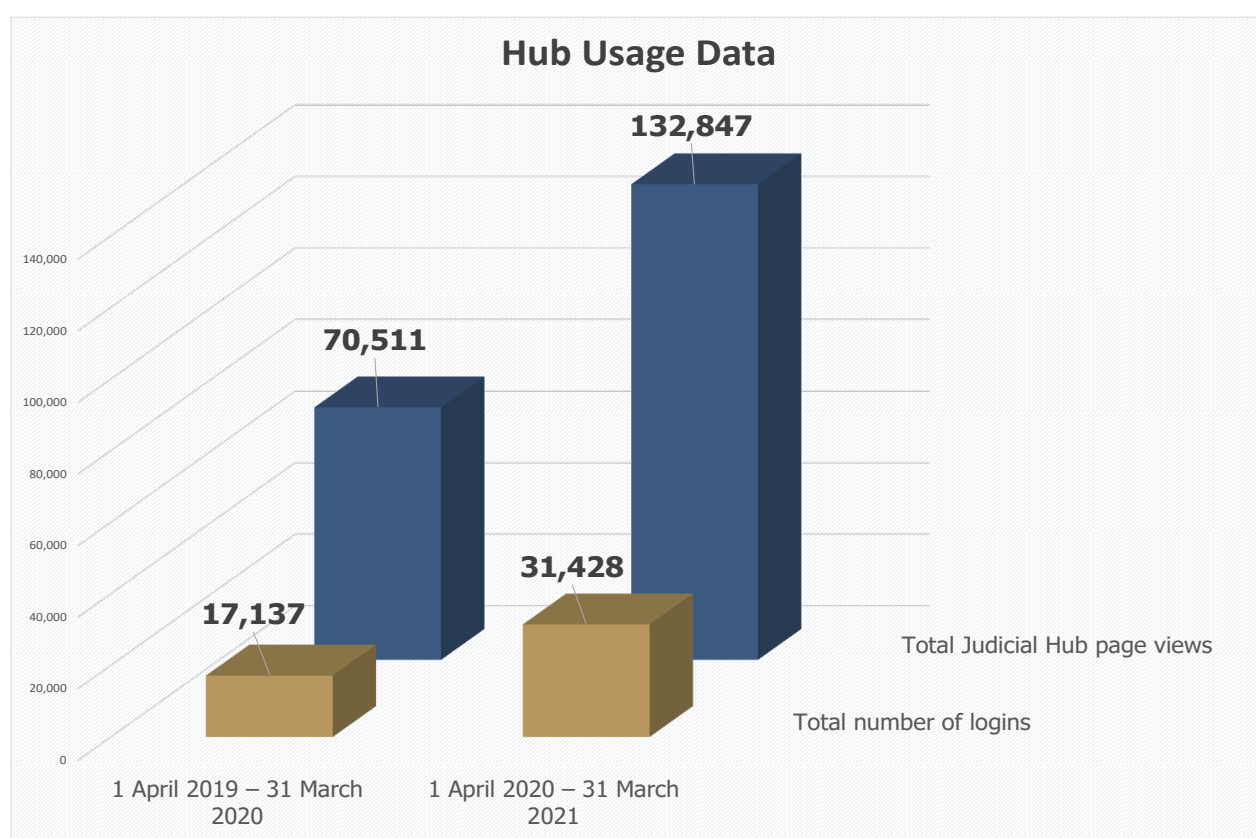
**Strategic priority 4 - we will consolidate, innovate and offer meaningful, stimulating, modern and relevant information, knowledge and learning on the Judicial Hub.**

*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 remains the single platform used to support all judicial office holders in respect of learning. Throughout the pandemic it has been a vital tool in keeping the judiciary abreast with an ever changing situation and providing a blended learning approach as all courses moved to live online learning. Access rates were high across all judicial offices.
- We have responded to the needs of the judiciary during this challenging time, continuously improving the accessibility of resources and implementing internal quality control projects to ensure that users can carry out their roles in a remote environment, redesigning a number of Wiki (editable webpages) including the Preliminary Hearings Bench Book, Civil Bench Book and the redesign of the eLibrary section to improve functionality and usability.
- Our commitment to provide 'just in time' learning resources on the Hub, accessible anywhere and available to judges, legal advisers and some staff through a secure portal has been pivotal in disseminating information and guidance.





Recognising their importance we significantly increased the number of Brief Notes (our series summarising, inter alia, new case law) from 150 last year to a noteworthy 243 this year on a diverse range of topics. We also produced 25 new Briefing Papers (our suite of guidance on more complex topics): six being on COVID-19 related matters, four on Brexit and two on Remote Jury Centres. Additional topics covered included Moorov, Judicial Behaviour and the Unfair Trial and Disability and Reasonable Adjustment.

- The plethora of resources and information being shared prompted the creation of a JI Coronavirus Resources page at the beginning of the pandemic to provide a one-stop-shop for all news items and information on COVID-19 legislation directly relevant to the judiciary in their daily function.
- Delivering all our courses from home required all our teams to upskill, rapidly develop an understanding of digital platforms and embrace digital learning approaches. We supported the judiciary in active involvement in this new methodology by creating clear participant and facilitator guidance and hosting trial sessions.

- We completed a Hub content review project to optimise the Judicial Hub in the short term, ensuring all information was accessible and up-to-date, whilst preparing the site for the planned upgrade in 2021. We supported content authors from all parts of the Judicial Office for Scotland (Sentencing Council, Library Services, Scottish Civil Justice Council) by completing guidance to ensure consistent standards including guidance on how to edit Wikis.
- Recognising that we could not use the Judicial Institute Learning Suite due to COVID-19 restrictions we took the opportunity to redesign and enhance the service level agreement which enabled the SCTS Change and Digital Innovation Unit to temporarily use the space as a digital lab for testing remote court hypotheses. As a result, when the Learning Suite becomes operational again, we will benefit from the digital enhancements made during this period. We ensured contracts with external suppliers delivered best value and ensured the necessary changes were in place to facilitate the pending upgrade to the Judicial Hub platform.

*Image: Parliament House*



# The Judicial Hub 2020/21

The Judicial Hub is a custom made learning platform accessible anywhere, any time and on any device. The Judicial Hub is continuously updated and refined to reflect the needs of judicial office holders and hosts educational materials, information, resources and news articles. The JI responded to the pandemic by:

- Launching a dedicated Coronavirus page to house all pandemic-related legal and procedural updates;
- Producing four new Briefing Papers and three video resources on remote civil and criminal court procedure and best practice, all of which are now available in a dedicated Digital Courts Toolkit;
- Developing the ARK resource, a repository of up to date publications that judicial holders can request, in the event of the Judicial Hub being unavailable.

## Blended Learning

The 2021 Prospectus was launched remotely by the JI's Digital Education and Learning (DEAL) team and judicial office holders could readily identify relevant courses, book places and access both course reading materials and detailed instructions on how to participate in this new blended learning.

The Hub was the platform on which we developed and shared our expertise in WebEx, creating and sharing guidance for judicial office holders and offering test sessions ahead of courses. We tested and made good use of WebEx functionality, including break-out rooms and voting, to mirror face-to-face courses.

## Resource Kits

### Digital Courts Toolkit

To further assist judicial office holders in this remote working and court environment a number of significant Resource Kits were developed. The publication of the Digital Courts Toolkit ensured there would be one location from which all court judiciary could access just-in-time learning in respect of remote civil hearings, summary trials and solemn trials. The Toolkit brought together four Briefing Papers on remote courts along with video resources providing tips for WebEx hearings.

### Children (Scotland) Act 2020 Resource Kit

In order to raise judicial awareness of the Children (Scotland) Act 2020, which received Royal Assent in October 2020, the JI developed and

*Image: Coronavirus advice course page*

**Judicial Hub**  
Judicial Learning & Communications

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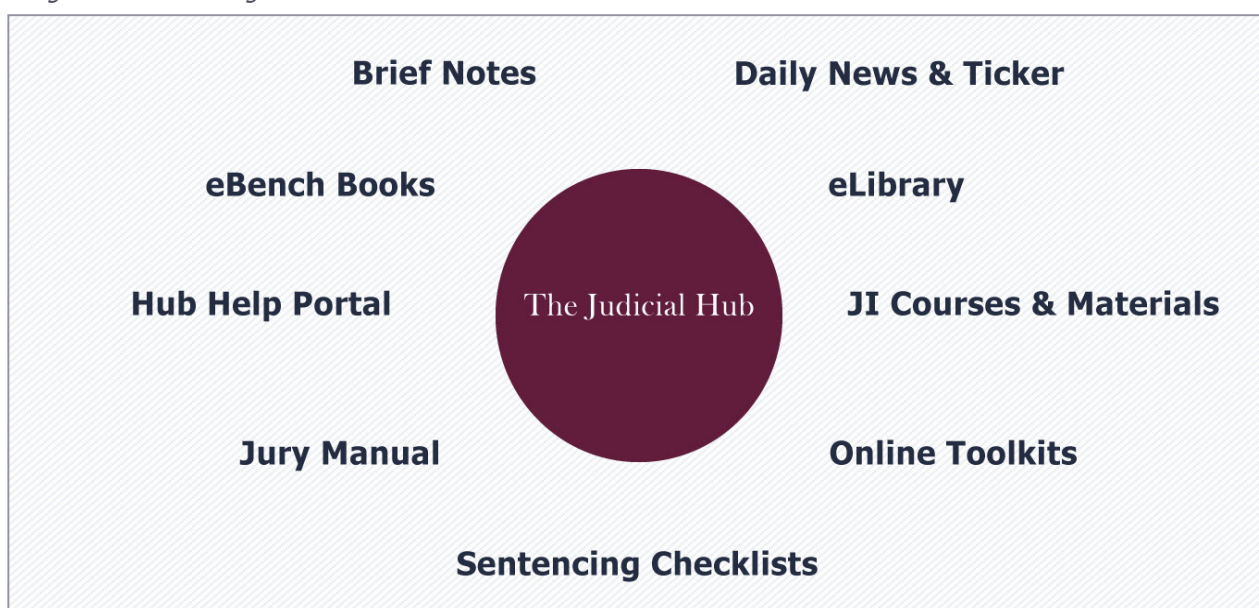
## eLibrary

### Coronavirus

On this page, you will find all Judicial Institute resources on the Coronavirus pandemic, including Briefing Papers, Brief Notes and News Items. We have also included updates from the Scottish Government and other organisations where appropriate.

The resources have been prepared to raise judicial awareness of the provisions of the Coronavirus Act 2020, the [Coronavirus \(Scotland\) Act 2020](#), The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and other effects of the pandemic that are directly relevant to the Scottish judiciary and their daily functions and therefore the scope of these resources is limited to those provisions.

For SCTS COVID-19 updates, please refer to the [COVID-19 page](#) which can be found under the News tab on the Judicial Hub.

*Image: Judicial learning and communications*

published a Resource Kit on the Act for judicial office holders. The Resource Kit brought together:

- a Briefing Paper on the provisions directly relevant to the work of the judiciary in Scotland;
- a video and Q&A by Sheriff Alan Miller on the topic of taking the views of the child;
- a paper by Dr Lesley-Anne Barnes Macfarlane, Lecturer in Child and Family Law at Edinburgh Napier University, which looked more closely at the Act's key changes to the decision-making process as well as the new judicial responsibilities including child participation and feedback; and
- a paper by Dr Katherine Edward, a Clinical Psychologist specialising in work with children and adolescents, which considers the context and process of gaining the views of children and on the new duty to explain key decisions to children.

## Project Echo – Taking Evidence by Commissioner Resource Kit

Work continued on preparations for a future Resource Kit "Project Echo – Evidence by Commissioner".

A key aspect of these preparations was the filming of a mock ground rules hearing in collaboration with METRO Production Group, Judicial Office, Faculty of Advocates and Law Society of Scotland. The filming was carried out under the strictest levels of the national lockdown restrictions. Despite logistical challenges, filming and editing was successfully completed and the Resource Kit will be published in the next reporting period.

*Image: Courses were delivered remotely with Webex, photo by Chris Montgomery*



# Courses Delivered between 1 April 2020 – 31 March 2021

Course	Date(s)	Delegates
Sheriff Induction	15 - 18 September 2020	16
Taking Evidence by Commissioner	5 & 7 October 2020	31
Temporary Judge Induction	26 October 2020	5
Sheriff and Jury Training	24 & 26 November 2020 9 & 10 December 2020	61
Domestic Abuse and Coercive Control	15 December 2020	15
EU Retained Law (Senators)	25 January 2021	14
Courtroom Communication for Justices	27 January 2021	12
Remote Judging – Effective Justice?	3 February 2021	16
Road Traffic for Justices	17 February 2021	18
Senator Induction	1 - 4 March 2021	3
Remote Judging – Effective Justice?	9 March 2021	17
Family Matters	30 March 2021	15

Our course 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 **18 days** of remote programming, for a total of **223 delegates**.

## Remote Learning – Learning Design and Delivery

In light of ongoing restrictions as a result of the COVID-19 pandemic all of our courses planned for April 2020 to June 2020 were cancelled. All courses from September 2020 to March 2021 were redesigned and delivered for online delivery, by a remotely based team, with the exception of the Senator Induction in March 2021.



# Courses

## 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. 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. Due to all courses being delivered on a remote basis, new procedures were put in place to ensure these courses remained accessible and interactive maintaining a high quality learning experience for over **223 learners**.

## Online Sheriff Induction

The 16 new Sheriff appointments received their induction from 16 - 18 September 2020. What was a five day face to face course was redesigned to be delivered remotely using the Cisco Webex Events platform over three days. Appointees who had previously sat as Summary Sheriffs attended one half day.

The redesigned remote course also incorporated follow up sessions where the new appointees attended a series of one hour Webex Events to cover essential materials. This approach ensured all new appointees covered the same material as their predecessors albeit utilising different methodologies. The series of shorter follow-up sessions, during the first months in office, was designed to reinforce initial learning and allow the new sheriffs and summary sheriffs to reflect as separate cohorts on their first weeks in office.

Evaluation findings were encouraging. In particu-

lar 92% of delegates who responded thought the approach to their role as a sheriff had been influenced by something learned on the course and 92% of delegates who responded had a greater awareness of their role as a sheriff by the end of the course.

The delegates also found the Cisco Webex platform easy or very easy to access, use and navigate with one delegate commenting in the post course feedback:

*"The training was excellent and delivered in a positive, constructive and collegiate manner. There are obvious benefits to doing parts of the training remotely, but when the current restrictions are removed, I would favour a mixed approach between face-to-face and remote sessions, as the opportunity to meet colleagues, and share experiences, is important."*

## Sheriff and Jury Training Events, Various Dates in November and December 2020

As Sheriff and Jury trials restarted the Remote Jury Centre (RJC) model was adopted which had been used in the High Court since late September 2020. The Judicial Institute offered sheriffs, identified by their Sheriffs Principal as likely to be among the first to conduct such trials, the opportunity to take part in an online learning session facilitated by a senator or temporary judge, who had experience of the RJC model. The participants were asked to read the Amalgamated Briefing Paper on Restarting Solemn Trials and then attend the online session prepared to ask questions and be given practical hints and tips.

These courses were delivered four times in November and December 2020, via Cisco Webex,

and were facilitated by Lady Carmichael, Lord Beckett and Sheriff McFadyen. Feedback from sheriffs who attended:

*"Helpful insights on a fundamental change in how we do things. Useful comments from someone with experience and from others in discussion"*

and

*"A very useful chatty style discussion of current arrangements with a number of useful tips for those who have yet to deal with a remote jury trial."*

formation session facilitated by Sharron Reilly of the Drink Driving Rehabilitation Scheme (DDRS). The substantive law and procedure in relation to special reasons and exceptional hardship proofs was covered with participants having an opportunity to consider and discuss challenges in presiding over these proofs. The day concluded with a discussion on sentencing in relevant cases.

Quote:

*All aspects of the course were very interesting and useful. Hearing from other JPs was very informative and I personally took a lot from this course.*



Image: Cinema remote jury centre, photo by SCTS Communications, 2020

## JP Road Traffic

A pre-course survey was completed by all 18 participants in advance of this Justice of the Peace (JP) course. Questions submitted in the survey were answered during the course of the day and this provided opportunities for discussion. This course was designed to enhance and reinforce justices' knowledge and skills in this specialist area. Participants heard from Police Scotland's Road Policing Department on recurring themes in road traffic cases. This was followed by an in-

## Tribunal Craft, Designed within this Period

This cross-jurisdictional 'Tribunal Craft' course hosted by the Judicial Institute was designed during this reporting period and will be the first Tribunal course to be delivered via live online learning. Participants will be given the opportunity to improve their judicial skills through practice and learning from other judges. The course was designed to include similar content to the previ-

ous face to face course, although with the addition of content on remote hearings. As before, the course will be divided into pre-hearing, hearing and post-hearing stages, and all sessions designed to be tied together through a progressive case study and discussion points.

As already referenced, the Judicial Institute has successfully trialled the use of break-out sessions to allow small groups of participants to interact and consider the case study, with learners then returning to plenary for discussion. Such ses-

sions will also feature in this course. The course will afford learners the opportunity to take turns acting as note-taker in order to feed back to the wider group, with the composition of the groups designed to change throughout the day. To redesign the course to a high standard of remote learning has involved a significant amount of work by the Judicial Institute and the contributors and it will be delivered at the start of the next reporting period with feedback influencing future online courses.

*Image: Statue of sphinx on roof of Parliament House*







Judicial Institute  
for Scotland



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

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