



Judicial Studies Board

Annual
Report
2002–2003



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I Chairman's Message

The year from April 2002 until March 2003 has been an extremely busy one in the life of the JSB, as we have taken on additional responsibilities in relation to the professional judiciary,



Lord Justice Waller

and started to prepare for an enhanced role in relation to the training of magistrates and tribunals. An internal review of our own structures was carried out in June, leading to the re-establishment of the JSB Executive Committee, a re-definition of the role of the Director of Studies, and the conversion of the office of Secretary into that of Executive Director. It has also led to the Chairman himself playing a more active part in the day-to-day management of the Board, not only in co-ordinating the development of strategy with Course Directors, but also in leading discussions with the Home Office and Lord Chancellor's Departments over future requirements for judicial training, and the resources necessary to meet them.

A major focus has been Information Technology, following the Board's assumption of overall responsibility for delivering of training in IT skills for all members of the professional judiciary last year. A key stage in this process was the appointment in October of District Judge (Magistrates' Courts) Philip Wassall as the JSB Director of IT training. Working with the Director of Studies, DJ Wassall devised a Core Competence Framework for the IT skills required by full-time judges, and under his guidance the JSB has organised an ambitious programme of Induction, Continuation and Refresher training with the aim of allowing all full-time judges to be able to take full advantage of the opportunities of the Information Age. In addition, the JSB this year produced its first CD-ROM (on Housing Law) and will shortly be establishing its Judicial Training Website, giving judges online access to a wide variety of its training materials.

In its Core training programmes, the JSB continues to fulfil its aim of providing high-quality Induction and Continuation

training to judges in Criminal, Civil and Family law. New departures have included the design of an Induction Course for Civil only Recorders, and an Annual Seminar for Mercantile Judges and judges with jurisdiction to try Chancery Proceedings outside London.

A programme of seminars for the Senior Judiciary is also now well established, with seminars during 2002–2003 taking place in the Royal Courts of Justice after court sittings. The seminars so far have included Competition Law; Sentencing for Manslaughter; and Recovery of the Proceeds of Crime. In addition, Senior Judges are increasingly regular participants on JSB Continuation Seminars.

There has been a particular emphasis this year upon training for the magistracy. In May, the Board appointed Lynne McGechie as Senior Training Adviser. Under her leadership, the JSB published a revised, and considerably streamlined, framework of MNTI Competences. The responses to this new draft Framework have been overwhelmingly positive, and the JSB is on target to finalise the whole package (including mentoring and appraisal schemes) in November. The Magisterial Committee is aiming to have the entire revised Magistrates' National Training Initiative Framework in place by April 2005, thus satisfying a key recommendation of Sir Robin Auld's Criminal Courts Review.

In September, the Board appointed Mary Holmes as Senior Training Advisor for Tribunals. Under her guidance, the Tribunals Committee was able to publish its Framework of Competences in November, working in increasingly close partnership with the Council on Tribunals. These competences have been warmly welcomed by Presidents and Members in Administrative Tribunals, with whom the Tribunals Committee is now working to develop a Framework of training standards, and appraisal and mentoring schemes.

Looking to the future, there are many challenges and opportunities ahead, as the Government is embarked on a substantial programme of change to the Justice System, a number of elements of which will have significant implications for

the Judicial Studies Board. In its White Paper *Justice For All* and in the Criminal Justice and Courts Bills (both currently before Parliament), profound changes are heralded to both pre-trial and trial procedures, to the Law of Evidence, and to Sentencing. These are likely to require substantial programmes of training for both judges and magistrates. The Government has also announced that, with the establishment of its new Unified Court Administration, it wants the JSB to assume a much stronger role in the training of magistrates. And the announcement of a Unified Tribunal Service is likely to bring in its train a requirement for an enhanced level of central support for tribunals training to be provided by the JSB. The JSB is ready to meet these challenges – provided it is given the necessary resources, and sufficient time to deliver.

On the international front, the JSB has continued to strengthen its links with partner institutions, both within the United Kingdom (through the United Kingdom Judicial Studies Council) and in the European Union (through the European Judicial Training Network – EJTN). In relation to the EJTN, negotiations (which started in December 1999) over the current framework for European co-operation over judicial training have finally been brought to a successful conclusion, and the Network is shortly to be established as a non-profit-making incorporated body under Belgian law.

I was delighted that Lord Slynn of Hadley was able to give the Annual Lecture this year. Lord Slynn gave a wide-ranging and thought-provoking lecture on judicial co-operation within the European Union, and one which emphasised the importance of the JSB's membership of the EJTN.

Finally, I turn to appointments. I would like to express my thanks to those who have retired from the JSB and its Committees over the last year. Don Manley JP retired from both the Board and the Magisterial Committee (from which Lady Pitchers and DJ (MC) Graham Richards also retired), Mr Justice Pitchers retired from the Criminal Committee (on his elevation to the High Court), and Michael Brown retired from the Tribunals Committee. I would like to express the thanks of the whole Board to each of them for the contribution they have made to our work.

This is the final Annual Report during my Chairmanship as it is also for Edward Adams who retires as Executive Director. Edward Adams has been a tower of strength at the JSB and I am personally grateful to him for all the support he has given me. He was 'loaned' to Sir Robin Auld for a period and I am grateful to Helen Baker who deserves great praise for the way she filled the gap. Debora Matthews takes over as Executive Director and Lord Justice Keene as Chairman. The JSB is thus in good hands. They will find I am sure, as I have, what a good team there always is at the JSB. It is invidious to select names out of either the permanent staff or the many who give unstintingly of their time designing and running courses, but special mention should be made of the Directors of Studies during my time: Judge Paul Collins, Judge David Pearl and lastly Judge William Rose.

Lord Justice Henry in his final report said 'there should be a word in the English language to reflect that combination of pleasure and guilt obtained from being praised for the efforts of others. All ex-Chairmen of the Judicial Studies Board will recognise the need...' I certainly recognise that need and am grateful to all at the JSB who have made my time as Chairman such a pleasurable one. I wish my successor every good fortune in meeting the challenges that lie ahead. I have every confidence that under his leadership the JSB will meet those challenges.

2 Director of Studies

I am pleased to report that the year has shown considerable progress towards implementing the developments and changes set out in my Report last year – particularly in the fields of IT and Bench Books.



Judge William Rose

Planning has started for the judicial training programmes that will be necessary once the Criminal Justice Bill is enacted, although this is likely to be introduced more gradually than was originally envisaged. Additionally training is being planned in anticipation of the enactment of the Sexual Offences Bill and Anti-Social Behaviour Bill and we are grateful to the Home Office for keeping the JSB informed of the progress of other intended legislation in order that adequate forward planning can be achieved.

The Proceeds of Crime Act has been this year's special topic at the annual Circuit Seminars, further written material has been distributed, and the adequacy of training is being kept under continual review. Additionally, the form and content of training in the new and pending competition legislation is also under active consideration.

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Information technology

Computer competence is and will increasingly be essential for judges. The training being devised by the JSB as part of our new overall responsibility for training the judiciary in information technology, has to date fallen into two parts:

Firstly, in 2002 every full-time judge was sent a questionnaire about their computer skills, and the gratifyingly high response enabled us to assess each judge's abilities against a core competence framework produced by District Judge (Magistrates' Courts) Philip Wassall, our Director of IT Training. A programme of training was then drawn up for those judges requiring extra help in meeting those core competences, and

was piloted in two seminars in December 2002 and February 2003. The aim of these seminars is: 'to give the trainee the knowledge necessary to understand the range of options that IT offers to a judge and the confidence and understanding necessary to be able to use them in practice.' The first substantive seminar was then held between 31 March and 2 April 2003, and the feedback from all of these has been extremely positive and encouraging.

Secondly, we have developed a one-to-one programme of induction training for newly appointed judges, based around a training manual devised by District Judge (Magistrates' Courts) Wassall, which allows each session to be tailored to the needs of the particular individual. The first of these sessions will take place in the Summer of 2003.

As with all the JSB's work, the IT training programme is predicated on the basis that it is judge-delivered. One of its most important elements has therefore been the establishment of a team of tutor judges (themselves trained by the JSB), who are closely involved in both of the series of seminars described above, as well as a national team of IT Liaison Judges who will be able to provide continuing encouragement and assistance on a local basis. It is not possible to express sufficient thanks to Philip Wassall for his unflagging enthusiasm and extremely hard work without which these projects would simply not have taken off.

The JSB public website has been extensively revised and updated during the year, and it is expected that the Training website will be up and running in the near future. It is regrettable that this has run considerably behind schedule for technical reasons rather than due to content, but it was felt that it was better to delay the launch until these had been ironed out rather than to risk the loss of confidence which unreliability would be bound to engender.

Training the JSB trainers

'Training the trainers' seminars are not limited to those in the IT training programme described above, and the JSB continued to ensure that the judicial office-holders involved

in devising and carrying out its programmes of training are themselves given the opportunity to develop the right skills for the task.

During the course of the year, the JSB held one course on ‘Skills for course directors’ on 13 February 2003, whose aim was: ‘to introduce newly appointed course directors to the skills they need to provide effective training to the members of their jurisdiction.’ All seven of the participants felt that the course had substantially met its aim. The Course was directed by Godfrey Cole with invaluable contributions from Professor Hazel Genn CBE and Mary Holmes, the JSB’s Tribunals Senior Training Adviser.

A course on ‘The effective use of small groups in training’ was held on 12 February 2003. Its aim was: ‘to equip trainers with the competences they require to facilitate, effectively and with confidence, small-group work as a training method.’ All of the 26 participants felt that the course had substantially met that aim. The Course Director again was Godfrey Cole and the facilitators were Professor Hazel Genn CBE, Mary Holmes, Mark Ockelton, Stuart Vernon, Sarah Williams and District Judge Helen Wood. Professor John Murrell spoke on how groups work.

I am very grateful to all these individuals for their invaluable contributions.

Publications

An important part of the work of the JSB is the publication of various works produced to support and complement the training given on the residential training seminars. I am delighted that the Board agreed last year to my proposals to institute a form of ‘rolling production’ of our Bench Books, whereby a standing editorial committee comprising the Director of Studies and the Publications Co-ordinator is supplemented in the case of each Bench Book by members of the relevant Course Committee. The task of each resulting Editorial Committee is to ensure that content is continually commissioned, reviewed and updated on a regular six-monthly basis, with the contents of the work being available not just

in hard copy form, but also electronically on the website. The emphasis of the Bench Books is also being changed so that they will no longer be applicable mainly to the recently appointed judge, but will have content relevant to more senior judiciary as well.

Since my last Report, a small Working Group set up under the auspices of the JSB’s Equal Treatment Advisory Committee commenced work on the complete revision of the *Equal Treatment Bench Book*. It is being brought up to date to reflect such developments as the publication of the 2001 census figures and the research sponsored by the Lord Chancellor’s Department and undertaken by Roger Hood into the experiences of members of minorities ethnic in the criminal courts.

The Bench Book will also be restructured, with separate sections on race and religion, and will include new sections on topics such as social exclusion and poverty, asylum-seekers, child abduction and religious discrimination.

Work has also been taking place on a new *IT Bench Book*, which will be distributed to every new judge on appointment. I am grateful in particular to Master Patrick Eyre for allowing the JSB to reproduce his own detailed guides to using Word and Felix, the judicial conferencing system.

The compilation and production of a new Adult Court Bench Book is now in hand, and it is intended that this will be available for distribution towards the end of the year.

The complete revision of the *JSB Specimen Directions* was also put in hand to incorporate new directions on provocation and self-defence. I remain grateful to Judges David Maddison and Gerald Clifton for the enormous amount of time and effort that they put into this essential judicial tool.

The 6th edition of the *Guidelines to the Assessment of Damages in Personal Injury Cases* was published by Oxford University Press in October 2002, and distributed to each judge sitting in civil cases. It had been updated by an editorial team of personal injury lawyers under the chairmanship of Mr Justice Bell, to whom I also wish to extend my thanks.

International Co-operation and Training

An essential and exciting part of the work of the JSB is its relations with other jurisdictions. This takes two principal forms: firstly, relations with other training organisations to participate in the development of common approaches to relevant training subjects, and to gain greater insight into matters of mutual concern; and secondly, the provision of advice and assistance where requested, to emerging or developing training jurisdictions.

The European Judicial Training Network (EJTN) is now incorporated, the Lord Chancellor having signed the Articles of Association in April 2003 confirming England and Wales as a founder member, and a programme of training is now being instituted. Meetings of the General Assembly have been attended by myself and the Executive Director. I have also been fortunate to have attended seminars held by the Europäische Rechtsakademie (ERA) in Trier, and the JSB has also funded attendances by various judges at other seminars during the year. Additionally I considered it important that the JSB should be able to provide the judiciary with some basic guidance on European Community law and European structures, and to this effect we have been fortunate to be able to obtain sufficient copies of *The ABC of Community Law* by Dr Klaus-Dieter Borchardt, free of charge from the European Commission, to distribute to all full- and part-time judiciary.

The JSB has also been visited by representatives of many foreign judiciaries during the course of the year. Some of these have been courtesy calls, but in many cases they have been part of an ongoing programme of assistance in judicial training abroad. Such assistance is normally by way of advising and helping to set up judicial training, rather than direct training itself, and various projects are presently in hand which will hopefully come to fruition over the coming months.

The role of the Director of Studies

In view of the continual development of the JSB and the widening of its responsibilities, I have thought it necessary to ask the Board to reconsider and redefine the role and responsibilities of the Director of Studies, and this will have been done by the time of the publication of this Report.

I would like to end by thanking Lord Justice Waller whose term of office as Chairman is now ending, for his support and active participation in his role, and by paying my personal tribute to Edward Adams, the outgoing Executive Director, for his enormous contribution to the work of the JSB, and for his invariably cheerful assistance, humour and co-operation. I look forward very much to working with Debora Matthews his successor.

3 Criminal Committee

Membership

The Criminal Committee as currently constituted consists of a High Court judge, four circuit judges (one of whom is a Law Commissioner), the Registrar of Criminal Appeals, two recorders (one of whom represents the Equal Treatment Advisory Committee), an academic and representatives of the Lord Chancellor's Department and the Home Office. The Director of Studies and Executive Director attend all Committee meetings.

At 31 March 2003, the Committee membership was:

- Mr Justice Crane
- Professor Andrew Ashworth
- Judge Peter Beaumont QC
- Judge Henry Globe QC
- Judge Ann Goddard QC
- Mr Bruce Houlder QC
- Master Michael McKenzie CB QC
- Mr Oba Nsugbe QC
- Judge Richard Pollard
- Judge John Sessions
- Judge Alan Wilkie QC
- Mr Ian Chisholm
- Mr Alistair Shaw

The Committee's activities

The Committee's main function is to provide high-quality training to full- and part-time judges in the exercise of their jurisdiction in criminal law.

Induction courses

Before their appointment as recorders, recorders designate are required to have satisfactorily completed their training programme before being authorised to sit. That training programme includes attendance at one of the JSB's five-day residential induction courses, as well as sitting-in with a circuit judge in the Crown Court (for a minimum of five days or 10

for non-criminal practitioners), a meeting with representatives from the Probation Service and a prison visit.

The aim of the induction course is: 'to equip newly appointed recorders with the knowledge and skills necessary to perform their judicial role effectively in the Crown Court.' It is chaired by the Chairman of the Criminal Committee, assisted by the Course Director or his deputy. The main feature of the course continues to be the mock trial. While there are a number of talks, listed below, the bulk of the time is spent in tutor groups discussing sentencing, summing up and other practical issues, including any issues arising from the mock trial itself.

During the period, the tutor judge team consisted of: Judge Peter Ader, Judge Charles Byers, Judge David Griffiths, Judge Peter Grobel, Judge David Hale, Judge Peter Jacobs, Judge David Matthews, Judge Alistair McCreath, Judge Tim Mort, Judge Mary Jane Mowat, Judge Michael Murphy, Judge John Phillips, Judge David Ticehurst and Judge John Wait.

There were three courses during the period of report: 23–26 September 2002 (31 participants); 6–9 January 2003 (33 participants); and 11–14 February 2003 (32 participants). All of the participants at each of the seminars felt that the course had substantially met its aim.

Speakers

Subject	Name
Conduct of a trial	Mr Justice Crane
Equal treatment	Mr Oba Nsugbe QC Ms Parmjit Kaur Cheema
Evidence and procedure	Mr Justice Crane Judge David Maddison
Sentencing	Dr David Thomas QC
Summing up	Mr Justice Crane

Newly Appointed Recorders' Criminal Conference

This course is designed to bridge the three-year gap between the induction course and the first continuation seminar.

Particularly designed for the needs of non-criminal practitioners, the conference gives recorders the chance to revisit some of the issues raised by the induction course in the light of their first experience of sitting in court. The aim of this one-day seminar is: ‘to enable recently appointed recorders to reinforce their confidence in sentencing and dealing with practical problems in court.’ The programme includes a talk on recent developments in evidence and procedure, but primarily focuses on the discussion of sentencing and practical problems. Two courses were held this year, on 18 October and 15 November 2002 and had 21 and 20 participants respectively – 97 per cent of participants at the October course and all the participants at the November course felt that the course had substantially met its aim.

The Course Director for both conferences was Judge Richard Pollard.

Continuation seminars

The Committee has continued to run four-day residential continuation seminars for circuit judges, recorders and newly appointed High Court judges. During 2002, the Committee welcomed judges from Trinidad & Tobago, Scotland, the Falkland Islands, Guyana and Australia as observers on continuation seminars.

The aim of the seminar is threefold:

- 1 To keep Crown Court judges abreast of changes in criminal law and procedure.
- 2 To give information of a more general nature that will enable Crown Court judges better to fulfil their role in dealing with criminal cases.
- 3 To provide an opportunity for judges to exchange ideas so as to promote uniformity in sentencing and to draw upon the experiences of others in dealing with problems that occur in criminal trials.

The dates and number of participants at each course are listed below, along with the percentage of participants who felt that the course had substantially met its aim. A list of the subjects

on which there were talks and the speakers who gave them is also given. An additional, important element of the course is the discussion in small groups and plenary of sentencing and practical problems.

The Course Director was Judge Peter Beaumont QC.

Numbers

Date	Number	% satisfaction rate
2–5 April 2002	86	95
27–30 May 2002	92	98
3–6 September 2002	91	98
23–26 September 2002	91	86
6–9 January 2003	92	98
11–14 February 2003	95	100

Speakers

Subject	Name
Anglo/French judicial relations	M. Bernard Rabatel
Criminal law	Professor John Spencer Professor Anthony Smith Mr Graham Virgo
DNA profiling	Dr Christophe Champod
Evidence and procedure	Judge David Maddison
International co-operation	Ms Su Zann Lamb
Mentally disordered offenders	Dr Clive Meux
Practical issues	Judge Michael Hyam Judge Sir Rhys Davies QC Judge Richard Wakerley Judge David Clarke QC Master McKenzie CB QC
Risk assessment	Dr Andrew Johns
Sentencing	Dr David Thomas QC
The Parole Board	Mr Stephen Murphy Lady Judith Pitchers Judge David Maddison Judge David Griffiths

Speakers cont.

Subject	Name
The Parole Board cont.	Judge Mervyn Roberts
	Judge Graham Boal
The Prison Service	Mr Martin Narey
	Mr Jerry Petherick
	Ms Sarah Payne
	Mr Michael Spurr
The Probation Service	Frances Flaxington
	Ms Claire Chudleigh
	Mr Keir Hopley
Vulnerable witnesses	Professor Di Birch

Speakers

Subject	Name
Evidence in sexual cases	Professor Di Birch
Introduction	Mr Justice Crane
Sentencing	Mr Justice Crane
Summing up	Mr Justice Pitchers
The treatment of juvenile offenders	Mrs Maggie Dodds
The treatment of sex offenders	Ms Ruth Mann

Serious sexual offences

The Committee ran two serious sexual offences seminars during the year, in July and November 2002 at which there were 78 and 84 participants respectively. These seminars are directed at all judges authorised to hear cases of rape and serious sexual offences including those involving children. Newly authorised judges must attend a seminar before exercising this specialist jurisdiction. The aim of the course is: ‘to provide circuit judges and recorders, authorised to try rape and other serious sexual offences committed against adults and children, with the information required to understand and address the particular problems arising in these sensitive cases, and to enable them to share their experience in resolving the difficulties inherent in such matters.’

The seminars are residential and held over two days. In 2003 they will be extended to three days. They were chaired by Mr Justice Pitchers and Mr Justice Astill respectively, assisted by the Course Director. As well as the talks listed below, the seminars include discussion and group exercises – 93 per cent of participants at the July seminar and 95 per cent at the November seminar considered that the seminars had substantially achieved their stated aim.

The Course Director for both seminars was Judge John Sessions.

Circuit criminal seminars

The Committee has continued to contribute to the one-day criminal seminars organised every year on each circuit by Presiding Judges. They are attended by circuit judges and recorders. The Committee sets a topic not covered by the continuation seminars and provides sentencing exercises, this year with the help of Judge Peter Jacobs. This year’s topic was confiscation orders and the Proceeds of Crime Act 2002.

4 Civil Committee

Membership

This year saw the appointment to the Committee of Judge Alistair MacDuff QC, following his appointment as the joint Course Director for the civil continuation seminars, and Judge



Lady Justice Smith

Nick Chambers QC, following his appointment as Course Director for the specialist seminars, the first of which will be held in July 2003.

The Civil Committee currently consists of a Lady Justice of Appeal, three circuit judges, two district judges, two academics, one recorder and two representatives from the Lord Chancellor's Department. The Director of Studies and Executive Director attend all Committee meetings.

At 31 March 2003, the Committee membership was:

- Lady Justice Smith
- District Judge Malcolm Birchall
- Professor Andrew Burrows QC
- Judge Rupert Bursell QC
- Judge Nick Chambers QC
- Mr Paul Clements
- District Judge Jeremy Cochrane
- Professor Paulene Collins OBE
- Judge Nick Chambers QC
- Mr Steve Humphreys
- Mr John Tanner

The Committee's activities

The Committee's main function is to provide high-quality training to full- and part-time judges in the exercise of their jurisdiction in civil law.

Civil induction course

Before being authorised to sit in the county court, recorders are required to attend a residential induction course and to undertake a period of sitting-in in the county court with a circuit judge and a day sitting-in with a district judge.

Civil induction courses last for four days. The aim of the course is: 'to facilitate those about to sit in the county court at circuit judge level in obtaining practical understanding of, and approach to, the judicial skills and knowledge required.' The JSB now recommends that participants should sit with a district judge for a day before attending the course in order to observe the employment of case management skills. The syndicate groups that form an important part of the course are facilitated by members of the tutor team. The two civil induction courses, which were held on 21–24 May 2002 and 1–4 October 2002 and had 35 and 31 participants respectively, were adjudged by 91 per cent and 100 per cent of those participants substantially to have met their stated aim.

The Course Director was Judge Rupert Bursell QC.

Speakers

Subject	Name
Committals	Judge Peter Bowers Judge Mike Roach
Costs	Judge Michael Cook
Damages	Judge Peter Bowers Mr William Norris QC
Disability	District Judge Gordon Ashton
Domestic violence	District Judge Margaret Langley
Health and safety cases	Judge David Swift
Housing law	Mr Justice Sumner
Human rights	Judge David Pearl
Litigants in person	District Judge Maureen Read
Poverty	Mr Jan Luba QC
Role of Judge in Civil Court	Lady Justice Smith
The County Court	District Judge Michael Walker
Wolf principles	Judge Alistair MacDuff QC Judge William Rose

Deputy district judge induction course

Before being authorised to sit in the county court, deputy district judges are required to attend a residential induction course and to undertake a period of sitting-in with a district judge. The course lasts for four days.

The aim of the course is: ‘to assist newly appointed deputy district judges in the development of judicial skills, and in becoming comfortable in the exercise of their jurisdiction and to guide and to help towards increasing confidence.’

Many of the talks listed below are supplemented by the discussion in small groups of exercises prepared in advance by course participants on subjects such as injunctions, civil procedure, housing, consumer law, enforcement and insolvency. These small group discussions are chaired by members of the district judge tutor team.

This year, one course was held between 31 March and 4 April 2003 and had 45 participants, all of whom felt that the course had substantially met its stated aim.

District Judge Jeremy Cochrane was the Course Director.

Speakers

Subject	Name
Ancillary relief	District Judge Ken White
Children Act 1989	District Judge Gillian Marley
Civil procedure	District Judge Terence John
Consumer law	District Judge Dick Fairclough
Costs	District Judge Grenville Perry
Damages	District Judge Dick Fairclough District Judge Nic Madge
Enforcement	District Judge Nic Madge
Equal treatment	District Judge Jeremy Cochrane
Family procedure	District Judge Gillian Marley
Housing law	District Judge Nic Madge
Injunctions	District Judge Peter Cuthbertson
Insolvency	District Judge Grenville Perry
Judgements	District Judge Terence John

Speakers cont.

Subject	Name
Poverty and the county court	Mr Nicholas Warren
Sitting as a district judge	District Judge Jeremy Cochrane
Small claims	District Judge Jeremy Cochrane District Judge Dick Fairclough
What is expected of a district judge?	District Judge Grenville Perry

Combined civil continuation seminars

The combined continuation training for civil judges continues. The existing structure was examined and as a result a continuation seminar for specialist judges was introduced. The first of these will be held in July 2003.

The aims of the civil continuation seminars are:

- 1 To provide continuing education and training on a variety of professional and social issues for full-time and part-time judges so as to enable them to deal more effectively with civil proceedings.
- 2 To provide the opportunity for such judges to exchange views and to develop a common approach, both across circuit boundaries and between those who sit full-time and those who sit part-time, by means of discussions in syndicates of case studies involving questions of substantive law and practice and the exercise of discretion.

As well as the talks listed below, an important element of the training takes place in small groups, where participants discuss exercises on subjects such as domestic violence, insolvency, case management, housing, costs and damages, which they have prepared in advance. Those small groups are facilitated by members of the tutor team of judges.

District Judge Malcolm Birchall and Judge William Rose, who during the year was replaced by Judge Alistair MacDuff QC, were the Course Directors for this series of seminars.

Numbers

Date	Number	% satisfaction rate
1–3 May 2002	73	87
21–23 October 2002	67	100
23–25 October 2002	67	99
11–13 November 2002	67	99
13–15 November 2002	73	91
27–29 January 2003	77	94
29–31 January 2003	76	95

Speakers

Subject	Name
ADR	Lady Justice Mary Arden
	Lord Justice Henry Brooke
	Lord Justice John Dyson
Appeals	Judge David Brunning
	Judge Richard Holman
	Judge Alistair MacDuff QC
Case management	Judge Anthony Ansell
	Judge Paul Collins CBE
	Judge Alistair MacDuff QC
	District Judge Dick Fairclough
Chancery	District Judge Ivor Weintraub
	Judge Bill George
Conditional fees	Judge Michael Cook
Contract	Professor Andrew Burrows
	Mr Edwin Peel
Costs	District Judge Tony Cleary
	Judge Michael Cook
	District Judge Chris Lethem
Disability	District Judge Gordon Ashton
Domestic violence	District Judge Robert Hill
	District Judge Helen Wood
Expert evidence	Master Ian Foster
	District Judge Godfrey Gypps
	District Judge Robert Hill
	Master John Leslie
Housing	District Judge Nic Madge
	Professor Martin Partington CBE

Speakers cont.

Subject	Name
Insolvency	Mr Registrar Stephen Baister
	Mr Stephen Lawson
IT	District Judge Philip Wassall
Jury trials	Judge Ian Trigger
Personal injury damages	Mr Charles Cory-Wright
	Mr William Norris QC
Tort	Mr John Cartwright
	Professor Ewan McKendrick
Trial issues	Judge Caroline Alton
	Judge David Brunning
	Judge Rupert Bursell QC
	Judge John Platt

Annual seminar for district judges

District judges also attend a one-day seminar in London each year. This year, the seminar was held on 28 March 2003. The aim of the seminar is: 'to enable district judges to review and develop a greater understanding of certain aspects of their civil and family jurisdiction.' Of the 309 participants, 94 per cent felt that the seminar had substantially met its aim.

The Course Directors were District Judge Malcolm Birchall and District Judge Helen Wood.

Speakers

Subject	Name
Ancillary Relief	Miss Eleanor Hamilton QC
Costs	District Judge Martin Cardinal
	District Judge Susan Spencer
Domestic abuse	Ms Nicola Harwin CBE
	District Judge Robert Hill
Investing for children	Mrs Elizabeth Jeary
The Court of Appeal	Lady Justice Hale

5 Family Committee

Membership

During the year, Pamela Scriven QC was appointed as the recorder member of the Committee.



Mr Justice Sumner

The Family Committee currently consists of a High Court judge, three circuit judges, three district judges, an academic, a recorder and representatives from Court Service and Family Policy Branch at the Lord Chancellor's Department.

At 31 March 2003, the Committee membership was:

- Mr Justice Sumner
- Judge Richard Bond
- Judge Bruce Coles QC
- District Judge (Magistrates' Courts) Nicholas Crichton
- Judge Victor Hall
- Professor Judith Masson
- District Judge Ken White
- District Judge Helen Wood
- Mrs Jane Dukes
- Ms Sally Field
- Miss Pamela Scriven QC

The Director of Studies and Executive Director attend all Committee meetings.

The Committee's activities

The Committee's main function is to provide high quality training to full- and part-time judges in the exercise of their jurisdiction in family law.

The Committee has continued to run residential private and public law induction and continuation seminars, with the

introduction of two new courses, in public law for district judges (magistrates' courts) and for the purposes of the new 'section 8' private law ticket for district judges.

Private family law induction course

A four-day private family law induction seminar is arranged annually for recorders and circuit judges newly authorised to hear private family law cases. The aim of the course is: 'to enable those judges who wish to hear private law cases to obtain a practical understanding of the law and judicial skills which are required to discharge this jurisdiction.' This year's event was held from 17–20 June 2002. There were 18 participants, all of whom felt that the course had substantially met its aim.

The Course Director was Judge Victor Hall.

Speakers

Subject	Name
CAFCASS	Ms Carol Hazelwood-Morris Ms Sheila Mosley
Case management	Judge Christopher Tyrer
Child Contact Centres	Mr Duncan Gore
Contact	Judge Richard Bond Dr Hamish Cameron Judge Victor Hall
Enforcement	Judge Victor Hall
Human rights	Judge James Meston QC
Judgements	Judge Christopher Tyrer
Listening to the child	Dr Hamish Cameron
Litigants in person	Judge Victor Hall
Oaths, interpreters and translators	Mr Justice Sumner
Parental polarisation	Dr Hamish Cameron
Private law orders	Mr Justice Bodey Judge Richard Bond Judge Victor Hall
Proof of facts in abuse cases	Judge Richard Bond
Seeing the judge	Mr Justice Sumner
The President of the Family Division	Dame Elizabeth Butler-Sloss
Welfare checklist	Judge Richard Bond

Public family law induction course

This year, the annual residential seminar (previously called the Conference for potential nominated care judges) was held from 21–24 May 2002. It is aimed at circuit judges (in advance of their authorisation to sit on care cases), newly appointed deputy High Court judges, district judges appointed to the Family Division and those district judges authorised to exercise care jurisdiction. The aim of the conference is: ‘to enable those judges who wish to hear public law cases to obtain a practical understanding of the law and judicial skills which are required to discharge this jurisdiction.’ This year there were 35 participants, all of whom felt the conference had substantially met its aim.

The Course Director was Judge Richard Bond.

Speakers

Subject	Name
‘Good enough’ parenting	Dr Brian Jacobs
Assessments under section 38(6)	Judge Richard Bond
CAFCASS	Mr Charles Prest
Care plans	Judge Victor Hall
Case management	Mr Justice Wall
Costs	District Judge Robert Hill
Court of Appeal	Lady Justice Hale
Department of Health initiatives	Mr Bruce Clark
Family Law Act, Part IV	Judge Richard Bond Mr Justice Hedley
Human rights	Judge Victor Hall
Judgements	Judge Richard Bond Judge Victor Hall Mr Justice Sumner
Listening to the child	Dr Brian Jacobs
Paediatric expert witnesses	Dr John Sills
Paediatric radiology	Dr Neville Wright
Proof of facts in physical abuse cases	Judge Richard Bond

Speakers cont.

Subject	Name
Role of the guardian	Ms Kate Thomas-Peter
Secure accommodation orders	Judge Richard Bond
The consequences of care	Professor Spencer Millham

Induction course for district judges under Children Act, section 8

Following the creation of a new ‘section 8’ ticket, enhancing the powers held by district judges in hearing private family law cases, the JSB held the first in this new series of seminars from 17–19 June 2002. The aim of the course was: ‘to enable district judges who are to be nominated to conduct opposed hearings under section 8 of the Children Act 1989 to obtain a practical understanding of the judicial skills, approach and knowledge that relate to their extended jurisdiction.’ Of the 52 participants, 89 per cent felt that the course had substantially met its aim.

The Course Director was District Judge Helen Wood.

Speakers

Subject	Name
CAFCASS	District Judge Sue Spencer
Child Contact Centres	Mr Duncan Gore
Contact	Judge Richard Bond Dr Hamish Cameron Judge Victor Hall
Costs	District Judge Martin Cardinal
Dispute resolution	Mrs Helen Howard
Emergency applications	District Judge Anthony Cleary
Judgements	Judge Christopher Tyrer
Litigants in person	Judge Victor Hall
Private law orders and blood tests	Mr Justice Bodey
Seeing the judge	Mr Justice Sumner
Welfare checklist	Judge Richard Bond

Induction seminar for nominated care district judges

The induction seminar for nominated care district judges was not held this year, as insufficient numbers of district judges were newly authorised to sit on public family law cases. In future, those judges will attend the public family law induction course, described above.

Private family law continuation seminar

Private family law continuation seminars are attended once every three years by those sitting at circuit judge level who are authorised to hear private family law cases. The aim of the seminar is: ‘to provide for judges, full- and part-time, with working experience in family law an opportunity to identify and address current problems in private family law and to maintain awareness of thinking in related disciplines.’

Two seminars were held, from 20–22 November 2002 and 20–22 January 2003. The seminars had 73 and 43 delegates respectively, and were felt by 97 and 89 per cent of the participants substantially to have met their aim.

This year, for the fourth time, participants were asked to choose between the two seminars, which were for the less experienced and more experienced judge respectively. The Committee feels that there would be benefit in training judges with different levels of experience together, a policy that will be adopted for the purposes of the next training cycle.

This year, the Course Director for the November seminar was Judge Richard Bond and for the January seminar was Judge Victor Hall.

Speakers

Subject	Name
CAFCASS	Ms Elizabeth Coe Mrs Carol Hazelwood-Morris Mr Charles Prest

Speakers cont.

Subject	Name
Change of name	Judge Richard Bond
Children with a violent parent	Dr Mike Shaw
Contact	Judge Richard Bond Judge Victor Hall Dr Mike Shaw
Contact centres	Dr Cathy Humphreys
Costs and public funding	District Judge Robert Hill
Current issues	Mr Ernest Ryder QC
Domestic violence	Dr Danya Glaser Judge Christopher Tyrer
Family group conferences	Ms Anne Rooney
Human rights	Judge James Meston QC
Relocation	Judge Richard Bond
Parental responsibility	Judge Richard Bond
Parents with learning difficulties	Professor Tim Booth
Private family law	Mr Justice Munby
Proof of facts in cases of abuse	Judge Richard Bond
Private family law orders	Judge Victor Hall
Shared residence orders	Judge Victor Hall

Public family law continuation seminar

The Committee held its annual public family law continuation seminar from 22–24 January 2003. The seminar is directed at those circuit judges who have attended the induction course, Family Division district judges, deputy High Court judges and district judges of the magistrates’ courts. The aim of the seminar is: ‘to enable those judges authorised to hear care cases to review and develop the manner in which they exercise their jurisdiction and to hear of the work undertaken by certain agencies other than the social services departments.’ This year, there were 63 participants, 91 per cent of whom felt that the seminar had substantially met its aim.

The Course Director was Judge Richard Bond.

Speakers

Subject	Name
Adoption law	Judge Victor Hall
Care plans	Mr Christopher Davies Dr Danya Glaser Judge Victor Hall
Concurrent planning	Mr Brian Clatworthy
Contact	Mr Christopher Davies Dr Danya Glaser
Learning disability	Dr John Newland
Mental health of looked-after children	Mr Peter Wilson
Personality disorders	Dr Danya Glaser
Radiology	Dr Christine Hall
The Lord Chancellor's Department	Baroness Patricia Scotland QC

Public family law continuation seminar for district judges (magistrates' courts)

A special seminar for district judges (magistrates' courts) was held from 15–17 May 2002. Its aim was: 'to enable those district judges (magistrates' courts) who hear care cases to review and develop the manner in which they exercise their jurisdiction and to hear of the work undertaken by certain agencies other than the social services departments.'

Of the 41 participants, all felt that the seminar had substantially met its aim. All district judges (magistrates' courts) will in future be included in the cycle for public family law continuation seminars, described above.

The Course Directors were Judge Richard Bond and District Judge (Magistrates' Courts) Nicholas Crichton.

Speakers

Subject	Name
Assessments under section 38(6)	Judge Richard Bond
CAFCASS	Mr Charles Prest

Speakers cont.

Subject	Name
Care plans	Judge Victor Hall Mr Keith Miller
Case management	District Judge Nicholas Crichton
Contact	Dr Hamish Cameron
Emergency protection orders	District Judge Nicholas Crichton
Human rights	Judge Victor Hall
Listening to the child	Dr Hamish Cameron
Part IV: Practice and orders	Judge Richard Bond Judge Victor Hall
Placement outcomes	Dr Hamish Cameron
Public law	Mr Justice Sumner
Public law orders	Judge Richard Bond Judge Victor Hall
The troubled child in the care system	Mr Peter Wilson

Continuation seminar for nominated care district judges

The aim of this seminar is: 'to enable those who sit as nominated care district judges to review and develop the manner in which they exercise their jurisdiction.' This year's seminar was held from 20–22 November 2002. Of the 64 participants, 98 per cent felt that the seminar had substantially met its aim.

Speakers

Subject	Name
Applications to the court	District Judge Anthony Cleary
CAFCASS	District Judge Sue Spencer
Children with a violent parent	Dr Mike Shaw
Contact Centres	Mr Duncan Gore
Costs	District Judge Martin Cardinal
Current issues	District Judge Penny Cushing
Dispute resolution	Mrs Helen Howard
Domestic violence and contact	Mr Ernest Ryder QC
Giving judgement	District Judge Robert Hill
Human rights	Professor Rebecca Bailey-Harris

President's conference

A residential two-day conference for Family Division liaison judges, designated family judges and the Senior District Judge of the Family Division was held from 20–21 May 2002. The aim of the conference was to provide a forum, under the President's direction, for liaison and designated family law judges and other contributors:

- 1 To address administrative and circuit issues.
- 2 To consider matters of significance in family law, the implementation and impact of departmental initiatives, and the promulgation of best practice and procedure.

The conference was chaired by the President of the Family Division, Dame Elizabeth Butler-Sloss. Sixty judges attended, all of whom felt it had substantially achieved its aim. The Course Director was Mr Justice Sumner.

Speakers

Subject	Name
Court of Appeal	Lady Justice Hale
Adoption	Judge Victor Hall
CAFCASS	Mr Charles Prest
Children in family proceedings	Professor Judith Masson
Protocols in care cases	Judge David Brunning
Assessments of families	Dr Roger Kennedy
Trafficking in children	Detective Chief Inspector Chris Ambler Detective Superintendent David Gaylor Ms Juliet Singer
Court Service	Mr Mark Camley
Department of Health	Mr Bruce Clark
Lord Chancellor's Department	Miss Sally Field

6 Magisterial Committee

Membership

During the course of the year, Don Manley JP and Lady Pitchers JP retired from the Committee. Anthony



Mrs Justice Hallett

Hazeldean JP and Dr Julie Richardson JP were appointed as the new lay magistrate members and David Greensmith as a new justices' clerk representative. District Judge (Magistrates' Courts) Ian Baker, a new member of the Equal Treatment Advisory Committee (ETAC), is the new ETAC representative on this Committee.

The Magisterial Committee currently consists of a High Court judge, four lay magistrates, a justices' clerk, a justices' chief executive, three district judges (magistrates' courts) and representatives from the Lord Chancellor's Department and Home Office.

As at 31 March 2003, the membership of the Committee was:

- Mrs Justice Hallett
- District Judge (Magistrates' Courts) Ian Baker
- Mr Peter Blackwell JP
- District Judge (Magistrates' Courts) Philip Browning
- Mr Simon Evans
- Mr Anthony Hazeldean JP
- Mrs Susan Hewett JP
- District Judge (Magistrates' Courts) Graham Richards
- Dr Julie Richardson JP
- Mr David Greensmith
- Mr Ian Chisholm
- Mr John Lane

The Director of Studies, Executive Director and Senior Training Adviser (Magistrates) attend all Committee meetings.

The work of the Committee

The JSB's role in relation to the training of magistrates will be considerably affected by the eventual implementation of the Criminal Justice and Courts Bills and in particular by the integration of the management of the criminal courts within a single courts administration. It is within this context, and especially with a view to a clear role for the JSB in the promotion of a consistency of approach to each case by judicial office holders throughout the criminal justice system, that the Committee has been approaching the various projects outlined below.

Magistrates' National Training Initiative

During the period, the Committee has continued to consult on the revision of the Magistrates' National Competence Framework and Appraisal Scheme, and a complementary Training and Development Scheme, with a view to launching a completely revised package (informally referred to as 'MNTI 2') by the end of 2003.

During the course of the reporting period, a revised draft Competence Framework and Appraisal Scheme was produced, detailing the knowledge and skills required in the performance of the functions of a lay magistrate. That draft is now being piloted as the basis for the appraisal of magistrates in three Magistrates' Court Committees (MCCs) – Bexley, Cleveland and Dorset. It is the intention of the Committee to produce a final document for distribution to all MCCs later in 2003.

In the meantime, work also continues on the development of the Magistrates' Training and Development Scheme, comprising a series of core training packs, to work in conjunction with the Framework and to allow MCCs to provide training for their justices on each of the competences pinpointed in that framework. Those training packs, and the related guidance to MNTI 2 as a whole for training managers, justices' clerks, lay magistrates, and all those with a role in its successful adoption, will also be available by the end of 2003.

The Magisterial Committee is aiming to phase in the revised

Magistrates' National Training Initiative Framework from January 2004. Implementation will be complete by April 2005, thus satisfying a key recommendation of Sir Robin Auld's Criminal Courts Review.

Adult Court Bench Book

During the period of this report, work began on the production of an Adult Court Bench Book by the JSB. A small editorial committee has been put together, with representatives from the Magistrates' Association, the Justices' Clerks' Society and a District Judge (Magistrates' Courts) to decide on the best way of providing those tools considered essential to magistrates in their day to day work as accessibly and concisely as possible.

Youth Court Bench Book

During the period of this report, plans have also been put in place for the revision of the Youth Court Bench Book in line with the new Competence Framework.

Monitoring and evaluating of lay magistrates' training

The JSB is required in order to assure the Lord Chancellor under section 64 of the Justices of the Peace Act 1979 that Magistrates' Court Committees are meeting required standards in their provision of training to magistrates. During the course of the period under report, visits were made to the MCCs in Cleveland, Devon and Cornwall, Hampshire and the Isle of Wight, Humberside, Suffolk, Lancashire and Durham. The training was found to be satisfactory and well received by the magistrates in all of the MCCs.

Bench Training and Development Committee Chairs

A pilot course has been organised for Chairs of Bench Training and Development Committees, in support of the Good Practice Guidance the Board published in October 2002 and distributed to the BTDC Chairs at all Magistrates' Court

Committees. The aim of that pilot, which will be held in April 2003, is: 'to raise awareness of the role and responsibilities of the Bench Training and Development Committee Chair.' It will also be the basis of a series of workshops in Spring 2004.

Training courses for new bench chairmen

Four three-day courses were held during the year for newly elected chairmen of benches. These courses are aimed at equipping new bench chairmen with the skills and knowledge necessary to undertake the non-judicial aspects of their duties, including their roles in relation to pastoral care and discipline and press liaison. The aim of the course is: 'to enable delegates to undertake their role as bench chairmen by examining their role in relation to others.'

The courses were held on 2–4 and 16–18 December 2002 and 6–8 and 13–15 January 2003. There were 66 participants in total, all of whom felt that the courses had substantially met their aim.

The Course Director was Mrs Susan Hewett JP. The course tutors were drawn from:

Mr Paul Bradley
 Mr David Carrier
 Mrs Janet Cohen
 Mr Simon Evans
 Ms Ann Flintham JP
 Mr Tony Heath OBE
 Mrs Penelope Hewitt
 Mrs Lynne McGeachie
 Mr George Mitchell CBE JP
 Mr Barry Picken JP
 Mr John Powell
 Mr Mark Swales
 Mr Malcolm Watts
 Mr Tim Workman

DJ(MC) Training Sub-committee

In addition to its responsibilities for the training of the bench, the Committee has responsibility for providing train-

ing for district judges (magistrates' courts). This is organised through the District Judge (Magistrates' Courts) Training Sub-committee, which is a sub-committee of the Magisterial Committee, sits under my chairmanship and considers the contents and frequency of the training provided. During the period under report, the sub-committee undertook a training needs analysis for district judges (magistrates' courts) with the intention of reviewing the contents of the Continuation seminars.

Induction course for deputy district judges (magistrates' courts)

One induction course was held during the period, from 3–6 March 2003. The aim of the course is: 'to ensure that new deputy district judges (magistrates' courts) have such knowledge of the law and procedure relevant to magistrates' courts practice, including judicial approach to such work, as they will need to enable them to conduct trials, pass sentence and preside in court.'

The speakers on the course are listed below. There are also a number of small group sessions, during which participants have the opportunity to practice decision-making in a variety of situations, including road traffic cases, sentencing and fine enforcement, and through discussion to develop a consistent approach to issues of court practice and procedure. There is also a video session which allows participants to practice their presentation skills in giving reasoned decisions and passing sentence. Mr Justice Grigson was the guest speaker at the course.

There were 27 participants on the course, all of whom felt that it had substantially met its aim.

Speakers

Subject	Name
Communication	Geese Theatre Company
Enforcement	The Deputy Senior District Judge (Magistrates' Court) Tim Workman

Speakers cont.

Subject	Name
Equal treatment	District Judge (Magistrates' Court) Ian Lomax
Mentally disordered offenders	Dr John Basson, District Judge (Magistrates' Court) Philip Wassall
The work of a District Judge (Magistrates' Court)	District Judge (Magistrates' Court) Jeremy Coleman
The Youth in the Adult Court	District Judge (Magistrates' Court) Davinder Lachhar Miss Parmjit Kaur Cheema

The Course Director was District Judge (Magistrates' Court) Graham Richards.

Continuation seminar for district judges (magistrates' courts)

Three continuation seminars were held during this period, on 9–10 January 2003, 27–28 January 2003 and 27–28 February 2003, at which there were 50, 45 and 50 participants respectively. The aim of the seminar is to enable participants to:

- 1 Meet and exchange information and experience.
- 2 Receive information about national developments and initiatives in law and practice.
- 3 Improve knowledge of current issues affecting district judges (magistrates' courts).

All of the participants felt that the course had substantially met its aim at the first and last of these seminars, and 92% of the participants at the course in late January.

As well as the talks listed below, an important element of the training takes place in small groups, where discussion is structured around a case study.

Speakers

Subject	Name
IT	District Judge (Magistrates' Court) Philip Wassall
Current legislative issues	Senior District Judge Hewitt (Chief Magistrate) Deputy Senior District Judge (Magistrates' Court) Tim Workman
The National Probation Service	Ms Eithne Wallis Ms Liz Hill
Customs and excise	District Judge (Magistrates' Court) Kevin Gray
Recent changes in the law	District Judge (Magistrates' Court) Loraine Morgan District Judge (Magistrates' Court) John Woollard

The Course Director was District Judge (Magistrates' Court) Philip Browning.

7 Tribunals Committee

Membership

During the course of the year Michael Brown retired from the Committee and Penny Letts was appointed as his successor as the representative of the Council on Tribunals.



Mr Justice Sullivan

The membership of the Committee currently consists of a High Court judge, members of different tribunals, an academic, officials of the Lord Chancellor's Department and a representative from the Council on Tribunals.

The object of this broad representation is to address the training needs of the many and diverse tribunals; to advocate improved training and funding for tribunal training; to involve the Council on Tribunals; and to make the fullest possible use of the expertise available within university law departments.

As at 31 March 2003, the membership of the Committee was:

- Mr Justice Sullivan
- Mr Godfrey Cole
- Miss Belinda Crowe
- Judge Michael Harris
- Mr Mark Hinchliffe
- Ms Penny Letts
- Mr Mark Ockelton
- His Honour Stephen Oliver QC
- Mr Ray Sams
- Professor Morris Sunkin

The Director of Studies, Executive Director and Senior Training Adviser attend all Committee meetings.

The work of the Committee

The Committee continues to contribute to the 'Tribunals for Users Programme' (TUP) which was set up to take forward Sir Andrew Leggatt's proposals under the guidance of a Strategic Board of which I remain a member. A Panel Members' Working Group has been set up to consider and advise on the judicial role within tribunals, with Godfrey Cole as one of its members. In March 2003 the Lord Chancellor announced his commitment to a Unified Tribunals Service during the next five years which will bring most central government tribunals into a new service accountable to his department. The JSB expects to have a strengthened role in relation to training within that service.

JSB's Competence Framework

Following detailed groundwork, including a series of countrywide workshops and a seminar for Heads and Presidents of tribunals, described in the last Annual Report, Lord Justice Waller launched the JSB's Competence Framework for Chairmen and Members of Tribunals at the Council on Tribunals' Annual Conference in November 2002. Copies of the Framework were distributed to Heads and Presidents, and to all those with a responsibility for training in tribunals. Sufficient copies are also available for chairmen and members of tribunals, and each copy of Volume 10 issue 1 of the *Tribunals* journal contains a copy.

JSB's Framework of Standards

Having established a framework for the skills required by judicial office holders, the next stage for the JSB has been the development of a Framework of Standards for Training and Development in Tribunals and guidance on the appraisal process. I was particularly keen to ensure that we worked closely with the Council on Tribunals on this project, particularly in respect of appraisal. Following discussions with Lord Newton, I set up a Working Group under the chairmanship of Godfrey Cole and including representation from the Lord Chancellor's Department as well as from the Council on Tribunals, namely:

- Mr Mark Ockelton, Immigration Appeals Tribunal
- Mr Ray Sams, Lord Chancellor's Department
- Mr Ray Burningham, Council on Tribunals
- Ms Penny Letts, Council on Tribunals
- Mr Douglas Readings, Council on Tribunals

as well as officials from the JSB.

A draft Training Standards Framework and a discussion paper on appraisal were presented to a seminar for tribunal Presidents and training officers in early April 2003.

It is our current intention to launch an agreed Training Standards Framework and appraisal guidance in the Autumn of 2003, once consultation has been completed and we have received the approval of the Judicial Studies Board. The Committee is considering whether there is a demand for JSB-run 'Training the appraisers' courses.

Tribunals journal

This biannual journal continues to be published under the editorship of Professor Hazel Genn CBE and distributed, free of charge, to those tribunals requesting copies. Two issues were published during the course of the period under report. The journal aims to provide information and updates for trainers, as well as articles of general interest for the tribunals judiciary.

The Winter 2002 issue concentrated on issues relating to evaluating evidence. In the Spring 2003 issue the theme was appraisal, which complemented the inclusion of a copy of the JSB's Competence Framework. It also looked at ways in which different tribunals are experimenting with new technology, including video conferencing and voice-recognition software, and the next issue will continue to examine this theme.

It was with great sadness that the Editorial Board lost a much-valued member in November 2002 with the death of Annie Anderson. Annie joined the Tribunals Committee in 1996 and remained involved with the publication until her death. She made a huge contribution to the title with the benefit of her wide knowledge of the tribunals world.

Coroners

The JSB continues to develop its links with the Home Office and Coroner Service. The Fundamental Review of the Coroners Service undertaken by Tom Luce and the forthcoming report of the Shipman Inquiry by Dame Janet Smith DBE are likely to have a significant impact on the training of coroners.

In the meantime, members of the Coroners' Study Group (which is responsible for coroner training) continue to attend the courses run by the JSB for tribunal members and trainers and the JSB continues to contribute advice on the structure and content of the Home Office funded training which coroners currently receive.

Training courses

During the period, the Committee ran four types of course.

The effective use of small groups in training

The aim of this seminar is: 'to equip trainers with the competences they require to facilitate, effectively and with confidence, small-group work as a training method.' A one-day seminar took place on 12 November 2002. There were 31 participants, all of whom felt that the seminar had substantially met its aim.

The Course Director was Godfrey Cole and the facilitators were Professor Hazel Genn CBE, Sarah Williams, Mary Holmes, Mark Ockelton and Stuart Vernon. Professor John Murrell also contributed.

Equal treatment seminar for tribunals trainers

The aim of this seminar is: 'to assist tribunal trainers in developing their ability to deliver equal treatment training in tribunals.' A one-day seminar took place on 14 November 2002. There were 10 participants, all of whom felt that the seminar had substantially met its aim.

The Course Director was Godfrey Cole and the facilitators were Yvette Genn and Judge Goolam Meeran. Professor Hazel Genn CBE also contributed.

Training the tribunals trainers

The aim of this course is: 'to equip trainers in tribunals with the competences they require in order to provide effective and appropriate training to chairmen and members of tribunals and equivalent bodies.'

The course is designed to reflect the training process, from the initial identification of training needs, through the design and delivery of training, to the evaluation of training activities. This year, one seminar was held between 3 and 5 February 2003. All of the 20 participants felt that the course had substantially met its aim.

The various sessions embrace topics including setting aims and objectives; producing training materials; and skills, tools and techniques for trainers. The seminar, which is highly participative, includes discussion groups, syndicate exercises and role-plays, some of which are videoed.

The Course Director was Godfrey Cole. The facilitators were Philip Brown, Mary Holmes, Stuart Vernon and Michael Woolley. The contributors were Professor Hazel Genn CBE, Mark Hinchliffe, Sarah-Jane McIntosh and Professor John Murrell.

Tribunals skills development

This residential course is aimed mainly at newly-appointed tribunal chairmen, although panel members and chairmen who have been sitting for some time are also encouraged to attend. Its aim is: 'to enable those who chair tribunals, or who sit in an equivalent capacity, to review and develop their competences.' Two courses were held between 30 September and 2 October 2002 and 10–12 March 2003. There were 33 participants at each, of whom 94 per cent and 100 per cent respectively felt that the courses had substantially met their aim.

Again, the course is highly participative, with the various sessions embracing topics such as: the previewing, preparation, and conduct of the hearing; communication skills; assessing

credibility, finding facts, and evaluating evidence; and equal treatment. Particular emphasis is placed on practical exercises in such areas as note-taking and decision-writing, for which professional feedback is given; discussion groups; syndicate exercises; and role-play, in which participants are videoed practising elements of the judicial function.

The Course Director was Godfrey Cole and the facilitators were Mary Kane, Barbara Mensah, Stuart Vernon, Professor Nick Wikeley, Michael Woolley and Sarah Williams. The contributors were Yvette Genn, Mark Ockelton and David Dabbs.

Conclusion

Tribunals have in the past been described as the Cinderella of the justice system. This looks set to change, and the Tribunals Committee looks forward to playing its role in the reform of administrative justice.

8 Equal Treatment Advisory Committee

Membership



Lord Justice Keene



Beverley Thompson

During the year, there have been five new appointments to the Committee: Dr Ranjit Arora, District Judge (Magistrates' Courts) Ian Baker, Judge Henry Hodge QC, James McManus and Tony Warner.

ETAC currently consists of a Lord Justice of Appeal, four circuit judges, three district judges, four barristers, two academics, a tribunal member, two trainers, one solicitor, a member of NACRO and a member of the Crown Prosecution Service.

As at 31 March 2003, the Committee membership was:

- Lord Justice Keene
- Ms Beverley Thompson OBE
- Dr Ranjit Arora
- District Judge Gordon Ashton
- District Judge (Magistrates' Courts) Ian Baker
- Ms Parmjit-Kaur Cheema
- Judge Bruce Coles QC
- Professor Paulene Collins OBE
- Ms Rowena Daw
- Ms Yvette Genn
- Mr Mark Hinchliffe
- Judge Henry Hodge QC OBE
- Mr Raj Joshi
- Judge Geoffrey Kamil
- Mr James McManus
- Mr Oba Nsugbe QC
- Mrs Sonia Shah-Kazemi

- District Judge Ray Singh CBE
- Judge David Ticehurst
- Mr Tony Warner

The Director of Studies and Executive Director attend all Committee meetings.

Review of equal treatment training

The Committee continued its review of equal treatment training on all JSB seminars, with individual members of the Committee being asked to consider specific training programmes. By working closely with the Course Directors for each series of seminars, those individual consultants have been able to advise on the incorporation of equal treatment issues within the case studies that form the basis of discussion within small groups on the different seminars.

Publications

Work has commenced on the revision of the Equal Treatment Bench Book, the publication that is issued to all judges on appointment. It is to be brought up to date to reflect such developments as the publication of the 2001 census figures and the research sponsored by the Lord Chancellor's Department and undertaken by Professor Roger Hood into the experiences of members of minorities ethnic in the criminal courts. The Bench Book will also be restructured, with separate sections on race and religion.

The booklets Race and the courts and Equality before the courts also produced by the JSB will also be updated and distributed to judges, magistrates and members of tribunals.

Courts and Diversity Research Programme

Professor Hood's report, mentioned above, is the latest in a series of pieces of research being undertaken by this programme, which is sponsored by the Lord Chancellor's Department. The next four research studies look into the experience of minority ethnic magistrates, ethnic diversity and the jury system, ethnic diversity and the tribunal system

and the experience of minority ethnic families of care proceedings, and the reports will continue to inform the work of the Committee.

Work for the Committees

ETAC is represented on all committees of the JSB. The following members attend Committee meetings to report on the work of ETAC and provide advice on the equal treatment content of seminars commissioned by the Committees. The names shown in brackets are the deputy representatives.

Criminal Committee	Mr Oba Nsugbe QC (Ms Parmjit-Kaur Cheema)
Civil Committee	Professor Paulene Collins OBE (District Judge Ray Singh CBE)
Family Committee	Judge Bruce Coles QC (Mrs Sonia Shah-Kazemi)
Magisterial Committee	District Judge (Magistrates' Courts) Ian Baker (Mr Raj Joshi)
Tribunals Committee	Mr Mark Hinchliffe (Ms Yvette Genn)

Further, there are a number of Working Groups whose role it is to consider the provision of training in specific areas of equal treatment by the JSB and specifically on race; disability; children and unrepresented parties; and gender and sexual orientation.

Work for the Criminal Committee

Mr Oba Nsugbe QC continues to present equal treatment sessions on the criminal induction course. They consist of a short talk followed by discussion of case studies in plenary. Mr Nsugbe also advises on the material covering race and sexual orientation issues included in the case studies for the criminal continuation seminars.

Work for the Civil Committee

Professor Paulene Collins OBE has advised the Committee on the production of course materials for the deputy district judges' induction seminar. District Judge Gordon Ashton continued to give a talk on disability awareness.

Work for the Family Committee

Issues relating to race, gender and sexual orientation are included in case studies which are discussed in syndicate.

Work for the Tribunals Committee

Mr Mark Hinchliffe attends the Tribunals Committee as the ETAC representative. He advises on equal treatment training sessions on the tribunal training courses. The Disability Working Group advised the Council on Tribunals on the content of their publication Making Tribunals Accessible to Disabled People: Guidance on Applying the Disability Discrimination Act.

Work for the Magisterial Committee

The Committee has continued its involvement in the Magisterial Committee's planning for its review of the use of the NACRO training pack for magistrates.

9 Executive Director's Report

Staffing

The staffing position over the year has been stable, with 24 established staff in post at 31 March 2003, plus two staff on short-term contracts and nine temporary members of staff.

There have been a number of key appointments during the course of the year, most noticeably the appointment of Lynne McGeachie as Senior Training Advisor for the Magistracy in May 2002 and Mary Holmes as Senior Training Advisor for Tribunals in September 2002. More and more emphasis is being laid on the importance of a consistency of approach in many of the areas of work of both magistrates and tribunal members, and these appointments reflect the growing role of the JSB in providing advice, both on training schemes and in the related areas of appraisal and mentoring. The work of both teams during the course of the year is discussed further in Chapters 6 and 7.

Within the magistrates team, Brioni Allcorn, a senior legal advisor at Sussex Magistrates' Court Committee, has been seconded to the JSB as the Magistrates Legal and Training Advisor with primary responsibility for the development and updating of the Adult Court and Youth Court Bench Books. Linda O'Sullivan has been appointed as the Interim Project Manager for the continuing work on the Magistrates' New Training Initiative.

We were also happy to welcome Helen Baker back to the JSB as the Head of Criminal Law, IT and Publications after her period of secondment to the Judicial Group of the Lord Chancellor's Department. This will be my last report as Executive Director of the JSB. My replacement, Debora Matthews, will start work at the JSB in May 2003.

Financial management

The year 2002/03 was another successful one for the JSB, with final outturn expenditure showing an underspend against our plans of around £600,000, mostly as the result of the lower numbers than anticipated of new appointments of deputy district judges and deputy district judges (magistrates' courts) and the consequent cancellation of two induction courses.

Change programme

During the period under review, the Secretariat have reviewed its structure and method of working, with an eye in part on the likely proliferation of cross-team projects that will be made necessary in planning and carrying out the criminal justice training programme. Members of staff have been consulted at every stage of the process, which culminated in the rearrangement of the offices into a single open-planned area at the beginning of 2003.

10 Annex I

Members of Judicial Studies Board as at 31 March 2003:

- Lord Justice Waller (Chairman)
- Mrs Justice Hallett DBE
- Mrs Susan Hewett JP
- Lord Justice Keene
- Professor Andrew Burrows
- Mr Godfrey Cole
- Judge Dick Pollard
- Judge Richard Bond
- Mr Mark Ormerod
- District Judge Jeremy Cochrane
- Sir Hayden Phillips GCB
- Lady Justice Smith DBE
- Mr Justice Crane
- Ms Jenny Williams
- Mr Justice Sullivan
- Mr Justice Sumner
- Ms Beverley Thompson

II Annex 2

The costs of the Judicial Studies Board are reported for the first time on an accrual basis, reflecting the Department's move to resource accounting. The Departmental resource accounts, of which this expenditure forms part, are not yet finalised and are expected to be published in November 2003.

	2002/03
	£000s
Total paybill costs*	808
External advice and consultancy	107
Travel and subsistence	44
Training costs (inc. Conference costs)	984
Contract and agency staff	145
Entertainment	2
Supplies and services	16
Books and publications	71
Other payments	104
Judicial salaries	1,527
Other judicial costs (travel and subsistence)	366
Grants and grants in aid (Magistrates' Association)	116
Other non-running costs	9
Cost centre depreciation	9
Total administration and programme costs	4,308
Total income	16
Total full costs	4,292

* including ERNIC and superannuation

