



Judicial Studies Board

Annual
Report
2003–2004



Contents

	Page
1 About the Judicial Studies Board	2
2 Chairman's Message	4
3 Director of Studies	6
4 Criminal Committee	10
5 Civil Committee	14
6 Family Committee	18
7 Magisterial Committee	23
8 Tribunals Committee	28
9 Training Committee	32
10 Equal Treatment Advisory Committee	36
11 Executive Director's Report	39
12 Annex: Costs	40

About the Judicial Studies Board

What does the JSB do?

The Judicial Studies Board's purpose is to equip judicial officers with the skills and knowledge that they need to discharge their duties effectively, in a way that preserves judicial independence and promotes confidence in the justice system. We are directly responsible for the development and delivery of training to judges in the Crown, county and higher courts. We also provide advice and support to those providing training in the magistrates' courts and tribunals communities.

The JSB's activities fall under three main headings:

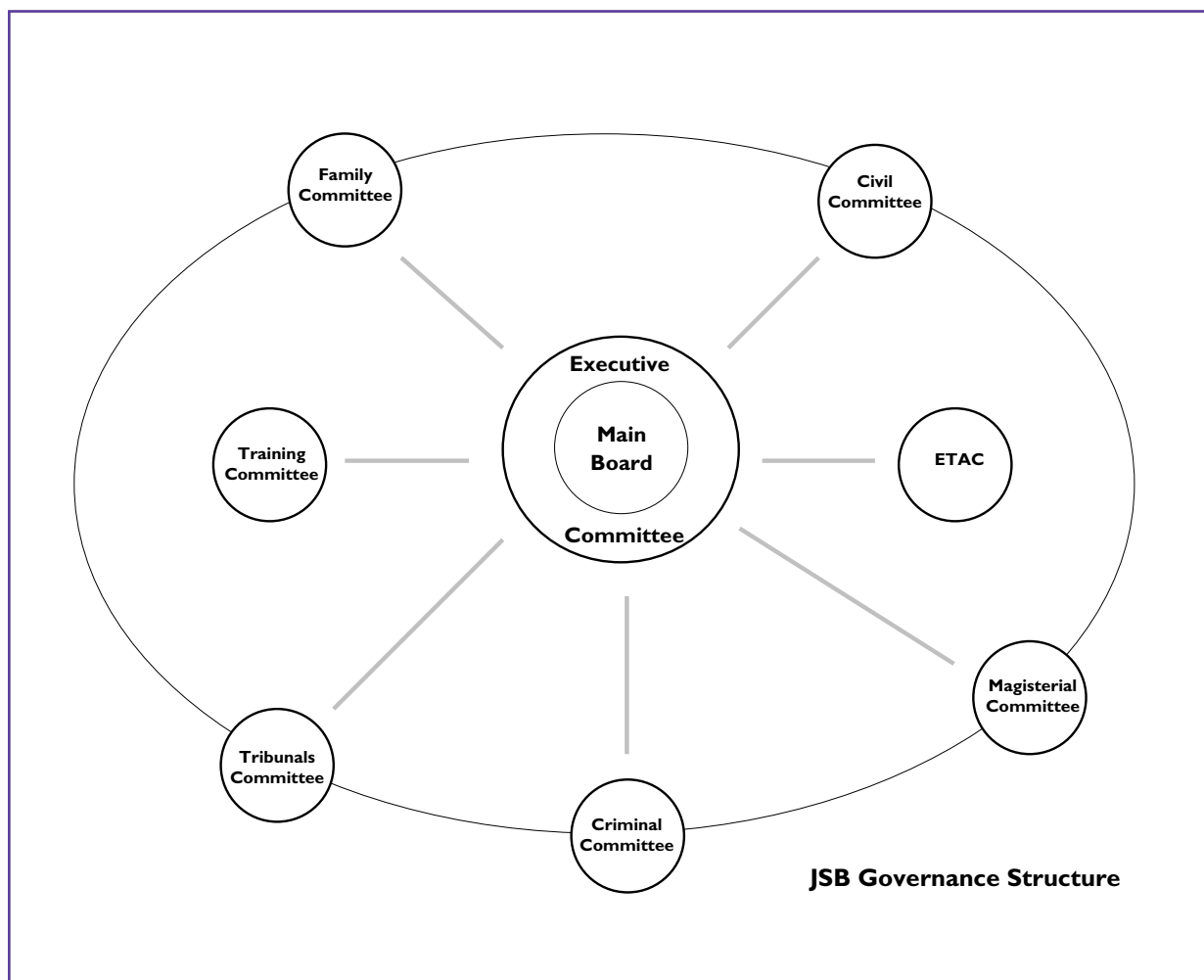
1 **Initial training** for new judicial officers and those who take on new responsibilities.

2 **Continuing professional education** to strengthen and deepen the skills and knowledge of existing judicial officers.

3 **Delivering change and modernisation** by identifying training needs, developing and delivering training programmes to support major changes to legislation and to the administration of justice.

How is the JSB organised?

The JSB is an independent judicial body. It draws its funds, staff and much of its corporate support direct from the Department for Constitutional Affairs, through the Legal and Judicial Services Directorate.



The Chairman and members of the Board of the JSB are appointed by the Lord Chancellor. The current Chairman of the Board is Lord Justice Keene. As at 31 March 2004, the membership of the Board was:

- Judge Richard Bond
- Mr Godfrey Cole
- Mrs Justice Cox DBE
- Mr Justice Crane
- Mrs Justice Hallett
- Mrs Susan Hewett OBE JP
- Mr John Lyon
- Sir Hayden Phillips GCB
- Judge Dick Pollard
- Ms Sonia Shah-Kazemi
- Lady Justice Smith DBE
- Ms Christine Stewart
- Mr Justice Sullivan
- Mr Justice Sumner
- District Judge (Magistrates' Courts) Wassall
- District Judge Helen Wood

The Director of Studies, Executive Director, Head of Judicial Training Management, Head of Magistrates' Training and Head of Tribunals' Training attend all meetings.

The full Board meets twice a year to set the high-level strategic direction for the JSB. Day-to-day oversight of the JSB is managed by the Executive Committee of the Judicial Studies Board. This comprises the Chairman of the Board, the Chairman of each committee and the Director of Studies.

Judicial training needs are assessed, and courses and training materials are developed, by the six main committees of the Judicial Studies Board. Five of these are responsible for oversight of training in particular jurisdictions, namely the Criminal, Civil, Family, Magisterial and Tribunals Committees. The sixth, the Equal Treatment Advisory Committee (ETAC), has an advisory role on diversity and equal treatment issues that spans the work of the other five

committees. The Training Committee brings together representatives from all six main committees and is responsible for promoting best practice in planning, delivery, monitoring and evaluation of training and overseeing cross-cutting issues such as IT and training for trainers.

Appointments

Appointments to the Judicial Studies Board are made by the Lord Chancellor. The JSB itself is responsible for appointments to its committees, sub-committees and judicial training teams, and in making those appointments observes the principles of open competition contained in the Code of Conduct issued by the Commissioner for Public Appointments.

2 Chairman's Message

At the invitation of the Lord Chancellor, I became Chairman of the JSB in July 2003. This is my first Annual Report.



Lord Justice Keene

I take over the Chair of the JSB at a time of significant and substantial change. There is an ever-increasing recognition that training is part of the natural warp and weft of a judge's professional life. There is, too, an increasing need for training on specialist issues and to respond to legislative, procedural and social change. And there is

an increasing demand for us to provide support for the educational activities of the magistracy and tribunals.

This year, I would highlight five key achievements of the JSB.

- We completed the development and delivery of the revised Magistrates' National Training Initiative (MNTI 2), which provides a competence framework, the accompanying training framework and an appraisal framework for the lay magistracy.
- We fully updated and revised the *Equal Treatment Bench Book*. Its aim is to inform, assist and guide as well as to generate thought and discussion on equality and diversity issues. It is available to all courts and tribunals in England and Wales.
- We developed and delivered a new web-based training resource for full- and part-time judges, giving easy, searchable access to a library of training materials.
- We developed and delivered a framework and standards for the delivery of training in tribunals, a model appraisal scheme and guidance on appraisal and mentoring for tribunals.
- At the request of the senior judiciary, we undertook the development of a training strategy for judicial management and leadership skills.

Next year will be busier than ever. We have already begun preparation for assuming responsibility, on behalf of the Lord Chancellor, for magistrates' training from April 2005, on the creation of a unified administrative structure for the courts. That represents a sea change in our relationship with the magistracy, and we will be consulting widely within the magistrates' courts community in the summer of 2004 about the ways in which we propose to discharge this heavy, but very welcome, responsibility.

We have also started developing training programmes to support those judges, magistrates, justices' clerks and legal advisers who will be affected by the Government's criminal justice reforms. That is a programme of work comparable in scale and scope to the introduction of the Human Rights Act and will occupy much of the energy and resources of the JSB for the next two years. In particular, a series of training courses will run continuously for 11 weeks in the early months of 2005.

Looking a little further into the future, we have the Government's proposed constitutional reform agenda. It is proposed that the JSB should continue to be responsible for training the judiciary, as now, under the auspices of the Head of the Judiciary. In the new constitutional landscape, that will be the Lord Chief Justice rather than the Lord Chancellor. That will mean some practical changes in our relationship with our sponsoring Department – the Department for Constitutional Affairs. The reforms also propose the creation of a Judicial Appointments Commission, with which we will need to develop a good working relationship.

The Board has articulated seven 'Strategic Priorities', which, subject to resources, will be its priorities for the next three-year planning cycle, 2005/06–2007/08. These are to:

- Consolidate the provision of diversity training across all its courses and to evaluate its effectiveness.
- Complement its face-to-face training by expanding its range of distance learning materials, both in written and electronic form.
- Systematise the provision of induction and continuation training to the senior judiciary.

- Assume and exercise a much stronger role in the training of the magistracy.
- Provide more systematic and effective support for the training of chairmen and members in tribunals, in partnership with the Council on Tribunals.
- Progressively raise the level of IT expertise among the professional judiciary, in support of the Courts and Tribunals Modernisation Programme.
- Implement an effective programme of training for judges and magistrates to support the Government's programme of reform to the criminal justice system.

I cannot let this opportunity pass to pay tribute to my predecessor, Lord Justice Waller. During his very successful chairmanship, Mark Waller oversaw an expansion and increasing professionalism of training for the judiciary. Some highlights from his term of office include the successful roll-out of human rights training; the introduction of training in IT skills for judges; and the establishment of diversity training right across the board, overseen by the Equal Treatment Advisory Committee (ETAC).

Judge William Rose's term of office as Director of Studies ended in December 2003. During his time at the JSB, William Rose has been central to the establishment of a programme of training for the judiciary in IT. He was an enthusiastic contributor to the JSB's international work, in particular managing the JSB's links with the European Judicial Training Network (EJTN). My congratulations go to William on being authorised to sit as a deputy High Court judge.

May I also pay tribute to those who have left the Board and its committees this year, and whose contributions will be greatly missed. We lose three Board members.

Special thanks must go to District Judge Jeremy Cochrane whose connection with the JSB goes back to 1989. We were particularly grateful that he found time to continue his work with the JSB's main Board and with the Civil Committee last year while President of the Association of District Judges. We also lose Professor Andrew Burrows QC from the Board

and the Civil Committee. My congratulations go to Andrew on taking silk (Honoris Causa) last year. We lose Beverley Thompson from the Board and I would like to add my personal thanks to Beverley, who was Vice-Chair of ETAC during my period in the Chair.

I welcome several new members to the JSB. Mrs Justice Cox joins the Board of the JSB as Chair of the Equal Treatment Advisory Committee and Sonia Shah-Kazemi as the Vice-Chair of ETAC. Judge Victor Hall also started his period of office as the JSB's new Director of Studies. He has a distinguished record in running the JSB's family training courses. He took up the post of Director of Studies in January 2004 and has already made a great impact on the work of the JSB, taking on chairmanship of the Training Committee, overseeing the JSB's communications and IT strategies and promoting high educational standards.

Congratulations are due to several members of the JSB team. Susan Hewett JP, a member of our Magisterial Committee and of the Board, was awarded the OBE in the New Year's Honours list. Judge Henry Globe QC, a member of our Criminal Committee, was appointed Recorder of Liverpool. Philip Wassall, who leads our IT strategy, was elevated to the Circuit Bench on the Western Circuit.

Finally, I would like to say a special thank you to Sir Hayden Phillips who attended his last Board meeting of the JSB in March 2004. As Permanent Secretary to the Department for Constitutional Affairs, Sir Hayden has been a tremendous supporter of the JSB and an active and valued contributor to our Board. He will be greatly missed and I wish him well for the future. I look forward to welcoming his successor, Alex Allen, to the Board later this year.

3 Director of Studies

The year 2003–2004 has been one in which many strands of the JSB’s current work have come together. Although my tenure as Director of Studies did not begin until 2 January



Judge Victor Hall

2004, I was fully aware of the work of my predecessor, Judge William Rose. As Joint Course Director for Family Studies for two years, I had met with him and discussed the work of the Board on a number of occasions. I must begin this report by expressing my personal thanks to him for his work at the JSB. As he

predicated in his Annual Report 2002–2003, the Board was invited to re-examine and redefine the role of the Director of Studies and this it did at a special meeting in June 2003. I am the beneficiary of the redefined role, which places emphasis on the Director’s responsibility for formulation of policy for the Executive Committee and the Board as well as ensuring that JSB strategy is implemented evenly across the work of the Board. In its scope, therefore, the work is very wide-ranging.

Training Committee

Allied with this redefinition, the Executive Director wrote a paper on redefining the work and role of the Training Strategy Committee, which was for about two years the JSB’s main discussion committee through which its training ideas were channelled. By the end of 2003, it was apparent that this had become too unwieldy to be completely effective. The Training Strategy Committee therefore voted itself out of existence, a decision endorsed by the Board at its November meeting.

Arising from the ashes of the Training Strategy Committee there rose, phoenix-like in January 2004, the JSB’s Training Committee, comprising one member from each of the six main committees of the JSB together with the Director of IT Training and chaired by the Director of Studies. At a stroke, the number of attendees was reduced by some two-thirds

and the Committee looks to hold much promise for advancing the work of the Board. It has a broad cross-cutting remit. One particular example is the work of the JSB in ensuring that domestic violence issues are carried forward across the work of all six committees. Similar considerations apply to a uniform policy in relation to the Freedom of Information Act and copyright issues.

The Training Committee has two sub-committees, the Communications and Editorial Board (responsible for overseeing all policies connected with the Bench Books, contents of the websites, distance learning and the commissioning and production of audio-visual material for use at JSB’s seminars, together with the relationship of the JSB with the outside world, press and media) and the Information and Communication Technology Working Group. As its name implies, this latter committee deals with all matters arising out of the use of computers by judges, the commissioning of work to the websites, the use to which the websites might be put and who can be given access to them.

Criminal justice reforms

At the present time, reform of criminal law is very much in the air as the effects of the Sexual Offences Act 2003, the Courts Act 2003 and the Criminal Justice Act 2003 begin to be felt. These, combined with the Anti-social Behaviour Act 2003 and the Adoption and Children Act 2002 (implementation expected Autumn 2005) and the anticipated work flowing from the Domestic Violence, Crime and Victims Bill make for a heady combination of training needs. Of particular urgency at the time of writing is the need to train sufficient numbers of the judiciary in the demoted ‘Tenancy etc.’ provisions of the Anti-social Behaviour Act 2003 ready for implementation later this year.

An ambitious programme of some 22 seminars is planned to take place between January and March 2005 for every judge exercising a criminal jurisdiction on the main provisions of the criminal justice reform programme. To enable effective training to be given, the JSB’s Criminal Committee discerned the need for a dedicated Course Director for criminal justice

reforms. Judge John Phillips was appointed in October 2003 and immediately set about devising an imaginative programme for delivery of the reforms. He has been backed by an immensely hard-working team within the Secretariat led by Margaret Allen. To her and to the other members of the team, Jeff Smith, Candice Lee and Faye Windmill (assisted on notable occasions by Malcolm Welsh and James Lowe), the JSB owes a debt of gratitude.

The magisterial side of this training programme is fronted by the Head of Magistrates' Training, Lynne McGeachie. Her criminal justice reforms team comprises Brioni Allcorn and Gary Henson, whose work has been no less invaluable to the JSB.

In addition to the sub-committees dedicated to each of these two aspects of the training programme, and to ensure that the whole criminal justice reforms programme is kept on course, I chair a joint sub-committee of both the Criminal and Magisterial Committees.

Public family law

Over the course of the year 2003–2004, the main work of the Family Committee, in addition to the usual cycle of refresher and induction courses, has been the running of a National Roadshow, comprising seven one-day seminars in different parts of the country, to introduce the Protocol for Case Management in Public Law Children Act Cases, which came into force on 1 November 2003. I would like to record the especial thanks of the JSB to Nicola Pugh whose work on the organisation of these seminars, at the same time as single-handedly organising three other seminars, showed great dedication. Faye Windmill is also to be thanked for her work at the roadshows. Work will commence shortly on the Adoption and Children Act 2002 Roadshow.

Information technology

Following the training needs analysis conducted in 2002, two pilots were held during that year. The feedback was extremely positive from those who attended the pilot, and as my predecessor reported last year, the first substantive IT

Legacy seminar was held in April 2003. That was followed by a further 10 seminars at venues as far apart as Bath, Greenwich and Crewe. A total of 263 judges were trained during these seminars, as a result of which there is now a general acknowledgement that the IT competence framework devised by Judge Philip Wassall, our Director of IT Training, is met in the vast majority of the full-time judiciary. One seminar for more advanced users was also held during the year with a further two planned for the next financial year. A number of 'one-to-one' induction courses over two days were also held during the year.

As with all JSB training, the programme is based on the firmly entrenched principle that the training of judges is by judges. In preparation for the IT Legacy seminars, two 'Training the Trainers' seminars were held in March and April 2003. This produced a pool of 85 trainers and floorwalkers for the main seminars, which has developed into a national scheme of IT liaison judges placed in courts around England and Wales and able to offer advice and assistance to others.

As ever, the JSB is indebted to Judge Philip Wassall for his drive, energy and enthusiasm for the subject, which seemed to remain unflagging notwithstanding tight deadlines for the various manuals that were required for different Windows operating systems and for the 'one to one' training. I echo the sentiments of my predecessor in saying that without his energy the project simply would not have taken off. A CD-ROM of the induction manual has been produced over the year.

Following the revision of the public website (accessible at www.jsboard.co.uk), papers and Bench Books have continued to be added. The success of the public site is reflected in the fact that there are approximately 750,000 hits per annum. Work will commence shortly on revising this website and that will be taken on through the Information Technology Committee mentioned above.

Further, the private website, available for access by all members of the full- and part-time judiciary, was launched in April 2004 with a suitably powerful search engine. It is intended that the website will eventually give access, not only to the papers used

at JSB seminars, but also to materials for use either as reference works at court or as a method of distance learning with in-built self-assessment materials. The JSB is in the process of commissioning such a tool on the Proceeds of Crime Act 2002.

Our intention is then to consider how much further the website can be used to deliver seminar materials to judges and how most effectively to employ distance learning modules, backed up by residential seminars with syndicate sessions possibly built around especially commissioned audio-visual material. The judiciary will have to be consulted widely on all these issues and we are presently in the very early days of looking at the areas involved.

Publications

At the request of one or two of the main committees, Bench Book policy continues to occupy the thoughts of the Communications and Editorial Board, with a view to seeking clarification of their use across the JSB.

The recently published revision of the *Equal Treatment Bench Book* is an impressive rewrite of what is an essential reference tool for all judges, containing invaluable guidance in the areas of race, religion, disability, children, unrepresented parties, gender and sexual orientation. It follows on from the research of Roger Hood undertaken on behalf of the Lord Chancellor's Department (as it then was) into the experiences of members of minority ethnic communities in the criminal courts. It has been produced by a small working party of the JSB's Equal Treatment Advisory Committee.

The Magisterial Committee has now finished production of the new *Adult Court Bench Book* and some 35,000 copies have been distributed nationally to every lay magistrate, district judge (magistrates' courts) and legal adviser. Plans for the first update are already under way.

Five two-day courses using specially commissioned material (including audio-visual material) entitled *Domestic Violence: An Ordinary Crime?* – designed to raise the levels of awareness of those who train magistrates – have been held over the

year. The courses received favourable feedback on the evaluation questionnaires. They were led by Peta Sissons and Marc Pigeon to whom the JSB expresses its grateful thanks.

Magistrates' National Training Initiative

The Magistrates' National Training Initiative was initially rolled out by the JSB in 1998. Following observations by Lord Justice Auld in his report *Justice For All*, it was clear that the scheme required some revision. Accordingly the Magisterial Committee has worked on an extensive rewriting of the documents (now known as MNTI 2) and has rolled it out nationwide in four meetings held between January and March 2004. The first was attended by the Lord Chancellor, Charlie Faulkner, who gave the keynote speech, and Lord Justice Keene, as the Chairman of the JSB.

The JSB's strengthened role

Another major area in which the Magisterial Committee is currently engaged is the strengthened role project. This looks to April 2005 when, under the plans for a unified courts administration, the JSB will be taking on direct responsibility for training the 30,000 lay justices in England and Wales. Clearly, a great deal of thought has to go into such a major scheme.

Tribunals training

The Tribunals Committee has been active in developing its Training Standards for Tribunals and its complementary Appraisal Guidance. This latter work has been developed in consultation with presidents of tribunals as well as those responsible for training. This is essential preparatory work before 2008 when the JSB is looking to take on extensive responsibility for training of tribunal members.

International co-operation and training

The JSB has significant relationships with other judicial training colleges and schools around the world and harmonious relationships exist across Europe through the European

Judicial Training Network (EJTN). Following the signature by the Lord Chancellor of its Articles of Association in April 2003, a number of training events designed to foster a common approach to matters of mutual interest have taken place. The member countries of EJTN are those of the European Union. The General Assembly is held twice per annum, the seat coinciding with whichever country holds the Presidency of the EU for the time being. EJTN has a website (*www.ejtn.net*), which is overseen by the JSB.

The JSB also maintains links with the Judicial Studies Committee of Scotland and the Judicial Studies Board of Northern Ireland via twice-yearly meetings of the UK Judicial Studies Council, where matters of common and cross-border interest are discussed. We also maintain links with the Republic of Ireland.

Through the EJTN and the International Division of the Department for Constitutional Affairs, the JSB is asked from time to time to assist other jurisdictions to provide a training needs analysis and to suggest ways in which judicial education might be taken forward in those jurisdictions. A number of pieces of such work have been undertaken in recent years by my predecessors and are unlikely to diminish in the near future.

Although very much the newcomer to the JSB, I have been made to feel very welcome by all with whom I have had the pleasure of coming into contact. I would like to extend special thanks to the judges who chair the six committees for their support in these early days. I would also like to thank the Chairman of the Board, Lord Justice Keene, and the Executive Director, Debora Matthews. I greatly look forward to working with you all during my time at the JSB.

4 Criminal Committee

Work of the Committee

The main function of the Criminal Committee is to provide high-quality programmes of induction, continuation and specialist training to full- and part-time judges in the exercise of their jurisdiction in criminal law.



Mr Justice Crane

During the period under report, the Committee has been fully engaged as well with planning and developing a programme of some 22 seminars, planned to take place between January and March 2005. These will form the central part of

the criminal justice reforms training programme, whose aim is to prepare judges for the changes flowing from the Criminal Justice Act 2003, the Courts Act 2003 and the Sexual Offences Act 2003. They will affect all judges who sit in crime, and the training programme will cover all judges with a criminal jurisdiction.

Membership

This year saw the appointment of Judge Brian Barker QC to replace Judge Peter Beaumont QC, whose period of office came to an end. William Davis QC was appointed as a new recorder member.

The Criminal Committee consists of a High Court judge, seven circuit judges (one of whom is a Law Commissioner and who has recently been appointed a High Court judge), the Registrar of Criminal Appeals, three recorders (one of whom represents the Equal Treatment Advisory Committee), an academic and representatives of the Department for Constitutional Affairs and the Home Office. The Director of Studies and Executive Director attend all Committee meetings.

At 31 March 2004, the Committee's membership was:

- Mr Justice Crane
- Professor Andrew Ashworth
- Judge Brian Barker QC
- Ms Parmjit-Kaur Cheema
- Mr David Cheesman
- Mr William Davis QC
- Judge Henry Globe QC
- Judge Ann Goddard QC
- Mr Bruce Houlder QC
- Judge John Phillips
- Judge Richard Pollard
- Mr John Powell
- Judge John Sessions
- Master Roger Venne
- Judge Alan Wilkie QC

Criminal justice reforms

A Course Director, Judge John Phillips, was recruited in October 2003 to take the lead in identifying the training needs of judges arising from the three 2003 Acts and developing a training programme to meet those needs.

A Criminal Justice Reforms Working Group, chaired by the Course Director and comprising Judge Richard Pollard, Judge Brian Barker QC and Bruce Houlder QC, was also established to provide assistance. Judge Keith Bassingthwaighe joined the Working Group as Deputy Course Director in April with the task of leading on sentencing provisions.

The Working Group is issuing a regular Criminal Justice Reforms Update to judges and a list of the guidance being issued to judges by the JSB, the Lord Chief Justice and other government departments.

Criminal 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 four-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 her 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 Michael Murphy, Judge John Phillips, Judge David Ticehurst and Judge John Wait.

There were two courses during the period of report, between 2–5 September 2003 and 22–25 September 2003 with 32 and 29 participants respectively. All of the participants at each of the seminars felt that the course had substantially met its aim.

The Course Director was Judge Ann Goddard QC.

Speakers

Subject	Name
Conduct of a trial	Mr Justice Crane
Equal treatment	Mr Oba Nsugbe QC
Evidence and procedure	Judge David Maddison
IT	Judge Alistair McCreath
Sentencing	Dr David Thomas QC
Summing up	Mr Justice Crane
Public Interest Immunity	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. One course was held this year, on 7 November 2003, and had 48 participants, of whom 98 per cent felt that the course had substantially met its aim.

The Course Director was Judge Richard Pollard.

Criminal continuation seminars

The Committee has continued to run four-day residential continuation seminars for circuit judges, recorders and newly appointed High Court judges. During 2003, the Committee welcomed judges from Bermuda, Northern Ireland and Guyana 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 of the six seminars held 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 Directors were Judge Peter Beaumont QC and Judge Brian Barker QC.

Numbers

Date	Number	% satisfaction rate
7–10 April 2003	82	100
2–5 June 2003	76	100
2–5 September 2003	87	97
22–25 September 2003	79	100
5–8 January 2004	87	98
9–12 February 2004	84	100

Speakers

Subject	Name
Anglo/French judicial relations	M. Bernard Rabatel
Computer use	DJ(MC) Phillip Wassall
Criminal law	Professor John Spencer Mr Graham Virgo
Criminal law in the EU	Mrs Nicola Padfield
Evidence and procedure	Judge David Maddison
Forensic science and the justice system	Dr Christophe Champod Mr Graham Jackson
Mentally disordered offenders	Dr Clive Meux
Practical issues	Lord Justice Auld
Risk assessment	Dr Andrew Johns
Sentencing	Dr David Thomas QC Mrs Nicola Padfield
The Parole Board	Judge Graham Boal
The Prison Service	Mr Philip Wheatley Mr Peter Atherton

Speakers cont.

Subject	Name
The Probation Service	Frances Flaxington Ms Claire Chudleigh Mr Keir Hopley Ms Liz Hill
The Sentencing Advisory Panel	Lord Justice Judge Lord Justice Rose Judge David Clarke QC Sir David Calvert-Smith Judge Michael Mettyear
Vulnerable witnesses	Professor Di Birch

Serious sexual offences seminars

The Committee ran two serious sexual offences seminars during the year, in July and November 2003, at which there were 68 and 83 participants respectively. These seminars are directed at all High Court and circuit 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 three days. They were chaired by Mr Justice Gibbs assisted by the Course Director. As well as the talks listed below, the seminars include discussion and group exercises. Ninety-eight per cent of participants at the July seminar and 100 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.

Speakers

Subject	Name
Attitudes to serious sexual offences	Professor Betsy Stanko Professor Jennifer Temkin
Conducting the trial	Judge David Hodson
Effect of sexual attacks on victims	Dr Gill Mezey
Evidence in sexual cases	Professor Di Birch
Policy of the CPS	Sir David Calvert-Smith
investigating sexual offences	Mr Ken Macdonald QC
Policy of the police investigating sexual offences	Commander John Yates
Sentencing	Judge David Griffiths
Sexual Offences Act	Professor Andrew Ashworth
Treatment of sex offenders in prison	Mr Matt O'Brien
Treatment of sex offenders in the community	Mrs Maggie Dodds

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 'Sentencing Young Offenders'.

Future plans

During 2004/05, the Committee will continue to concentrate on its plans for the seminars on the criminal justice reforms planned for the early months of 2005.

5 Civil Committee

Work of the Committee

The main function of the Civil Committee is to provide high-quality programmes of induction, continuation and specialist



Lady Justice Smith

training to full- and part-time judges in the exercise of their jurisdiction in civil law. During the period under report, the Committee has been particularly concerned with the planning and delivery of the first in two new series of seminars, the civil-only induction course and the special jurisdiction continuation seminars, as well as with the redesign of the civil continuation seminars.

Membership

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 Department for Constitutional Affairs. The Director of Studies and Executive Director attend all Committee meetings. During the period under report, Professor John Peysner was appointed as the academic member of the Committee to replace Professor Andrew Burrows, whose period of office had come to an end, and Judge Nicholas Chambers QC was appointed the Course Director for the specialist jurisdiction continuation seminars.

At 31 March 2004, the Committee's membership was:

- Lady Justice Smith
- District Judge Malcolm Birchall
- Professor John Peysner
- Judge Rupert Bursell QC
- Judge Nicholas Chambers QC
- Mr Paul Clements

- District Judge Jeremy Cochrane
- Professor Paulene Collins OBE
- Judge Alistair MacDuff QC
- Mr John Powell
- Mr Keith Westall

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 9–12 June 2003 and 24–27 November 2003, had 33 and 37 participants respectively and were adjudged by 92 per cent and 90 per cent of those participants substantially to have met their stated aim.

As part of the JSB's developing distance learning strategy, each participant was sent an interactive CD-ROM on possession claims in advance of the course.

The Course Director was Judge Rupert Bursell QC.

Speakers

Subject	Name
Case management	Judge Paul Collins CBE Judge Alistair MacDuff QC
Committals	Judge Mike Roach
Costs	Judge Richard Inglis
Damages	Judge Peter Bowers

Speakers cont.

Subject	Name
Disability	District Judge Gordon Ashton
Domestic violence	District Judge Margaret Langley
Health and safety cases	Judge David Swift
IT	DJ(MC) Philip Wassall
Judecraft	Judge Simon Grenfell
Poverty	Mr Jan Luba QC
The county court	District Judge Michael Walker
The judge in the civil court	Lady Justice Smith

Civil-only induction course

For the first time, an induction course was provided for a group of newly appointed recorders who were to sit only on civil work. The course was held between 8 and 11 December 2003. The recorders had been appointed as a result of a judicial appointments competition held in early 2003. The aim of the seminar was: ‘to facilitate civil-only recorders in their various sittings in obtaining practical understanding of and approach to the judicial skills and knowledge required’. Of the 21 participants who attended the course, 88 per cent felt that it had substantially met this aim.

The Course Director was Judge Rupert Bursell QC.

Speakers

Subject	Name
Appellate problems	Lord Justice Mummery
Case management	Judge Paul Collins CBE Judge Alistair MacDuff QC
Company accounts	Frank Ilett
Costs	Judge Richard Inglis
Damages	Judge Peter Bowers
Disability	District Judge Gordon Ashton
Injunctions, freezing and searching orders	Judge Nicholas Chambers QC
Insolvency	Registrar Stephen Baister
IT	DJ(MC) Philip Wassall

Speakers cont.

Subject	Name
Poverty	Mr Jan Luba QC
Restitution and fiduciaries	Mr Justice Beatson
The county court	District Judge Michael Walker
The judge in the civil court	Lady Justice Smith

Deputy district judge induction course

While the JSB continues to hold this course for deputy district judges before being authorised to sit in the county court, there were no new appointments during the course of the year under report, and therefore no courses were held.

Civil continuation seminars

The continuation training for civil judges continued, with the first in a new three-year cycle of seminars being held in Autumn 2003. The existing structure was examined and completely rewritten in an attempt to respond to the feedback from evaluation questionnaires.

The aims of the civil continuation are to provide:

- 1 Continuing education and training on specific legal, procedural and social issues for full-time and part-time judges so as to enable them to deal more effectively with civil proceedings.
- 2 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, facilitated by means of discussions in syndicates of case studies involving questions of substantive law and practice and the exercise of discretion.
- 3 The opportunity for judges to improve:
 - Their skills in the use of judicial information technology either to compose text, use the Internet or use conferencing facilities, or
 - Their understanding of what sources of information are available electronically and how to access them.

As mentioned in the aims, as well as the talks listed below, an important element of the training takes place in small groups, where participants discuss exercises on subjects which they have prepared in advance. Those small groups are facilitated by members of the tutor team of judges.

The participants are sent a copy of an interactive CD-ROM on possession actions before the course, and an optional session is offered to participants wishing to discuss elements of that training programme.

During the year, the Committee also worked closely with members of the Equal Treatment Advisory Committee to produce a video on issues relating to unrepresented parties, in particular those relating to case management and equal treatment, for use during the course of the seminar. The Committee is particularly grateful to Judge David Ticehurst for leading this project.

Judge Alistair MacDuff QC and District Judge Malcolm Birchall were the Course Directors for this series of seminars.

Numbers

Date	Number	% satisfaction rate
15–17 September 2003	77	99
17–19 September 2003	80	94
20–22 October 2003	83	97
22–24 October 2003	83	97
26–28 January 2004	77	98
28–30 January 2004	85	99
23–25 February 2004	71	95
25–27 February 2004	68	100

Speakers

Subject	Name
Antisocial behaviour orders	Judge John Platt
Case management	Mr Justice Tim Lloyd Judge Alistair MacDuff QC District Judge Gordon Ashton District Judge Martin Cardinal

Speakers cont.

Subject	Name
Contract	Professor Andrew Burrows Mr Edwin Peel
Costs	District Judge Tony Cleary District Judge Chris Lethem
Disability	District Judge Gordon Ashton
Domestic violence	District Judge Tony Cleary
IT	DJ(MC) Philip Wassall
Mediation	CEDR representative
Tort	Mr John Cartwright Mr Edwin Peel

Specialist jurisdiction continuation seminar

The first of this new series of continuation seminars was held between 9 and 11 July 2003. Designed for those circuit judges, recorders and deputy High Court judges who hear cases relating to mercantile and chancery law, and those sitting in the technology and construction court, its aim is: 'to enable those judges who hear cases in the three specialist jurisdictions to obtain a practical understanding of the law and the judicial skills which are required to discharge these jurisdictions'.

As well as enabling those new to these jurisdictions to handle this work with confidence, the course encourages those who are familiar with these specialist fields to exchange information and experience with others. There was particular emphasis on good case management and an opportunity for discussion between those who manage cases at an early stage and those who conduct the final hearings.

A significant part of the training took place in small groups, where discussion centred on fictional case studies.

Of the 63 participants, 85 per cent felt that the course had substantially met its aim.

The Course Director was Judge Nicholas Chambers QC.

Speakers

Subject	Name
Adjudication and enforcement	Judge Anthony Thornton QC
Appellate problems	Lord Justice Mummery
Arbitrations	Mr Justice Thomas
Company accounts	Frank Ilett
Costs	Lord Justice May
Freezing and search orders	Mr Justice Jacob
Insolvency	Registrar Stephen Baister Lady Justice Smith
IT	DJ(MC) Philip Wassall
Land law	Mr Charles Harpum
Restitution and fiduciaries	Mr Justice Beatson
Sales pursuant to charging orders	Chief Master Winegarten
Service and jurisdiction	Mr Justice Collins
The Chancery jurisdiction	Mr Justice Etherton
The specialist judge and the administrators	Mr Nick Chibnall

Annual seminar for district judges

District judges also attend a one-day seminar in London each year. This year, the seminar was held on 26 March 2004. 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 380 participants, 97 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
Alternative dispute resolution	District Judge Jill Wainwright
Anti-social Behaviour Act 2003	District Judge Nic Madge

Speakers cont.

Subject	Name
Contract law and small claims	Mr Edwin Peel
Disability	District Judge Gordon Ashton
Proceeds of Crime Act 2002	Mr James Turner

Competition Act seminar

A seminar on the Competition Act was held between 7 and 9 January 2004 as part of the JSB's developing training programme for the higher judiciary. There were 28 participants, drawn mainly from the Chancery Division of the High Court and the Court of Appeal. The seminar was chaired by Lady Justice Smith and, as well as the speakers listed below, included the discussion centring on a number of fictional case studies in small groups and plenary.

The Course Directors were Judge Rupert Bursell QC and Judge Nicholas Chambers QC.

Speakers

Subject	Name
A barrister's perspective	Mr Nicholas Green QC
A registrar's perspective	Mr Charles Dhanowa
Article 81	Mr Paul Lasok QC
Article 82	Sir Christopher Bellamy QC
Case management	Sir Christopher Bellamy QC
Jurisdiction	Mr Charles Dhanowa
Market definition and power	Mr Zoltan Biro
National and EU competition law	Sir Christopher Bellamy QC
The Office of Fair Trading	Professor Margaret Bloom

Future plans

During the coming year, the Committee will continue to review its provision of induction, continuation and specialist training to full- and part-time judges in the exercise of their jurisdiction in civil law.

6 Family Committee

Work of the Committee



Mr Justice Sumner

The main function of the Family Committee is to provide high-quality programmes of induction, continuation and specialist training to full- and part-time judges in the exercise of their jurisdiction in family law.

During the period under report, the Committee was

particularly concerned with the consideration of:

- The continuing need for training on domestic abuse and the implications for that of the Domestic Violence Crime and Victims Bill.
- The problems arising from difficult contact cases.
- The need for additional training in the areas of inter-country adoption.
- The problem of delay in concluding Public Law Children Act 1989 cases and the national implementation of the *Protocol for Judicial Case Management in Public Law Children Act Cases*.
- Judgecraft and the preparation of judgments.

The Committee continued to run residential private and public law induction and continuation seminars. It has, however, rationalised family law training for judges to some degree to reflect the realities of the overlapping interests of the circuit and district benches and the magistrates' courts, and the training needs of those judges exercising both public and private law jurisdictions. Seminar content has been kept continuously under review and several new topics were introduced across the seminars.

Membership

This year saw the appointment of District Judge Penny Cushing to the Committee to replace District Judge Ken White, whose

term of appointment came to an end. Judge Bruce Coles QC's term of appointment also came to an end and Judge Geoffrey Kamil was appointed as the new representative of the Equal Treatment Advisory Committee. Judge Peter Jones was appointed to replace Judge Victor Hall on the Committee, on the latter's appointment as the JSB's new Director of Studies.

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 Department for Constitutional Affairs.

At 31 March 2004, the Committee's membership was:

- Mr Justice Sumner
- Judge Richard Bond
- District Judge (Magistrates' Courts) Nicholas Crichton
- District Judge Penny Cushing
- Judge Peter Jones
- Judge Geoffrey Kamil
- Professor Judith Masson
- 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.

Private family law induction course

Two four-day private family law induction seminars were arranged during the period for recorders and circuit judges newly authorised to hear private family law cases. For the first time, district judges with the jurisdiction to exercise enhanced powers under section 8 of the Children Act 1989 also attended these courses.

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, two courses were held between 16 and 19 June 2003 and 22 and 25 March 2004 with 41 and 32 participants respectively. All of the participants felt that the course had substantially met its aim.

The Course Directors were Judge Richard Bond and Judge Victor Hall.

Speakers

Subject	Name
A psychiatric overview of contact and domestic violence	Dr Joanna Sales
Advocates and children seeing the judge	Mr Justice Sumner
CAFCASS	Mr Harvey Knightingale Janice Ward Ms Sue Hassall Ms Carol Hazelwood-Morris
Case management, judgements	Judge Christopher Tyrer
Children Act 1989, sections 8–11	Mr Justice Bodey Judge Peter Jones Judge Richard Bond
Contact	Mr Ernest Ryder QC
Determining paternity, orders of the court	Judge Peter Jones
Domestic abuse at home and abroad; Problematic contact cases; Equal treatment; Family Law Act 1986, sections 33 and 34; Children Act 1989, section 7, 16 and 37; Injunctions and committals	Judge Victor Hall
Family Law Act 1996, Part IV	Judge David Ticehurst
Guidelines on domestic violence and split hearings; Contact	Judge Diana Eaglestone
Human rights	Judge James Meston QC
Litigants in person	Judge Anthony Ansell

Speakers cont.

Subject	Name
Litigants in person; Proof of facts in child abuse cases; Cases you should not do; Family Law Act 1986, sections 33 and 34	Judge Richard Bond
National Association of Child Contact Centres	Mr Duncan Gore
Parental responsibility	Judge Linda Davies
Representing the child in private law	Judge Keith Hornby

Public family law induction course

This year, the annual residential seminar was held between 13 and 16 May 2003. 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 29 participants, 95 per cent of whom felt the conference had substantially met its aim.

The Course Director was Judge Richard Bond.

Speakers

Subject	Name
Assessments under Children Act 1989, section 38(6)	Judge Richard Bond
Care plans	Mr Keith Miller
Case management	Mr Justice Coleridge Mr Ernest Ryder QC
Family Law Act 1996, Part IV; The care/crime interface	Mr Justice Hedley

Speakers cont.

Subject	Name
Good-enough parenting; Personality disorders	Dr Claire Surge
Scrutinising the care plan	Judge Victor Hall
The guardian in public law cases	Ms Kate Thomas-Peter
The paediatric witness	Dr John Sills

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. District judges with the jurisdiction to exercise enhanced powers under section 8 of the Children Act 1989 are now also invited to attend this seminar.

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, during 10–12 November 2003 and 19–21 January 2004. The seminars had 55 and 66 delegates respectively, and were felt by 97 and 100 per cent of the participants substantially to have met their aim.

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

Speakers

Subject	Name
CAFCASS	Mr Mike Hinchcliffe Mr Charles Prest
Change of name; Relocation	Judge Richard Bond
Children living with domestic violence	Dr Brian Jacobs
Costs and public funding	District Judge Robert Hill
Current issues in private law	Mr Ernest Ryder QC
Equal treatment issues	Ms Sayeeda Hussain-Warsi Judge Geoffrey Kamil District Judge Ray Singh
Human rights	Judge James Meston QC
Law care	Ms Hilary Tilby
Private family law	Mr Ernest Ryder QC
Problematic contact cases; Domestic violence; Children Act 1989, section 91(14)	Judge Victor Hall
Substance abuse and parenting	Dr Brian Jacobs
Substance testing	Judge Peter Jones

Family law seminar

This series of seminars, previously entitled the Public family law continuation seminar was renamed during 2003 as an acknowledgement of the fact that the course would in future incorporate elements of private family law, thus offering training in all aspects of family law to its participants. They include those circuit judges who have attended the public and private family induction courses, Family Division district judges, deputy High Court judges and district judges of the magistrates’ courts.

The Committee held its annual seminar between 21–23 January 2004. 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 66 participants, all of whom felt that the seminar had substantially met its aim.

The Course Director was Judge Victor Hall.

Speakers

Subject	Name
Achieving permanent placements	Mrs Felicity Collier
Assessment under Children Act 1989	Ms Vanessa Bishop
CAFCASS	Ms Jane Scannell
Challenging the local authority	Mr Jonathan Tross
Domestic violence	Judge Richard Bond
Equal treatment	Judge Victor Hall
	Dr Julia Brophy
	Miss Yasmin Saloojee
	Ms Sonia Shah Kazemi
	District Judge Ray Singh
Family law	Mr Ernest Ryder QC
Family law reform	Lord Filkin
Human Fertilisation and Embryology Authority	Ms Suzie Leather
Law care	Ms Hilary Tilby
Parents with learning difficulties	Professor Tim Booth
Substance abuse and parenting	Dr David Jones
Substance testing	Judge Peter Jones
Substitute family placements	Professor June Thoburn
Working with sex abusers	Ms Jenny Still

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

District judges (magistrates' courts) who sit in family law are now included as participants in the family law seminar described above, which thus replaces the need for this series of seminars.

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 between 12–14 November 2003. Of the 78 participants, 85 per cent felt that the seminar had substantially met its aim.

Speakers

Subject	Name
Ancillary relief	Professor Rebecca Bailey-Harris
CAFCASS	District Judge Sue Spencer
Child Contact Centres	Mr Duncan Gore
Contact	Judge Victor Hall
Costs; Contact and domestic violence	District Judge Martin Cardinal
Ex parte applications and applications for leave; Interim care orders	District Judge Anthony Cleary
The final hearing and giving judgement; Financial dispute resolution	District Judge Robert Hill
The user's experience	Professor Judith Masson

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 between 12–13 May 2003.

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. 62 judges attended, all of whom felt it had substantially achieved its aim.

The Course Director was Mr Justice Sumner.

Speakers

Subject	Name
CAFCASS	Mr Jonathan Tross
Children in care	Professor Spencer Millham
Designated family judges	Lord Justice Judge
	Lord Justice May
	Mr Justice Aikens
	Mr Justice Goldring
	Judge Graham Jones
Family law	Baroness Scotland QC
Law care	Mrs Hilary Tilby
President's address	Dame Elizabeth Butler-Sloss
The Protocol for Case Management	Mr Justice Coleridge
Views from government departments	Mr Bruce Clark
	Ms Debora Matthews
	Ms Sally Field
	Mr Kevin Pogson

courts). Each Director of Social Services at a local authority was also asked to nominate a senior childcare lawyer and manager from their area to attend and each circuit was asked to nominate two Court Service representatives.

The programme for the day included an introduction to the Protocol, a presentation by Ernest Ryder QC on the 'seven pillars' of the Protocol and a syndicate session based on a case study.

Future plans

During the coming year, the Committee will continue to review its provision of induction and continuation training to full- and part-time judges in the exercise of their jurisdiction in family law.

Roadshows on *Protocol for Judicial Case Management in Public Law Children Act Cases*

During October 2003, the Committee ran a series of seven one-day seminars across the country, to introduce the *Protocol for Judicial Case Management in Public Law Children Act Cases*, which came into force on 1 November 2003. The aim of this training was: 'to set the Protocol in its historic perspective and to explain how it should operate in practice'. Invitations were issued to all judges with a public family law jurisdiction, including designated and nominated family judges, nominated care district judges and district judges (magistrates'

7 Magisterial Committee

Work of the Committee

The main function of the Magisterial Committee is to develop a training framework for identifying and meeting the training needs of those sitting in the magistrates' court, as well as in some circumstances developing training materials and organising and delivering training courses.



Mrs Justice Hallett

During the course of the year under report, the Committee was concerned with the effect upon the JSB's role in relation to the training of magistrates of the Criminal Justice and Courts Acts, and in particular by the integration of the management of the criminal courts within a single courts administration. It is within this context that the Committee has been approaching the various projects outlined below. The Committee has attempted to develop and clarify the role of the JSB in promoting a consistency of approach to criminal cases throughout the country.

Membership

During the course of the year, three new lay magistrates joined the Committee: Mr Anthony Hazeldine JP, Dr Julie Richardson JP and Susan Allen JP. District Judge (Magistrates' Courts) Graham Richards and Mr Peter Blackwell JP both finished their term of office. Mrs Susan Hewett received an OBE in the New Year's Honours List for her work within the criminal justice system.

The Magisterial Committee is currently chaired by a High Court judge and consists of four lay magistrates, a justices' clerk, a justices' chief executive, two district judges (magistrates' courts) and representatives from the Department for Constitutional Affairs and the Home Office. In addition, the Magistrates' Association and the Justices' Clerks' Society are both invited to send an observer to meetings.

As at 31 March 2004, the membership of the Committee was:

- Mrs Justice Hallett
- Mrs Susan Allen JP
- District Judge (Magistrates' Courts) Ian Baker
- District Judge (Magistrates' Courts) Philip Browning
- Mr David Cheesman
- Mr Simon Evans
- Mr David Greensmith
- Mr Anthony Hazeldine JP
- Mrs Susan Hewett OBE JP
- Mr Jonathan Lane
- Dr Julie Richardson JP

The Director of Studies, Executive Director and Head of Magistrates' Training attend all Committee meetings.

Magistrates' National Training Initiative

During the period, the Committee continued to consult on the revision of the Magistrates' National Competence Framework and Appraisal Scheme and its complementary Training and Development Scheme. The new scheme, known as MNTI 2, was launched at a series of regional conferences for BTDC chairmen, Bench Chairmen, Magistrates' Courts Committee (MCC) representatives, justices' clerks and training managers, which were held between January and March 2004.

The new scheme comes into effect for new and existing magistrates on 5 April 2005.

To support the new scheme, the Magisterial Committee has produced detailed guidance for BTDCs, justices' clerks, and training managers in the form of a MNTI 2 Handbook, along with an induction pack for new magistrates and an appraisal checklist. A core training pack and workbook for magistrates to support consistency in the training of newly appointed magistrates will be printed and distributed to MCCs during April and May 2004.

Criminal Justice Act training

During this period, the Magisterial Criminal Justice Reforms Working Group was established and given the task of identifying and planning to meet the training needs of district judges (magistrates' courts), magistrates and their legal advisers arising from the Criminal Justice Act 2003 and the related criminal justice reforms being implemented concurrently.

The Working Group is chaired by the Director of Studies and includes representatives from the Magistrates' Association, the Justices' Clerks' Society and the Magistrates' Training Forum as well as the District Judge (Magistrates' Courts) Course Director. It plans to develop training materials for magistrates and legal advisers and to provide training courses for trainers from the Magistrates' Courts' Committees (MCCs). It is also issuing regular criminal justice updates to provide MCCs with the latest information on the Working Group's plans. Those updates also include guidance on those provisions not requiring face-to-face training.

Strengthened role project

The objective of the strengthened role project is to look at what the JSB's role in the training of magistrates within a unified courts administration will entail and to map out the structure for magistrates' training within the scheme.

The Project Board is chaired by Mrs Justice Hallett and consists of representatives from the magistrates' courts service, the judiciary, interested organisations and the DCA's Unified Administration Programme. The membership of the Project Board is:

- Mrs Justice Hallett
- Judge Donald Cryan
- Judge Victor Hall,
- Senior District Judge Tim Workman
- Rachel Lipscomb JP
- Neil Clarke

- Robert Hutley
- Alan Eccles
- Karen Wheeler
- Liz Humphreys
- Geoffrey Appleton

The JSB's Director of Studies, Executive Director and Head of Magistrates' Training are also members of the Project Board.

After consultation with the Unified Administration Judicial Committee (UAJC) and the DCA's Unified Administration Programme Board, the Project Board placed the project plan in front of the Committee and the JSB's Executive Committee for their approval and formal initiation. The plan can be found on the JSB's website (www.jsboard.co.uk).

In the meantime, work has begun on developing proposals for the organisation, management and delivery of training for lay magistrates in the new unified court structure. These proposals have been developed with the assistance of a working group composed of people currently involved in the organisation and delivery of magistrates' training, representatives from the new courts agency and representatives of the DCA's Unified Administration Programme. Consultation on those proposals will take place between June and September 2004.

Work has also begun on a separate paper confirming the arrangements for the training of district judges (magistrates' courts) and their deputies.

Adult Court Bench Book

The JSB's *Adult Court Bench Book* was published in November 2003 and a copy provided for each lay magistrate, district judge (magistrates' courts), deputy district judge (magistrates' courts) and magistrates' legal adviser in England and Wales. The aim of the editorial committee responsible for the production of the Bench Book was to provide a practical tool to assist magistrates in the decision-making process in court. The Bench Book therefore includes national sentencing and mode-

of-trial guidelines, structured decision-making checklists and suggested pronouncements. Initial feedback on the Bench Book has been positive. In order to keep pace with legislative changes and ensure national consistency, the editorial committee plan to update the Bench Book on a regular basis.

Youth Court Bench Book

The Committee have agreed to establish a new editorial committee to review and revise the *Youth Court Bench Book* in line with legislative developments and the new competence framework. This work will be undertaken during 2004/05.

Family Court Bench Book

During this period, the Justices' Clerks' Society (JCS) approached the Magisterial Committee offering its *Notes for Family Justices* as a foundation for a new *Family Court Bench Book* for magistrates. In response, the Magisterial Committee and the Family Committee formed a joint sub-committee to take forward work on the new publication.

That sub-committee is chaired by a High Court judge and includes the JSB's Director of Studies and Head of Magistrates' Training as well as representatives from both committees. It has also co-opted representatives from the JCS and the Magistrates' Association. The sub-committee plans to publish the new Bench Book electronically during 2004/05. The membership of the sub-committee is:

- Mr Justice Sumner
- Judge Victor Hall
- Lynne McGeachie
- Susan Allen JP
- Susan Hewett OBE JP
- Audrey Damazer
- Judge Donald Cryan
- Margaret Wilson
- DJ(MC) Nick Crichton
- Elaine Laken

Domestic violence training

A training pack for magistrates' courts on domestic violence was produced in October 2003. The aim of the training pack is to raise awareness within the magistrates' courts of domestic violence issues. A series of 'training the trainers' courses was held between October 2003 and February 2004 for those with a training role within MCCs. A total of 80 delegates attended these courses, 96 per cent of whom felt that the course aims had been substantially met. Informal feedback on the training pack has been positive and many MCCs are now rolling out training programmes on domestic violence for magistrates and legal advisers in their areas.

Monitoring and evaluating of lay magistrates' training

Under section 64 of the Justices of the Peace Act 1979, Magistrates' Courts Committees are required to have in place a scheme of instruction for the training of magistrates. The JSB has a role in assuring the Lord Chancellor that this is the case and that magistrates are being adequately trained. During the course of the period under report, the Committee agreed to undertake a desktop audit of the training activities within all MCCs. Two monitoring and evaluation questionnaires were developed and sent out to each MCC. The first of these was aimed at the MCC and covered organisational aspects of training from planning, resources used, delivery and record-keeping. The second questionnaire was aimed at the Bench Training and Development Committees (BTDC) and collected information on the organisation and management of their appraisal and mentor schemes. A database of information has been collected that will enable the JSB to report back to MCCs and the Magisterial Committee on their findings.

Bench Training and Development Committees (BTDC)

In October 2002, the Board published its Good Practice Guidance for Bench Training and Development Committees. In order to support this and recognise the importance of the role of the BTDCs, a two-day pilot training course for BTDC

chairs was arranged for 14–15 April 2003. The aim of that pilot was ‘to raise awareness of the role and responsibilities of the Bench Training and Development Committee chair’. All of the delegates felt that the course had substantially met its aims. Following the success of the pilot course, plans have been made for a rolling programme of courses for newly elected chairs of Bench Training and Development Committees to take place in June and September 2004. The course director is Katharine Rainsford JP. At the pilot course, the tutors were Claire Beaver and Lynne McGechie.

Training courses for new bench chairmen

Five three-day courses were held during the period under report 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, discipline and press liaison. The aim of the course was ‘to enable delegates to undertake their role as bench chairmen by examining their role in relation to others, particularly in a changing environment’.

The courses were held between 8–10 December 2003, 15–17 December 2003, 5–7 January 2004, 12–14 January 2004 and 9–11 February 2004. There were 90 participants in total, 99 per cent of whom felt the courses had substantially met their aim.

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

Paul Bradley
 David Carrier
 Janet Cohen
 Simon Evans
 Ann Flintham JP
 Tony Heath OBE
 Louise Lawrence
 Lynne McGechie
 George Mitchell CBE JP
 Barry Picken JP
 John Powell
 Alistair Shaw

Malcolm Watts

Deputy Senior District Judge Daphne Wickham

Senior District Judge Tim Workman

District judges (magistrates’ courts) training sub-committee

In addition to its responsibilities for the training of the lay bench, the Committee has responsibility for providing training for district judges (magistrates’ courts). This is organised through the DJ(MC) training sub-committee, which is a sub-committee of the Magisterial Committee. It is chaired by the Director of Studies and considers the content and frequency of the training provided for DJ(MC)s. Its membership comprises the course directors for induction, continuation and Youth Court training, together with a representative from the JSB’s Equal Treatment Advisory Committee. During the period under report, the sub-committee commissioned Professor Hazel Genn CBE to undertake a training needs analysis for both district judges (magistrates’ courts) and their deputies so that a complete review of the content of the training programmes could be considered.

Induction course for deputy district judges (magistrates’ courts)

There were no induction courses held during this period.

Continuation seminar for district judges (magistrates’ courts)

Two continuation seminars were held during this period, between 16–17 June and 18–19 June 2003. There were 46 and 48 participants respectively.

The aim of the seminar is to enable participants to:

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

All the participants on the first course felt that it had substantially met their needs, and 88 per cent on the second.

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.

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

Speakers

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

8 Tribunals Committee

Work of the Committee

The function of the Tribunals Committee is to develop and maintain the JSB's role as the focus for the development of



Mr Justice Sullivan

training policy for chairmen and members of tribunals and to provide training programmes for those individuals in judicial skills, training skills and administrative skills.

During the course of the year under report, the Committee was particularly concerned to continue to establish a series of standards for the delivery of training for chairmen and members in tribunals in preparation for the strengthened role that it expects to take on in the wake of the Government's White Paper on the reform of administrative justice.

Membership

The membership of the Committee has increased during the year and now consists of a High Court judge, presidents and training heads from a wider range of tribunals, academics, officials of the Department for Constitutional Affairs and a representative from the Council on Tribunals. The object of this broader representation is to address the training needs of the many and diverse tribunals and to enable the Committee to prepare for its strengthened role.

During the course of the year, Judge Michael Harris and His Honour Stephen Oliver QC retired from the Committee. Expansion during the course of the year has seen five new appointments: Judge David Pearl, Judge Goolam Meeran, Dr Nuala Brice, Siobhan McGrath and Stuart Vernon.

As at 31 March 2004, the membership of the Committee was:

- Mr Justice Sullivan

- Dr Nuala Brice
- Mr Godfrey Cole
- Ms Yvette Genn
- Judge Goolam Meeran
- Judge David Pearl
- Ms Penny Letts
- Ms Siobhan McGrath
- Mr Mark Ockelton
- Mr Ray Sams
- Mr Paul Stockton
- Professor Maurice Sunkin
- Mr Stuart Vernon

The Director of Studies, Executive Director and Head of Tribunals' Training attend all Committee meetings.

Training for tribunals

The JSB expects to have a strengthened role in relation to training within a reformed tribunal service. To this end, much of its programme has revolved around the continuing development of a systematic approach to training for tribunals based on the recommendations of its own training needs analysis and complementing Sir Andrew Leggatt's proposals. An increase in the range of training which the Board provides for tribunals is an important element of this strategy.

In addition, the JSB is continuing to develop its productive partnership with the Council on Tribunals and we expect this to develop still further in the build-up to reform.

The JSB's *Competence Framework for Chairmen and Members of Tribunals* ('Competence Framework'), or variations of it, are now established as the basis for the judicial role in most of the larger tribunals. Since its launch in October 2002, the Committee has been developing a range of frameworks which, taken together with the Competence Framework, form the basis for a common training system for tribunals. The *Framework of Standards for Training and Development in*

Tribunals ('Training Standards') and *Fundamental Principles and Guidance for Appraisal in Tribunals and the Model Scheme* ('Appraisal Guidance') were both launched at the Council on Tribunals Annual Conference in November 2003 and the final part of the quartet, *Guidance on Mentoring in Tribunals*, was published in March 2004. The Committee has worked closely with the Council on Tribunals and DCA on this project, particularly in developing the Appraisal Guidance.

Tribunals' Training Handbook

A Tribunals' Training Handbook has been in existence for nearly 10 years. Although some of it remains relevant, much has moved on in terms of modern training practice and it is recognised that it needs to be revised in order to support the new Training Standards. The Committee has therefore set up a small working party to rewrite the Handbook under Godfrey Cole's chairmanship. The Group includes Professor Hazel Genn CBE, Stuart Vernon and Professor John Murrell as consultant. It is hoped that the new Handbook will be published in the Autumn of 2004.

***Tribunals* journal**

This biannual journal has been in print for 10 years now, most of this period under the editorship of Professor Hazel Genn CBE, who continues in this role. It is 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 Autumn 2003 issue looked back at the last 10 years and forward to a possible White Paper detailing tribunal reforms. The Spring 2004 edition had pieces about assessing credibility and liaison between the tribunals community worldwide.

Consideration continues to be given to whether the JSB and Council on Tribunals should produce a wider interest publication for the administrative justice world and discussions continue with the Council on the possible expansion of the existing journal and ways of increasing its circulation.

Coroners

The JSB continues to develop its links with the Home Office and Coroner Service. Reform of the Coroner Service is proposed in the wake of the Fundamental Review undertaken by Tom Luce and the report of the Shipman Inquiry by Dame Janet Smith DBE, both of which concluded during the year. The JSB and Home Office are discussing how improvements can be made to training in preparation for reform. The Coroners Study Group, which runs training for coroners, continues to further develop its training programmes in concert with the JSB model. The group has appointed coroners as Course Directors for both induction (Carolyn Beasley-Murray) and continuation training (Chris Dorries) and has introduced an increased element of judgecraft into its training. Consideration is being given to the extension of induction courses and to providing training in summing-up and directing juries with the JSB's help.

General Commissioners of Income Tax

The Committee is working with DCA and the National Association of General Commissioners to provide improved training for some 3,000 General Commissioners. For the second year running, this partnership has overseen a programme of some 20 one-day regional training events held around the country, as well as in Scotland and Northern Ireland. Planning for next year's programme is well under way with the appointment of a dedicated training director to design and manage next year's programme. Jacqui Dixon, a General Commissioner herself, took up the post during the Spring of 2004.

Training courses

The Committee continues to expand its programme of training courses. During the period, it ran six types of event, three of which are new to the Committee's programme.

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 con-

fidence, small group work as a training method'. A one-day seminar took place on 6 November 2003. There were 22 participants, of whom 94 per cent felt that the seminar had either fully or substantially met its aim. The Course Director was Godfrey Cole and the facilitators were Mary Holmes, Barbara Mensah and Stuart Vernon.

Training the 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 course was held between 4–6 February 2004. Of the 19 participants, 92 per cent felt the course had either fully or 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 course, which is highly participative, included 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 Sarah-Jane McIntosh and Professor John Murrell.

Tribunals skills development

This residential course is aimed at newly appointed tribunal chairmen. Its aim is: 'to enable those who chair tribunals, or who sit in an equivalent capacity, to review and develop their competences in line with statutory requirements and with the needs of users'.

This course is also 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.

Two courses were held between 13–15 October 2003 and 8–10 March 2004. The October event was attended by 24 participants and there were 28 participants in March. For both courses, 100 per cent of the participants felt that the course had either fully or substantially met its aim. The Course Director was Godfrey Cole and the facilitators were Barbara Mensah, Guy Otten, Stuart Vernon and Professor Nick Wikeley. The contributors were David Dabbs, Professor Hazel Genn CBE, Yvette Genn, Andre Hook, Dr Kenneth Mullen, Mark Ockelton, Adrian Shipwright, and Michael Woolley.

Tribunals advanced skills course (TASC)

This is a residential course and a brand new venture for the JSB. The course was designed for those with significant experience of chairing tribunals and provided participants with the opportunity to review, refine and further develop their skills. The course is built on a staged role-play that follows the progress of a case in the fictitious Pavement Users' Tribunal (PUT). In the successful pilot course in March, actors and tutor team members played the parts of the tribunal, the parties and their witnesses. Participants were invited to consider the issues that arose as the role-play progressed. The role-play is being filmed during the Summer of 2004 with professional assistance from producer Robert Jacobs and Birmingham University's Film and Multimedia Unit. The resulting video/DVD will be used at future TASC courses in place of the live role-play. The course was attended by 18 participants from a wide variety of jurisdictions, and 94 per cent felt that the course had either fully or substantially met its aim.

The Course Director was Godfrey Cole and the Chief Facilitator was Mark Ockelton. The facilitators were Dr Nuala Brice and Guy Otten. The contributors were Mr Justice Sullivan and Siobhan McGrath. Stuart Vernon and Michael Woolley created and acted in the role-play, alongside Mary Holmes, John Gibbons and actors supplied by CADS Management Agency.

Tribunals appraisal scheme development workshop

For the first time the JSB offered a one-day workshop to those tribunals who were in the process of developing appraisal schemes. Designed to complement the Appraisal Guidance published by the Committee in October 2003, the workshop offered a forum for the discussion of common appraisal issues and problems, provided assistance with scheme design and an opportunity to benefit from the experience of jurisdictions with established appraisal schemes. The workshop was held on 3 November 2003. There were 23 participants, of whom 94 per cent felt that the workshop had either fully or substantially met its aim.

The Course Director was Godfrey Cole and the facilitators were Professor Hazel Genn CBE, John Gibbons, Susan Hewett OBE, Mary Holmes, Lynne McGechie and Vanessa Unsworth.

Tribunals appraisal skills seminars

Following the workshop, the JSB organised three one-day seminars on the key aspects of appraisal skills for those tribunals that had already developed a scheme for appraisal. These seminars, which are again a new addition to the Committee's suite of courses, provided participants with the opportunity to identify and practise the skills needed to be an appraiser within their own jurisdictions.

The first seminar was held on 27 November 2003 and repeated on 22 and 28 January 2004. Participants with varying degrees of appraisal experience attended from 23 different jurisdictions. The event in November was attended by 15

participants, with 14 participants on each of the January seminars. In November, 100 per cent of the participants felt that the seminar had either fully or substantially met its aim. To the same question, the responses for the seminars on 22 and 28 January were 70 per cent and 82 per cent respectively.

The Course Director was Godfrey Cole and the facilitators were Susan Hewett OBE, Mary Holmes and Lynne McGechie.

Future plans

As part of its response to the White Paper, the Committee will continue to expand its programme of training for tribunals, which in addition to training in judicial skills will include a range of events focusing on skills required outside the tribunal room, including those relating to appraisal, management and leadership.

9 Training Committee

The work of the Committee

Following a review of the structure and ways of working of the Training Strategy Committee in the autumn of 2003, the



Judge Victor Hall

newly christened Training Committee came into being in January 2004.

The purpose of the Training Committee is to identify and oversee, on behalf of the Board, cross-cutting training issues such as domestic violence, IT and leadership training. These issues are areas that fall outside the jurisdiction

of the Board's individual committees or cut across several committees. The Training Committee also oversees the 'Training the Trainers' programme, together with identifying and promoting best practice in the planning, delivery, monitoring and evaluation of the JSB's training programme as a whole.

During the period under report, the Training Committee had been particularly concerned with developing a pilot course, 'Managing Judicial Leadership' for those judges with a pastoral role. It has considered and will review the training delivered by each of the Board's individual committees on domestic violence. Modifications have been made to the 'Training the Trainers' programme of courses, with a regular induction course now available to course directors on appointment.

An annual conference for course directors has been under development and will address a variety of issues relating to the content, design and delivery of training. The first conference will take place in the autumn of 2004.

Membership

Each of the Board's six individual committees has nominated a representative to serve as a member on the Training Committee.

As at 31 March 2004, the membership of the Training Committee was:

- Mrs Susan Allen
- Judge Richard Bond
- Mr Godfrey Cole
- Mrs Justice Cox DBE
- Lord Justice Maurice Kay
- Judge Alistair MacDuff QC
- Judge John Sessions
- DJ(MC) Philip Wassall

The Director of Studies chairs the Training Committee. The Executive Director and Heads of Magistrates' and Tribunals' Training attend all meetings. The Committee has two working groups: a Communications and Editorial Board (CommEd) and an Information and Communications Technology (ICT) Working Group, whose functions are to advise on matters relating to the JSB's strategies relating to communications, editorial and IT issues.

Communications and Editorial Board (CommEd)

CommEd is responsible for ensuring that there are proper arrangements in place for the quality control of any materials published under the auspices of the JSB. It advises the Training Committee on the adoption of a rolling three-year communication strategy to set down a series of principles for the way in which the JSB's committees and Secretariat communicate between themselves and with individuals and groups outside the organisation. This is to ensure that the JSB delivers effective training to the judiciary, fulfils its advisory role to the lay magistracy and tribunal members, provides judicial office-holders with sources of supplementary information and guidance and promotes awareness of the JSB and its activities. It is chaired by the Director of Studies.

As at 31 March 2004, the membership of CommEd was as follows:

- Godfrey Cole
- Judge Richard Bond
- DJ(MC) Philip Wassall

The Publications Co-ordinator attends all CommEd meetings and the facility exists for co-option as required of other members of the judiciary, academics or other professionals.

Information and Communications Technology (ICT) Working Group

The ICT Working Group is charged with advising the Training Committee on and overseeing the achievement of the JSB's IT strategy. It sets the policy for the use of electronic communications media (such as the JSB websites and CD-ROMs) and oversees the programme of IT training for the judiciary. It also advises on the implications of new IT and communications technology for judges by ensuring that the JSB's views are properly represented on relevant departmental project and programme boards. It is chaired by the Director of Studies.

As at 31 March 2004, the membership of the ICT Working Group was as follows:

- ??????????
- Mrs Susan Allen
- DJ(MC) Philip Wassall

The Head of Distance Learning and Knowledge Management attends all meetings with other relevant members of the JSB Secretariat. The work of the JSB in relation to IT training is covered in a separate section, below.

Training courses

During the period, the Training Committee ran three types of course.

Managing judicial leadership

This residential course was a new initiative for the JSB. It

was designed to assist those judges in management roles with the 'non-judicial' parts of their function, such as providing leadership, support and guidance to colleagues, liaison with court managers and in the supervision of listing and administrative staff.

Participants were drawn from resident judges, designated civil and family judges and regional chairmen in tribunals. The course embraced topics such as: managing stakeholders, identifying management challenges, influencing colleagues, managing others and managing change.

Godfrey Cole was the Course Director and the facilitators were Judge Victor Hall, Alexander Cameron and Mary Holmes. The contributors were Judge Paul Collins CBE, Sir Ronald De Witt and Judge Henry Hodge OBE QC. There were 21 participants of whom 83 per cent felt that the course had either fully or substantially met its aim.

Skills course for course directors

The aim of this course is: 'to introduce recently appointed course directors and ETAC members to the skills they will need in order to provide and contribute, respectively, to effective JSB training'. The course embraces such topics as aims and learning outcomes, styles of learning and methods of delivery, training in small groups and course planning, presentation and feedback.

Two one-day courses were held on 12 June 2003 and 12 February 2004. Nine participants attended the two courses and they all felt that the course had either fully or substantially met its aim.

The Course Director was Godfrey Cole and the facilitators were Professor Hazel Genn CBE and Mary Holmes.

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'.

One-day seminars took place on 3 July 2003 and 4 March

2004. Twenty-seven participants attended in July, of whom 100 per cent felt that seminar had either fully or substantially met its aim. There were 32 participants in March, with all respondents to the evaluation questionnaire believing the course to have substantially met its aim.

The Course Director was Godfrey Cole. The facilitators were Philip Brown, Professor Hazel Genn CBE, Mary Holmes, Mrs Sarah Williams, and District Judge Helen Wood.

IT training courses

The IT Strategy Group was renamed the Information and Communication Technology (ICT) Working Group in December 2003, as described above. Having begun as a consultative and advisory body, once the bulk of the training issues were resolved and the development of distance learning was under way, the need arose for a smaller body dealing with specific issues raised by the committees. IT training is also touched upon in Chapter 3 of this report.

Legacy training

Having sent a questionnaire to all full-time judges during the previous year, the JSB pinpointed around 365 judges who it was felt were in need of training to bring them to the JSB's basic competence level. This group were termed the 'Legacy judges' and was further divided into four levels, with '1' consisting of virtually complete beginners, ranging to '4' being a little below the level of basic competence. A three-day seminar was developed for their training, piloted and the team of tutor judges themselves trained. Twelve seminars were then held during the year under report, including one for more advanced users, at which a total of 294 judges received training. Two further seminars are planned for the next financial year. The aim was to give the trainees 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 average satisfaction rate was 92 per cent. The Course Director was DJ(MC) Philip Wassall.

Participants have been advised that within three months of attending the Legacy seminar they should attend a follow-up

seminar with Butterworths on the Internet and use of eLis, the judicial portal, and the various bodies of information to which it offers access.

The Legacy training programme was supported by a comprehensive training manual written by DJ(MC) Wassall that reflected the content of the seminars and also stood on its own as a training tool. An XP version was also written to assist the trainers when training newly appointed judges.

Induction training of new appointments

On 1 April 2003, the JSB became responsible for training new appointments to the full-time judiciary in IT skills. This has involved one-to-one training, with a JSB tutor judge attending the new judge at their chambers. Since the introduction of new specification equipment, the number of induction tutors has been limited to those with XP knowledge, but with the roll-out of new XP laptops to the remaining JSB tutors, the problem of finding judges with XP experience will be reduced.

Since 1 April 2003, 51 judges have been trained to use the JT equipment supplied by the Court Service, and arrangements are in hand for a further 44 to be trained.

High Court judiciary

Mr Justice Stanley Burnton has taken on the role of IT training co-ordinator for the High Court judiciary, who are trained at the Royal Courts of Justice. A training needs analysis (TNA) of the IT skills of the higher judiciary is planned for spring 2004.

Continuation training

IT continuation training slots continue to be run at all JSB continuation seminars. A large pool of volunteer tutor judges has been created, designed to ensure that tutors are available from the participants at the seminars, thus reducing the need for judge release time, travel and subsistence, and sitting fees. Suitable syndicate leaders may have to be called on from time to time, but it is hoped to keep those occasions to a minimum.

ITLJs

The appointment of 85 IT Liaison Judges (ITLJs) around England and Wales helped greatly with the preparations for

training the Legacy judges. Before attending a seminar, the participants were asked to contact their closest ITLJ, for their equipment to be checked for most recent versions of software and to give notice to the training team of any problems with equipment.

During the year, the ITLJs attended two meetings. The main areas covered at these meetings were an introduction to the role of an ITLJ and the test and launch of *An Introduction to IT Skills* CD-ROM. The second meeting was addressed by Lord Justice Brooke.

Pilot of TNA of part-time judges

In May 2003, a questionnaire was sent to all part-time judges on the North East Circuit as a pilot, to assess the possible training needs of the part-time judiciary. Though not strictly representing the country as a whole, the responses gave the JSB an idea of their training needs. In spring 2004, a questionnaire will be sent to the judges on the other circuits, to get a more accurate picture. The JSB plans to develop a distance learning package, possibly a CD-ROM, to meet their training needs.

IT Bench Book

As part of the IT training programme, an *IT Bench Book* based on the IT Legacy Manual was produced and despatched to all judges.

The LINK project

The JSB is represented on all the committees involved with planning the LINK roll-out. Most of the criminal courts have been linked, and the civil and family courts roll-out commenced in September 2003. The JSB assisted with assessing whether there were immediate training needs in the criminal courts by sending a letter and questionnaire to each of the LINK liaison judges, and arranged training when a need was identified. The same exercise is being undertaken for the civil and family courts.

Distance learning

In February 2004, the JSB sent out the *An Introduction to IT Skills* CD-ROM to all full-time judges. The assessment questionnaires so far received indicate that the CD-ROM has had

a positive reception. Further CD-ROMs are planned, one on the Windows XP version of the judicial laptop and another for more advanced users.

The JSB is investigating the use of distance learning generally, as a training tool in areas other than IT training. Time at residential seminars is at a premium, and if modules can be presented by other means, the JSB should take advantage of them. These do not include only CD-ROMs, but also videos and DVDs. Technology, and especially interactive media, is advancing at such a pace that the JSB should be open to adopting new technology if it will help to make the delivery of training more effective.

JSB websites

The JSB's website has gone from strength to strength. The increasing number of hits (54,083 in April 2003 rising to 104,926 in February 2004) reflects the interest in the new material that has been uploaded to the site, mainly the updated *Specimen Directions*, and the Magistrates' National Training Initiative 2 (MNTI 2) training materials launched in December 2003. It is noticeable from the statistics collated that there has been an increased access from academic organisations.

The Judicial Training Website was launched in April 2004.

Future plans

The Training Committee will continue to seek improvements in the quality of the training delivered by the JSB. A judiciary-wide training needs analysis is one element of this strategy that is to be actively pursued in the future. Further work will also be conducted on establishing a protocol for Course Directors and in the development of a *JSB Training Handbook* to assist with the delivery of training. The Committee, through CommEd, will continue to co-ordinate the JSB's confidentiality policy in response to the Freedom of Information Act.

10 Equal Treatment Advisory Committee

Work of the Committee

The main function of the Equal Treatment Advisory Committee is to provide training and supporting materials that enable judges and magistrates to acquire knowledge of diversity issues (including a recognition of their own prejudices and preconceptions) in order to perform their judicial functions in a manner that is fair and free from bias or discrimination.



Mrs Justice Cox

During the period under report, the Committee has been primarily concerned with the completion of the revised and updated *Equal Treatment Bench Book*, which will be launched in May 2004. It has also begun a review of its terms of reference.

Membership

The Committee currently consists of a High Court judge, three circuit judges, two civil district judges, one district judge (magistrates' courts), one Vice-President of the Immigration Appeal Tribunal, three barristers, three academics, four trainers, a member of the Crown Prosecution Service and a representative from the Department for Constitutional Affairs. The Director of Studies and Executive Director attend all Committee meetings.

During the period under report, Lord Justice Keene was appointed as Chairman of the Judicial Studies Board and succeeded as Chairman of the Committee by Mrs Justice Cox. Other new appointments were Tufyal Choudhury, Mandy De Waal, Judith Gleeson, Karon Monaghan and Tony Warner. Beverley Thompson OBE, Judge Bruce Coles QC, Rowena Daw, Mark Hinchliffe and Oba Nsugbe QC retired from the Committee. Sonia Shah-Kazemi and Raj Joshi were appointed as joint vice-chairs in place of Beverley Thompson.

At 31 March 2004, the Committee's membership was:

- Mrs Justice Cox
- Sonia Shah-Kazemi
- Raj Joshi
- Dr Ranjit Arora
- District Judge Gordon Ashton
- District Judge (Magistrates' Courts) Ian Baker
- Parmjit-Kaur Cheema
- Tufyal Choudhury
- Professor Paulene Collins OBE
- Mandy De Waal
- Yvette Genn
- Judith Gleeson
- Judge Henry Hodge OBE QC
- Liz Humphreys
- Judge Geoffrey Kamil
- James McManus
- Karon Monaghan
- District Judge Ray Singh CBE
- Judge David Ticehurst
- Tony Warner

Publications

The *Equal Treatment Bench Book*, a publication that has now been in existence in various forms for 10 years, was revised and updated, ready for publication in May 2004. Originally issued in 1994 as the *Handbook on Ethnic Minority Issues*, it was substantially rewritten in 1999 and sections on disability, children and unrepresented parties, gender and sexual orientation added in 2000.

The aim of the revised Bench Book remains to inform, assist and guide, to generate thought and discussion and, ultimately, to enable all judges to deal confidently, sensitively and fairly with all those who appear before them. This revision included the addition of further guidance on religious discrimination, on the effects of poverty and social exclusion, and on immi-

gration. It also drew together that general guidance on how to treat, and to be seen to be treating, all those appearing at their hearings fairly, a set of skills sometimes referred to as ‘judge-craft’. It continued to include more detailed guidance on the physical and mental disabilities that a judge may come across, on the major religions in the UK and their relevance to oath-taking, and on naming systems within different ethnic groups and attempts to give guidance in the sometimes controversial area of language, and on the terminology that people are likely to wish to have applied to them.

With additional funding from the Department for Constitutional Affairs, the Committee was able to make the Bench Book available to tribunal chairmen and members for the first time, in paper and as a CD-ROM.

Work for the committees

ETAC has a representative on each of the five committees of the JSB, to report on the work of ETAC and to provide advice on the content of the seminars held by the particular committee in relation to equal treatment issues. During the year under report, the representatives were:

Criminal Committee	Parmjit-Kaur Cheema
Civil Committee	Professor Paulene Collins OBE District Judge Ray Singh CBE
Family Committee	Sonia Shah Kazemi Judge Geoffrey Kamil
Magisterial Committee	DJ(MC) Ian Baker Mandy de Waal
Tribunals Committee	Yvette Genn Judge Henry Hodge OBE QC

The Committee was also represented on the various sub-committees established by the JSB over the period to oversee different training programmes and other initiatives.

Parmjit-Kaur Cheema was invited to attend meetings of the Criminal Justice Reforms Working Group.

District Judge Gordon Ashton and Professor Paulene Collins OBE were instrumental in the creation of a script for (and were also cast members of) the Civil Committee’s video on equal treatment and issues relating to case management for civil courses.

Mandy de Waal was the ETAC representative on the Magisterial and Family Sub-Committee, charged with considering the JSB’s role in family training for magistrates, including the development of a *Family Court Bench Book*.

Mrs Justice Cox represented the Committee at meetings of the newly constituted Training Committee and Judge Henry Hodge OBE QC was an important source of help and advice as that Committee considered the part that the JSB might play in supporting judges who undertake management roles.

Dr Ranjit Arora was the ETAC adviser for the Bench Chairmanship Course and the Bench Training and Development Committee Chairmanship Course for magistrates.

Raj Joshi was a member of the Domestic Violence Working Group responsible for the creation of a training pack for magistrates on domestic violence.

Yvette Genn was a source of help and advice to the Tribunals Committee as they worked to revise and update their training pack on equal treatment issues.

The Committee also continued to receive invitations to attend conferences with relevance to the work of the Committee. During the period under report, Mrs Justice Cox attended the Arab Judicial Forum in Bahrain and District Judge Ashton addressed the Commonwealth Judges and Magistrates’ Association meeting in Malawi.

Future plans

In April 2004, the Committee plans to consider current arrangements and future development of: a) ETAC’s current work programme, including its relevance and effectiveness

in achieving its own strategic aims, and those set by the JSB, and b) the role of, and relationship (in relation to the commissioning, delivery and evaluation of training in equal treatment issues, including the training of trainers) between ETAC and i) the main Board of the JSB; ii) the executive committees of the JSB; and iii) course directors, course tutors and syndicate leaders. Based on these findings, consideration will then be given to ETAC's future structure and to the development of a new equal treatment training strategy, covering the years 2004/5 to 2006/7.

II Executive Director's Report

Staffing

This has been a year of growth and of change for the Secretariat as we have reorganised, refocused our work and recruited new staff in order to support the Board as it takes on new responsibilities and refreshes and improves the services that it provides to the judiciary.



Debora Matthews

Numbers have increased significantly this year with 25 established staff in post at 31 March 2004, plus six staff on secondment or on fixed-term contracts and 13 temporary members of staff.

Within Lynne McGeachie's Magistrates Business Unit, three teams have been created. The Core Business Team, led by a new member of the Secretariat, Tracey Dineen, manages our mainstream courses, monitoring and evaluation work, and has taken over the delivery and development of the Magistrates' National Training Initiative from the now disbanded MNTI 2 project team. The Strengthened Role team, led by Linda O'Sullivan, is responsible for the development and delivery of the new structures, processes that we need to put in place to assume a greater responsibility for magistrates' training. The third team, Training and Development, is responsible for the development and delivery of new training, including the criminal justice reforms, the review and revision of Bench Books post was advertised at the end of this year, and Bill Fullbrook, currently the Training Manager for Avon and Somerset Magistrates' Courts Committee, was recruited to take on the post of Training and Development Manager. He will be joining the JSB in May 2004. We are delighted that we have three Legal Advisers from the magistrates' courts on the Magistrates' team with a fourth due to start in April.

Helen Baker has strengthened her Judicial Training Administration team, recruiting Margaret Allen, who joins us from the Ministry of Defence, who has taken on the provision

of support to the Criminal Committee and the management of the Criminal Justice Reforms Project. Michael Williams joins us from DCA's Human Resources Directorate to provide support to the Equal Treatment Advisory Committee. Another welcome recruit this year is Rhian Jones, formerly of DCA's E-Delivery Group, to take up the newly created post of Head of Distance Learning. Rhian manages the JSB's communications and technology strategies, including website development, production of training materials, including on electronic media, publications and training in IT skills. We also lost a very long-standing and valued member of the Judicial Studies Board, Barbara Fox, who retired last summer. Since her departure, Mark Knight has done sterling service as sole steward of financial management and planning within the JSB.

Financial management

The year 2003/04 was another successful one for the JSB. Our total spending was roughly £6.5 million (see Annex for details). This was an underspend of around £200,000 against our agreed budget, primarily as the result of the rescheduling of the criminal justice reforms and of the Tribunals for Users Programme, which was reflected in a re-timetabling of the JSB's own training plans.

12 Annex

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.

	2003/04
	£000s
Total paybill costs *	918
External advice and consultancy	258
Aramis (IT services)	157
Travel and subsistence	62
Staff-related costs	1
Training costs (inc. venue costs)	1,367
Contract and agency staff	401
PR and communication	2
Supplies and services	28
Books and publications	702
Telecommunications	3
IT (computer maintenance)	2
Other payments	92
Judicial costs	2,374
Grants and grants in aid (Magistrates' Association)	139
Other non-running costs	8
Cost centre depreciation	12
Total administration and programme costs	6,526
Total income	20
Total full costs	6,506

* including ERNIC and superannuation

