
Guidance on Mentoring in Tribunals

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Judicial Studies Board

Introduction

On taking up new employment it is quite usual for appointees to be offered a mentor to enable them to become familiar with their new working environment and their role and responsibilities within it. In his report, *Tribunals for Users*, Sir Andrew Leggatt recommended that ‘support should be offered by mentoring, advice and guidance from experienced members’¹ to newly appointed tribunal members. The *Tribunals Training Needs Analysis* (TNA) had earlier concluded that ‘members and chairmen, especially new appointments, could benefit from being provided with a mentor to observe their performance, provide support and offer advice and constructive feedback’.²

In 2002, the Judicial Studies Board published its *Competence Framework for Chairmen and Members of Tribunals* (‘JSB’s Competence Framework’) as the first outcome from the TNA. In 2003, it published its second and third outcomes from that analysis with its *Framework of Standards for Training and Development in Tribunals* (‘JSB’s Training Standards’) and its *Fundamental Principles and Guidance for Appraisal in Tribunals and the Model Scheme* (‘Appraisal Scheme’). Both the Training Framework and the Appraisal Scheme were drawn up in conjunction with the Council on Tribunals and were the subject of consultation with a wide range of Presidents and those responsible for training in tribunals. This *Guidance on Mentoring in Tribunals*, the fourth outcome from the TNA, complements the Appraisal Scheme and enables a tribunal, through its mentoring scheme, to provide the support and guidance that a newly appointed member needs to become effective in the performance of their adjudicative role.

This guidance identifies a number of issues that a jurisdiction should consider when introducing a mentoring scheme and in determining the scope of the scheme, bearing in mind the resources available.

It covers:

- The objectives for mentoring in a tribunal.
- Who will have a mentor.
- Who will be a mentor.
- How the mentor/new member will be matched.
- The role of the mentor.
- Frequency of contact.
- Duration of relationship.

The objectives contained in this guidance envisage the mentor assisting the new member in becoming familiar with the JSB’s Competence Framework as well as providing support in managing the adjudicative role and becoming familiar with the tribunal structure and personnel. It is presented in the form of a number of questions for consideration, suggests that there are fundamental principles that should underpin a tribunal’s mentoring scheme and provides some additional guidance on good practice that tribunals will need to address.

In order to assist a jurisdiction in coming to a decision on whether it would be appropriate to introduce mentoring, given its size and the resources available, thought may be given to the following.

What is mentoring?

Mentoring is a process whereby an experienced member of an organisation acts as a confidential adviser to one or more recently appointed members in order to help them understand the workings

of the organisation and their role within it. A mentor provides support, advice and guidance. Leggatt observed that ‘mentors did not provide tuition, or give the Chairman feedback. Their function was to give the new member someone experienced and independent with whom to discuss difficult issues.’³

A mentor, in the context of a tribunal jurisdiction, would normally be someone who has been in the same position as the new appointee and is willing to help the individual into his or her new role in the tribunal. Although this guidance is directed to new appointees, there may also be a need for mentoring for experienced members when they take on a new role, whether that is a new jurisdiction or a judicial management role. The JSB will review the operation of mentoring schemes when they have been more widely implemented and consult over the need to introduce guidance for mentoring for those with more senior appointments.

What benefit can mentoring bring to a tribunal jurisdiction?

A mentor in a tribunal jurisdiction can help the new appointee, both before and after induction training, to learn how the jurisdiction functions, as well as providing practical and professional support in becoming familiar with and managing the adjudicative role. A tribunal that adopts a mentoring scheme will find that the mentor can inform and give confidence to a new appointee in a way that supplements training. Mentoring is a one-to-one relationship that allows the mentor to respond as and when the need arises. The new member can benefit from the experience of the mentor to gain an understanding of the lines of communication and the structure of the tribunal. The mentor acts as a sounding board, listening objectively and helping the new member manage the acquisition of the skills and competences necessary for the

effective performance of their role. Thus the jurisdiction, which will already provide induction training, will additionally have the benefit of a new appointee obtaining one-to-one support at a reasonably low cost. It is important that a jurisdiction intending to introduce a mentoring scheme clearly articulates its objectives, the benefits to both mentors and new members, its scope and duration and the requirements of and skills of the mentors.

Who can be a mentor?

For a mentoring process to be effective both the mentor and new member will need to be committed to mentoring and value its potential benefits.

It is generally considered appropriate for a mentor to be detached from the day-to-day management of the new member in order for the mentor to be able to provide the necessary support and advice. A mentor is usually an ‘experienced member of the equivalent membership category’.⁴ The reason why it is not appropriate for those with judicial management roles to be mentors is that judicial management needs to be objective and focused on the job, which can give rise to a conflict of interest if confused with the mentoring relationship. A mentor offers a confidential environment to discuss and explore issues in which they can listen to the concerns and needs of the new member, provide support and make suggestions. The outcome of an appraisal, such as the need for further advice, guidance or support in order to develop an aspect of the appraisee’s competence, is something with which a mentor can assist. It is, therefore, important that an appraiser will not also be that new member’s mentor.

Whether a mentor is a part-time or full-time member of a jurisdiction is a matter for that jurisdiction, depending on its size, constitution and resources.

Whereas appraisal is more likely to be undertaken by full-time members, the opportunity for a part-time member to mentor another part-time member may well be a practical and fulfilling use of the mentor's experience. The number of new members that any one mentor might have, whether part-time or full-time, would also need to be considered. It is likely to be restricted to a small number, particularly where observation of sittings is involved, which would obviously have resource implications for the tribunal. Additionally there is a time commitment for contact, although this can be managed by telephone and e-mail, as well as face to face. To some extent the relationship is reciprocal because the mentor is in turn likely to gain personal satisfaction through helping someone else establish themselves in a new jurisdiction and can benefit from revisiting the competences.

Mentor qualities and skills

A mentor will be a good role model, willing to share experiences, have good interpersonal skills, particularly the ability to listen, not to be judgmental and will be able to give feedback and support by way of encouragement and constructive criticism. Ideally a preparatory seminar or workshop should help mentors to identify, develop and consolidate the essential attributes of effective mentoring. This again has resource implications and the provision of written guidance to carefully selected mentors may satisfy this need.

Current mentoring schemes

There are few current examples of mentoring in tribunals.⁵ A number of jurisdictions have voluntary or informal schemes, for which there is no formal description or documentation.

Guidance on mentoring

The following guidance addresses the issues that need to be considered when introducing a mentoring scheme. It identifies the fundamental principles with matters that will need to be addressed according to the size and resources of the jurisdiction in square brackets and further guidance in *italics*. Smaller jurisdictions will have particular resource issues to take into account irrespective of whether members are part-time or full-time.

Further information

If you need further advice on how a mentoring scheme might be implemented in a particular tribunal or jurisdiction please contact the JSB at tribunals@jsb.gsi.gov.uk.

¹ Para 7.39. Recommendation 163. *Tribunals for Users*. Sir Andrew Leggatt. The Stationery Office. 2001

² *Tribunals Training Needs Analysis – Executive Summary*. Para 12.11. Professor Hazel Genn. Judicial Studies Board. 1999.

³ p 142, para 16. *Tribunals for Users*. Report by members of the Leggatt review team on visit to Criminal Injuries Compensation Appeal Panel.

⁴ p 142, para 16. *Tribunals for Users*. Report by members of the Leggatt review team on visit to Criminal Injuries Compensation Appeal Panel.

⁵ See however the Criminal Injuries Compensation Appeal Panel.

Guidance on the introduction of mentoring in tribunals

| Issues for consideration | Fundamental principles and practice |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What is the objective for mentoring in this tribunal? | <ul style="list-style-type: none">● The tribunal has a mentoring scheme in order that [all] new appointees will receive individual and confidential advice, support and guidance to assist them in:<ul style="list-style-type: none">■ providing practical and professional support in managing the adjudicative role,■ obtaining an understanding of the lines of communication and the structure of the tribunal,■ becoming familiar with the tribunal's competence framework.● The purpose of the mentor/mentee relationship will be addressed in induction training and described in the tribunal's handbook and the tribunal's private website/intranet. |
| Who will have a mentor? | <ul style="list-style-type: none">● All new [legal], [specialist] [and lay] members will be given a mentor.● <i>It may be necessary to prioritise which new appointees are given a mentor according to the size and resources of the jurisdiction.</i> |
| Who will be a mentor? | <ul style="list-style-type: none">● Mentors will be selected from those full-time [and part-time] members who have indicated a willingness to undertake this role.● <i>Mentors should be selected from those who:</i><ul style="list-style-type: none">■ <i>are good role models and are willing to share experiences,</i>■ <i>have good interpersonal skills, particularly the ability to listen and not be judgmental,</i>■ <i>are able to give feedback and support by way of encouragement and constructive criticism.</i>● <i>Mentors should undertake training to address the objectives of their role, the mentoring process and in particular to enable them to give feedback that is accurate and specific without being judgmental.</i>● <i>It should be possible to provide such training as a module of a regular training programme or a short seminar or workshop supported by written guidance.</i> |

Issues for consideration

Fundamental principles and practice

How will mentor and mentee be matched?

- The mentor and mentee will be allocated by [the President], [the Regional Chairman], [the training officer] who will provide the relevant contact details and a copy of the tribunal's handbook containing the tribunal's competence framework and any other relevant documentation.
- *The mentor and the mentee should be matched taking into account, where possible, their respective tribunal roles.*
- *When assigning mentors the tribunal should also take into account any expressions of preference by the mentee.*

What formal role will a mentor have?

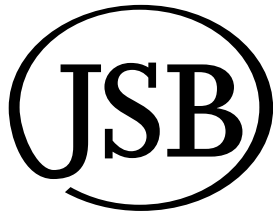
- The mentor will invite the mentee to observe two separate hearings and arrange to be available to discuss the cases and the hearing process after the sittings.
- *After the first observation and discussion the mentee will be better informed prior to observation of the second hearing.*
- The mentor will introduce the tribunal's competence framework and be able to respond to any queries or issues arising out of the hearings in relation to law or process.
- The mentor will observe [two] hearings of the mentee and give feedback at the end of the hearing.
- *There are clearly resource implications for the number of observations by the mentor. If the first observation is satisfactory then further observation may be unnecessary and any further guidance may be given by phone or e-mail.*

Frequency of contact

- Contact after the initial meetings will be at the request of the mentee.
- *The mentor should make her/himself available to respond to queries arising during the mentee's first year of appointment.*

Duration of relationship

- Although the mentor's formal responsibility is to the new member for the first year of appointment, the mentor will also be available to give support and guidance to the mentee where this is indicated as appropriate after appraisal.
- *It may be of benefit to the mentee to maintain the relationship informally over succeeding years.*



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