

Magistrates National
Training Initiative

Appraisal Form

(Chairmen – Adult, Youth and
Family Courts)

Introduction

Background

Appraisal for magistrates is a process by which each magistrate's performance on the bench is assessed against the relevant competence framework and any training and development needs identified. Both formal and informal assessment should be key features of the magistrate's judicial life.

The appraisal process involves reviewing individual performance to identify what has been done well and identify any areas of knowledge or skills that need to be developed. This review can be done informally through self-assessment against the relevant competence framework and through feedback received during post-sitting review sessions. Alternatively, it can be done formally, with a formal assessment against the competence framework being made by an appraiser.

The term 'appraisal' is used to describe the whole process of observation, assessment, review, discussion and the planning of future developmental activity. The term 'assessment' is used for that part of the process that involves comparing an individual's performance against the expected behaviour described in the competence framework and assessment guidance.

Informal self-assessment should take place continuously. Chairmen are encouraged to review their performance following each sitting. In addition, regular post-sitting review sessions will provide chairmen with feedback and information about what they did well and what areas of knowledge and/or skills they should improve.

Formal assessment will be undertaken by an appraiser and will take place when a chairman has reached a threshold in his career and at least once every *three years* thereafter in each of the judicial roles he holds as a chairman.

For more information on appraisal see Section 10 of this handbook; for more information about Youth and Family Panels see Sections 7 and 8. The BTDC should aim for chairmen who sit on panels to be appraised on a three-yearly cycle, just as in the adult court.

Whether the role-holder is male or female – and around 50% of chairmen are women – it is common usage in magistrates' courts to refer to the person chairing the court as the chairman. After considering other terms the JSB Magisterial Committee decided to continue with accepted usage and use the term chairman throughout this publication. Similarly, although around half of all magistrates are women, for ease of reading the pronoun 'he' is used indiscriminately to refer to both male and female magistrates.

Explanatory notes

The purpose here is to provide guidance on how to fill out the report to the BTDC, which should be detached and sent to the BTDC, once completed following appraisal.

This form is divided into two sections:

- Section 1 – Report to the Bench Training and Development Committee (BTDC)
- Section 2 – BTDC action and response form.

Completing the appraisal form

The appraisal form supports the formal assessment process by providing:

- a structure for the appraisal process;
- an accurate record of the issues raised during the appraisal discussion; and
- a report to the BTDC with accurate and specific information, where relevant, about an individual chairman's development needs.

This form is to be used to assess chairmen in the adult, youth and family courts. For those who are assessing those who sit on the wing in the adult, youth or family courts please see the *Appraisal Form (Magistrates – Adult, Youth and Family Courts)*.

Two examples of completed appraisal forms are shown in Section 10 of this handbook. Example one shows a form completed for Meena and provides evidence to support the judgement that Meena has no training and development needs in Element 3.1. Example two provides a record of observations of Robert used as evidence to identify his training and development need.

Assessment

The majority of appraisals will be undertaken from the bench. During the sitting, the priority must be the fulfilment of the judicial process and ensuring justice is done. However, during the sitting, the appraiser may make brief notes as an *aide-mémoire* to assist in the assessment process in giving feedback. Following the sitting, the appraiser should assess performance using the relevant competence as a reference. For each element, specific observed evidence should be recorded in the space provided on the appraisal form entitled 'Observations'. It is not necessary, and would be too time consuming, to record positive evidence against each performance criterion.

However, where there is negative evidence and an individual demonstrates a lack of competence (e.g. not applying the correct principles to the decision-making structure) this must be recorded.

Assessing knowledge

The relevant competence framework includes a description of the underpinning knowledge a magistrate needs to demonstrate competence. This description is found in the Assessment Guidance section of the relevant competence framework. In many instances the acquisition of this knowledge can be inferred from observation. For example, if the appraiser observes a magistrate correctly working through the structured process for making a bail decision, applying the appropriate principles, then it can be inferred that he knows and understands the structure and principles.

Where something is not observed, because there has been no opportunity to do so, then it is appropriate for the appraiser to ask questions to check that the magistrate does have the required underpinning knowledge and understanding. Also, if the appraiser has reason from his observations to doubt the appraisee's knowledge and understanding, for example if the appraisee gives weight to an irrelevant factor during a verdict decision, then questions should be used to clarify the appraisee's level of knowledge and understanding of the basic principles that should be applied to that decision-making process.

Appraisal discussion

Facilities should be made available in the court to enable a private discussion to take place following appraisal. The process should encourage the appraisee to assess his own performance. However, it is extremely important that the appraiser gives clear and specific feedback based on observation of his assessment of the appraisee's performance and that this is recorded on the report to the BTDC for consideration. The final decision as to the individual's competence will be made by the BTDC based on the recorded observations of the appraiser.

During the appraisal discussion, when a development and training need is identified, proposed action should be agreed and recorded on the appraisal form. Where the need can be addressed simply by the appraisee (e.g. by completing some reading or discussing a topic with the Justices' Clerk) this action should be agreed and recorded on the report to the BTDC. The appraisee is then responsible for ensuring the agreed action is undertaken and the BTDC ensures action has taken place. Where the need cannot be addressed simply by the appraisee, the BTDC will report training needs to the MCC/court administration responsible for providing training for the appraisee.

After the appraisal discussion

Following the appraisal discussion, the report to the BTDC should be completed by the appraiser, agreed and signed by both the appraiser and the appraisee and sent to the BTDC. If the appraisee should disagree with the report, the disagreement should be recorded in the 'Notes' section of the form.

The BTDC will receive the completed report and based on this evidence it must decide for each individual:

- whether or not that individual has a training or development need which should be addressed; and
- whether or not that training need is so great that the individual is not competent and a second appraisal is required following the provision of the identified training.

Preparing for appraisal

As the appraiser you may like to use the following checklist as a reminder of the other preparatory work and practical arrangements that need to be made to ensure the appraisal is conducted successfully.

Before the appraisal sitting:

- Are you familiar with the revised MNTI 2 competence framework?
- Have you explained to the appraisee the process you will follow? Does he know when the appraisal will be conducted and where?
- Have you checked the practical arrangements (e.g. availability and suitability of room for feedback and development discussion)?

During the appraisal sitting:

- Observe the appraisee, identifying any issues before the appraisal discussion

Following the appraisal sitting:

- Produce an assessment of the appraisee's performance using the competence framework
- Ensure the appraisee knows how to prepare for appraisal discussion

Appraisal discussion:

- Outline the purpose and structure of the discussion
- Exchange and share thoughts on observations
- Question where necessary to confirm knowledge and understanding
- Discuss and agree development needs where necessary
- Complete the report form. It should be signed by the appraiser and appraisee and forwarded to the BTDC

Section 1 – Report to the Bench Training and Development Committee (BTDC)

STRICTLY CONFIDENTIAL

The report to the Bench Training and Development Committee (BTDC) should be completed by the appraiser and signed by both the appraiser and appraisee. The completed form should be forwarded to the BTDC.

Court-house:	Date of appraisal:
Appraisee:	Signed:
Appraiser:.....	Signed:

Appraisal for: (✓)		
Adult <input type="checkbox"/>	Family <input type="checkbox"/>	Youth <input type="checkbox"/>
Winger	New <input type="checkbox"/>	3 Yearly <input type="checkbox"/>
Chairman	New <input type="checkbox"/>	3 Yearly <input type="checkbox"/>
Nature of Court business:		

<p>FOR OFFICE USE</p> <p>Completed form received at office on:</p> <p>Copies sent to appraisee and BTDC Chairman on:</p> <p>BTDC meeting date:</p> <p>Appraisee notified of outcome:</p> <p>Notes:</p>
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Competence 4 ■ Managing judicial decision making

Element 4.1 ■ As the chairman working in partnership with colleagues and the legal adviser to ensure the effectiveness of the court

Can be demonstrated by the following performance criteria:

- a Identifying issues for clarification prior to each court session and establishing the relevant structures and processes to facilitate routine applications and procedures.
- b Agreeing with the legal adviser respective roles and responsibilities and maintaining these.
- c Reviewing the day's sitting with the legal adviser.

Observations

Development needs

Competence 4 ■ Managing judicial decision making

Element 4.2 ■ As the chairman managing court proceedings using appropriate communication skills

Can be demonstrated by the following performance criteria:

- a Ensuring the purpose and framework of the hearing is established and maintained from the outset by giving appropriate directions, setting realistic timetables, seeking explanations from participants for failure to comply with directions and taking appropriate action.
- b Giving clear instructions to participants throughout the proceedings and checking that all those involved understand what is happening in the court room and any decisions that have been made.
- c Addressing those in court fluently, clearly and audibly at all times.
- d Encouraging participants at the hearing to contribute constructively and dealing assertively with any inappropriate, inaccurate or unhelpful contributions by restricting representations, speeches and discussions and dealing promptly with any behaviour that is or may disrupt the functioning of the court.

Observations

Development needs

Competence 4 ■ Managing judicial decision making

Element 4.3 ■ As the chairman seeking and enhancing the contribution of colleagues in order to ensure effective decision making

Can be demonstrated by the following performance criteria:

- a Asking colleagues to take responsibility for key tasks (e.g. checking guidelines and locating appropriate structures).
- b Facilitating discussion by focusing on the structure, identifying and summarising key issues, intervening promptly when disagreement is preventing constructive discussion and progressing and exploring areas of disagreement in order to achieve a resolution.
- c Agreeing the decision, reasons and pronouncement to be given in court.
- d Reviewing the day's sitting with your magistrate colleagues and/or the legal adviser and seeking, receiving and giving feedback.

Observations

Development needs

Competence 4 ■ Managing judicial decision making

Element 4.4 ■ Engaging in ongoing learning and development.

Can be demonstrated by the following performance criteria:

- | | |
|---|--|
| <p>a Assessing your own performance against the relevant competence framework. Regularly seeking feedback and identifying your learning and development needs on a continuous basis.</p> | <p>b Adapting and developing your own performance in light of changes to law, practice, procedure, research and other developments. Keeping your own resource materials (e.g. bench book, handbooks, guidelines) up to date.</p> |
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Observations

Development needs

Appraisee's comments

Section 2 – BTDC action and response form

The BTDC action and response form is to be completed by the BTDC and forwarded to the training manager. The appraisee should be informed of the outcome of the appraisal in writing by the BTDC (see Section 11 of this handbook).

BTDC decision

- Competent Approved to cross threshold Not competent

Adult court

- New chairman Experienced chairman

Family Panel

- New chairman Experienced chairman

Youth Panel

- New chairman Experienced chairman

and/or

- Further development needed

Signature: _____ BTDC Chairman Date: _____



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