

Magistrates National  
Training Initiative

# Appraisal Form

(Magistrates – 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 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. Magistrates are encouraged to review their performance following each sitting. In addition, regular post-sitting review sessions will provide magistrates 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 magistrate has reached a threshold in his magisterial career and at least once every *three years* thereafter in each of the judicial roles he holds as a magistrate.

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 magistrates 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 magistrate's development needs.

This form is to be used to assess new and existing magistrates who sit on the wing in the adult, youth and family courts. For appraisal of chairmen in the adult, youth and family courts please see the *Appraisal Form (Chairmen – 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. 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 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 relevant 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 1 ■ Managing yourself

### Element 1.1 ■ Before the hearing: preparing yourself for your role in the judicial process

Can be demonstrated by the following performance criteria:

- a** Obtaining and reading relevant paperwork prior to the legal adviser briefing and reading all relevant statements and reports as required during the court session.
- b** Agreeing the role and responsibilities that you will be undertaking.
- c** Checking to identify any potential sources of conflict of interest in the court business.
- d** Discussing with colleagues and the legal adviser procedural and legal issues including asking about any relevant previous case management decisions.

Observations

Development needs

## Competence 1 ■ Managing yourself

### Element 1.2 ■ In the court room: conducting yourself effectively in the judicial process

#### Can be demonstrated by the following performance criteria:

- a** Focusing your attention on what is going on in the court room and demonstrating the communication skills required to encourage participation.
- b** Taking accurate, succinct notes of relevant issues to assist you and your colleagues in the decision-making process. Asking questions via the chairman in the court room to clarify issues and ensure all relevant information is obtained prior to decision making.
- c** Identifying the requirements of court users including those from vulnerable, disadvantaged groups and those with special needs and drawing these to the attention of the chairman if necessary.
- d** Acting at all times with authority and in a dignified and impartial manner.

#### Observations

#### Development needs

## Competence 1 ■ Managing yourself

### Element 1.3 ■ Engaging in ongoing learning and development

Can be demonstrated by the following performance criteria:

- |  |   |
|--|---|
| <p><b>a</b> Assessing your own performance against the competence framework for magistrates. Regularly seeking feedback and identifying your learning and development needs on a continuous basis.</p> | <p><b>b</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> |
|--|---|

Observations

Development needs

## Competence 2 ■ Working as a member of the team

### Element 2.1 ■ Making an effective contribution to judicial decision making

Can be demonstrated by the following performance criteria:

- a** Expressing your own views clearly and concisely.
- b** Questioning the views of colleagues to clarify issues, information, facts and evidence as part of the decision-making process.
- c** Giving equal consideration to your colleagues' contributions including listening attentively and checking your understanding of what has been said.
- d** Using appropriate non-discriminatory language. Challenging stereotyping and discriminatory comments made by colleagues.

Observations

Development needs

## Competence 2 ■ Working as a member of the team

### Element 2.2 ■ Contributing to the working of the team

Can be demonstrated by the following performance criteria:

- |   |   |
|---|---|
| <p><b>a</b> Building supportive, respectful and constructive relationships with others in the team by adapting your communication style to ensure that you are being understood, minimise interpersonal conflict and demonstrate respect and support to others in the team.</p> | <p><b>b</b> Seeking and being receptive to the advice of the legal adviser.</p> |
|---|---|

Observations

Development needs

## Competence 3 ■ Making judicial decisions

### Element 3.1 ■ Using appropriate processes and structures to facilitate effective decision making

Can be demonstrated by the following performance criteria:

- a Identifying and agreeing the most appropriate structure for decision making and applying the correct principles to the decision-making structure.
- b Sifting the relevant information from all that is available and clarifying relevant information when necessary.
- c Analysing and assessing the information, evidence, facts and submissions within the relevant structure.
- d Identifying and evaluating the outcome(s) that flow(s) from the use of the structure and considering any other relevant factors, including the interests of justice.
- e Assisting in the formulation of reasons and pronouncements.

Observations

Development needs

## Competence 3 ■ Making judicial decisions

### Element 3.2 ■ Making impartial decisions

Can be demonstrated by the following performance criteria:

- a Identifying, acknowledging and setting aside your own prejudices and bias. Including identifying how you might be influenced inappropriately by someone involved in, or an aspect of, the proceedings.
- b Challenging any bias or prejudice you perceive in the decision-making process.
- c Identifying and taking into account factors that are relevant and should legitimately influence a decision. Ensuring factors that are irrelevant and that could lead to an unfair decision are not taken into account.

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

- Magistrate

### Family Panel

- Magistrate

### Youth Panel

- Magistrate

and/or

- Further development needed

Signature: \_\_\_\_\_ BTDC Chairman                      Date: \_\_\_\_\_





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