

TRAFFIC COMMISSIONERS TRAINING DAY

Adjudication and Hearing Skills

7 February 2018
Programme

UCL JUDICIAL INSTITUTE



UCL Judicial Institute

The UCL Judicial Institute is the first and only centre of excellence for research and teaching about the judiciary in the UK. The Institute's purpose is to provide evidence-based understanding and intellectual leadership about the judiciary as a critical social institution about the process of judicial decision-making. The Institute carries out cutting-edge research on the judiciary and provides outstanding educational opportunities for students, practitioners, judges and those performing quasi-judicial roles. The Judicial Institute is led by co-directors Professor Dame Hazel Genn and Professor Cheryl Thomas and guided by an Advisory Board of distinguished jurists and scholars from both the United Kingdom and abroad.



UCL Judicial Institute Advisory Board

Lady Hale, President of the United Kingdom Supreme Court

Lord Carnwath, Justice of the United Kingdom Supreme Court

Lord Justice Jackson, Court of Appeal

Lord Justice MacFarlane, Court of Appeal

Lord Dyson, Master of the Rolls of England and Wales (retired)

Sir John Goldring, Court of Appeal (retired)

Sir Stephen Sedley, Court of Appeal (retired)

Judge Antoine Garapon, Secretary-General, Institut des Haute Etudes sur la Justice (France)

Professor Judith Resnik, Arthur Liman Professor of Law, Yale Law University

Professor Richard Susskind, President of the Society for Computers and Law

Alexandra Marks, Commissioner, Judicial Appointments Commission of England & Wales

Further information on the Institute can be found at: www.ucl.ac.uk/judicial-institute

UCL Judicial Institute Traffic Commissioners Training Day

Adjudication and Hearing Skills

Course Prospectus

Course Aims

The aim of the course is to identify, discuss and develop the range of judicial style skills, values and competences necessary for the work of the Traffic Commissioners.

We aim to:

- associate the skills, knowledge and values of the wider judicial profession with those needed by the Traffic Commissioners
- identify, explore and develop the range of communication and questioning skills necessary for inquiries and hearings
- explore the case management powers of the Traffic Commissioners and the skills associated with their effective use
- consider the “users” perspective and to explore how users can be best prepared for their engagement with the Commissioners
- identify good practice concerning the start and conclusion of hearings, and the skills to deal with unexpected interruptions during hearings/inquiries
- identify and reflect on the skills associated with the good conduct of a hearing/inquiry
- consider issues surrounding the nature and quality of evidence
- provide delegates with the opportunity to make and write a structured and reasoned decision and to reflect on the skills necessary for this task and the challenges presented by it

Course Structure

The course is highly participatory, with many opportunities for all participants to engage in discussions, and exercises.

Learning Outcomes

By the end of the course, participants will:

- be familiar with the values and skills that underpin good practice as a Traffic Commissioner
- understand the range of communication and questioning skills necessary for a good hearings/inquiries
- have explored the skills associated with the effective use of case management powers
- understand how users can be best prepared for their engagement with the Commissioners
- appreciate good practice at the start, during and at the conclusion of hearings
- understand the skills to deal with unexpected interruptions during hearings
- be familiar with issues surrounding the nature and quality of evidence and the importance of evidence based decision making
- appreciate the importance of structured decision making and the necessity for reasoned decisions

UCL JUDICIAL INSTITUTE TEAM

COURSE DIRECTORS

Professor Dame Hazel Genn is Professor of Socio-Legal Studies and Co-Director of the UCL Judicial Institute. She worked with the Judicial Studies Board (now the Judicial College) for 12 years, serving as a member of the Main Board and the Tribunals Committee, and contributing to the design and delivery of training for the judiciary at all levels. She has undertaken a number of judicial training needs analyses in England and Scotland and was closely involved in developing the JSB's framework of judicial qualities and abilities. She served as a lay Commissioner on the Judicial Appointments Commission from 2006 to 2012, was a member of the Advisory Panel on Judicial Diversity and the Committee on Standards in Public Life 2003-7, and until 2016 chaired the Judicial Sub-Committee of the Senior Salaries Review Board.

Professor Cheryl Thomas is Professor of Judicial Studies, Co-Director of the UCL Judicial Institute and Director of the UCL Jury Project. A specialist in judicial studies, she has conducted ground-breaking research on juries, judicial decision-making, the role of diversity in the justice system, and the appointment and training of judges. Professor Thomas is a frequent contributor to Judicial College training courses for judges, including Long and Complex Trials, Serious Crime and Serious Sexual Offences. She has served as a specialist consultant on judicial affairs to the Lord Chief Justice, Law Commission, Lord Chancellor, Her Majesty's Crown Prosecution Service Inspectorate, European Commission, Council of Europe, French government and Judicial Education Institute of Trinidad and Tobago.

COURSE FACILITATORS

All five course instructors are Judicial Training Fellows at UCL Judicial Institute

Godfrey Cole was an academic from 1971-1992, mostly at the University of Westminster where he was Dean of the Law School and he lectured on subjects including Housing Law, Law of Landlord and Tenant, Family Law, and Social Security Law. In 1992 he took up a full-time judicial appointment as a District Tribunal Judge, and subsequently sat as a Deputy District Judge and in the Upper Tribunal. From 1999-2008 he was seconded to the Judicial Studies Board of England and Wales as Director of Training for Tribunals where he developed standards for UK tribunals, as well as training courses for court and tribunal judges with management responsibilities. He was the editor of the *Tribunals* journal until 2010. Following retirement from his salaried judicial appointment from 2011, he sits as a fee-paid tribunal judge dealing with first instance and appellate work.

Yvette Genn is a barrister at Cloisters, a specialist in employment law (with particular emphasis on discrimination and equal pay) and personal injury law. She was a member of the JSB's Equal Treatment Advisory Committee from 1999-2008, designing and providing diversity training to judges, and continues to provide training in diversity and judicial standards for judges in courts and tribunals. She has also provided equalities training to a range of public bodies such as the Legal Services Commission, Council on Tribunals and Solicitors Disciplinary Tribunal. Yvette is a Deputy District Judge on the South Eastern circuit, and a Recorder in civil and private law family matters on the Midlands circuit. She is also a former part-time judge in the Special Educational Needs and Disability Tribunal.

Mary Holmes was a Senior Training Adviser to the Judicial Studies Board and JSB Head of Tribunal Training between 2002 and 2007, giving advice and guidance in respect of training for both the courts judiciary and tribunal judges and was closely involved in the development of the JSB tribunal mentoring, training standards, appraisal and evaluation frameworks and training handbooks. Mary has also participated in the delivery of training in Scotland, Guernsey, Training the Trainers for family law judges in Jordan, facilitated appraisal training for British Columbia's Administrative Tribunal in Vancouver, and worked with the Administrative Appeals Tribunal in Australia in the development of the competence based training. She was formerly a tribunal member and currently sits as a Magistrate.

Mary Kane was a matrimonial solicitor in private practice for 21 years until 1995 and a magistrate for 18 years in the West London PSD. She held a judicial post as Regional Chair of the London South, South and South West Region of the Mental Health Review Tribunal from 1998 to 2004. She is a judge in the Health and Social Care chamber of the Tribunal Service, sitting in the Mental Health Tribunal (MHT). She is a legal chair for the GMC, an independent member of the Parole Board and a Deputy Traffic Commissioner. She is also a family mediator. She is an appraiser and mentor for the MHT and the Parole Board. She has worked as a trainer and facilitator for the Judicial College (formerly the Judicial Studies Board) in all areas of tribunal skills development, including diversity training and

Stuart Vernon was until recently the Chief Adjudicator at the Office of Fair Trading (OFT). He has taken a leading role in writing and producing judicial training materials and has been involved with tribunal skills training for a number of years. He was involved in the development of the Judicial Studies Board's tribunal competence framework, and is currently developing bespoke training courses for tribunals and other institutions. Stuart sat as a magistrate in west London for 15 years and was also a lay member of the Social Security Appeals Tribunal. Stuart also taught at the University of East London, where he researched and published in the fields of social work law and youth justice.

COURSE ADMINISTRATOR

Maria Diaz is the Manager of the UCL Judicial Institute (JI) and is responsible for the overall running of the JI including its courses and events working in close consultation with the JI Directors. Maria joined the UCL Judicial Institute in 2013 following a 10-year career in the civil service, working in the courts and judiciary. She joined the Lord Chancellors Department in 2003 working at the office of the Judge Advocate General (JAG) as a pre-trial clerk. In 2006 she joined the Court Service in the Listings and Jury Bailiffs department at the Central Criminal Court (Old Bailey). In 2008 she became a Court Clerk and then the Jury Manager of the Old Bailey, also serving on the Jury Manager's Advisory Group (JMAG) for England and Wales.

TRAFFIC COMMISSIONERS

LIST OF ATTENDEES

Tim Blackmore	Traffic Commissioner for the North East of England
Hugh Olson	Deputy Traffic Commissioner for Scotland
Jayne Salt	Deputy Traffic Commissioner for the North West of England
Laura Thomas	Deputy Traffic Commissioner for the East of England

TRAFFIC COMMISSIONERS TRAINING DAY
30 EUSTON SQUARE, LONDON NW1 2FB

Wednesday 7 February 2018

Programme

Wales Room, First Floor

Adjudication and Hearing Skills

09:15 - 09:30

Registration and Coffee

09:30 - 10:15

Session 1 Knowledge, Skills and Values (45 mins)

Exploring the knowledge, skills and values that underpin the work of the Traffic Commissioners. What are your expectations? What does the job description say? 'Judicial' competences. Session 1 will concentrate on values and will include exercises on fair treatment

10.15 - 11.00

Session 2 Evidence (45 mins)

The central role of evidence in adjudication. The range of evidence and how to work with it. Exercise on evidence and decision making - 'Bob the Builder' - his parking appeal.

11.00 - 11.15

Coffee/tea

11.15 - 11.35

Session 3 Case Management (20 mins)

Case management pre- hearing, during a hearing, post hearing. What are the powers of the Traffic Commissioners ? Orders, directions, sanctions ?

11.35 - 12.20

Session 4 The 'Appellant's'/Operator's experience (45 mins)

Expectations and experiences. Establishing a fair hearing - the role of the administration and the Commissioner. Improving the experience.

Exercises: a) introducing a hearing; b) dealing with the unexpected.

12.20 - 13.10

Session 5 Skills for hearings (50 mins)

Preparation - main issues; what has to be decided; working with case papers; objectives and strategy. Communication skills - non-verbal communication; questioning and listening skills. Two exercises: a) careful listening, b) constructing a skills checklist for good hearings.

13.10 - 14.00

Lunch

14.00 - 15.30

Session 6 Decision making and decision writing (90 mins)

Structured decision making and decision writing - good practice.
Exercise: licensing pavement vehicle drivers. The Pavement Users Tribunal -
Illych v Trimble. Writing a decision.

Reviewing decisions and reflecting on the skills used; challenges in decision
making, reconciling independent decision making with consistent decisions
and standards.

15.30 - 16.00

Session 7 Tea/coffee - review of the training day (30 mins)

Action points and evaluation

16.00

Finish

30 | Euston Square

BEST IN PRACTICE



How to find us

Located on the corner of Euston Road and Melton Street.

A short walk from Euston Station, 30 Euston Square is directly opposite the Wellcome Trust building (Euston Road) as well as Grant Thornton House (Melton Street).

Easily accessible and conveniently located to many transport links, 30 Euston Square can be reached by numerous methods of travel.

On exiting Euston Station, bear right towards the directions of Euston Square Underground station and University College Hospital.

On the tube

Euston Station via Northern, Victoria and Overground lines.

Euston Square via Circle, Metropolitan and Hammersmith & City lines.

On the bus

Buses that pass near to the venue are – 10, 18, 24, 27, 29, 30, 59, 68, 73, 88, 91, 134, 168, 205, 253, 390, 476

On the train

Euston Station is a 1 minute walk. Kings Cross St Pancras is a 7-10 minute walk

In the car

We have no specific parking at the venue, however the nearest parking area would be Euston Station with 230 spaces. For all public transport we recommend you use the TFL Journey Planner – www.tfl.gov.uk

0208 453 4610 | NW1 2FB | 30eustonsquare@searcys.co.uk | www.30eustonsquare.co.uk

SEARCYS

Where to find us

30 Euston Square is located on the boundary of Euston Road and Euston Square. We're situated in Bloomsbury, close to University College London, The British Library, The British Museum, Great Ormond Street Hospital and the Wellcome Collection.

Anyone meeting for site visits should plan on meeting at the corner of Euston Square and Midland Road.

Parking

Car parking is available nearby, and there are cycle parking facilities on-site. The two public car parks are nearby:

King's Cross Station Car Park – 7 min bus ride or 25 min walk
3 Crinan Street, London N1 9SQ, United Kingdom

Ibis Car Park – 6 minute walk
3A Cardington Street, London NW1 2LW, United Kingdom

Short walk from the following major transport hubs

London Euston Station – 0.3mi / 3 min walk

Euston Square – 0.2mi / 4 min walk

Warren Street – 0.4mi / 8 min walk

Kings Cross St Pancras International - 0.4mi / 5 min walk

Walking Directions From:

London Euston Station – Head southwest toward Melton Street then turn left onto Melton Street and continue onto Euston Square. The venue should be on your right. (0.1 mi / 2 minutes)

St Pancras Kings Cross International Station – Head southeast on Pancras Road/A502 Then take a slight right to stay on Pancras Road/A502. Then turn right onto Euston Road/A501. The venue should be on your left. (0.6 mi / 12 minutes)

From Euston Square – Head northeast on Euston Road/A501 toward A501 and then turn left onto Euston Square. The venue should be on your left. (0.1 mi / 3 minutes)

About the UCL Judicial Institute

The UCL Judicial Institute (JI) is the UK's first and only centre of excellence devoted to research, teaching and policy engagement on the judiciary.

The judiciary is effectively the third branch of government. Today, a wide range of judicial and quasi-judicial bodies have adjudicatory powers affecting the lives of citizens as well as the commercial sector.

As the only centre for Judicial Studies in the UK, the UCL Judicial Institute is devoted to:

- cutting-edge research on the judiciary that has a high policy impact
- high-level policy work on courts and the judiciary in both the UK and Europe
- teaching that brings students in direct contact with judges and policy-makers
- expert seminars addressing key issues facing judges and courts worldwide
- professional development courses to increase understanding of the judiciary
- publications and scholarship on the judiciary from home and abroad
- public events and expert commentary in the media on judicial issues.

Research

The UCL Judicial Institute research programme is designed to provide robust empirical evidence about the judicial process. Major current research projects include the: UK Supreme Court and Judicial Committee of the Privy Council Project, Tribunal Decision-Making Project, UCL Jury Project and Civil Justice Reform Project.

Teaching

The JI is pioneering educational programmes at all levels to increase understanding of the judiciary. This includes innovative LLM teaching on the judiciary, Europe's first Executive Masters in Judicial Studies, Professional Development Courses educating legal practitioners in the UK about life as a judge and judicial education and training programmes for judiciaries in other jurisdictions.

Policy input and public debate

The UCL JI is committed to assisting the development of judicial policies through empirical research and by providing a high-level forum for policy discussions between judges, academics and policy-makers. This includes UCL JI public seminars and the UCL JI special policy briefings under the Chatham House Rule.

Professional development

The Judicial Institute offers professional development courses for practicing lawyers in the UK and for judiciaries abroad. Some of these courses are designed to fulfil the recommendations of the Neuberger Panel on educating practitioners about the judiciary prior to applying for judicial posts, while others provide practitioners and judges with new skills and understanding of judicial functions.

International

The UCL JI provides Fellowships to leading international experts on the judiciary and sabbaticals for judges from around the world. The Directors serve as UK representative on leading European and international projects on the judiciary, and the Institute conducts innovative comparative research on key issues involving judges and courts.

For further information on the Institute please go to: www.ucl.ac.uk/judicial-institute

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