

Skills for TRIBUNAL HEARINGS and DECISION MAKING

COURSE PROGRAMME

8-9 OCTOBER 2015

GOVERNMENT BUSINESS UNIT, POLICY COUNCIL
BEAU SÉJOUR LEISURE CENTRE
ST PETER PORT
GUERNSEY

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 and the 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

Lord Dyson, *Master of the Rolls of England and Wales*

Lord Carnwath, *Justice of the United Kingdom Supreme Court*

Lady Hale, *Justice of the United Kingdom Supreme Court*

Lord Justice Jackson, *Court of Appeal*

Lord Justice MacFarlane, *Court of Appeal*

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/laws/judicial-institute

COURSE DIRECTORS

Professor Dame Hazel Genn is Dean of the UCL Faculty of Laws and Co-Director of the UCL Judicial Institute. She is also an Honorary Fellow at UCL. She is a leading authority on civil and administrative justice, conducting numerous empirical studies of court and tribunal processes and publishing widely in her specialist fields. In 2006 Dame Hazel was appointed an Inaugural Commissioner to the England & Wales Judicial Appointments Commission (established under the Constitutional Reform Act 2005) and served on the Commission from 2006-2011 appointing judiciary at all levels including to the Court of Appeal and UK Supreme Court. She was a member of the Committee on Standards in Public Life 2003-7 and in April 2009 she was appointed to the Secretary of State's Advisory Panel on Judicial Diversity. She has had a longstanding involvement with the Judicial Studies Board (now Judicial College) serving on its main board and tribunals committee, developing and delivering training to the judiciary at all levels in England, Wales and Scotland. Dame Hazel has undertaken training needs analyses of the judiciary in England, Wales and Scotland and is currently undertaking an audit of Scottish judicial training. Between 2006 and 2009 she led a major learning needs analysis for the Judicial Studies Board involving the judiciary on the District and Circuit Benches as well as the High Court. Drawing on this work she developed the Judicial College's Framework of Judicial Abilities and Qualities published in November 2010 <http://www.judiciary.gov.uk/publications/framework-of-judicial-abilities-and-qualities/> which has been adopted in other jurisdictions. Dame Hazel is a frequent lecturer at judicial conferences around the world, including recent contributions to judicial conferences in Hong Kong, Malaysia, Australia, New Zealand, and Canada.

Professor Cheryl Thomas is Professor of Judicial Studies and Co-Director of the UCL Judicial Institute. She is also the Vice Dean (Research) in the UCL Faculty of Laws and Director of the UCL Jury Project. She was appointed to the first chair in judicial studies in the United Kingdom in 2010. Professor Thomas is the UK's leading expert on juries and has pioneered the study of judicial decision-making in the courts in the UK. A specialist in judicial studies, she has conducted ground-breaking research in the United Kingdom and other jurisdictions on the appointment and training of judges, judicial decision-making and the role of diversity in the justice system. She has also established the UCL UK Supreme Court (UKSC) and Judicial Committee of the Privy Council (JCPC) Project at the UCL Judicial Institute, a large-scale database and long-term longitudinal study of UKSC and JCPC decision-making, designed to inform discussion about best practice in these two courts. Professor Thomas is a regular contributor to the Criminal Courts courses provided by the Judicial College of England and Wales. She has also been actively involved in the training and education of judges at the European level, where she developed the Judicial Education Assessment Tool (JEAT) for the European Commission for the Efficiency of Justice CEPEJ, served on the European Commission Menu for Justice project to develop a European-wide curriculum in judicial studies, and currently serves on the EU Steering Committee for the Project on European Judicial Training. She has served as a specialist consultant on judicial affairs to the UK Ministry of Justice, Lord Chancellor's Advisory Panel on Judicial Diversity, Her Majesty's Courts and Tribunals Service (HMCTS), Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi), former Commission for Judicial Appointments and the Council of Europe GRECO (Group of States Against Corruption).

COURSE ADMINISTRATOR

Maria Diaz is the Manager of the UCL Judicial Institute. She is responsible for the overall running of the Judicial Institute including its courses and events. Maria joined the UCL Judicial Institute in 2013 following a 10-year career in the UK civil service, working in the courts and judiciary. She joined the Lord Chancellor's 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.

COURSE FACILITATORS

Stuart Vernon 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 JSB's tribunal competence framework, and is currently developing bespoke training courses for tribunals and other institutions. Stuart was until recently the Chief Adjudicator at the Office of Fair Trading (OFT). He taught at the University of East London, where he researched and published in the fields of social work law and youth justice. Stuart sat as a magistrate in west London for 15 years and was also a lay member of the Social Security Appeals Tribunal.

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 reason writing and was involved in the drafting and preparation of the JSB booklets, Tribunal Competences, Qualities and Abilities in Action, and Appraisal Standards and Appraisal Competences in Tribunals.

Course Aims

The aim of the course is to identify, discuss and develop the range of judicial style skills, values and competences for Tribunal hearings and decision making.

UCL JUDICIAL INSTITUTE
TRIBUNAL HEARINGS AND DECISION MAKING COURSE

VENUE: BEAU SÉJOUR LEISURE CENTRE, ST PETER PORT, GUERNSEY

DAY 1: THURSDAY 8 OCTOBER 2015

09:30 – 09:45	Introductions Introductions, the aim of the course, training method - inclusive and interactive
09:45– 10:45	Session 1 Being a Tribunal member - expectations (knowledge, skills, values) A judicial role? Consequences and responsibilities Fair treatment - some dilemmas to deal with; ensuring tribunal hearings are fair hearings Conflict of interest
10:45 – 11:30	Session 2 Making judicial style decisions Evidence based decision making - how do you get your evidence? What issues does the tribunal have to decide What evidence is needed to make these decision
11:30 – 11:45	<i>Tea/Coffee</i>
11:45 – 12:45	Session 3 The role of the tribunal in eliciting evidence - tactics, strategy Questioning and listening skills for tribunal members
12:45 - 13:30	<i>Lunch</i>
13:30 – 14:15	Session 4 The tribunal experience from the perspective of the parties The role of the tribunal administration Responsibilities of Tribunal members – empowerment and facilitation
14:15 - 15:15	Session 5 Case management from pre-hearing to post decision – responsibilities and objectives Managing the tribunal hearing – introductions, managing the procedure, dealing with challenges and the unexpected, concluding the hearing
15:15 - 15:30	<i>Tea/Coffee</i>
15:30 - 16:00	Session 6 Team work skills for the tribunal
16:00 - 16:30	Session 7 Review of Day 1 – any outstanding issues, questions ? Introducing materials and arrangements for Day 2. The Role Play.

DAY 2:**FRIDAY 9 OCTOBER 2015**

09:30 – 11:30	Session 1 Tribunal role play – hearing an appeal. Warning Notice and Penalty Notice failure to cut a roadside hedge. Review of skills used in role play - identifying good practice in hearing skills
11:30 - 12:00	<i>Tea/Coffee</i>
12:00 - 12:45	Session 2 Structured decision making – evidence, fact finding, applying the law, reasoned decisions, articulating the decision and the reasons for the decision
12:45 – 13:30	<i>Lunch</i>
13:30 – 14:30	Session 3 Individual decision writing exercise
14:30 – 15:15	Session 4 Review of decision writing exercise – skills and challenges Consideration of the model decision
15:15 - 15:30	<i>Tea/Coffee</i>
15:30 - 16:00	Session 5 Review of Day 2 and of the course. Learning outcomes and action plans. Evaluation.
16:00 - 16:15	Wrap Up and Awarding of Course Certificates

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/laws/judicial-institute

UCL Judicial Institute
UCL Laws
Bidborough House
38-50 Bidborough Street
London
WC1H 9BT
+44 (0)20 3108 8485

www.ucl.ac.uk/laws/judicial-institute