

Skills for TRIBUNAL HEARINGS and DECISION MAKING

COURSE PROGRAMME
12-14 JUNE 2018

LES COTILS 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 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

COURSE DIRECTORS

Professor Dame Hazel Genn is Professor of Socio-Legal Studies and Co-director of the UCL Judicial Institute. She is an expert on civil and administrative justice and has conducted numerous empirical studies of court and tribunal processes. She worked with the Judicial Studies Board (now the Judicial College) for 12 years, and is experienced in 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 on the Judicial Appointments Commission from 2006 to 2012, was a member of the Advisory Panel on Judicial Diversity 2010-11 and the Committee on Standards in Public Life 2003-7. She chaired the Judicial Sub-Committee of the Senior Salaries Review Board from 2012-15.

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 judges, 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 Serious Crime, Serious Sexual Offences, Trial and Case Management and Long and complex Trials, and conducts the UK Judicial Attitude Survey for the judiciaries of England & Wales, Scotland and Northern Ireland. 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 and Judicial Education Institute of Trinidad and Tobago.

COURSE FACILITATORS

Stuart Vernon is a UCL Judicial Institute Training and Education Fellow. Stuart provided judicial skills training for the Judicial Studies Board (JSB, now the Judicial College of England and Wales) for many years, and he now designs and delivers bespoke training for a range of quasi-judicial decision makers. Most recently this has involved work with the Crofting Commission in Scotland, the Intellectual Property Office in Wales, Welsh local authorities responsible for adjudication under the Estate Agents Act, and decision making skills training for the States of Guernsey. Stuart was previously Chief Adjudicator at the Office of Fair Trading where he was responsible for decision making under the licensing provisions of the Consumer Credit Act and on the fitness of estate agents. Prior to this civil service appointment, Stuart taught in the Law School at the University of East London, publishing in the fields of social work law, youth justice and disability and the law.

Mary Kane is a UCL Judicial Institute Training and Education Fellow. Mary 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 was a Deputy Traffic Commissioner until April 2016. 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 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 working in close consultation with the JI Directors. 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.

GOVERNMENT BUSINESS, REVIEWS AND TRIBUNALS UNIT - SUPPORT TEAM

Elizabeth Dene	Senior Manager, Government Business, Reviews and Tribunals Unit
Lisette Ellis	Director of Government Business, Reviews and Tribunals Unit
Julie Evely	Government Business Officer, Strategy and Policy
Dave Way	Government Business Officer, Strategy and Policy

LIST OF ATTENDEES

Tom Carpenter	Advocate, St James Chambers
Amy Carr	Secretary, Employment and Discrimination Tribunal
Sarah Cash	Member, Social Insurance Tribunal
Russell Clark	Member, Guernsey Tax Tribunal
Hayley Cooper	Solicitor, former Administrator, Guernsey Legal Aid Service
Robin Gist	Advocate, St James Chambers
Christine Le Lievre	Deputy Convenor, Employment and Discrimination Tribunal
Helen Martin	Panel Member, Employment and Discrimination Tribunal
Roy McGregor	Member, Guernsey Tax Tribunal
Victoria Russell	Member, Guernsey Tax Tribunal
William Simmonds	Advocate, St James Chambers (Day 1 only)
Glen Symons	Lawyer, St James Chambers
John Weir	Chairman, Tax on Real Property Appeals Panel

COURSE AIMS

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

We aim to:

- associate the skills, knowledge and values of the wider judicial profession with those needed by members of tribunals/panels and other similar decision making bodies
- identify, explore and develop the range of communication and questioning skills necessary for tribunal/panel hearings
- explore the case management powers of tribunals/panels and the skills associated with their effective use
- consider the users' perspective of the tribunal/panel experience and to explore how users can be best prepared for their engagement with a tribunal/panel
- identify good practice concerning the giving of directions and introductions to hearings, and the skills to deal with unexpected interruptions during hearings
- identify and reflect on the skills associated with the good conduct of a hearing
- consider issues surrounding the nature and quality of evidence
- provide delegates with the opportunity to discuss the skills of good team working within the context of tribunal/panel work
- provide delegates with the opportunity to experience elements of a hearing of the Parochial Appeals Tribunal through a role play and thereby identify the challenges of working as a tribunal/panel member
- provide delegates with the opportunity to make and write a reasoned decision and to reflect on the skills necessary for this task

UCL JUDICIAL INSTITUTE
TRIBUNAL HEARINGS AND DECISION MAKING COURSE

DAY 1: TUESDAY 12 JUNE 2018

09:30 – 09:45	Introductions The aim of the course, training method - inclusive and interactive
09:45– 10:45	Session 1 Being a Tribunal Member/ Decision Maker Expectations (knowledge, skills, values) A judicial role? Consequences and responsibilities Fair treatment - some dilemmas to deal with; ensuring hearings are fair hearings, conflict of interest
10:45 – 11:30	Session 2 Evidence and decision making Making judicial style decisions Evidence based decision making - what constitutes material evidence, how do you work with it? What issues does the tribunal have to decide; what evidence do you need to make these decision
11:30 – 11:45	<i>Tea/Coffee</i>
11:45 – 12:45	Session 3 Skills for a good hearing including Communication Skills The role of the tribunal/panel in eliciting evidence - tactics, strategy Questioning and listening skills for tribunal/panel members
12:45 - 13:30	<i>Lunch</i>
13:30 – 14:15	Session 4 The appellant’s experience The experience of the parties, witnesses and representatives The role of the tribunal/panel administration Responsibilities of tribunal/panel members – empowerment and facilitation
14:15 - 15:15	Session 5 Case Management Case management from pre-hearing to post decision – responsibilities and objectives Managing the 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 Team work skills for the tribunal/panel - working towards a good decision
16:00 - 16:30	Session 7 Review of the day Review of Day 1 – any outstanding issues, questions? Introducing materials and arrangements for Day 2. The Role Play.

DAY 2: WEDNESDAY 13 JUNE 2018

- 09:30 – 09:45 **Introduction to Day 2** - Role play and decision writing
- 09:45 -12:00 **Session 1**
PAT role play – hearing an appeal. An opportunity for participants to practice the skills discussed in Day 1

Tea/Coffee to be taken during the session
- 12:00 - 12:30 **Session 2**
Review of skills used in role play - small group work.
- 12:30 – 13:15 **Session 3**
Identifying good practice for hearings. Plenary session.
- 13:15 – 14:00 *Lunch*
- 14:00 – 14:45 **Session 4**
Structured decision making – evidence, fact finding, applying the 'law', reasoned decisions, articulating the decision and the reasons for the decision
- 14:15 - 17:00 **Session 5 Individual decision writing exercise**
Participants will be free to remain at the course venue or go home or to the office to complete this exercise.

Each participant will complete a full written decision. These will be reviewed by the course tutors after the course and returned to participants with individual feedback.

DAY 3:

THURSDAY 14 JUNE 2018

09:30 – 10:30 **Session 1 Review of decision writing exercise – skills and challenges**

Small groups

10:30 - 10:45

Tea/Coffee

10:45 - 11:45

Session 2 Decision making and decision writing

Establishing good practice - plenary session.

11:45 – 12:15

Session 3 Review of Day 2 and Day 3, and of the course

Learning outcomes and action plans. Evaluation.

12:15 – 12:30

Awarding of Course Certificates

12:30

Finish

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

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