04 March 2020

Rona Mackay MSP
Deputy Convener, Justice Committee
Justice Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Ms Mackay

Thank you for your letter of 24 February.

In order to set matters in context I would remind the Committee that so far as the judiciary are concerned, the Lord President is statutorily responsible for judicial training and that responsibility has been met by him by constituting the Judicial Institute for Scotland which is the body responsible for planning and delivering training.

The independence of the judiciary is a fundamental constitutional principle. A vital part of maintaining that principle rests on the independence of judicial training which is why training must be judge-led.

Our role in the Judicial Institute is to maintain an overview of training needs across the judiciary and to organise suitable face to face and online training. On the other hand, training provision is, like all other aspects of the justice system, subject to finite resource which requires careful management to ensure it is targeted most effectively at where it will have the greatest impact.

In relation to the law as it affects children the Judicial Institute has provided to judicial office holders a number of courses under the general headings of family law, children in court, child welfare hearings and vulnerable witnesses. Those issues are also addressed, as appropriate, during induction courses for newly appointed sheriffs, summary sheriffs and senators. Induction training is mandatory. In respect of domestic abuse the Judicial Institute, and before that the Judicial Studies Committee, has regularly run courses examining that topic. Most recently, starting in February 2019, the Institute has run eight 6 hour courses related to the new Domestic Abuse (Scotland) Act 2018. These courses followed the launch of a highly immersive and interactive 2-3 hour online learning course which prepared them for the face to face course. A ninth course will be run in March 2020. Participation in Judicial Institute courses other than induction is generally elective however participation in this domestic abuse learning by all judges
was facilitated by nationwide release from court to do so. By the conclusion of the last course we estimate that all salaried judicial office holders will have taken part in a course as well as those fee paid sheriffs who sit most often (the latter being small in number).

The number of places on our courses is now capped at a maximum of 24. The domestic abuse courses ran more or less at capacity. I do not have readily available the attendance figures for all of our other courses touching on child law issues but we do not have any difficulty in securing satisfactory numbers of participants.

The Institute also provides extensive online learning. We produce a number of online briefing documents annually and these are hosted on our online judicial learning resource, the Judicial Hub, which is available to all judicial office holders in Scotland 365 days a year from any device that can access the internet, whether work or personal. This includes a suite of benchbooks which cover relevant matters and are regularly used in real time on the bench.

I am confident that the content and level of our overall provision in this area meets the needs of judicial office holders.

Yours sincerely

[Signature]

Sheriff Alistair JM Duff
Director of the Judicial Institute for Scotland