



Review Guidance for Members & Reviewers

Introduction

This guidance is for Ordinary and Legal Members of the Scottish Tribunals, referred to herein as “Members”.

The review of Members is a key part of ensuring there is continuous professional development. It is an important tool to ensure judicial standards are maintained and public confidence remains high regarding the decisions of the Scottish Tribunals.

A review (or appraisal) is a condition of appointment for Members. This guidance is designed to encourage self-analysis, reflection on each Members judicial function and to analyse training development with a view to improving the standards and consistency of service delivered by Members of the Scottish Tribunals.

The objectives of the review are to provide an opportunity for:

- an effective two way discussion about procedure, training and sitting experience between the Member and the reviewer;
- an opportunity to discuss judicial objectives and development;
- providing feedback to individuals on delivery of their judicial function;
- identifying strengths and areas for development; and
- identifying training and development needs.

The review process is **NOT** the only chance that you have to discuss development needs or other related matters. If Members wish to discuss any aspect of their role, they are encouraged to raise them as soon as possible with your Chamber President.

Principles of the Review Scheme

Openness – Reviewers and those being reviewed must be prepared to express their views clearly and speak openly. Those being reviewed must have an opportunity to respond to all comments, be they positive or negative.

Storage – Records will be retained by each Chamber President. It is vital that all documentation be marked *OFFICIAL:SENSITIVE* and securely stored. Or: Records will be retained by SCTS on behalf of each Chamber President. It is vital that all documentation be marked *OFFICIAL: SENSITIVE* and securely stored.

Fairness – All those involved in reviews must ensure that their actions are objective and free from any actual perception of bias or discrimination.

Constructive – Reviewers should focus on building on existing strengths and agree and /or recommend solutions on areas where development needs have been identified.

Evidence based – Whilst a degree of any evaluation is based on subjective opinion, the aim must be to strive for a factual and objective review. In particular, it is important for the reviewer and member to give examples and/or evidence to substantiate their views.

Review Meetings - Members will normally be reviewed, 12 months after appointment. Thereafter, reviews will be held once every 3 years or at least once during their 5 year period of appointment.

Any review already undertaken by a member transferring into the Scottish Tribunals will not need to be taken again within their current term of appointment.

If you sit in more than one Tribunal the reviewer may share the review report and accompanying forms with another Chamber President, but only with the agreement of the Member.

The Role of the Reviewer

A reviewer is a Chamber President or a Member appointed by the Chamber President. Reviewers shall receive appropriate training before undertaking any reviews.

The role of the reviewer is to carry out formal reviews and to provide feedback to the individual Member. The Chamber President may require the reviewer to attend a hearing to observe the individual Member. This is not required where the reviewer has experience of working with the Member and feels able to provide an objective review without the need for further observation.

Arranging Reviews

The following steps should be taken:

- The reviewer will contact the member to arrange a suitable date, time and venue for the review.
- If required, the reviewer will also arrange to attend a hearing to observe the Member. This will be arranged by the reviewer and the Member will be informed of the process and procedure the reviewer will take.
- The reviewer will forward the Member the following forms 6 weeks before the review: ***Self-Assessment and Case Analysis***.
- The reviewer may also request further documentation be sent before the review. This may include a written decision or a report.

The Members Role

Two weeks before the review the Member will be required to complete and return a self-assessment form and two case analysis forms to the reviewer. These forms provide the Member with an opportunity for self-reflection and are used to encourage personal development. It may help if each Member

keeps a log of tribunal hearings in which there were significant learning outcomes.

The Review

At the outset, the reviewer should agree with the member how the review will be carried out. Thereafter, the Member and reviewer will discuss and refer to:

- The completed Self- Appraisal Form.
- The completed Case Analysis Forms.
- Any documentation sought by the reviewer.
- Any recordings listened to by the reviewer.
- Any hearing attended by the reviewer.
- Number of sittings undertaken annually; and training events attended.
- The most recent review report and if appropriate the personal development plan.

The reviewer will use a pro-forma discussion form provided by the Judicial Office for Scotland. This will ensure there is a consistent approach and will allow written feedback to the Member.

The above should provide sufficient evidence for a review report to be created. If not, the reviewer may observe a second hearing and a further discussion may take place.

Competency

Each Member will be reviewed against the competencies set out for each tribunal.

After Review

The completed report form will be sent to the Member within 21 days of the review. The Member will have the opportunity to record any comments on the report. The report is designed to provide constructive feedback to Members to assist their professional development and to improve service delivery. A copy of the completed report will be reviewed and retained by each Chamber President or SCTS on behalf of the Chamber President.

Training & Development

If specific training needs are identified following the review a personal development plan with timescales will be agreed. Members are responsible for implementing their personal development plan, though the reviewer will assist where possible.

The personal development plan will also inform each Tribunals training programme, but where needs are identified which cannot be met within the training programme, the member will be responsible for sourcing and normally meet any associated costs.

Re-review

There are two circumstances where a second review can take place:

- Where the Member requests this. The decision about this will rest with the Chamber President and approval will be granted where it is demonstrated there is just cause and/or there is sufficient disagreement which cannot be resolved through discussion between the member and the reviewer.
- Where significant concerns following the review are raised by the reviewer and the Chamber President requires a re-review.

Judicial Office for Scotland
July 2016