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COLLEGE

Adult Court Competence Framework for Magistrates

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Introduction

This section provides information about the *Adult Court Competence Framework for Magistrates*, what it is and how it can be used. Magistrates have been using a competence framework since 1998 for appraisal and training.

The *Adult Court Competence Framework for Magistrates* sets out the knowledge, understanding and skills magistrates need to demonstrate to perform their role.

It also sets out the agreed standards for magistrates serving in England and Wales and forms the basis of many processes, from a magistrate's induction and initial training to appraisal of competence. Progression to the specialist roles of chairman, youth panel and family panel magistrate is also based on the *Adult Court Competence Framework for Magistrates*.

A standard competence framework helps ensure that all magistrates, regardless of where they sit, understand what is required of them to be effective in their role. It also ensures a greater consistency of approach to judicial decision-making, thereby increasing public confidence in the work of the magistrates' courts.

Magistrates are recruited on the basis of their personal attributes, called the six key qualities. The *Adult Court Competence Framework for Magistrates* builds on these qualities by setting out the skills and knowledge which need to be developed and maintained by a competent magistrate.

The frameworks

There are six framework documents, one for each role a magistrate can have:

- Adult
- Family
- Youth
- Adult Chairman
- Family Chairman
- Youth Chairman

The adult framework document sets out the standards for all magistrates, whilst the adult chairman framework document builds on these and sets out the standards for those magistrates who chair adult courts. The same approach applies to the family and youth framework documents, which include the additional specialist knowledge and skills required for these courts.

Reference need only be made to the relevant framework document that supports the role being performed. For example, a new magistrate need only look at the adult court competence framework document. Magistrates seeking to join a specialist panel (e.g. the Youth Court Panel or the Family Panel) will need to refer to the relevant competence framework document for that court.

All documents are based on the same competence framework – the *Adult Court Competence Framework for Magistrates*. However, because the knowledge and approach required in each role can differ, the assessment guidance and knowledge criteria differ in each competence framework to reflect this.

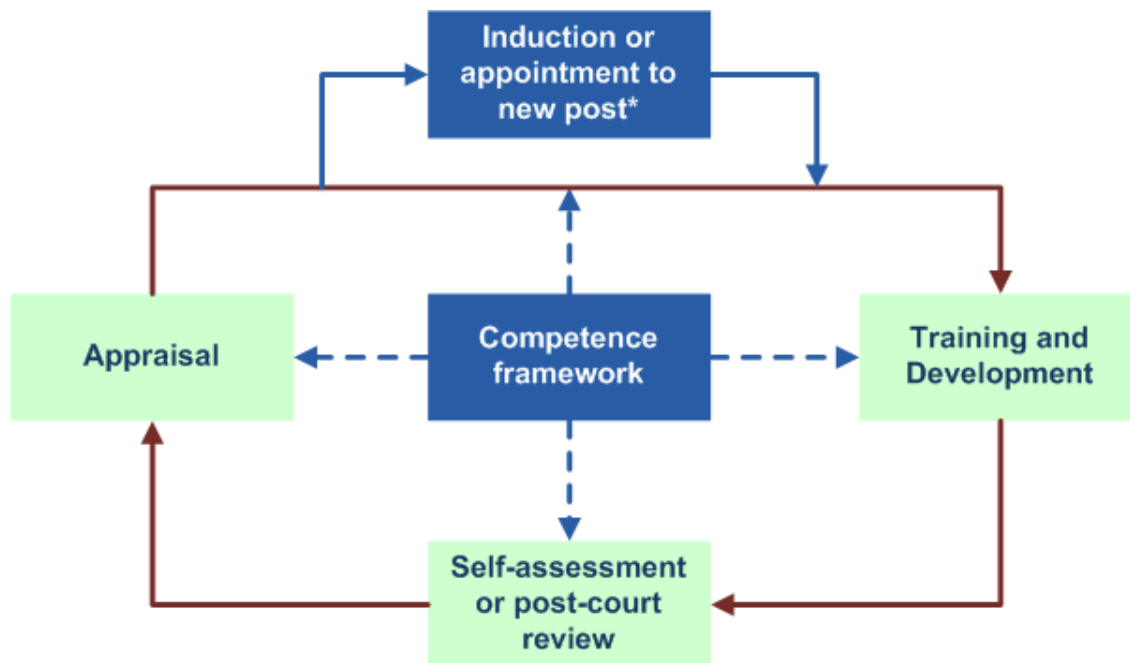
The Adult Court Competence Framework for Magistrates

The competence framework for adult court magistrates is useful for:

- *Induction* – the new magistrate will find the framework useful in their first few months as it sets out the expectations for the role and will assist in the identification of any areas in which there is a need to develop skills and knowledge. The framework is closely linked to the core training programme. During the first few months on the bench every new magistrate will be supported by a mentor. The mentor and new magistrate can use the framework to reflect on performance and identify areas for development.
- *Progression* – this framework will be useful to the magistrate planning to move into a new role as a court chairman.
- *Pre-appraisal and appraisal* – during the appraisal process, the magistrate will be appraised against each of the competences and given feedback about his performance. Any gaps highlighted by the appraiser can then be addressed through training and development.
- *Training and development* – the relevant framework will help the magistrate identify any areas in which further development, training and support is needed.

The competence framework is used by the training manager to ensure magistrates training is focused and designed towards the achievement of competence.

The pivotal role of this competence framework in the training cycle for magistrates is shown below:



*Progression to chairman, or as a member of a specialist panel, is based on competence and the needs of the bench.

The competence framework consists of three core competences that apply to magistrates who sit on the wing. The core competences are:

1. Managing yourself
2. Working as a member of the team
3. Making judicial decisions.

The competence framework document for adult chairmen contains one competence, **Competence 4: Taking the chair: managing judicial decision-making.** Competence 4 sets out the knowledge and skills needed by court chairman and only directly applies to magistrates taking this role, but all magistrates will benefit from reading and reflecting on the competence.

Each competence is broken down into a number of elements.

Each element is further defined by performance criteria which define what a magistrate needs to do and the knowledge a magistrate must acquire in order to demonstrate the competence.

The competence framework documents also include assessment guidance. The purpose of this guidance is to provide a detailed description of the types of behaviour and knowledge that an appraiser will be looking for during the appraisal process.

The assessment guidance can be used by a magistrate when reflecting on his own performance, identifying training needs or preparing for an appraisal.

A glossary of terms, reflecting the terminology used above, follows.

Glossary of terms

Competence: Describes a key activity magistrates undertake in order to demonstrate competence.

Element: Each competence is divided into the different elements which together make up the activity described by the competence as a whole.

Performance criteria: The performance criteria define what a magistrate needs to do to fulfil the elements of the competence framework.

Knowledge: What a magistrate needs to know to be effective in that competence.

Assessment guidance: The guidance illustrates with examples the range of skills, knowledge and understanding the appraiser will look for during the appraisal process.

Further reading/guidance

The documents below are all available to download from the *Magistrates Courts > Magistrates* section of the Judicial College Learning Management System.

- The National Training Programme for Magistrates
- Guide to magistrate appraisal
- Guide to mentoring magistrates.

This framework in detail

Competence	Elements
Managing yourself	<ul style="list-style-type: none">1.1 Before the hearing: preparing yourself for your role in the judicial process1.2 In the court room: conducting yourself effectively in the judicial process1.3 Engaging in ongoing learning and development
Working as a member of the team	<ul style="list-style-type: none">2.1 Making an effective contribution to judicial decision-making2.2 Contributing to the working of the team
Making judicial decisions	<ul style="list-style-type: none">3.1 Using appropriate processes and structures to facilitate effective decision-making3.2 Making impartial decisions

Competence 1: Managing yourself

Element 1.1 – Before the hearing: preparing yourself for your role in the judicial process

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
a. Obtaining and reading relevant paperwork prior to the legal adviser briefing and reading all relevant statements and reports as required during the court session.	<ul style="list-style-type: none"> • Arriving in sufficient time to collect and read the court list, any relevant papers, identify relevant pages in the bench book/guidelines and meet with colleagues and the legal adviser. • Reading statements, reports and other written information prepared for the court hearing.
b. Agreeing the role and responsibilities that you will be undertaking.	<ul style="list-style-type: none"> • Discussing and agreeing with colleagues a suitable allocation of tasks (e.g. referencing guidelines) and agreeing practicalities for entering the court room.
c. Checking to identify any potential sources of conflict of interest in the court business.	<ul style="list-style-type: none"> • Checking the court papers and with the legal adviser the names of the parties, representatives and witnesses (if known) to identify whether there is a conflict of interest through prior knowledge, potential bias or other disqualifying factors.
d. Discussing with colleagues and the legal adviser procedural and legal issues including asking about any relevant previous case management decisions.	<ul style="list-style-type: none"> • Checking to identify any unusual or potentially complex cases and then seeking clarification about procedures to be adopted and principles to be followed. • Identifying cases where directions may have been given. Confirming what directions (if any) have been made in respect of the case. Checking which (if any) are relevant to the stage of the proceedings reached today. Agreeing what (if any) issues need to be addressed.

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>i. What documents will provide the information and guidance needed for the day's sitting.</p>	<ul style="list-style-type: none"> • The court list, relevant bench book, national and local guidelines, protocols and checklists. When and how these documents should be used (either individually or together) to aid decision-making: for example the relevance and potential impact on decision-making of the Magistrates' Courts Sentencing Guidelines, Allocation Guidelines, and case management protocols.
<p>ii. The range of practical and procedural issues that should be considered at various stages in the proceedings, including case management.</p>	<ul style="list-style-type: none"> • Preliminary applications and processes (e.g. reporting restrictions and who can/must be present in the court room). Procedural frameworks for common decisions (e.g. bail, adjournments, allocation, verdict and sentence).
<p>iii. Factors that could disqualify a magistrate from hearing a case or application including issues of potential bias.</p>	<ul style="list-style-type: none"> • The principle of an unbiased and impartial court. Relationships and knowledge that could risk compromising these principles. How such an issue should be resolved without compromising the rest of the court or the rights of one of the parties. Article 6 of the Human Rights Act 1998.
<p>iv. The extent of the role and responsibilities of the legal adviser and the role of other main agencies in the justice system.</p>	<ul style="list-style-type: none"> • The practice direction, local protocols and the existence of the legal adviser competence framework. Understanding when the legal adviser is and is not permitted to provide advice and the reasons for such an approach. • The role of the police, Crown Prosecution Service, defence advocate, probation service, victim and witness services, prisoner escort service, local authority and other specialist prosecutors (e.g. RSPCA).

Element 1.2 – In the court room: conducting yourself effectively in the judicial process

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
a. Focusing your attention on what is going on in the court room and demonstrating the communication skills required to encourage participation.	<ul style="list-style-type: none"> • Eye contact and attention being given to the speaker in the court room. Using non-verbal behaviour that demonstrates attentive listening (e.g. looking at the speaker). Balance between note-taking and observing what is happening in the court room.
b. Taking accurate, succinct notes of relevant issues to assist you and your colleagues in the decision-making process. Asking questions via the chairman in the court room to clarify issues and ensure all relevant information is obtained prior to decision-making.	<ul style="list-style-type: none"> • Note-taking during proceedings and references to the notes during retiring room discussion and decision-making must be accurate and relevant. • Quietly and discreetly attracting the chairman's attention and raising issues that need to be resolved before decision-making.
c. Identifying the requirements of court users including those from vulnerable, disadvantaged groups and those with special needs and drawing these to the attention of the chairman if necessary.	<ul style="list-style-type: none"> • Observing the participants in the court room and quietly and discreetly attracting the chairman's attention to identify potential requirements that might need addressing.
d. Acting at all times with authority and in a dignified and impartial manner.	<ul style="list-style-type: none"> • Demeanour that demonstrates and maintains a professional distance whilst remaining engaged in what is happening in the court room. No behaviour or communication that undermines or appears to disparage/belittle a person or proceedings. No behaviour that suggests overfamiliarity or diminishes the formal nature of court proceedings.

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>i. The importance of your role and the need to concentrate, listen and observe at all times. The different styles and methods of communication. How to adapt your style of communication so that it is appropriate for the type of court and achieves participation.</p>	<ul style="list-style-type: none"> • The behaviour that is expected of a magistrate in court, an awareness of own appearance to others in court and how to modify that, if necessary, to encourage full participation while maintaining the authority of the court. • Verbal and non-verbal communication. Physical and language barriers and how to overcome them. Who is permitted to address the court, question parties and witnesses in the court room. Why it is important to raise any issues with the chairman quietly and discreetly.
<p>ii. The purpose of note-taking by magistrates and the legal adviser and the difference between the two.</p>	<ul style="list-style-type: none"> • The value of notes as a reminder during decision-making. The duty of the legal adviser to be able to refresh the magistrates' memory on procedural and evidential issues. The role of note-taking in demonstrating that you are concentrating on proceedings. The need to balance note taking with following proceedings.
<p>iii. An understanding of how vulnerable people and those with special needs can be disadvantaged in the court process and what actions can be taken by the court to address this disadvantage and minimise its effect.</p>	<ul style="list-style-type: none"> • Who can be disadvantaged, and in what ways, during the court process. What different approaches and facilities are available to the court to address and minimise this disadvantage.
<p>iv. The fact that magistrates represent the Crown and at all times should be perceived to be acting properly, with authority and fairness.</p>	<ul style="list-style-type: none"> • The judicial oath and Article 6 of the European Convention on Human Rights.

Element 1.3 – Engaging in ongoing learning and development

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
<p>a. Assessing your own performance against the competence framework. Regularly seeking feedback and identifying your learning and development needs on a continuous basis.</p>	<ul style="list-style-type: none"> Periodically (e.g. following a sitting, bench or panel meeting, training course) reflecting on individual performance as a magistrate and assessing competence against the competence framework. Participating in post-court reviews and seeking feedback on performance from colleagues including the legal adviser. Following self-assessment and/or feedback, noting any identified learning needs and reflecting on how these could be met (e.g. reading, discussion with legal adviser or experienced magistrates). When appropriate, reporting the identified need to the justices' clerk or training manager.
<p>b. Adapting and developing your own performance in light of changes to law, practice, procedure, research and other developments. Keeping your own resource materials (e.g. bench book, handbooks, guidelines) up to date.</p>	<ul style="list-style-type: none"> Keeping up to date with changes in law, practice and procedure by reading promptly any guidance provided nationally and locally, attending training sessions, bench and panel meetings, etc. When presented with new information checking and clarifying understanding. Applying the latest information to improve performance. Using a succinct, up-to-date and easily accessible set of notes/reference material that does not disrupt or delay proceedings.

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>i. The importance of providing and receiving feedback in ongoing learning and development. How to elicit useful feedback and assess your own competence against the competence framework and how to select the most appropriate methods to meet your learning needs.</p>	<ul style="list-style-type: none"> • The qualities, experience and behaviour to look for in individuals capable of providing valid feedback. The need when asking for feedback to accept the information given not as fact but as another individual's point of view for consideration. • The need to consider location, timing and receptiveness when providing feedback. The qualities of effective feedback (e.g. focusing on specific behaviour capable of being changed and adopting a non-judgemental approach). • The knowledge and understanding of the standard of performance defined by the whole competence framework. • Preferred learning styles and their potential impact on the effectiveness of the range of training options available. Potential barriers to learning as an adult.
<p>ii. The range of source material, training and other events available to use to ensure you are fully informed and up to date on law, practice and procedure.</p>	<ul style="list-style-type: none"> • The types, range and reliability of a variety of sources of information (e.g. media, <i>The Magistrate</i>, Ministry of Justice/Home Office guidance, local guidance notes from the justices' clerk). • The responsive and changing nature of the law and the need for the judiciary to keep up to date with legislative and other changes in order to ensure a consistency of approach.

Competence 2: Working as a member of the team

Element 2.1 – Making an effective contribution to judicial decision-making

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
a. Expressing your own views clearly and concisely.	<ul style="list-style-type: none"> • Speaking in such a way that contributions are clear, logical and unambiguous. Use of appropriate tone, pitch and volume.
b. Questioning the views of colleagues to clarify issues, information, facts and evidence as part of the decision-making process.	<ul style="list-style-type: none"> • Asking questions in a style that encourages an open yet focused discussion of the relevant issues. Focusing on issues not personalities when questioning the views of others. Using a non-aggressive tone and behaviour. Attentive listening to the contributions of others.
c. Giving equal consideration to your colleagues' contributions including listening attentively and checking your understanding of what has been said.	<ul style="list-style-type: none"> • Listening to colleagues and not showing preference to a particular person, but recognising that more weight may be given to one argument, opinion or approach than another. • Using non-verbal behaviour (e.g. smiling, maintaining eye contact) to show listening. Not interrupting colleagues and allowing them sufficient time. Paraphrasing what has been said to check understanding.
d. Using appropriate non-discriminatory language. Challenging stereotyping and discriminatory comments made by colleagues.	<ul style="list-style-type: none"> • Communicating in ways that do not stereotype or show disrespect to any section of the community. • Drawing the speaker's attention to any comments that may be perceived as offensive or could have an unfair effect on the decision-making process. Explaining why they may be offensive to some or unfair and asking for the word or phrase not to be used in future.

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>i. The characteristics of assertive behaviour and the importance of this approach when contributing to decision-making.</p>	<ul style="list-style-type: none"> • How to behave assertively, neither dominating nor being submissive to others on the adjudicating bench. How this approach ensures that a magistrate contributes to the process.
<p>ii. The different forms of questions and questioning techniques that can be used to obtain or clarify information.</p>	<ul style="list-style-type: none"> • How to phrase open, closed, summarising, probing, hypothetical and reflective questions and when to use these to gather and clarify views and information.
<p>iii. The value of collective decision-making and the importance of full participation of all decision-makers in the process. Including ways of demonstrating attentive listening and how non-verbal behaviour can influence communication.</p>	<ul style="list-style-type: none"> • How collective decision-making can reduce extremes and bias, thereby making decisions fairer and potentially more consistent. Once made, the decision is the decision of the whole bench. • The role of non-verbal communication, how it can be used to convey meaning and how it can be interpreted.
<p>iv. Diversity and fair treatment issues including the use of non-discriminatory language. When and how to constructively challenge stereotyping and discriminatory comments made by colleagues.</p>	<ul style="list-style-type: none"> • What facilities or assistance an individual may need in order to participate effectively in the judicial process. How language can exclude individuals or create barriers to full participation. • The value of using enquiry and/or feedback methods when challenging comments. The importance of not disrupting or delaying proceedings unless essential to the interests of justice. The importance of choosing a time and venue when the recipient will be most likely to be receptive and when there will be sufficient time to discuss the specific issues without interruption.

Element 2.2 – Contributing to the working of the team

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
<p>a. Building supportive, respectful and constructive relationships with others in the team by adapting your communication style to ensure that you are being understood, minimise interpersonal conflict and demonstrate respect and support to others in the team.</p>	<ul style="list-style-type: none"> • Sharing ideas and information, listening, enquiring, guiding and supporting in a non-judgemental way. • Responding to signs of colleagues not understanding or becoming frustrated or angry. Altering behaviour to increase rapport and understanding. Acknowledging and considering different viewpoints, providing explanations and alternatives. Maintaining a calm, controlled demeanour without any sign of exasperation, irritation, anger, etc.
<p>b. Seeking and being receptive to the advice of the legal adviser.</p>	<ul style="list-style-type: none"> • Asking questions to elicit information within the legal adviser's remit. Attentive listening when offered advice by the legal adviser.

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>i. The importance of effective communication in team working and the potential barriers to effective communication.</p>	<ul style="list-style-type: none"> • How communication can deteriorate and break down. The potentially negative effects that ineffective communication can have on team working and decision-making. • The factors that can reduce understanding (e.g. making assumptions, poor listening, attempting to get your own way, impatience, taking things or people for granted).
<p>ii. The role and responsibilities of the justices' clerk and legal adviser.</p>	<ul style="list-style-type: none"> • What the justices' clerk and the legal adviser can advise on and in what circumstances.

Competence 3: *Making judicial decisions*

Element 3.1 – Using appropriate processes and structures to facilitate effective decision-making

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
a. Identifying and agreeing the most appropriate structure for decision-making and applying the correct principles to the decision-making structure.	<ul style="list-style-type: none"> • With colleagues and the legal adviser, if necessary, determining which structure to use. During discussion addressing the issues identified in the structure in their order in the structure and correctly addressing (explicitly or implicitly) the principles appropriate to the decision such as presumptions, burdens and rights.
b. Sifting the relevant information from all that is available and clarifying it when necessary.	<ul style="list-style-type: none"> • Contributing relevant information to the discussion and identifying issues where clarification is needed. Using questions to or through the chairman or legal adviser to clarify information or raise issues that are directly relevant to the decision being made.
c. Analysing and assessing the Information, evidence, facts and submissions within the relevant structure.	<ul style="list-style-type: none"> • Contributing and focusing on issues in an ordered way, feeding into the structured decision-making process. Identifying and drawing the attention of the chairman to situations (e.g. when submissions are being used as facts or an essential piece of information is missing).

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>i. The legal framework and principles that apply to the range of decisions made in the magistrates' court, including bail, allocation, verdict, sentencing, enforcement of court orders and human rights, and the published structures and materials available to assist in decision-making.</p>	<ul style="list-style-type: none"> • The reasons why structures are used for decision-making. The advantages and disadvantages of such an approach. Commonly used decision-making materials such as the Judicial College's structured decision-making checklists, the Magistrates' Courts Sentencing Guidelines, Allocation Guidelines and local guidelines. How a consistent approach minimises the opportunity for unfairness and irrelevant factors being taken into account in decision-making. How it contributes to openness and confidence in the judicial process.
<p>ii. The doctrine of precedent and the role of the higher courts' decisions. The different order of proceedings for civil and criminal proceedings and the standard and burden of proof applicable to each.</p>	<ul style="list-style-type: none"> • The difference between adversarial and inquisitorial proceedings. When the court should adopt an inquisitorial approach in gathering information. Presumptions (e.g. of innocence). Rights (e.g. to a fair trial). • The fact that rules prescribe a different order of proceedings for civil and criminal cases. An understanding of the meaning of the phrases 'beyond reasonable doubt' and 'balance of probabilities'.
<p>iii. The importance of using a consistent approach to decision-making.</p>	<ul style="list-style-type: none"> • How a consistent approach minimises the opportunity for unfairness and irrelevant factors being taken into account in decision-making. How it contributes to focused discussions and timely decision-making. How it contributes to openness and confidence in the judicial process.

Element 3.1 continued

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
<p>d. Identifying and evaluating the outcomes that flow from the use of the structure and considering any other relevant factors, including the interests of justice.</p>	<ul style="list-style-type: none"> • Where a structured decision-making process leads to more than one possible outcome, contributing a view as to which outcome best meets the objective. For example, when deciding bail conditions, balancing the rights of the defendant with possible risks to a witness. • Reflection and discussion on the provisional decision reached to identify any features of the case that might justify reviewing that decision. For example, when sentencing assessing whether the provisional sentence for this offence is compatible with other sentences being imposed.
<p>e. Assisting in the formulation of reasons and pronouncements.</p>	<ul style="list-style-type: none"> • Taking an active part in determining and agreeing the reasons to be announced in court. • Using published pronouncements and taking an active part in agreeing the pronouncement to be made in court. Supporting the chairman by suggesting ways in which the pronouncement could be adapted to the circumstances of the case or the needs of one of the parties. Checking that all essential elements in the pronouncement have been addressed.

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>iv. The fact that the structured decision-making process may lead to a number of options and that the consideration of the final decision will require reference to overarching principles (e.g. the interests of justice).</p>	<ul style="list-style-type: none"> • For example, a sentencing decision reference to the totality principle and in a bail decision reference to proportionality.
<p>v. The need for properly formulated reasons and pronouncements.</p>	<ul style="list-style-type: none"> • The need for all participants to understand the decision, how it has been arrived at and what should happen next. The right to a fair trial enshrined in Article 6 of the European Convention on Human Rights. How this contributes to openness and confidence in the judicial process.

Element 3.2 – Making impartial decisions

PERFORMANCE CRITERIA	ASSESSMENT GUIDANCE
As a competent magistrate you will be:	The appraiser will be looking for the following types of behaviour:
a. Identifying, acknowledging and setting aside your own prejudices and bias. Including identifying how you might be influenced inappropriately by someone involved in, or an aspect of, the proceedings.	<ul style="list-style-type: none"> • Acknowledging any concerns about risks of being influenced inappropriately and linking contributions to the decision-making process solely with the information and evidence that has been presented to the court.
b. Challenging any bias or prejudice you perceive in the decision-making process.	<ul style="list-style-type: none"> • Drawing the speaker's attention to any perceived prejudice or bias in the decision-making process. Describing and explaining why prejudice or bias is perceived and suggesting how it may be overcome.
c. Identifying and taking into account factors that are relevant and should legitimately influence a decision; ensuring factors that are irrelevant and that could lead to an unfair decision are not taken into account.	<ul style="list-style-type: none"> • Drawing the chairman's attention to factors that should be used in the decision-making structure. Discussion and determination of the weight that should be given to such factors during decision-making. • Drawing the speaker's attention to irrelevant factors that have been used to support an argument. If necessary, discussing the reasons why no weight or consideration should be given to such factors during decision-making.

KNOWLEDGE	ASSESSMENT GUIDANCE
<p>In order to demonstrate your competence you will need a knowledge and understanding of:</p>	<p>The appraiser will be checking for knowledge and understanding of:</p>
<p>i. The potential impact of your background and personal prejudices on decision-making. The potential impact of labelling, stereotyping and interpretation of non-verbal behaviour on the decision-making process.</p>	<ul style="list-style-type: none"> • Recognising the risks of making assumptions about participants (including colleagues). • The distortion of decision-making that can occur if labelling and stereotyping go unchecked. The discrimination (direct or indirect) that can occur as a consequence. The risk of inconsistency and undermining of confidence in the justice system. • Cultural differences (e.g. direct eye contact and averting gaze). Smiling, nervousness and anger and how non-verbal behaviour may not match internal feelings. The risks of attempting to interpret non-verbal behaviour without checking deeper understanding.
<p>ii. The factors which potentially discriminate against or undermine full participation in the proceedings, including the potential impact of language and cultural differences on the decision-making process. When and how to challenge perceived bias and prejudice.</p>	<ul style="list-style-type: none"> • For example the impact of language, inclusive and exclusive remarks, physical surroundings, age, maturity, mental capacity, disability and when special needs that have been identified remain unmet. • Interpreters and their role in legal proceedings. Different meanings and understanding of words and phrases in different groups. The ways in which language can create barriers to full participation.
<p>iii. The range of factors that can influence decisions.</p>	<ul style="list-style-type: none"> • Factors that are included in statutory and other frameworks (e.g. those that make something more serious), the wider interests of justice, the difference between admissible and inadmissible evidence, factors supporting or undermining credibility of witnesses.

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