

# 'All Manner of People'

Liz Bavidge describes the development of the Magistrate's Association diversity training programme.

In a case I presided at as magistrate a while ago, a 40 year professional woman was charged with driving while over the prescribed limit. At 2pm her blood alcohol reading was huge, she had hit the car in front (without injury) and could barely speak coherently when arrested. The guidelines indicated 'consider custody' and we were having difficulty deciding. In the event the case was adjourned for a PSR (pre-sentence report), but I have always wondered whether we would have considered custody more easily if the defendant had been a 19 year old unemployed youth.

This begs the question: what determines our judicial decisions and are these factors always fair and relevant? In the wake of the Stephen Lawrence Inquiry, everyone involved in making judicial decisions is aware that they must be vigilant to ensure that everyone in the courts is treated fairly and equitably.

We all recognise that making assumptions is easy. Not one of us can truly say that we are free from pre-judgements. The key to fairness, however, is acknowledging these and ensuring impartiality in spite of them.

developed a pack and workshop for trainers on integrating diversity into training. The aim is to enable trainers to gain confidence in introducing an integrated approach to diversity training.

At this point perhaps I should clarify what we mean by diversity. In this context we use the term to refer to the variety of different people who work in, appear before, and use the court. It is used to indicate the recognition of difference which is essential if we are to achieve fair treatment for all. Moreover we use it in not only recognising difference but also valuing it.

Led by Lynne McGeachie, formerly the Magistrates Association training manager, the writing team of Abi Pointing (a race issues consultant with Nacro) and myself developed the material. Recognising the wealth of information that exists already on this topic, we set out to encourage an integrated approach from trainers to including this aspect in all training, so that those making judicial decisions or advising them adopt a fair approach at all times. We developed a resource pack and a series of courses to introduce the approach to courts' service trainers nationally.

And so 'All Manner of People - Integrating diversity into training' was born. The programme gets

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It can take a lifetime to change attitudes, but it is possible to change behaviour. Training may be the key. Learning in the area of disadvantage is never complete and no one can ever say that they know or understand it all. But if those involved have an honest commitment to achieving the goal of fair treatment for all who appear in court, much can be accomplished.

The Magistrates' Association saw this goal and looked at the issue of diversity training in courts. When we reviewed the situation we heard trainers in the judiciary expressing concerns about tackling the topic. Some may have felt nervous about their lack of knowledge, afraid to make a mistake or reluctant to cause a strong negative response.

Because of this, the Magistrates' Association, in co-operation with the Judicial Studies Board and the Justices Clerks' Society, and supported by a steering group of legal advisers and training experts,

its title from the judicial oath: "...and I will do right to all manner of people after the laws and usages of the realm, without fear or favour, affection or ill-will."

The programme seeks to trigger the trainers' own ideas on ways of integrating diversity. It suggests ways of thinking and reinforces structured decision-making. Above all it is designed to give trainers the confidence to use this approach.

Set against the framework of magistrates' competencies, the resource pack contains exercises with behavioural objectives, and advises that trainers design their training by thinking of this question: 'How do I want participants to behave differently?'

The exercises lead people from their own experience to thinking about the impact of experiences on the judicial process. We recognise that people's attitudes do not change when they are presented with theory or fact, but their behaviour may change when they personally have experience of prejudice or being excluded.

Some exercises focus on the retiring-room, exploring all the factors that may influence a decision, inviting participants to consider which are relevant.

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Others look at challenging assumptions, stereotypes and prejudices - just as damaging an impact on a decision whether in favour of, or against, a defendant/advocate/prosecutor.

My own experience in the case above triggered off a particular exercise: decision-makers are asked to reflect on a decision by asking themselves 'Would I have made this decision if ...' e.g. the defendant was employed; the defendant was male; the defendant was old; the defendant was Asian, etc. The checklist goes on to ask similar questions about the witness/victim and advocate. The exercise reaffirms what we know already, reminds us that we know it, and encourages us to examine our own attitudes and reactions. Like the rest of the pack it encourages us to challenge our own assumptions and those of others around us and suggests practical ways of approaching this.

There are five key areas in the resource pack relating specifically to the judicial process.

- Developing an awareness of different groups

- Ensuring the entire bench participates in the decision-making
- Developing an awareness of personal prejudice and stereotyping in oneself
- Developing an ability and willingness to challenge discriminatory remarks and unfair assumptions
- Making impartial decisions.

Although participants in our workshops have admitted to feeling nervous and lacking in confidence at the outset, they have all had a willingness to learn new approaches. To date, all those who took part have left with a feeling of enthusiasm and confidence, inspired to review their existing courses with fresh eyes.

Some training officers are now committed to using this integrated approach in the training of magistrates, staff, and legal advisers.

All those involved in this programme want trainers to feel that they can do it if they really want to; that if they are committed to the principles of diversity - and how can they not be? - they can safely take steps along this path to fairness.

If any court decisions are made more fairly and equitably as a result of our training, then the Magistrates' Association diversity programme will have been successful.

*Liz Bavidge is a magistrate and works as an organisational development consultant and trainer. She has worked on a number of training projects with the Magistrates' Association. She is a steering group member and co-developer of the Association's Integrating Diversity Into Training Programme.*

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