

To: **Naomi Cunningham**

9 February 2021

By email only to:
request-718733-423b1c30@whatdotheyknow.com

Dear Ms Cunningham,

Freedom of Information Act (FOIA) Request – 210116008

Thank you for your request received on 16 January 2021, in which you asked the following:

This is a request under the Freedom of Information Act 2000 (FOIA). Please provide any information that you hold as to any training provided to judges (including tribunal judges) in 2019 or 2020: (a) by any of the following bodies: Stonewall Gendered Intelligence GIRES (the Gender Identity Research and Education Society) Mermaids Global Butterflies Trans Equality Legal Initiative Press for Change Galop or (b) specifically relating to the rights or experiences of transgender participants (in any capacity) in legal proceedings, by any other body not referred to above. In each case, please say: 1. When the training was provided. 2. How it was provided (i.e. in person, by webinar, etc.) 3. Who attended (please list, giving names and details of judicial office) 4. Whether a fee was paid for the training by or on behalf of the Judicial College, and if so how much. Please also provide copies of: 5. Any associated handouts, notes, Powerpoint (or similar) presentations. 6. Any written contracts for the provision of the training. 7. Any directions or instructions issued by or on behalf of the Judicial College to the training body, setting out the nature of the training required and the matters that it should cover. The Judicial College is the successor body to the Judicial Studies Board, specifically listed at FOIA schedule 1, and hence is clearly subject to FOIA. Further, there is no credible basis on which it can be suggested that information about the training of judges - the whole purpose of both bodies - is held by the Judicial College on behalf of some other person or body (e.g. "the judiciary") and is therefore outside the scope of FOIA.

Your request has been handled under the FOIA.

Statutory responsibility for the provision and content of training for the judiciary rests with the Lord Chief Justice as Head of the Judiciary in England and Wales, and the Senior President of Tribunals, in line with the Constitutional Reform Act 2005. This maintains the independence of the judiciary which also means that the government does not provide guidance or policy on how judges should operate in court. Judicial training is provided by the judiciary, which is not a public body for the purposes of the FOIA (they are not listed under Schedule 1 of the Act) and requests concerning training materials, the content of training for the judiciary, the providers of training and the names of judicial office holders who attended specific training events are therefore outside the scope of the FOIA. Information on judicial

training that is held by the Judicial College is held on behalf of the judiciary to whom the FOIA does not apply.

The following information is provided on a discretionary basis and outside of the FOIA

Outside of the FOIA, and to be as helpful as possible, I can refer you to the Equal Treatment Bench Book (ETBB), which is a judge-written and judge-owned document that is updated periodically by a review panel of judges who come from both the courts and tribunals. The ETBB aims to provide information to assist judges and judicial office holders, to ensure that all those in and using a court, leave it conscious of having appeared before a fair-minded tribunal. Information on transgender people can be found in chapter 12. A version of the latest iteration of the ETBB (February 2018, amended in March 2020) is available to members of the public at the following link:

<https://www.judiciary.uk/publications/new-edition-of-the-equal-treatment-bench-book-launched/>

Following a review by a judge-led group, the next iteration of the ETBB will be published in February 2021.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.25, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

David Hall
Judicial College