

Guidance on demonstrating JSAF skills and abilities for legal roles

Judicial Skills and Abilities Framework: Legal Model Statements

(Note: “JOH” means the judicial office holder, or candidate for judicial office.)

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1. Legal and judicial skills

1.1 Legal skills

1.1.1 Possesses intellectual ability and analytical skills to the standard required for the role

What this means

This is about understanding and processing information, and problem-solving at the level and speed and in the way required for the role. It is not about legal knowledge or subject-matter expertise.

A JOH must (at the level required for the role) be able to apply their intellect to identify and frame the issues for decision. They must be able clearly to identify all sides of a debate and to use analytical skills to resolve the issues in a way that is logical but is also grounded in the “real world”, recognising the context and broader impact of their decisions.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Identifies the key issues and arguments.
2. Sets out the issues and arguments in a clear, balanced way.
3. Uses critical thinking and practical problem solving to resolve issues.
4. Shows an understanding of the impact of their decisions.

Negative indicators of this skill and ability may include:

1. Fails to identify the key issues and arguments.
2. Conducts unclear or unbalanced analysis of the issues.
3. Solves problems in a theoretical rather than practical manner.
4. Is unaware of the impact of their decisions.

1.1.2 Demonstrates legal skills and knowledge to the standard required for the role

What this means

This is about the JOH showing they have the legal skills and knowledge for the particular role in question.

This may call for a minimum level of specialist knowledge, expertise or experience in one or more areas, as well as more general legal skills.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Has relevant knowledge* of the law and legal principles [this knowledge depends on the role applied for].
2. Keeps abreast of changes* in the law and procedures [this may be in own specialism or more generally].
3. Applies own knowledge and expertise* correctly.

[*Note that the role may require specialist legal knowledge and expertise in addition to more general legal skills.]

Negative indicators of this skill and ability may include:

1. Does not have the required, up to date knowledge.
2. Applies the law or principles incorrectly or ineffectively in their analysis.

1.1.3 Is able and willing to invest time in developing and maintaining skills and knowledge as appropriate for the role

What this means

The JOH should be able to show how they have continued, and will continue, to develop and maintain their skills and knowledge. This includes a readiness to develop through self-motivated learning.

In a recruitment context, if the role requires specialist knowledge and skills which a candidate does not currently have (assuming that is permitted in the particular competition), this criterion will require a specific focus on the candidate's ability and willingness to acquire the relevant knowledge and skills, taking account of the training resources that will (or will not) be available.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Recognises own expertise and identifies any skills and knowledge gaps.
2. Makes time to pursue continuous learning and professional development.
3. Shares and exchanges expertise and knowledge with colleagues.

Negative indicators of this skill and ability may include:

1. Fails to review own skills and knowledge.
2. Fails to devote appropriate time to continuing professional development.
3. Fails to share and exchange expertise and knowledge.

1.1.4 Shows flexibility of approach: can apply skills and knowledge in unfamiliar or developing areas, as appropriate for the role

What this means

This relates to a JOH's ability to grapple with legal developments in an area relevant to the role in question. In addition, for roles which require it the JOH may have to consider areas of law or legal problems that are entirely unfamiliar to them.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Able to apply skills and knowledge in unfamiliar areas.
2. Able to work with evolving areas of law or process.

Negative indicators of this skill and ability may include:

1. Is unable to apply their skills and knowledge to grasp the key issues in unfamiliar circumstances.
2. Is unable to apply their skills and knowledge in developing areas of law or process.

1.1.5 Clearly understands what is required for a fair hearing

What this means

The focus here is on understanding what is needed for a fair process in the particular circumstances and putting it into practice, so that all parties feel they have had a fair and just hearing. This includes the losing party understanding why they have lost. It is demonstrated by the overall attitude and approach of the JOH as well as the particular behaviours noted in "How this might be demonstrated". This is more specific than the need for the JOH to adhere to the Bangalore Principles (see 2.2.1 below).

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Creates a hearing environment and process that all parties perceive as fair.
2. Engages with parties in a respectful way.
3. Creates adequate opportunities for all parties to be heard.
4. Explains decisions in a way that shows that all parties' views have been considered.

Negative indicators of this skill and ability may include:

1. Fails to understand what “fair” represents in a hearing.
2. Is disrespectful, for example through the use of sarcasm, inappropriate humour, patronising language or behaviour, value laden language etc.
3. Does not allow the parties time to present their arguments.
4. Does not reference the parties’ views when explaining their decisions.

1.2 Dealing with information

1.2.1 Assimilates and organises pertinent information quickly

What this means

A JOH should identify the most relevant information quickly and without undue digression. This may be either when making decisions “on the papers”, or in a hearing.

The main point here is that a JOH will often need to sift excessive information to pick out salient points, and to do so swiftly. The JOH must avoid being distracted by detail which is irrelevant or less important.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Quickly assimilates and organises information.
2. Demonstrates clarity of thought by focusing on the salient points.

Negative indicators of this skill and ability may include:

1. Is slow to assimilate the required information.
2. Misses key information.
3. Is distracted by less relevant detail rather than focusing on salient points.

1.2.2 Identifies with clarity relevant issues of fact and law for decision

What this means

This is about identifying the factual and legal issues relevant to making a judicial decision: the “building blocks”.

The JOH should be able to identify what questions need to be resolved, state them clearly, and organise them in a rational way. This will also involve recognising what matters are agreed and therefore do not need to be resolved, and whether there are relevant issues on which the parties’ positions need to be clarified.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Identifies and organises factual and legal questions to be considered.
2. Identifies and organises the decisions to be made.
3. Recognises areas of common ground between parties.
4. Seeks clarification from the parties where their position or information is not clear.

Negative indicators of this skill and ability may include:

1. Fails to identify the key factual and legal issues.
2. Fails to identify the decisions to be made.
3. Unable to identify where clarity is needed or fails to take steps to resolve these areas fully.

1.2.3 Reaches clearly reasoned, logical and concise decisions that weigh up relevant considerations

What this means

This is about the decision-making process that comes after the JOH has identified the issues for decision.

The JOH's oral and written decisions should cover the relevant issues of fact and law and provide clear and adequate reasons for all decisions made. They should be logical and as concise as possible.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Demonstrates that they weigh up the evidence and arguments to make appropriate decisions.
2. Explains their decisions and reasons clearly, logically and concisely.

Negative indicators of this skill and ability may include:

1. Fails to demonstrate how they have weighed the evidence and arguments to make appropriate decisions.
2. Refers to irrelevant or erroneous principles, precedents or points of law.
3. Fails to explain what they are deciding and/or the rationale for the decisions reached.

1.2.4 Demonstrates sound judgement and an appropriate level of decisiveness

What this means

This may be seen as bringing together a number of the skills described above, but it particularly encapsulates an ability to make what may be a difficult decision in a timely and rational way, showing what a reasonably well-informed observer (lay or judicial) would regard as “sound judgement”.

This point has a different emphasis to the reference in 2.2.3 below to common sense, although there will be some overlap. It relates to the JOH exercising their legal judgement and decision-making skills in an appropriate way.

This point also takes account of the fact that judges may be required to make decisions without as much time or as much information as they would ideally want to have.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Makes confident, rational judgments in a timely manner.
2. Able to adapt their decision-making approach to the complexity of the issues that need to be addressed.
3. Is decisive, even where some of the desired information is lacking.
4. Where required, reaches a collective decision through effective working with colleagues.

Negative indicators of this skill and ability may include:

1. Does not recognise when they have sufficient evidence for a decision.
2. Shows a lack of confidence in their decision-making.
3. Does not make timely decisions.
4. Does not collaborate effectively to reach collective decisions.

2. Communication skills and personal qualities

2.1 Communication skills

2.1.1 Shows effective active listening skills, seeking to understand a party’s case without prejudgement and with courtesy, sensitivity and appropriate patience

What this means

This and the next point relate to the JOH's direct interactions with litigants and others involved in proceedings.

A JOH should pay close attention to the parties' cases, listening to parties (represented or otherwise) and witnesses with appropriate patience and courtesy and without prejudgement. Active listening is an essential aspect of ensuring that litigants feel that their cases have been handled fairly.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Encourages the parties to provide relevant information.
2. Demonstrates active listening through language and behaviour.
3. Shows courtesy, respect, patience and sensitivity to all parties.
4. Demonstrates an open mind, avoiding prejudgement of the issues or the appearance of it.

Negative indicators of this skill and ability may include:

1. Fails to listen to the parties or do so with courtesy, respect, patience and sensitivity.
2. Prejudges or makes assumptions about the parties and their evidence or arguments, or appears to do so.

2.1.2 Demonstrates clear oral and written communication skills, in language appropriate for the forum and the particular circumstances

What this means

Effective communication by JOHs is critical. JOHs need to communicate in an increasing range of ways, including to litigants in person who may not understand legal or technical language, and who may also be under stress or in some cases in significant distress. Being effective in this area means using language that is clear and readily understood by those to whom it is addressed. It also means making any interventions in an appropriate and respectful manner. It is another essential aspect of seeking to ensure that litigants feel that their cases have been handled fairly.

Further, JOHs must adapt their communication style and content as appropriate not only for the immediate addressees but (for written communications or oral judgments that may be transcribed) also in a way that is suitable for future readers. They should bear in mind that future readers may not be limited to the parties and members of the legal community, but may include others, for example children the subject of a family dispute.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Recognises the different communication needs of different people (legal professionals, litigants in person, experts, witnesses and others).
2. Adapts their communication style and approach to the situation.
3. Uses plain language and explains any complexity, so that all parties understand.
4. Asks concise, relevant questions to elicit information and ensure arguments are understood.

Negative indicators of this skill and ability may include:

1. Is insensitive to people's different communication needs.
2. Fails to adapt their communication style to the situation, for example uses jargon and overly formal language with litigants in person.
3. Fails to ask appropriate questions to elicit information and ensure the parties' arguments are understood.
4. Asks irrelevant or long-winded questions.

2.1.3 Adopts an appropriately authoritative approach that: 1. inspires respect and confidence; 2. ensures both fairness, allowing proper participation by the parties, and an appropriate and efficient use of judicial resources

What this means

This skill is about the JOH's overall approach to the judicial process and how they are perceived by those with a stake in the litigation. Time should be used fairly and efficiently, ensuring that judicial resource is spread appropriately between different cases, in the interests of justice overall.

This skill is particularly relevant for the way that JOHs deal with challenging circumstances, most obviously in a hearing (in person or remote) but to some extent outside hearings when making decisions "on the papers".

There are some parallels between this skill and 1.2.4 in the Legal and Judicial Skills section, as this skill to an extent brings together a range of different effective communication behaviours into an appropriately authoritative approach overall. General efficiency regarding work outside the hearing room is dealt with under Effective Working below.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Establishes authority swiftly, in a way which inspires respect and confidence.
2. Controls the proceedings and ensures they are conducted effectively.
3. Intervenes respectfully and appropriately.

Negative indicators of this skill and ability may include:

1. Fails to take charge of the case or hearing.
2. Fails to control the process and timing, for example by allowing the parties to waste time and/or argue with each other unchecked.
3. Interrupts or curtails parties in a disrespectful manner, or talks over them.

2.2 Personal qualities

2.2.1 Adheres to the Bangalore Principles of independence, impartiality, integrity, propriety and equality of treatment, appreciating the importance of high standards of conduct and of maintaining public trust in the judiciary

What this means

JOHs should understand the Bangalore Principles, their objectives and what they mean in practice. The resulting behaviours will be a commitment to high standards and an ability to explain what these are and why they are important for the Judiciary. It is important to note that the impact of the Bangalore Principles extends well beyond the hearing room and may affect behaviours outside work. It is recognised that some flexibility in the application of the Bangalore Principles is required for fee-paid judges.

How this might be demonstrated

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3. Intervenes respectfully and appropriately.

Negative indicators of this skill and ability may include:

1. Fails to take charge of the case or hearing.
2. Fails to control the process and timing, for example by allowing the parties to waste time and/or argue with each other unchecked.
3. Interrupts or curtails parties in a disrespectful manner, or talks over them.

2.2.2 Possesses sufficient resilience for the role and an ability to remain calm in challenging situations

What this means

Judicial work can be extremely challenging personally. All JOHs will need a degree of resilience to cope effectively, but for some roles (for example, roles dealing with family disputes, some criminal work and areas of Tribunal work involving individuals with particular vulnerabilities or disadvantages) this need is particularly heightened. Individuals will deal with this differently, but there are some common themes. At a basic level JOHs must show an appreciation of the impact that their work could have on them and an openness to strategies to help support them. New applicants must be honest as to their ability to cope and will have properly considered whether they will be able to do so, for example having attended hearings in the relevant jurisdiction.

Resilience also means more than personal endurance; it includes finding ways to deal with challenges and overcome obstacles.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Deals with challenging situations in a calm, pragmatic and effective manner, persisting or adapting their approach where appropriate.
2. Is aware of the likely personal impact of the role, for example on their own mental health.
3. Is able to balance work priorities and personal life.
4. Has personal strategies and support to handle the pressures and issues that arise.

Negative indicators of this skill and ability may include:

1. Fails to remain calm and pragmatic in difficult situations, or to adapt their approach where appropriate.
2. Lacks awareness of the likely pressures of the role.
3. Has no, or inadequate, coping strategies.

2.2.3 Has a practical, common-sense approach to problem-solving

What this means

A JOH needs to provide solutions to disputes that fit the circumstances of the case and are workable. For example, in many cases the appropriate answer need not turn

on a difficult question of law (or even disputed fact) but on finding a pragmatic solution. The JOH should use their judgement and ensure decisions are rooted in a realistic understanding of what really does or does not need to be resolved and what kind of outcome will best suit the needs of the parties.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Shows a realistic understanding of the circumstances of the problem.
2. Takes a pragmatic approach to finding a solution.
3. Uses own experience, knowledge, skills and judgement to choose an efficient and effective solution.

Negative indicators of this skill and ability may include:

1. Does not have a realistic grasp of the problem or possible solution.
2. Fails to apply own experience, knowledge, skills or judgement when problem-solving.
3. Chooses a solution that is unlikely to work in practice.
4. Chooses a solution that has inappropriate consequences for one or both parties.

2.2.4 Shows open-mindedness and self awareness

What this means

Self-awareness means a JOH should understand that the way they act may affect how others see and react to them. A JOH should be able to question their own behaviour, be open to learning, and show emotional intelligence. They should be able to adapt their behaviour to the needs of others. This includes knowing when to be restrained.

Open-mindedness covers a willingness to learn from others and be persuaded to change a view or conclusion when appropriate, including one that is firmly held.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Seeks feedback and suggestions on their approach, then reflects and acts on it.
2. Is aware of their impact on other people.
3. Adapts their behaviour and actions to have a more positive impact.
4. Learns from others and is willing to change their view.

Negative indicators of this skill and ability may include:

1. Fails to seek or act on feedback.
2. Has no understanding of their personal impact.
3. Is unwilling or unable to adapt their behaviour and actions when needed.
4. Is unwilling or unable to learn from others or change their views.

3. Effective Working

3.1 Is diligent and efficient, prioritising tasks appropriately and reaching timely decisions

What this means

This is about the JOH using their time and the time of others efficiently, and managing work effectively, without undue delay. A particular focus here is work out of court, whether in preparing for hearings, writing judgments, dealing with applications on the papers etc. A JOH needs to strike the right balance between the competing demands of different cases. For efficiency and effectiveness in individual cases, see in particular 1.2.4 and 2.1.3 above.

How this might be demonstrated

Positive indicators of the skill and ability may include:

1. Delivers work and decisions efficiently; meets deadlines.
2. Plans and allocates adequate time to out of court/tribunal work such as preparation, writing judgments, handling applications on paper etc.
3. Effectively prioritises workload.
4. Handles unanticipated tasks effectively, for example when providing cover for absent colleagues or dealing with urgent applications.

Negative indicators of this skill and ability may include:

1. Fails to demonstrate effective planning, prioritisation and/or task management.
2. Fails to meet deadlines or complete tasks within the timescales expected.
3. Unable to deal with unanticipated tasks in a timely way.

3.2 Team work: has a collegiate approach; builds effective working relationships with colleagues taking full account of the Statement of Expected Behaviour

What this means

This is about the way JOHs work with each other and with staff. A JOH who works well in this area will seek to engage constructively and effectively with colleagues both in and out of hearings.

The Statement of Expected Behaviour should be seen as a minimum baseline.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Collaborates effectively with colleagues, including dealing with conflict where necessary.
2. Demonstrates respect for the contributions, expertise and role of colleagues.
3. Role models the Statement of Expected Behaviour.

Negative indicators of this skill and ability may include:

1. Unable or unwilling to collaborate effectively with colleagues.
2. Imposes their views on others and is dismissive of alternative perspective.
3. Trivialises or demeans contributions from those they perceive as less experienced, knowledgeable or important.

3.3 Takes an inclusive approach to those with differences from themselves

What this means

This is partly about the JOH having an awareness of the diversity of the communities which the courts and tribunals serve and treating parties, the public and colleagues with respect. But it goes further and includes taking an inclusive approach to colleagues and staff from different backgrounds. There are areas where this overlaps with the Statement of Expected Behaviour.

The use of the word “take” is deliberate. It may require proactivity, seeking to ensure that those from different backgrounds feel genuinely included.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Treats everyone with dignity and respect, using appropriate language, tone and body language.
2. Is proactive in creating an inclusive environment that welcomes people from every group and community.
3. Demonstrates an appreciation of the value of the diversity of approaches brought by people from different social, cultural, religious and ethnic backgrounds.

4. Recognises the differing needs of others and provides appropriate support and adjustments.

Negative indicators of this skill and ability may include:

1. Fails to treat everyone with dignity and respect.
2. Creates or permits an exclusive environment which prevents some people feeling comfortable and contributing.
3. Fails to appreciate the value of a diversity of approaches.
4. Fails to consider the need for adjustments or flexible approaches.

3.4 Is able and willing to challenge inappropriate behaviour by others

What this means

This is about the JOH understanding that inappropriate behaviour needs to be challenged (i.e. “called out”) and that a good JOH will do so.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Acts with courage and decisiveness to challenge inappropriate behaviour.

Negative indicators of this skill and ability may include:

1. Fails to challenge inappropriate behaviour, or do so in a timely manner.

3.5 Uses or can develop digital skills to the requisite standard

What this means

This is about the JOH having the appropriate digital skills for their role. It does not assume that a JOH needs to be a digital expert, but to be effective in their role they must be able to handle the technology required to perform it efficiently, and/or be able and willing to undertake the training needed to acquire that skill.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Uses digital tools regularly to complete tasks.
2. Able to conduct online or hybrid meetings and hearings effectively.
3. Adapts to new technologies as required.

Negative indicators of this skill and ability may include:

1. Fails to have the required level of digital competence for the role.
2. Is unable to provide examples of using new tools and technologies.

4. Leadership

4.1 Builds and maintains an effective and efficient judicial team

What this means

This is about developing an effective team that dispatches cases efficiently. It will involve assessing performance, providing support and addressing challenges that may impede an effective throughput.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Identifies individuals' strengths and capability gaps.
2. Provides development and support, or facilitates access to it.
3. Assesses and manages performance to ensure an efficient dispatch of cases, working with others as appropriate and using available data.
4. Delegates appropriately.
5. Engages in difficult conversations where required to resolve or manage problems.

Negative indicators of this skill and ability may include:

1. Does not take steps to monitor and address individuals' abilities and performance, or tolerates inefficient working practices.
2. Does not provide development or support.
3. Does not delegate appropriately.
4. Avoids difficult conversations.

4.2 Leads by example, motivating others to perform at their best

What this means

This is about effective leadership grounded in the JOH's own behaviours, creating mutual trust and clarity of shared objectives.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Acts as a visible figurehead for the team, explaining objectives and how each team member can contribute, and so creating a sense of purpose.
2. Creates trust, and shows trust in others by involving and empowering them.
3. Recognises people's achievements and hard work.
4. Discusses progress, provides feedback and praise, identifies further challenges.
5. Role models the Statement of Expected Behaviour.

Negative indicators of this skill and ability may include:

1. Fails to clarify objectives.
2. Fails to create or show trust.
3. Fails to recognise and reward achievements.
4. Fails to conduct performance and feedback meetings.
5. Is a poor role model for the Statement of Expected Behaviour.

4.3 Ensures an inclusive culture for all, irrespective of background

What this means

This is about ensuring that the team for which the JOH has leadership responsibility has a welcoming, inclusive culture.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Creates psychological safety by encouraging colleagues to interact and contribute, and ensuring they are respected and heard when they do so.
2. Creates an inclusive environment where people feel welcome, irrespective of background.
3. Challenges colleagues and provides feedback about any actions and behaviours that are not inclusive.

Negative indicators of this skill and ability may include:

1. Fails to create an environment of psychological safety and inclusion.
2. Does not challenge actions and behaviours that are counter-inclusive.

4.4 Encourages and supports the professional development of team members

What this means

This is about playing an active part in the development of team members, including by supporting career progression.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Shows interest in team members' development, encouraging them to identify and complete training and achieve career progression.
2. Suggests and/or provides support and guidance that junior colleagues need to be effective in their role.

Negative indicators of this skill and ability may include:

1. Does not adequately engage with the team's professional development.

4.5 Has proper regard to the wellbeing of others

What this means

This is about active engagement with and support for the wellbeing of team members. It may require work with others, such as Judicial HR.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Proactively monitors and supports the wellbeing of team members.
2. Is readily approachable.
3. Complies with the relevant wellbeing policy and strategies.

Negative indicators of this skill and ability may include:

1. Does not adequately engage with team members' wellbeing.
2. Behaviours are not aligned with relevant wellbeing policy and strategies.

4.6 Where appropriate, identifies and shapes strategic objectives and standards

What this means

Some leadership roles may require a JOH to develop as well as implement strategic objectives and standards, or adapt them as required for their team.

How this might be demonstrated

Positive indicators of this skill and ability may include:

1. Identifies or creates suitable strategic objectives and standards.



2. Monitors the team against those objectives and standards.
3. Where appropriate, formulates a vision for the future and inspires others to pursue it.

Negative indicators of this skill and ability may include:

1. Does not adequately engage with strategy or standards.

4.8 Works collaboratively with others, including staff

This is about building effective working relationships with colleagues, based on collaboration.

Positive indicators of this skill and ability may include:

1. Builds and maintains effective professional relationships with colleagues.
2. Actively seeks contributions and expertise from colleagues and builds a collaborative working environment.

Negative indicators of this skill and ability may include:

1. Unable or unwilling to collaborate.
2. Does not seek or engage with contributions from others.