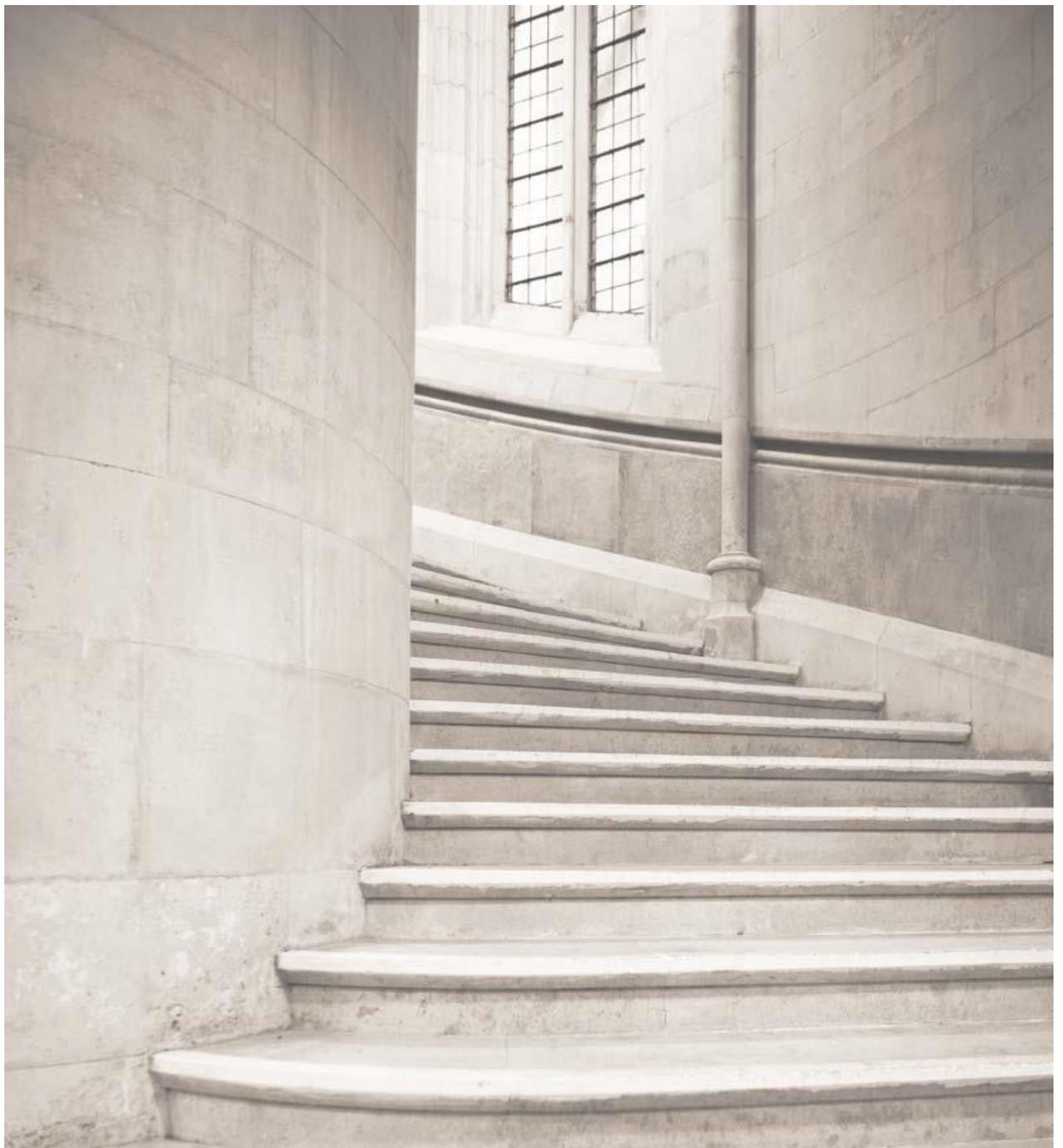




JUDICIARY OF  
ENGLAND AND WALES

# BECOMING A MAGISTRATE IN ENGLAND AND WALES

Guidance for Prospective Applicants



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# Introduction

Magistrates are a very important part of the justice system in England and Wales. They are people from all walks of life who give their time voluntarily to make a positive difference to their local communities.

This booklet has been produced for people who are interested in becoming a magistrate. It provides information on the qualities you need to be selected for appointment, factors that could affect your eligibility, the amount of time you will need to commit to the role, and how the selection process works. **Please read it in full before deciding to apply.**

If you then have any queries, contact your local magistrates' advisory committee. You can find a list of advisory committees and contact details at **Appendix A**.

You can also contact the Magistrates HR Team at the Judicial Office<sup>1</sup> by email:

**[magistrateshrteam@judiciary.gsi.gov.uk](mailto:magistrateshrteam@judiciary.gsi.gov.uk)**

Additional information about the work of magistrates is available on the Magistrates' Association's website:

**<http://www.magistrates-association.org.uk>**

<sup>1</sup> The Judicial Office reports to the Lord Chief Justice and Senior President of Tribunals – its purpose is to support the judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently. The Magistrates HR Team is part of the Judicial Office and is responsible for, amongst other things, advising the Senior Presiding Judge on the appointment of magistrates and for processing new appointments.

# Equality and Diversity Statement

Magistrates will be selected and appointed solely on merit.

Applications are welcome from any person who meets the eligibility criteria for appointment and who believes they have the necessary qualities.

Applications are particularly welcome from members of groups currently under-represented amongst the magistracy. That includes members of Black and Minority Ethnic communities, people under the age of 50, people from non-managerial or professional occupations, and people with a disability who are able, either unassisted or with reasonable adjustments, to carry out the full range of a magistrate's duties.

# 1. The Role of a Magistrate

The role of a magistrate, now less commonly referred to as ‘justice of the peace’, originated over 650 years ago. The modern magistracy is an integral part of the judiciary of England and Wales - magistrates deal with around 95% of all criminal cases and a substantial amount of non-criminal work.

Magistrates also sit as judges of the Family Court to make decisions about the upbringing and welfare of children and from September 2017 it will be possible for candidates to apply to be appointed as a magistrate in the Family Court in three areas; London, Birmingham and Greater Manchester. It is anticipated that direct appointment to Family Court will be extended across England and Wales in due course.

Magistrates are recruited and recommended for appointment by local advisory committees, public bodies made up of existing magistrates and non-magistrates. The Senior Presiding Judge appoints magistrates on behalf of the Lord Chief Justice. You do not need legal training or formal qualifications to become a magistrate.

To be appointed, you must be able to demonstrate six key qualities:

- Good Character
- Understanding and Communication
- Social Awareness
- Maturity and Sound Temperament
- Sound Judgement
- Commitment and Reliability

In court, magistrates usually sit as a panel of three – an experienced chairman and two ‘wingers’. They are supported by a trained HMCTS<sup>2</sup> legal adviser who provides advice on the law and procedures.

## Criminal Court

Almost all criminal court cases start in a magistrates’ court. The more serious cases are then referred to the Crown Court, either for sentencing or for trial with a judge and jury. Magistrates deal with a wide range of cases; for example:

- Assault
- Criminal damage
- Drink driving
- Traffic offences
- Benefit fraud

Magistrates in the criminal courts can impose a sentence of up to six months' imprisonment for a single offence (12 months in total), a fine of up to £5,000, or a community sentence.

## Family Court

Magistrates can be appointed to sit as judges of the Family Court to hear cases involving the welfare and upbringing of children. Cases are allocated to magistrates by an allocation/gatekeeping team. Magistrates can make decisions about whether children should be removed from their parents and placed in foster care, or ultimately for adoption.

The majority of disputes between separated parents about their children are heard by magistrates who will encourage the parents to agree the arrangements for their children whilst they do not live together.

Magistrates in the family court may also enforce child maintenance orders and can make orders to prevent domestic abuse such as non-molestation orders.

The decisions that are made in the Family court have a profound effect on the children involved, which makes role of magistrates in the Family Court both highly responsible and deeply rewarding work.

Magistrates sit with a specially trained legal adviser and can also have independent assistance from a family court adviser or children's Guardian.

Being a magistrate is not a paid role, but limited allowances are available for loss of earnings and travelling expenses.

**Appendix B** contains some informative case studies provided by serving magistrates.

## 2. Questions to Ask Yourself Before You Apply

Becoming a magistrate is a serious commitment. Before applying, it is important to think carefully about whether you have the right qualities, whether there is anything that could affect your eligibility, and whether you can commit sufficient time to the role.

**Please consider the following questions before deciding to apply:**

### 1. Are there vacancies in your local area?

- Check to see when recruitment is taking place in your local area. You can do this by visiting <https://www.gov.uk/government/publications/magistrate-advisory-committee-recruitment-information> or by contacting your local advisory committee.
- Applicants are expected to be living or working in, or reasonably close to, the area in which they wish to serve.
- If called to interview, you will be required to demonstrate that you have a good knowledge and understanding of social issues in the local area. The interview panel will also wish to explore how this knowledge has been acquired.
- Do not send in an application form if the local advisory committee is not currently recruiting.

### 2. Do you meet the basic eligibility criteria?

- You must be at least 18 years of age.
- The Senior Presiding Judge will not generally appoint anyone over 65 (magistrates retire automatically at 70).
- British nationality is not a requirement, but you must be willing to take the Oath of Allegiance to the Crown.
- Anyone in the process of seeking asylum is ineligible.

### 3. Do you have the necessary key qualities?

You must be able to demonstrate that you have these key qualities:

- Good Character
- Understanding and Communication
- Social Awareness
- Maturity and Sound Temperament
- Sound Judgement
- Commitment and Reliability

**Appendix C** contains the criteria which make up each of the qualities.

### 4. Have you been convicted or cautioned for a criminal offence or subject to a civil order?

- The Senior Presiding Judge will not appoint anyone in whom the public would be unlikely to have confidence.
- A civil order or a past conviction will not necessarily disqualify you. Advisory committees and the Senior Presiding Judge will consider:
  - The nature and seriousness of the matter
  - When it occurred
  - The penalty or order imposed
  - Any subsequent matters

**Appendix D** contains detailed guidance about the disclosure of past convictions, cautions and civil orders.

### 5. Will your employment affect your eligibility?

- Employees in some occupations; for example, police officers, are ineligible to serve as magistrates in the criminal court. These occupations are listed in Appendix E.
- In the Family Court, employees in the occupations listed *may* be ineligible to serve as magistrates. For example, a police officer who works in child protection may be ineligible but this may not apply to other police officers with different specialism. Each case will be decided on individual facts and candidates will be advised early in the process if a problem is envisaged.

- Other occupations do not automatically disqualify a person, but conditions will apply; for example, local authority employees cannot sit on cases involving their employer. In the family court, many applications are made by local authorities, which will mean that a local authority employee may not be able to sit on cases brought by the local authority that employs them.
- The occupation of your spouse, partner or a close relative might also affect your eligibility, or require conditions to be applied; for example, those with spouses or partners working in H.M. Prisons are ineligible.
- Please check the guidance at **Appendix E** and if necessary contact your local advisory committee for advice before deciding to apply.

## 6. Can you commit enough time to the role?

- Think carefully about whether you can commit enough time and be sufficiently flexible.
- Magistrates must complete at least **13 full day sittings per year** (or **26 half day sittings**). Sittings generally take place during normal daytime working hours.
- Magistrates' courts now typically organise sittings in full days and many magistrates voluntarily sit for more than the minimum requirement.
- Sittings are usually planned well in advance and, as far as possible, will be scheduled to take account of magistrates' personal circumstances such as work commitments. However, you do need to be reasonably flexible in terms of when you can sit.
- Contact your local advisory committee to find out how sittings at the local courts are organised; and remember to take into account travelling time to and from court.
- You will be required to undertake training in addition to your sittings. Some of this will be during normal daytime working hours.
- You will be expected to attend some meetings after court; for example, bench meetings, which often provide important information about changes to legislation and procedure, and about bench business.
- Magistrates should be able to offer at least five years of service. However, this is not a mandatory commitment.

## 7. Has your employer agreed that you can take the necessary time off work?

- If you are employed, tell your employer that you are thinking about becoming a magistrate, explain how much time you will need to commit to the role and ask for their agreement to take the necessary time off work.
- Some employers have policies on time off for public duties, either with or without pay. However, some employers will not be aware that there is a legal obligation to provide reasonable time off for magistrate service. You and your employer can find further information about this at: <https://www.gov.uk/time-off-work-public-duties>

- If you are called for an interview, the panel will ask for confirmation that you have your employer's agreement to take the necessary time off work. It can be helpful to have a confirmation letter from your employer to show to the interview panel.
- If your employer grants you time off without pay (or you are self employed), you may be entitled to claim a limited loss of earnings allowance. Your local advisory committee will be able to tell you more about allowances and, if you are appointed, how to claim them.

## 8. Have you visited a magistrates' court?

- While serving as a magistrate can be very rewarding, the work can also be challenging. You will consider evidence that might be upsetting and make decisions that have a significant impact on the lives of others, such as sending a person to prison or permanently removing a child from its birth family.
- To help you decide whether the role is right for you, you will need to find out about the work of the courts. For applications to the criminal court, you must visit a magistrates' court to observe the proceedings at least once, preferably two or three times, before submitting your application.
- This is a mandatory requirement for those making applications to sit in the criminal courts - advisory committees are not obliged to interview anyone who has not undertaken a court visit. (For those applying to sit only in the family courts see the section below.)
- If you are called for an interview, the interview panel will ask you to talk about what you saw when visited a magistrates' court.
- Visit reasonably close to the time that you intend to submit your application, preferably no more than six months before.
- Your visit must be in connection with your application. It will not be sufficient to have visited a magistrates' court for a different reason.
- Contact your local magistrates' court to find out when it is best to attend and which courtrooms to observe. You can use the tool at this link to locate magistrates' courts in your area: <https://courtribunalfinder.service.gov.uk/>

## Family Court

- The family court is not open to the public in the same way as the criminal court, therefore you may not visit the court to observe proceedings. Instead you are required to familiarise yourself with publicly available information about the family court to ensure that the role is right for you. To find out more about the family court, you can read [Advicenow's guide to going to the family court](#) or [information about a particular family court](#).
- If you are called for interview, you will be provided with or directed to specific material. The interview panel will ask you to talk about what you have read or seen.

## 9. Have you applied before?

- If you have applied to become a magistrate before, you must disclose it on your application form.
- Unsuccessful applicants are not disqualified from applying in the future. However, advisory committees are not obliged to interview anyone who has applied unsuccessfully within the past three years.

## 3. The Recruitment and Selection Process

The Secretary of State for Justice and Lord Chancellor has overall responsibility for the recruitment and selection of magistrates. Local advisory committees undertake this work on his behalf. Successful candidates are recommended for appointment to the Senior Presiding Judge who appoints magistrates on behalf of the Lord Chief Justice.

The following principles apply to the handling of all applications:

- Candidates must be assessed solely on merit against the key qualities.
- Applications must be handled fairly, consistently and expeditiously.
- Candidates must be treated with courtesy and respect.
- Candidates must not be excluded from the selection process on the basis of disability.
- Information about an individual gained through the selection process is confidential.

### Candidates with a disability

Candidates with a disability can expect the following:

- When requested, reasonable adjustments will be made to enable candidates to attend interviews.
- Disabled candidates will be assessed solely on merit against the key qualities and will not be questioned about their disability at interview.
- In accordance with the Equality Act 2010, the Magistrates HR Team will write to all candidates who are recommended for appointment to ask whether they require reasonable adjustments.

## The key steps in the recruitment and selection process are described below.

Please note that:

- Within the framework set by the Lord Chancellor, advisory committees have some discretion over how to organise the process in their areas.
- The duration of the process will depend on several factors; for example, the number of applicants. The process may last from between a few months to a year. Your local advisory committee will be able to give you an indication of the anticipated timescale.

### 1. Recruitment

- The number of magistrates recruited in each area is based on the business needs of the courts in that area.
- When new magistrates are required, advisory committee will recruit and select them.\*
- Information about recruitment in your area will be published at: <http://www.gov.uk/become-magistrate>.
- You can also contact your local advisory committee to find out when they will be recruiting.
- If there are vacancies in your area for both Criminal and Family Court and you intend to apply for both, you will need to complete separate application forms and follow the relevant selection process for each of them.

\*Where a need is identified, certain vacancies in Wales may be advertised as “Welsh language - essential.” Where this is the case, the relevant advisory committee will provide prospective applicants with information about the Welsh language requirement

### 2. Application form

- You must complete the standard application form available at: <http://www.gov.uk/become-magistrate>
- The form can be submitted to your local advisory committee by email or post.
- Braille versions can be obtained by contacting your local advisory committee.

### 3. Acknowledgement and initial checks

- The advisory committee will aim to acknowledge applications within five working days.

- Initial checks will be carried out to identify anyone who is ineligible due to age, occupation etc.
- Anyone whose application cannot proceed further will be informed within 20 working days.

#### 4. References

- You must provide the names of three referees.
- Your referees should know you well enough to be able to give their opinion on how you meet each of the key qualities.
- The advisory committee will contact your referees and ask them to provide a reference by a set date.
- Make sure the people you intend to nominate are willing and able to provide a reference, and bear in mind that your application might not be able to proceed if references are not received by the required date.
- Please note:
  - You should have known your referees for at least three years
  - Do not nominate a relative or anyone you are currently living with
  - If you have lived in your local area for at least three years, one of your referees must live in the same area
  - If you are in employment, one of your referees should be from your employer; for example, your current manager
  - Do not nominate a referee who might appear before the courts in which you would serve; for example, a police officer from the same area
  - You can nominate a magistrate (but only one) as a referee
- Information provided by a referee is confidential and will be considered when assessing the evidence of the six key qualities.

#### 5. Interviews

- Candidates who pass the initial checking stage are eligible to progress to the interview stage. However, please note that:
  - Advisory committees are not obliged to interview every eligible candidate if this would overburden their administrative resources
  - If an advisory committee is unable to interview every eligible candidate, it will decide how many candidates it has the capacity to interview. Candidates will then be selected for interview based on the date that their application forms were

received

- Interviews will usually be carried out by a panel of three advisory committee members and will take place at a local court building.

### **First stage interview**

- You can expect the interview to last approximately 30-45 minutes.
- You will be provided with a copy of your application form before the interview. You will be asked to confirm that there have been no significant changes to your circumstances since you completed the form.
- The first part of the interview will focus on the contents of your application form, then on more general topics, including your knowledge of social issues affecting the local area.
- You will be asked the mandatory good character and background question:

“Is there anything in your private or working life, past or present, or the lives of your family or friends, which could damage your credibility as a magistrate if it became known to the public?”

- You will be asked to confirm that you understand and can give the time commitment required of magistrates.
- If you are in employment, you will be asked to confirm that you have obtained your employer’s agreement to take sufficient time off work.
- You will be asked to talk about what you observed when you visited a magistrates’ court or if you are applying to sit in the family court what you have done to familiarise yourself with publicly available information about the family court .
- Following the interview, the panel will decide whether you should be invited to a second stage interview. The panel will make its decision based solely on its assessment of key qualities; especially evidence of both good character and commitment and reliability.

- The advisory committee will inform you of the outcome as soon as possible.

### **Second stage interview**

- The main purpose of the second stage interview is to assess your potential judicial aptitude.
- Second stage interviews usually take place 5-15 working days after first stage interviews (a small number of advisory committees hold first and second stage interviews on the same day).
- You can expect the interview to last approximately 45 minutes - one hour.
- You will be asked to arrive early to prepare for the exercises which make up the majority of the interview.
- You will be asked to bring a photograph and at least three forms of identification, so that your identity can be verified.
- For the criminal court, you will undertake a ranking exercise in which you will be asked what you consider to be the four most serious offences from a list of ten.
- In both criminal and family interviews, there will also be an exercise in which you discuss a fictional case study.
- There are no right or wrong answers for these exercises - the panel will be assessing the reasons you give for your answers.
- You will be provided with full information about the exercises and what you need to do before the interview.
- Before the interview concludes, you will be asked the good character and background question again.

### **6. Post interview assessment and recommendations**

- Panels complete their assessments at the end of each interview, scoring candidates against the key qualities.
- The advisory committee will aim to meet to discuss their recommendations for appointment within 15 working days of the completion of interviews and to notify candidates of the outcome within five working days of their decision.
- If more candidates have been assessed as suitable for appointment than are needed to fill the available vacancies, advisory committees will recommend the candidates who achieved the highest scores.

- If advisory committees expect to have further vacancies within the next 18 months, they have the option to place the surplus candidates on a waiting list for those vacancies.

## **7. Disclosure and Barring Service (DBS) clearance**

- Candidates who are to be recommended for appointment must undergo an enhanced-level DBS (formerly Criminal Records Bureau) check. Advisory committees will arrange this with each candidate.

## **8. Recommendations and confirmation of appointments**

- Advisory committees send their recommendations for new appointments to the Senior Presiding Judge via the Magistrates HR Team at the Judicial Office.
- Recommendations are based on evidence of the key qualities demonstrated in interviews and exercises. It is therefore possible for candidates who apply for both Family and Criminal Court vacancies to be recommended for appointment to one Court and be unsuccessful for the other.
- The Senior Presiding Judge considers the recommendations personally and has the final say in whether to approve candidates for appointment.
- Magistrates HR will write to the successful candidates enclosing their certificate of appointment.

## **9. Swearing-in and training**

- Advisory committees will arrange for new magistrates to be sworn-in at a local court and provide information about arrangements for initial training and sittings.

### **Requesting a review of interview panel or advisory committee decision**

- Candidates who are assessed as unsuitable for appointment may seek a review of the decision if they believe the selection process was not applied correctly.
- Advisory committees will inform unsuccessful candidates how to request a review.
- An advisory committee's decision is only likely to be overturned if there is clear evidence that the selection process was not applied correctly.
- A review on the grounds that a candidate disagrees with the decision itself is unlikely to be successful.

# Appendix A - Advisory Committee Contact Details

Contact your local advisory committee if you have any queries about becoming a magistrate.

If you experience any difficulties with the contact details below, please notify the Magistrates HR Team by emailing: [magistrateshrteam@judiciary.gsi.gov.uk](mailto:magistrateshrteam@judiciary.gsi.gov.uk)

<b>Advisory Committee</b>	<b>Tel.</b>	<b>Email</b>
<b>England</b>		
Avon & Somerset	01823 285240	brenda.saturley@hmcts.gsi.gov.uk
Bedfordshire	01582 524232	sue.woollams@hmcts.gsi.gov.uk
Birmingham & Solihull	01452 420170	wmwjco@hmcts.gsi.gov.uk
Black Country	01452 420170	wmwjco@hmcts.gsi.gov.uk
Cambridgeshire	01245 313300	advisory_-_cambbs_a@hmcts.gsi.gov.uk
Cheshire	0151 471 1081	cm-advisory@hmcts.gsi.gov.uk
Cleveland	01642 261612	gillian.stoddart@hmcts.gsi.gov.uk
Coventry & Warwickshire	01452 420170	wmwjco@hmcts.gsi.gov.uk
Cumbria	01772 208026	cumbriaadvisoryCommittee@hmcts.gsi.gov.uk
Derbyshire	01246 246505	judith.osborne@hmcts.gsi.gov.uk
Devon & Cornwall	01752 292572	jeanette.hines@hmcts.gsi.gov.uk
Dorset	01202 711902	sally.veasey@hmcts.gsi.gov.uk
Durham	01325 327622	christine.watkins@hmcts.gsi.gov.uk
Essex	01245 313300	advisory_-_cambbs_a@hmcts.gsi.gov.uk
Gloucestershire	01823 285240	brenda.saturley@hmcts.gsi.gov.uk
Greater Manchester	0161 830 4331	gm-advisory@hmcts.gsi.gov.uk
Hampshire & Isle of Wight	02392 857951	whiow-advisorycommittee@hmcts.gsi.gov.uk
Hertfordshire	01582 524232	sue.woollams@hmcts.gsi.gov.uk
Humber	01302 347304	karen.crocken@hmcts.gsi.gov.uk



# Appendix B - Case Studies

## Raj Mehtab JP

**Raj Mehtab has served as a magistrate in London for over 25 years. He is a court chairman and, in addition to serving in the Adult courts, he has sat for a time in the Youth and Family courts. Raj also sits occasionally on appeal hearings in the Crown Court. His occupational background is in retail banking, most recently as a regional bank manager.** “I have always been interested in legal matters and the thought of being directly involved in administering justice in my local community fascinated me. Whilst I had considered applying to be a magistrate, I just hadn't got around to doing it. It needed a catalyst which eventually came when I attended a friend's wedding and sat next to a friend of his whom I hadn't met before. We got talking and it turned out he was a magistrate. He was only in his mid 30's and I remember saying to him that I thought you had to be 60 plus in order to apply! We laughed and he then told me a lot about the work of a magistrate, the commitment that is needed, and how to go about applying. So I applied. The role calls for a real and regular time commitment and it was important to discuss my application with my employer to obtain general consent and to find out where I stood in terms of time off work for magisterial duties. The bank was very supportive and confirmed that time off was indeed allowed for public duties of this kind. The application process involved two separate interviews which, as expected, were challenging and made me think very carefully about general issues and those specifically relating to crime. I was delighted to be recommended, and after appointment, there followed a short period of concentrated training, including court observations, before I was able to actually start sitting in court. Sitting as a magistrate involves work that is very varied. Adjudicating in trials, deciding on sentences, making bail decisions and being responsible for the management of cases as they progress through the legal system are all part of a magistrate's regular workload. I sit in a very busy inner London court and the amount and sometimes complex nature of that work can be challenging, but I have found it to be rewarding in the knowledge that it is fulfilling a vital service in my local community. You bring skills to the role and you also develop skills by carrying out the duties of a magistrate. What I particularly enjoy is working with fellow magistrates from such a rich and varied background. I feel I've personally developed significantly as a result.

And if you are able to take an even more active part in life on the Bench, there are many responsibilities that you can undertake in addition. I have taken on the role of appraising fellow magistrates, served on the Lord Chancellor's Advisory Committee and was elected as Deputy Bench Chairman in recent years.

Overall, a very rewarding and worthwhile voluntary activity!”

## **Judy Watson JP**

**Judy has been a magistrate in Somerset for ten years. She chairs in both the adult and youth courts and is deputy chair of the Somerset bench.**

“I am completely blind and am accompanied to court by my guide dog who stays in the retiring room while I am in court. I have been provided with Braille guidelines and pronouncements, which are essential to my work, and a Braille laptop on which I make notes and write out reasons for decisions. Staff at the courthouse where I am based have always been helpful and flexible.

I was motivated to apply to become a magistrate when I took early retirement from teaching and was encouraged by friends who also sit on the bench. I still work part time and find that it is easy to juggle my rota around my work commitments.

I would encourage anyone to make an application, as it is such an interesting role. At times it's frustrating, of course, but most days I leave court knowing that we have made good decisions. We have supported some people into rehabilitation as well as punished them, and certainly protected the public as far as we can from those most likely to reoffend.

The role gives me an opportunity to work with others, think carefully, discuss fully and express my point of view while listening to and respecting others' views. It is stimulating and occasionally sad - sometimes I need my sense of humour.

Most importantly, I feel I am doing something useful for my community.”

## **Geoff Grevatt-Chandler JP**

**Geoff has been a magistrate in Sussex for four years. He sits in the adult court as a winger and a chairman. He works full time as a technology consultant on projects across the country.**

“Growing up, my parents always volunteered in one way or another. For example, my mum was a Girl Guide leader. She threw herself into the heart of the community, always had something fun happening, and helped many people in many ways. This left me with an attitude of “if you can help, you should”. I tried a few short duration volunteer activities, but I was looking for something longer term and mentally challenging. When I stumbled across the web link on Becoming a Magistrate, it really sparked an interest.

I had about a month to complete the application form, so I talked to friends and family about what I could bring to the magistracy. Some of my mates laughed and joked at first, but then they helped me to realise my personal qualities such as thoughtfulness, confidence, being logical-minded and a good communicator.

I was nervous going to the interviews, which is only natural. Nothing about the interview was hard per se - the questions weren't difficult, but they were thought provoking. My advice is to take a moment to consider your answers before you respond and be yourself.

The training was great. It included group exercises and role-play to aid learning of courtroom processes and how to contribute to structured decision making. It also gave time to bond with other new magistrates.

I will never forget my first day in court - I sat in a remand court in the morning and a trial court in the afternoon. Whilst I was prepared for the courtroom process and contributing to decision making, I wasn't prepared to enjoy it quite as much as I did. The day was challenging, serious and professional, but I felt included, engaged and that we made good decisions which made a difference.

Work has been brilliant in giving me time off for magisterial duties. They have recognised that some of the skills developed as a magistrate have helped me to be better at my job. As I travel and stay away for work, HMCTS takes this into account when setting my sitting rota, giving me sittings at the beginning and end of the week. This means I can avoid having to travel back home mid week only to have to travel back again.

I am now trained as a chairman and enjoying this new challenge.

I have met so many other magistrates from all walks of life who are a pleasure to know. The magistracy is stronger by including people from all parts of the community. If you think your background doesn't seem like those you would see as a magistrate, then you might be perfect for the role!”

## Jenny Kerr JP

**Jenny has been a magistrate in West London for fourteen years. She holds a number of chairmanship posts and is the area coordinator for the Magistrates' Association's 'Magistrates in the Community' initiative. She is the managing director of an events company.**

"When I became a magistrate in 2000, I thought I was giving something back to the local community. I was soon to discover that it could be much more than this.

Once I had gained two years' experience in the Adult Court, I undertook specialist training to sit on the Youth Panel. This is both challenging and rewarding - challenging because the cases we hear are sometimes upsetting, and rewarding because I really feel we can make a difference by altering the course of young lives that are heading in the wrong direction.

Becoming part of the Magistrates in the Community (MiC) initiative allowed me to use the presentation skills I'd gained in my career. I helped develop MiC within our Bench. We visit primary and secondary schools, educating pupils on the role of a magistrate, as well as focusing on the consequences of criminal behaviour. We use model courts, mock trial scenarios and other brilliant props to make these sessions fun and engaging.

We regularly present to community groups such as Neighbourhood Watch and our local Gurdwara, raising awareness and promoting confidence in the criminal justice system. We also organise community events as part of 'Inside Justice Week' and 'Teacher in the Dock', inviting the public and schools into the courts, so they can witness justice in action.

For many years I have co-ordinated the local heats of the 'National Mock Trial Competition'. This exciting initiative introduces secondary students to the legal system. Each year, thousands of students across the country have the opportunity to battle it out in front of judges in real courtrooms, attempting to win a place in the National Final.

Of course, there are challenges facing all magistrates - we must undertake at least 13 full day (or 26 half day) sittings a year. This might prove difficult for those in full-time employment – that is why it's so important for prospective applicants to speak to their employer before they apply. Some employers are flexible and see the benefits of having a magistrate on their workforce, bringing new skills and abilities.

There is ongoing training as well, although many of these events take place after work or at weekends to fit around busy schedules.

Being a magistrate has certainly added a new dimension to my life. I have made new friends and the experience has broadened my outlook on life in general. I feel more confident as a result.

## **Manju Barker JP**

**Manju has been a magistrate in Yorkshire for nearly ten years. She works full time as a civil servant.**

“My employer allows me time away from work to perform my court duties. I also use some of my holidays and take unpaid leave together with attending meetings in the evenings occasionally. I do not mind using my own time, as I believe this role takes a significant commitment and is worth my time.

In the early years I just concentrated on being the best I could be and learning from others. Then I developed other interests in the judicial system, which keep me even busier. I was on the Probation Liaison Committee and also the local Advisory Committee. I then became the Deputy Bench Chairman of the York and Selby Bench. I have just been elected to serve my second year in this role. I am an active member of the Magistrates' Association and sit on the North Yorkshire Executive Committee. I fully immerse myself in these roles whilst juggling a family and full time job.

I am very active in my local community in other ways too. I am a school governor, a member of the local amateur dramatic group and I actively fundraise for local charities and institutions.

I have learnt many new skills which I take into my workplace as well as the court room. Being a magistrate is very rewarding and also challenging at times. Our decisions can have a significant impact on the lives of others. I remember that every time I sit as a panel of three and we come to our considered decision together.

I feel very privileged to play a part in our judicial system. I have made many new friends along the way. I am glad I made the commitment to become a magistrate. It is like no other role.”

# Appendix C - The Key Qualities

## 1. Good character

Magistrates must:

- Have personal integrity, be circumspect and able to maintain confidences.
- Have nothing in their private or working life, or in the lives of their family or close friends, which could bring them or the magistracy into disrepute.

## 2. Understanding and communication

Magistrates must:

- Be able to communicate effectively with colleagues, court users and court staff.
- Be able to comprehend relevant facts reasonably quickly, follow evidence and arguments, and concentrate, often for long periods of time.

## 3. Social awareness

Magistrates must:

- Appreciate and accept the need for the rule of law in society.
- Have a good knowledge and understanding of social issues in the local area in which they wish to serve.
- Have respect for, and some understanding (to be developed through training) of people from different ethnic, cultural or social backgrounds.

## 4. Maturity and sound temperament

Magistrates must:

- Be able to relate to, and work with, others.
- Have a sense of fairness and be considerate and courteous.
- Be open-minded and willing to consider the views and advice of others.

## **5. Sound judgement**

Magistrates must:

- Be able to think logically, weigh arguments and reach a balanced decision.
- Be objective, and have the ability to recognise and set aside their prejudices.

## **6. Commitment and reliability**

To help ensure the speedy and efficient conduct of court business, sittings in the magistrates' court will almost always be planned on a full day basis. To meet this need, magistrates must:

- Be willing and able to undertake the minimum sitting requirement of 13 days, or (where that is not possible) 26 half-days per year, and mandatory training.
- Be able to undertake their duties on a regular basis.

# Appendix D - Disclosure Guidance for Prospective Magistrates

## Introduction

There must be nothing in a magistrate's past which could cast doubt on their credibility and standing in the eyes of the public. While a criminal offence or civil order in the past will not necessarily disqualify you for appointment, the Senior Presiding Judge will not appoint anyone in whom the public would be unlikely to have confidence.

The 'good character' question, which all applicants must answer on their application form and at interview, is as follows:

"Is there anything in your private or working life, past or present, or the lives of your family or friends, which could damage your credibility as a magistrate if it became known to the public?"

**You must declare any issue you believe to be relevant.** If you are unsure about whether you need to declare something, it is better to declare it. You will not harm your application if you inadvertently declare something that did not need to be declared - the information will be disregarded. However, failure to declare something relevant will almost certainly mean that you are disqualified for appointment.

When declaring issues such as a past conviction, provide as much information as you can. The advisory committee will need this information to help assess your suitability to be recommended for appointment. Failure to provide enough information is likely to lead to your application being delayed.

If the advisory committee decides to recommend you for appointment, you will be required to undergo an enhanced Disclosure and Barring Service (formerly Criminal Records Bureau) check before your appointment can be confirmed. The committee will contact you to arrange this at the appropriate time.

Follow the guidance below carefully when completing your application form.

### 1. Involvement in Current Proceedings

You must declare:

- If you are currently subject to investigation by the Police

- If you are currently involved in any form of civil or criminal court proceedings, including as a witness. (This includes divorce proceedings where the custody of children is contested)
- If you are currently subject to professional disciplinary proceedings or disciplinary proceedings at work

You must also inform the advisory committee straightaway if you become subject to any of the above during the selection process.

## 2. Convictions and Police Cautions

You must declare all convictions or cautions irrespective of when they were received.

A historical conviction or caution is not an automatic bar to appointment. The advisory committee and, if you are recommended for appointment, the Senior Presiding Judge will give careful consideration to factors such as the nature and seriousness of the offence, and when it occurred.

Prospective applicants should note that, in view of the nature of the role, a conviction or caution for an offence which raises questions of honesty and integrity; for example, fraud or theft is liable to be taken more seriously.

## 3. Fixed Penalty Notices

You must declare any Fixed Penalty Notice, including for a driving offence such as speeding or using a mobile telephone while driving, received within the last **4 years**.

## 4. Further Guidance about Driving Offences

In addition to declaring offences which qualify for disclosure under the guidance above, you must declare:

- Any disqualification from driving resulting from an offence not already covered by **Section 2** above, and for which you have regained your licence within the last **4 years** (in which case you are unlikely to be appointed)
- Any endorsements/penalty points currently on your driving licence. (If there are six penalty points currently endorsed on your licence as a result of a single incident, this will normally prevent you from being appointed. If the total number of points currently endorsed on your licence exceeds six, this will also normally prevent you from being appointed.)

You do not need to declare:

- Driving offences which were dealt with by an informal warning
- Attendance on a Driver Offender Retraining Course where no fixed penalty was issued
- Parking offences

## **5. Penalty Notice for Disorder**

You must declare any Penalty Notice for Disorder received within the last **4 years**.

## **6. Bankruptcy, Individual Voluntary Arrangements and County Court Judgements**

You must declare:

- If you are currently bankrupt (in which case you are unlikely to be appointed)
- If you have an outstanding Individual Voluntary Arrangement (in which case you are unlikely to be appointed)
- If you have been discharged from bankruptcy within the last **5 years**
- If you have been the Director of a company that has become insolvent within the last **5 years**
- If you have received a county court judgement within the last **5 years**

**If more than one of the above applies to you; for example, if you were declared bankrupt and incurred a county court judgement, you must declare all of the matters.** You must declare them regardless of the dates on which they were incurred.

## **7. Spouses, Partners/Civil Partners, Close Relatives and Close Friends**

In most cases, the actions of another person will not mean that you are disqualified for appointment, but you must declare any relevant information known to you, so that the advisory committee can consider:

- The nature and seriousness of the issue

- Your relationship to, and the extent of your contact with, the person
- Whether or not you appear to condone the offence
- Whether the circumstances could undermine your credibility and standing as a magistrate if they became known to the public

You must declare it if you are, or if you become, aware that your spouse, partner/civil partner, a close relative<sup>1</sup> or a close friend has convictions or cautions which would qualify for disclosure under **Section 2** above.

You must also inform the advisory committee straightaway if during the selection process your spouse, partner/civil partner, a close relative or a close friend becomes subject to investigation by the Police.

<sup>1</sup> **Close relatives** includes father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law or step-child or persons who have any of those relationships with a partner. This includes relatives by adoption.

# Appendix E - Restricted Occupations

This information is to help prospective applicants identify whether their occupation, or that of a spouse, partner/civil partner or close relative, will affect their eligibility to serve as a magistrate.

These lists are not exhaustive. If in doubt, contact your local advisory committee for advice.

**The following are **ineligible** to serve as magistrates in the criminal court and **may** be ineligible to serve in the family court:**

- Bailiff
- Community Assessor (involved in the selection of police officers and related roles)
- Community Safety Partnership member
- Crown Prosecution Service employee
- Highways Agency Traffic Officer
- Independent Custody Visitor
- National Crime Agency employee
- Police Community Support Officer
- Police and Crime Commissioner (and Deputies)
- Police Officer
- Police Special Constable
- Prison Service Employee (and spouses/partners)
- Probation Assistant
- Probation Officer
- Probation Prosecutor
- Restorative Justice Panel member
- Store Detective
- Traffic Warden
- Youth Offender Panel / Team / Referral Panel / Youth Justice Board (member or employee)

**Please also note:**

- Former employees may be ineligible until two years have lapsed since leaving the

role.

- Spouses, partners or close relatives of the above may not be eligible to serve as a magistrates in the same local justice area.

The following are not automatically ineligible. Eligibility will depend on the circumstances or may require conditions to apply. Contact your local advisory committee for advice before you decide to apply:

- Appropriate Adult
- Barrister
- Care Manager
- Children's Guardian
- Citizens Advice Bureau (employee or volunteer)
- Civil Servant
- Crown Prosecution Service Inspectorate Inspector
- Educational Welfare Officer
- Family Mediation Service employee
- Health Authority employee
- H.M. Forces employee/member
- Independent Monitoring Board member
- Interpreter
- Lay Observer (who inspect prisoner/transport holding conditions)
- Licensee
- Local Authority employee (not including teachers)
- Local Children Safeguarding Board member
- Mackenzie Friend
- Member of UK or European Parliament or Welsh Assembly
- Minister of Religion
- Neighbourhood Watch member
- National Society for Prevention of Cruelty to Children employee
- Parole Board member
- Party Political Agent (full time/paid)
- Police and Crime Panel member

- Police non-staff support worker or volunteer
- Prison After-Care worker
- Probation Trust Board member
- Relate Counsellor (or similar)
- Royal Society for Prevention of Cruelty to Animals employee or volunteer
- Samaritan
- Security Officer
- Sheriff
- Social Worker
- Solicitor
- Victim / Witness Support Scheme member

