

Guidance for Applicants - Advisory committee membership)



Lord Chancellor's Directions, Appendix 1B (Part 1)

Introduction

Thank you for your interest in becoming a member of one of the Lord Chancellor's advisory committees on justices of the peace, which carry out important work in the justice system of England and Wales.

These guidance notes apply to prospective members of advisory committees. Please read them carefully before submitting your application.

If you have any questions, contact the relevant advisory committee.

Equality and Diversity Statement

Advisory committee members 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 underrepresented amongst the committee memberships. 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 the benefit of reasonable adjustments, to carry out the full range of a member's duties.

Status and Functions of Advisory Committees

The Lord Chancellor's advisory committees on justices of the peace are non-departmental public bodies which carry out functions on behalf of the Lord Chancellor and the Lord Chief Justice. The committees are classified as public authorities under the provisions of the Freedom of Information Act 2000.

To ensure a mix of judicial and non-judicial experience, advisory committees are composed of approximately two-thirds magistrates and one-third non-magistrate members.

From 1 May 2019, there shall be: Twenty-four advisory committees responsible for the recruitment of magistrates; and Seven regional advisory committees with responsibility for the conduct of magistrates;

The functions of recruitment advisory committees are to:

- Recruit and recommend to the Senior Presiding Judge (exercising functions on behalf of the Lord Chief Justice) candidates for appointment to the magistracy;
- Recruit and recruit and recommend to the Lord Chancellor, candidates for membership of the advisory committee;
- Consider requests for review of decisions relating to recommendations for appointment; encourage applications to the magistracy and advisory committee membership from underrepresented groups;

- consider and provide observations on the data gathered by the committee secretary as part of judicial resource exercises;

The functions of conduct advisory committees are to:

- ensure that magistrates fulfil their obligations to sit and complete required training, and maintain the commitments given by signing the Declaration and Undertaking;

- investigate allegations of misconduct by magistrates and make recommendations to the Lord Chief Justice and the Lord Chancellor in accordance with the Judicial Conduct (Magistrates) Rules 2014 and Justice of the Peace Rules 2016;

- consider decisions by the Family Training, Approvals, Authorisations and Appraisals Committee (FTAAAC) and Justices' Training Approvals, Authorisations and Appraisals Committee (JTAAAC) where a magistrate has failed to reach the required standard and to make any formal recommendation for removal to the Lord Chief Justice and the Lord Chancellor in accordance with the Judicial Conduct (Magistrates) Rules 2014 and the Justice of the Peace Rules 2016;

- manage post-appointment matters such as transfers across local justice areas, re-appointments and re-activations and consideration of matters relating to sittings and leave of absence requests referred to the committee by bench chairs;

- maintain strategic oversight of sitting levels and leave of absence to ensure they are aware of issues that may impact upon future recruitment numbers

Conduct advisory committee members are recruited from the recruitment advisory committees so as to maintain cross-fertilisation of experience. Direct recruitment into advisory committees is therefore through applying for, and gaining experience of, recruitment advisory committees.

Eligibility Criteria

Age

The minimum age for appointment to an advisory committee is **18**. The retirement age is **70**.

Nationality

British nationality is not a requirement. However, individuals in the process of seeking asylum or applying for indefinite leave to remain in the UK are ineligible.

Residence

Magistrate applicants should apply to the committee which covers the area in which they serve. Non-magistrate applicants should apply to the committee which covers the area in which they either live or work.

Health

The Lord Chancellor will not appoint anyone whose health prevents them from fully carrying out the duties of an advisory committee member.

Disability

Applications are welcome from people with a disability who are able, either unassisted or with the benefit of reasonable adjustments, to carry out the full range of duties.

Qualities Required

Advisory committee members must:

- Have integrity, be circumspect, and be 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 advisory committee into disrepute.
- Appreciate and accept the need for the rule of law and have a good understanding of the role of the magistracy in the justice system.
- Be able to communicate effectively with courtesy and professionalism.
- Be able to work as part of a team and engage in collective decision making.
- Be able to think logically, weigh arguments and reach balanced decisions.
- Have a good knowledge and understanding of social issues in the local area in which they wish to serve, in particular the causes and effects of crime.
- Have respect for, and understanding of, social diversity.
- Demonstrate enthusiasm for advisory committee work and be able to make the necessary time commitment to the duties and training required.

Experience of the following is desirable, but not essential:

- Interviewing candidates in an employment context or for other public appointments/voluntary roles.
- Working with disciplinary/investigatory procedures.

Advisory committee members are expected to:

- Abide by the seven principles set out in the Standards in Public Life: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty and Leadership.
- Attend training.
- Attend meetings of the committee.
- Be willing and able to make a fulsome contribution to the work of the committee, including attending meetings.
- Adhere to the policies and processes set out in The Lord Chancellor and Secretary of State's Directions for Advisory Committees on Justices of the Peace.¹¹
- Follow any additional guidance issued by the Lord Chief Justice, the Lord Chancellor (or their delegates).

Term of Appointment

Members will be appointed for a term of **nine years** or until they reach the age of **70**, whichever is sooner. It is not mandatory to serve for a full nine years.

Former members who previously served less than a nine-year term are not precluded from serving a further term. However, the cumulative total of both terms must not exceed nine years.

The Lord Chancellor may terminate a member's appointment with the agreement of the Lord Chief Justice or the member concerned.

Convictions and Orders

The Lord Chancellor will not appoint anyone in whom the public would be unlikely to have confidence.

¹¹ <https://www.judiciary.gov.uk/publications/advisory-committees-justices-peace/>

A civil order or a minor criminal offence in the past will not necessarily disqualify you for appointment; advisory committees and the Lord Chancellor will consider:

- The nature and seriousness of the matter.
- When it occurred.
- The penalty or order imposed.
- Any subsequent convictions/orders.

Appendix A contains detailed guidance about the disclosure of past convictions and orders.

Non-magistrate applicants must declare any convictions, cautions or orders which qualify for disclosure under the guidance. Magistrate applicants will have provided any relevant information as part of the magistrates' selection process.

Other Factors Concerning Membership

Magistrate members

Magistrate members must be serving magistrates.

Bench chairmen and deputies are excluded from membership of advisory committees and subcommittees.

Non-magistrate members

Former magistrates will not be appointed as non-magistrate members.

The guidance at **Appendix B** lists occupations which will generally preclude a non-magistrate from membership of an advisory committee. In any doubt about your eligibility for appointment, contact the relevant advisory committee.

Application and Selection Process

The Lord Chancellor has overall responsibility for the recruitment and selection of advisory committee members. Advisory committees carry out recruitment and selection on the Lord Chancellor's behalf and recommend candidates for appointment to the Judicial Office Magistrates HR Team, 10th Floor Thomas More Building, Royal Courts of Justice, Strand, London WC2A 2LL.

The following principles apply to the handling of all applications:

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

To make your application, complete the **application form** and submit it to the relevant advisory committee.

Please also complete the **diversity monitoring questionnaire** (completion is not mandatory, but would be appreciated).

Your completed documents should be submitted by email or post to the relevant advisory committee.

The advisory committee will obtain references using the information provided in your application form.

The committee will then contact you to arrange an interview. The interview panel will typically be composed of:

- The advisory committee chairman (or their nominee) to chair the panel.
- One or two advisory committee members (at least one of whom will be a non-magistrate).
- An independent panel member who should be from a different advisory committee.

The panel will ask questions intended to give you the opportunity to demonstrate that you possess the qualities required of advisory committee members; for example, by discussing the skills and experience you have gained from employment or in other voluntary roles.

You will be informed about the outcome of your application as soon as possible following the interview. Appointments will be confirmed in writing.

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 and will not be questioned about their disability at interview.

In accordance with the Equality Act 2010, the Judicial Office Magistrates HR Team will write to all candidates who are recommended for appointment to ask whether they require reasonable adjustments.

Review of Decision Not to Recommend for Appointment

Candidates who are not recommended for appointment and who believe the selection process has been misapplied, or that they have been treated unfairly, are entitled to request a review of the decision by the Lord Chancellor. Advisory committees will inform unsuccessful candidates about the process for requesting a review.

Candidates who remain dissatisfied after a review are entitled to complain to the Commissioner for Public Appointments. Further information is available at:
<http://publicappointmentscommissioner.independent.gov.uk/what-we-do/complaints-and-investigations/>

Training

All new advisory committee and subcommittee members are required to participate in mandatory training, which is currently two consecutive days. Details will be provided following appointment.

Matters to Bring to the Attention of the Committee Secretary

Members must inform the committee secretary:

- Of any impending criminal or civil proceedings against them, or in which they become involved in any capacity, and of the outcome.
- If they become bankrupt or involved in any other financial difficulties, or if a company of which they are a director goes into liquidation.
- If a spouse, civil partner, partner, family member or close relative is involved in any criminal proceedings, and of the outcome.
- If they intend to accept a position or office which would have disqualified them from appointment to the committee.

Register of Interests

New members will be required complete a declaration of interests on appointment to enable their advisory committee to maintain a register of interests.

Expenses

Applicants for advisory committee vacancies are not entitled to claim expenses incurred in the process of pursuing their application.

Once appointed, members are entitled to claim certain limited allowances for the cost of travel, subsistence and any loss of earnings incurred in the course of committee work.

Information about allowances can be obtained by contacting the relevant advisory committee.

Appendix A Disclosure Guidance for Prospective Advisory Committee/Subcommittee Members

Introduction

There must be nothing in an advisory committee or subcommittee member's past which could cast doubt on their credibility and standing in the eyes of the public. While a minor criminal offence or civil order in the past will not necessarily disqualify you for appointment, the Lord Chancellor will not appoint anyone in whom the public would be unlikely to have confidence.

Follow the guidance below carefully when completing your application form. Provide as much information as you can.

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 Cautions

The Rehabilitation of Offenders Act 1974 governs the disclosure of convictions and cautions by prospective employees and holders of public office. Under the Act, following a specified period of time which varies according to the disposal administered or sentence passed, all cautions and convictions (except those resulting in prison sentences of over 30 months) are regarded as 'spent'.

You must declare any convictions or cautions you have received which are not 'spent' within the meaning of the Act. It is your responsibility to ensure that you have disclosed any relevant conviction or caution. You can find further guidance about spent convictions at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216089/rehabilitation-offenders.pdf

3. Driving Offences

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 selected for appointment)
- 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 selected for appointment. If the total number of points currently endorsed on your licence exceeds six, this will also normally prevent you from being selected for appointment.)

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

4. Penalty Notice for Disorder

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

5. 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 which has not been satisfied (i.e. the debt has not been paid off)

6. 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 relative¹² or a close friend has convictions or cautions which would qualify for disclosure under Sections 1 or 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.

¹² **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 B - 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 member of an advisory committee.

These lists are not exhaustive. If in doubt, contact the advisory committee to which you intend to apply for advice.

The following are ineligible to serve as members of an advisory committee or subcommittee

- 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
- Mackenzie Friend
- 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/facilitator
- Store Detective
- Traffic Warden
- Youth Offender Panel / Team / Referral Panel / Youth Justice Board (member or employee)

The following occupations do not automatically disqualify someone from appointment. 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

- 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