

Leadership and management of the judicial business of the magistrates' courts

February 2018

Introduction

1. This document is issued by the Lord Chief Justice (LCJ) in accordance with his responsibilities pursuant to the Constitutional Reform Act 2005, s 7(2) and as head of the judiciary:
 - (i) to ensure maintenance of appropriate arrangements for the deployment of judicial office holders and allocation of work within Magistrates' Courts, other than those under the governance of the Family Court;
 - (ii) to enable the views of the magistracy to be considered and to provide guidance to them;
 - (iii) to notify arrangements for the provision of pastoral care for all magistrates, including matters of welfare.

National Governance

Senior Presiding Judge.

2. The Senior Presiding Judge is delegated overall responsibility for pastoral care for all magistrates as indicated in paragraph 1 above, and will seek the advice and assistance of Judicial Office HR and JICO when relevant.

Magistrates' Liaison Group

3. The Magistrates' Liaison Group ("MLG") will consider:
 - a) matters of policy and implementation relating to the operation of magistrates' courts;
 - b) welfare and guidance for magistratesand will arrange to consult the magistracy and district bench (via the Chief Magistrate) on any relevant proposals for change in business or governance as prescribed by legislation or otherwise. The MLG will advise the LCJ on policy proposals and, through the Judicial College, on the impact of a) or b) above on training requirements.
4. *Composition*

The membership of this group will comprise:

 - i. the Senior Presiding Judge, chair;

- ii. the Senior District Judge (Chief Magistrate);
- iii. the Chairs of the National Bench Chairmen’s Forum [Magistrates Leadership Executive (MLE0) and the Magistrates Association;
- iv. a Head of Legal Operations
- v. a representative of the Judicial College;
- vi. a representative of Judicial Office HR;
- vii. the HMCTS Deputy Director with responsibility for Crime; and
- viii. other such people as may be invited or appointed to the MLG from time to time (in accordance with para 10 below).

Judicial Oversight Group

- 5. The Judicial Oversight Group (“JOG”) will consider matters relating to the efficient and effective performance of, and the arrangements made for the conduct of, judicial business in the Magistrates’ Courts of England and Wales in accordance with the overriding objective of the Criminal Procedure Rules and the principles of Transforming Summary Justice, and will identify and promulgate best practice.

- 6. *Composition*

The membership of this group will comprise:

- i. the Deputy Senior Presiding Judge, chair;
- ii. the High Court Lead Judge on magistrates ;
- iii. the Senior District Judge (Chief Magistrate);
- iv. the Chair of the National Bench Chairmen’s Forum National Leadership Magistrate];
- v. a Head of Legal Operations;
- vi. the HMCTS Deputy Director with responsibility for Crime; and
- vii. other such people as may be invited or appointed to the JOG from time to time (in accordance with para 10 below).

- 7. The secretariat for both MLG and JOG will be provided by the SPJ’s office.

Conduct of Business

8. The MLG and JOG will meet quarterly, or more often as business requires. Members of the group will be expected to attend each meeting but, in exceptional circumstances and upon prior notification to the Chair, a member may authorise a deputy to attend and speak on their behalf.
9. Decisions will be made by simple consensus of the judicial office-holders, taking into consideration the views of the other non-judicial members of the groups. In default of consensus, the Chair shall determine the issue but will, in advising the LCJ on matters of policy, alert him to the minority view.
10. **Invitees** - The MLG /JOG may invite additional judicial office holders, Judicial Office/College staff or members of relevant criminal justice agencies, to attend all or part of a meeting on specific agenda items upon which their views are sought or to update the MLG /JOG on aspects of their work respectively, where such information may assist the MLG/JOG in its decisions regarding arrangements for the management of judicial business

Circuit Governance

Judicial Business Groups

11. Each circuit shall have a Judicial Business Group (“JBG”) responsible for advising the Presiding Judges in the exercise of their delegated responsibilities to ensure the efficient and effective dispatch of Magistrates’ Court business on circuit. The South East Circuit shall have two JBG’s, one representing inner London and the other, the remainder of the South East Circuit.
12. *Composition*
The membership of each JBG will comprise:
 - i. a Presiding Judge (chair);
 - ii. up to two District Judges (MC), nominated by the Senior District Judge (Chief Magistrate);
 - iii. the regional representative of the NBCF [MLE] and up to two further Bench Chairs, nominated by the Regional Bench Chairmen’s Forum [Regional Magistrates Leadership Group (RMLG)];
 - iv. one regional representative of the MA nominated by the MA;
 - v. the Head of Legal Operations, or their nominee; and
 - vi. the Delivery Director, or their nominee.

13. Each JBG is accountable to the JOG for ensuring that there are appropriate arrangements in place for the efficient and effective conduct of the judicial business of the magistrates' courts on circuit, specifically to ensure that:
 - i. the judicial business of the magistrates' courts is conducted efficiently and expeditiously in the interests of justice, according to the overriding objective of the Criminal Procedure Rules and the principles of Transforming Summary Justice;
 - ii. resources are equitably deployed to meet the wider interests of justice;
 - iii. strategic listing policies are devised and applied within any parameters set by the Judicial Oversight Group, supporting magistrates to achieve their minimum sitting days requirement;
 - iv. all magistrates are able to undertake appropriate training and receive regularly appraisal;
 - v. there is liaison with the Family Division Liaison Judge in relation to (ii) and (iv) above.
14. The JBG will collate and provide quarterly reports to the JOG on the performance of each Magistrates' Court conducting criminal business on circuit.
15. The JBG will determine and manage any Bench or Panel Mergers on circuit.
16. The secretariat will be provided by the Head of Legal Operations, or their nominee.

Conduct of Business

17. **Meetings** – Each JBG will meet quarterly, or more often as business requires. Members of the group will be expected to attend each meeting but, in exceptional circumstances and upon prior notification to the Chair, a member may authorise a deputy to attend and speak on their behalf.
18. **Chair** – The JBG shall be chaired by the Presiding Judge or their nominee.
19. **Term of Office** – An individual shall continue to be a member of the group whilst they hold any office that entitles them to membership, or for such period as the person or persons nominating or appointing them for membership of the group shall determine.
20. **Decisions** – The JBG will reach decisions by simple consensus of the judicial office holders, taking into consideration the views of the non-judicial office holder members of the group. In default of consensus, the Chair shall determine the issue, but shall alert JOG of the minority view if the issue is of wider/national interest, in which case the decision of JOG is final.

21. **Papers** –The agenda and papers will be distributed to all members of the JBG at least one week prior to any meeting, and at the same time be distributed to all Bench Chairmen on circuit. All recipients of any document marked as ‘confidential’ must observe the confidentiality. The JBG secretariat will summarise JBG discussions and decisions of issues not marked confidential for wider distribution to benches.
22. **Invitees** - The JBG may invite additional Panel or Committee Chairs, or members of relevant criminal justice agencies, to attend all or part of a meeting on specific agenda items upon which their views are sought or to update the JBG on aspects of their work respectively, where such information may assist the JBG in its decisions regarding arrangements for the management of judicial business

Judicial Delivery Groups

23. Each circuit shall have Judicial Delivery Groups (“JDG”), responsible for ensuring that the listing arrangements agreed by the JBG are implemented satisfactorily in the relevant local justice area or group of local justice areas so that all cases are heard and disposed of with the minimum of delay and in accordance with the principles set out at para 13 above.
24. *Composition*
The membership of each JDG will comprise:
 - i. A judge, nominated by the Presiding Judges;
 - ii. The Bench Chair (or Chairs if there is more than one bench);
 - iii. A District Judge (Magistrates’ Courts), nominated by the Senior District Judge (Chief Magistrate);
 - iv. A person nominated by the Head of Legal Operations;
 - v. The Cluster manager or their nominee.
25. The JDG will:
 - i. raise any concern about the provision and maintenance of adequate resources to ensure the efficient delivery of the business of the local justice area immediately with HMCTS, and notify the JBG accordingly;
 - ii. review Magistrates’ Court sitting arrangements and report any delays, backlogs or concerns to the JBG on a quarterly basis;
 - iii. provide quarterly reports to the JBG on the performance of each Magistrates’ Court conducting criminal business in the local justice area or group of local justice areas.

26. The secretariat will be provided by the Head of Legal Operations, or their nominee

Conduct of Business

27. **Meetings** – Each JDG will meet quarterly, or more often as business requires. Members of the group will be expected to attend each meeting but, in exceptional circumstances and upon prior notification to the Chair, a member may authorise a deputy to attend and speak on their behalf.
28. **Chair** – Each JDG should elect a chair from amongst the judicial office holder members. This election should take place annually.
29. **Decisions** – The JDG will reach decisions by simple consensus of the judicial office holders, taking into consideration the views of the other non-judicial office holder members of the group. In default of consensus, the Chair shall determine the issue
30. **Invitees** - The JDG may invite additional Panel or Committee Chairs, or members of relevant criminal justice agencies, to attend all or part of a meeting on specific agenda items upon which their views are sought or to update the JDG on aspects of their work respectively, where such information may assist the JDG in its decisions regarding arrangements for the management of judicial business
31. **JDG areas** – A list of JDGs and the local justice areas they cover are contained in the annex below, any changes to JDG areas or responsibilities require approval by the JOG, after consultation with the relevant JBG.

Reporting of JBG and JDG.

32. The JDGs will provide a report to the relevant JBG in accordance with paragraph 25 iii within 21 days of the end March, June, September and December. The JBGs will provide a report to JOG in accordance with paragraph 14 within 14 days thereafter. Meetings of JDG, JBG and JOG shall be arranged accordingly.

Her Majesty's Courts and Tribunals service

33. Her Majesty's Courts and Tribunals Service (HMCTS) has a joint responsibility to the Lord Chancellor and the LCJ to support judicial office holders in the execution of their independent judicial functions by the provision and maintenance of court estate, administrative and legal services.

Annex: Judicial Delivery Groups

Circuit/Region	JDG	LIAs Covered
London	North & West London	East London, North East London, North London, North West London, West London, South West London.
London	Central & South London	Central London, South London, South East London.
Midlands	Nottinghamshire & Derbyshire	Northern Derbyshire, Southern Derbyshire, Nottinghamshire.
Midlands	West Mercia	Herefordshire, Staffordshire, Shropshire, Worcestershire.
Midlands	West Midlands & Warwickshire	Coventry & Warwickshire, Black Country, Birmingham & Solihull.
Midlands	Leicestershire, Lincolnshire & Northamptonshire	Northamptonshire, Lincolnshire County, Leicestershire & Rutland.
North East	South Yorkshire & the Humber	Humber, South Yorkshire.
North East	Northumbria	North Northumbria, South Northumbria.
North East	Cleveland & Durham	County Durham, Cleveland.
North East	North & West Yorkshire	North Yorkshire, West Yorkshire.
North West	Lancashire & Cumbria	North & West Cumbria, South Cumbria, Lancashire.
North West	Merseyside & Cheshire	Cheshire, Merseyside.
North West	Greater Manchester	Greater Manchester.
South East	Norfolk & Suffolk	Norfolk, Suffolk.
South East	Kent	North Kent, Central Kent, East Kent.
South East	Cambridgeshire & Essex	North Essex, South Essex, Cambridgeshire.
South East	Surrey & Sussex	Surrey, Sussex (Eastern), Sussex (Central), West Sussex.
South East	Thames Valley	Berkshire, Oxfordshire, Buckinghamshire.
South East	Bedfordshire & Hertfordshire	North & East Hertfordshire, West & Central Hertfordshire, Bedfordshire.

Circuit/Region	JDG	LJAs Covered
South West	Avon, Somerset & Gloucestershire	Avon & Somerset, Gloucestershire.
South West	Hampshire & the Isle of Wight	Isle of Wight, East Hampshire, North Hampshire, County of Wiltshire, West Hampshire.
South West	Devon, Cornwall & Dorset	Cornwall, North & East Devon, South & West Devon, Dorset.
Wales	Dyfed Powys & North Wales	Montgomeryshire, North Central Wales, North West Wales, Carmarthenshire, Ceredigion & Pembrokeshire, North East Wales.
Wales	Gwent & South Wales	West Glamorgan, Gwent, Cardiff, Mid Wales.