



Ministry of
JUSTICE

Lord Chancellor and Secretary of State's Directions for Advisory Committees on Justices of the Peace

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JUSTICE

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Introduction

This edition of the Lord Chancellor and Secretary of State's Directions for Advisory Committees on Justices of the Peace replaces the edition issued in August 2011 (and refreshed in November 2012). The document is laid out in five parts:

- Part 1 – Advisory committees
- Part 2 – Eligibility for the magistracy
- Part 3 – The magistrates selection process
- Part 4 – Submitting recommendations for appointment
- Part 5 – Matters arising after appointment

Advisory committees must adhere to these Directions. However, it is recognised that the Directions cannot cater for every circumstance that will arise in the course of a committee's work. Committees should use sensible discretion in dealing with such issues, ensuring that they do not deviate from the spirit of the Directions. They should always seek guidance from their named contacts on the Magistrates HR Team at the Judicial Office (details of whom are circulated regularly) about any queries regarding the application of these Directions to a particular issue.

The Lord Chancellor acts in consultation with the Lord Chief Justice as Head of the Judiciary in matters concerning the appointment of magistrates. Both place considerable confidence in advisory committees and will generally act on their recommendations and support their decisions. However, there may be occasions when the Lord Chancellor or the Lord Chief Justice disagree with a committee's decision and overrule it. In doing so, they will provide the committee with their reasons.

Advisory committees' role in disciplinary proceedings is given by the Complaints (Magistrates) Rules.¹ These rules are part of a system in which statutory responsibility for judicial disciplinary issues is ultimately shared by the Lord Chancellor and the Lord Chief Justice.

This document can be accessed online via the Judicial Office website www.judiciary.gov.uk/publications-and-reports/guidance/advisory-committees-justices-peace. Email copies in Word or PDF format are available on request from the Magistrates HR Team.

Hard-copies will only be made available in exceptional circumstances. Any requests for hard-copies, or for copies in alternative formats such as Braille, should be made to the Magistrates HR Team.

¹ www.judicialcomplaints.gov.uk/publications.htm

Part 1 – Advisory committees

Status

- 1.1. The Lord Chancellor's advisory committees on justices of the peace are advisory non-departmental public bodies which carry out functions on behalf of the Lord Chancellor.
- 1.2. The Lord Chancellor determines the number of advisory committees, their organisation, structure, membership and operating practices.

Functions

- 1.3. The functions of advisory committees are to:
 - recruit and recommend to the Lord Chancellor and Lord Chief Justice candidates for the magistracy (within parameters set by Her Majesty's Courts and Tribunals Service (HMCTS) – **(Appendix 1A)**, and candidates for membership of the advisory committee (and any sub-committees);
 - to consider the data gathered by the secretary/justices' clerk as part of the annual judicial resource exercise and provide observations on the factual data, at the same time as the relevant bench chairmen and a representative of the Magistrates' Association;
 - establish (if needed), and oversee the work of, sub-committees;
 - ensure that magistrates fulfil their undertaking to sit and complete any required training;
 - draw the attention of bench chairmen and justices' clerks to magistrates sitting too little or too often, and take action accordingly;
 - investigate allegations of misconduct by magistrates and make recommendations to the Lord Chief Justice and the Lord Chancellor in accordance with the Complaints (Magistrates) Rules; and
 - review decisions by the Bench Training and Development Committee (BTDC) that 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 Complaints (Magistrates) Rules.

Advisory sub-committees

- 1.4. Advisory committees will decide, following discussion with HMCTS, how many, if any, sub-committees are required in their respective areas.
- 1.5. The functions of sub-committees are to:

- recruit and interview candidates for the magistracy, as required by the advisory committee;
 - contribute to the development of recruitment strategies; and
 - monitor the sittings of individual magistrates on their benches.
- 1.6. Sub-committees exercise their functions on behalf of the parent advisory committee. They must not deviate from any guidance or instruction given to them by the advisory committee.
- 1.7. The secretary of the advisory committee should keep the need for sub-committees under review and, if appropriate, revise the structure in order to make best use of their and HMCTS resources.
- 1.8. The decision to establish or dissolve sub-committees should be based solely on the need to conduct the functions of the parent advisory committee as efficiently as possible.
- 1.9. Before varying the existing structure, the secretary should consult the chairman of the parent advisory committee, the chairmen of any existing sub-committees, and the appropriate senior official in HMCTS.

Advisory committee and sub-committee secretaries

Appointment

- 1.10. Each advisory committee will have a secretary who will be appointed to the role by virtue of being the justices' clerk for the area.
- 1.11. The Magistrates HR Team should be notified of any impending change to the role of secretary resulting from a change of justices' clerk. The Magistrates HR Team will send a letter of appointment to the new secretary.

Appointment of deputy secretaries

- 1.12. The secretary may appoint a deputy with the agreement of the committee chairman. The Magistrates HR Team should be notified and will issue a letter of appointment.

Delegation of work

- 1.13. In addition to (or instead of) the appointment of a deputy, secretaries may delegate their duties to suitable colleagues, as they consider appropriate.

Appointment of sub-committee secretaries

- 1.14. The secretary should agree recommendations for the position of secretary to any sub-committees with the chairman of the sub-committee. Recommendations should be forwarded to the Magistrates HR Team, who will issue a letter of appointment.

Duties

- 1.15. The duties of the secretary are to:
- ensure that the Lord Chancellor and Lord Chief Justice’s policies are understood and adhered to by the committee (and to provide advice on any related query);
 - provide the committee with details of the number of new magistrates required following the annual judicial resource exercise;
 - oversee the recruitment of new magistrates and committee members;
 - acknowledge and oversee the appropriate scrutiny of applications (and notify any applicant who is ineligible for selection);
 - seek references;
 - arrange interviews and notify candidates;
 - ensure reasonable adjustments are made to enable candidates with a disability to be interviewed;
 - keep candidates informed of progress on, and about the outcome of, their application;
 - prepare the appointments submission and the annual sittings report of the advisory committee; and
 - support conduct investigation panels, as required by the Complaints (Magistrates) Rules.
- 1.16. Secretaries also have an important role in providing advice to their committee. This may include advice on selection policy, screening applications, reminding the committee of evidence relating to an applicant, and quality assurance of completed interview assessment forms.
- 1.17. Secretaries must not play any part in decision-making about the selection of individual magistrates or committee members.

Advisory committee and sub-committee chairmen

Appointment of lords-lieutenant

- 1.18. The Lord Chancellor, with the agreement of the Lord Chief Justice, will usually invite lords-lieutenant to chair advisory committees within their counties.
- 1.19. Where a committee area intersects with more than one lieutenancy, each group of lieutenancies should agree amongst themselves which lord-lieutenant should chair the advisory committee. The role may be shared provided that the committee has no objection.
- 1.20. A lord-lieutenant may continue to chair an advisory committee until they cease to be a lord-lieutenant.

Appointment of chairmen who are not lords-lieutenant

- 1.21. The Lord Chancellor, with the agreement of the Lord Chief Justice, will appoint chairmen of advisory committees and sub-committees who are not lords-lieutenant on the recommendation of the members of the advisory committee (or sub-committee) concerned.
- 1.22. It is for each committee to decide how to reach their nomination. In the absence of an agreement, the secretary should conduct a secret ballot. If that is inconclusive, the outgoing chairman will have the deciding vote.
- 1.23. An advisory committee chairman may challenge a recommendation from a sub-committee if they consider it appropriate to do so. They should first challenge the recommendation with the sub-committee. If there is no agreement, they should refer the matter to the Magistrates HR Team.
- 1.24. Once appointed, the chairman will remain in the role for the period of their appointment to the committee, unless they choose to resign earlier or the Lord Chancellor terminates their appointment.

Appointment of deputy chairmen

- 1.25. The chairman may nominate a deputy to carry out duties on their behalf.

Duties

- 1.26. The duties of the chairman are to:
 - ensure that the committee meets at appropriate intervals and to chair the meetings;
 - chair interviews for new committee members;
 - ensure that new members are briefed on appointment;
 - represent the role of the committee to the public as necessary;
 - provide an assessment on request of a member's performance if they are being considered for appointment to another public body; and
 - chair conduct investigation panels (see Complaints (Magistrates) Rules).
- 1.27. The chairman (or nominated deputy), with the committee's agreement, may act on behalf of the committee and also in the following circumstances:
 - an urgent matter has to be resolved before a meeting of the committee or sub-committee can be convened; or
 - a confidential matter arises which cannot be dealt with by the full committee or sub-committee.

Advisory committee members

Appointment

- 1.28. The Lord Chancellor appoints members of advisory committees and sub-committees with the concurrence of the Lord Chief Justice. He has delegated this function to officials on the Magistrates HR Team.

Duties

- 1.29. The duty of advisory committee and sub-committee members is to carry out the functions of their committees as defined by these Directions. In doing so, they must engage fully in collective consideration of the issues and follow any guidance issued by the Lord Chancellor and/or the Lord Chief Justice.

Size and composition of membership

- 1.30. Advisory committees should have enough members to carry out their work expeditiously, but not so many as to spread the work too thinly or generate unnecessary costs.
- 1.31. The secretary may decide to vary the size of the advisory committee to achieve the optimum number of members. Before doing so, he or she must consult the chairman and the appropriate senior HMCTS official. Key considerations will be workload and the number of magistrates covered by the committee.
- 1.32. At least **one third** of an advisory committee's members must be non-magistrates. This is to enable, as far as is practicable, one member of every interview panel to be a non-magistrate.

Exclusions from membership

Magistrates

- 1.33. There are few factors which would disqualify a serving magistrate from membership of an advisory committee or sub-committee. An example would be the presence of a spouse, civil partner, partner or close relative on the committee.

Non-magistrates

- 1.34. For non-magistrates, committees should use the factors listed at **Part 2** of these Directions as disqualifying someone from appointment to the magistracy as a broad guideline on eligibility.

Bench chairmen

- 1.35. In order to maintain an appropriate degree of separation, bench chairmen and deputy chairmen are excluded from membership of advisory committees and sub-committees. However, it is important for there to be good working relations between committees and bench chairmen, who should be involved in any discussions which pertain to the needs of the

bench. They must not sit in on interviews for new magistrates or be present during discussions about candidates or conduct matters.

- 1.36. However, outside these constraints it is permissible for bench chairmen and deputies to be invited to attend advisory committee meetings in a non-voting “consultant” capacity if they can provide relevant and first-hand information that would help the committee to have the most informed debate about certain issues. Where this does happen, bench chairmen and deputies must withdraw from the meeting and take no part in confidential agenda items, for example conduct investigations/ disciplinary matters.

Bench Training and Development Committee

- 1.37. Advisory committee members must not be members of the BTDC. There is a potential conflict of interest should the BTDC decide to report a magistrate to the committee on the grounds of lack of competence.

Parliamentary candidates and political agents

- 1.38. Committee members must resign if they are adopted as a parliamentary candidate, or appointed a full-time political agent, for a constituency in the area for which the committee acts, or for an adjoining area.

Former members

- 1.39. Former members of advisory committees and sub-committees who have completed a full nine-year term of appointment already will not normally be reappointed.

Recruiting members and advertising a vacancy

Recruiting members

- 1.40. The selection process, selection criteria and publicity strategy for a successful appointment, must be discussed and agreed at the outset of each recruitment campaign.

Magistrate members

- 1.41. Information on magistrate member advisory committee vacancies must be made available to all magistrates within the area covered by the advisory committee and any sub-committees. The vacancy **must** be advertised. This may be done by advertising in the courts within the boundary area.

Non-magistrate members

- 1.42. Advisory committees will decide whether there is a need to recruit non-magistrate members according to local circumstances. In making this

decision, committees must give particular attention to the need to attract as diverse a range of candidates as possible and to minimise cost.

- 1.43. Any form of recruitment activity which entails a cost must be given prior approval by the appropriate senior HMCTS official.
- 1.44. All non-magistrate member vacancies **must**, as a minimum, be advertised on the Cabinet Office's public appointments website: www.publicappointments.gov.uk. Advisory committees should complete the template provided at **Appendix 1I** to place vacancies on the Public Appointments website. The completed form and any attachments should be emailed to: publicappointmentsteam@justice.gsi.gov.uk. The form can also be sent to the: Ministry of Justice, Public Appointments Team, Arms Length Bodies Governance Division, Corporate Performance Group, 10th Floor 10.10, 102 Petty France, London SW1H 9AJ. For enquiries relating to the placement of vacancies on the website, advisory committees should contact **Alex Randall, Public Appointments Advisor**, by email: alex.randall@justice.gsi.gov.uk or telephone on: 020 3334 5365. Advisory committees will be notified of any change to the Public Appointments Advisor contact.
- 1.45. In addition to advertising vacancies on the Cabinet Office website, advisory committees may also advertise by using other appropriate media according to local circumstances.
- 1.46. All publicity material should display the Commissioner for Public Appointments' regulatory kite mark. An electronic format of the Commissioner's kite mark for use by advisory committees on local publicity materials can be obtained by contacting the Magistrates HR Team.
- 1.47. Advisory committees recruiting in Wales must give particular attention to the requirements of their respective Welsh language schemes.

Recruiting sub-committee members to an advisory committee

- 1.48. It is not mandatory for committee members to be members of sub-committees and vice versa. However, when vacancies occur on the parent committee in areas which have sub-committees, consideration should be given to inviting applications from sub-committee members before recruiting externally.
- 1.49. Sub-committee chairmen will automatically be appointed as members of the parent advisory committee.

The application and selection process

Application and information Pack

- 1.50. The application and information pack for candidates should contain the following:

Part 1 – Advisory committees

- Appendix 1B (Part 1) – Applying to become a member of an advisory committee or sub-committee: notes for guidance
- Appendix 1B (Part 2) – Application for appointment as a member of the Lord Chancellor’s advisory committee or sub-committee on justices of the peace
- Appendix 1C (Part1) – Reference for an applicant for appointment as a non-magistrate member of a Lord Chancellor’s advisory committee or sub-committee on justices of the peace
- Appendix 1C (Part 2) – Reference for an applicant for appointment as a non-magistrate member of a Lord Chancellor’s advisory committee or sub-committee on justices of the peace – guidance for referees
- Appendix 1D - Diversity and data monitoring questionnaire
- Appendix 1G – Declaration for register of advisory committee or sub-committee members’ interests

Standard application form

- 1.51. All applicants to an advisory committee (including existing sub-committee members), or to a sub-committee, must complete the standard application form at **Appendix 1B (Part 2)**.

References

- 1.52. A reference must be sought for non-magistrate applicants using the form at **Appendix 1C**.

Diversity and data monitoring questionnaire

- 1.53. All applicants (including existing sub-committee members) must be asked to complete the diversity and data monitoring questionnaire at **Appendix 1D**.

Applications from existing sub-committee members

- 1.54. Applicants to an advisory committee who are already members of a sub-committee are not required to provide a reference or attend an interview. However, where the number of applicants from a sub-committee exceeds the number of vacancies, interviews should be held to select the most suitable candidate objectively and impartially.

- 1.55. When recommending candidates who are already existing members of a sub-committee, advisory committees should provide the Magistrates HR Team with copies of the documents relating to the original member appointment if the existing appointment was made more than two years ago. This is required in order to comply with the Commissioner for Public Appointments regulations for maintaining an audit trail of all appointments and in demonstrating that the member was originally appointed through fair and open competition based on the overriding principle of selection on merit.

Assessment on merit

- 1.56. All candidates for committee membership must be assessed solely on merit against the criteria set out at **Appendix 1B (Part 1)**. No other factors may be taken into account.

Independent Panel Member

- 1.57. The selection panel must be able to assess candidates impartially against the selection criteria in line with the principles of fairness, openness and appointment on merit. In accordance with the Commissioner for Public Appointments' Code of Practice, which is available at; <http://publicappointmentscommissioner.independent.gov.uk/the-code-of-practice>, this assessment must include an external perspective, which will normally be ensured by having one member of the panel who is independent of the appointing advisory committee area to which the appointment is being made. The role of the independent panel member is to provide external challenge and perform as an effective panel member and to participate fully in the selection process including participation on the interview panel, and taking part in the decision making on the final determination of candidates suitable for appointment.
- 1.58. The Commissioner for Public Appointments has agreed that, for reasons of proportionality, the requirement for an independent panel member for advisory committee appointments can be met by sourcing a member from a neighbouring or different advisory committee area to sit in on all interviews for appointment to advisory committees and sub-committees.
- 1.59. It is recognised that the requirement of an independent panel member will result in a four member panel when added to the existing three member panel. Depending on local circumstances or needs, advisory committees can decide whether they wish to have a four member panel or they can alternatively convene with a three member panel by having one magistrate member and one lay member from the appointing committee area and the independent panel member as the third panel member.
- 1.60. In situations where committees experience difficulties in securing an independent panel member, such as instances when a member from a different committee area is not available or unable to travel etc to meet this requirement, an independent panel member can be obtained from another body, Government agency or department. The contact details for the

sponsors of other regional bodies that are part of the MoJ family are provided below and they should be able to help source an independent panel member from their own organisations:

Probation Trusts - Kelly Borrows
Kelly.Borrows@noms.gsi.gov.uk 0300 047 6294

Independent Monitoring Boards - Chris Davies
chris.davies2@justice.gsi.gov.uk 020 7035 2270

Prison Escort Custody Services - Mark Howell
Mark.Howell@hmpps.gsi.gov.uk 01733 443 180

Multi-Agency Public Protection Arrangements - Paul Walsh
Paul.Walsh2@noms.gsi.gov.uk 0300 047 5882

Expenses

1.61. HMCTS will meet the cost of the independent panel member.

Appointments panel

1.62. The advisory committee should establish an appointments panel composed as follows:

- The advisory committee chairman (or their nominee) to chair the panel
- Two advisory committee members, at least one of whom must be a non-magistrate
- An independent panel member, to be agreed by the advisory committee (to provide an external perspective and who is not a member of the appointing advisory committee)

1.63. It is permissible to appoint more than one panel if the number of vacancies warrants doing so.

1.64. The panel(s) will conduct all interviews for advisory and sub-committee membership.

1.65. Candidates will not generally be reimbursed for the cost of travelling to and from interviews, or for any other expenses incurred in the process of pursuing their application. Any decision made locally to reimburse costs to individual candidates would need to be given prior approval by the appropriate HMCTS senior official.

Assessment form and confirmatory statement

- 1.66. The panel chairman must complete the assessment form (**Appendix 1E**) after each candidate has been interviewed.
- 1.67. The chairman must also sign the confirmatory statement (**Appendix 1F**) to confirm that the process has been conducted in accordance with the Commissioner for Public Appointments' Code of Practice for Ministerial Appointments to Public Bodies (see also paragraph 1.82 below). The signed statements should be attached to the completed assessment forms.

Note-taking, tape-recording and the role of the secretary

- 1.68. The guidance at **paragraphs 3.56-3.61** of **Part 3** of these Directions also applies to interviews for advisory committee membership.

Review of a panel's or committee's decision

- 1.69. Candidates not recommended for appointment are entitled to seek a review of the decision. They should be made aware of this in the letter notifying them of the decision and be given a deadline of no more than **three months** from the date of the letter to submit their request for a review. Candidates should also be informed that a request received after the deadline will not be taken forward.
- 1.70. Before a review takes place, the candidate should be informed of the reasons for not recommending them and be invited to comment in writing.
- 1.71. Committees should note that the Lord Chancellor reserves the right to review any decision made in relation to the non-recommendation of a candidate.
- 1.72. The guidance at **paragraphs 3.135 – 3.150** of **Part 3** of these Directions also applies to requests for a review of a sub-committee's decision and an advisory committee's decision respectively.
- 1.73. If a candidate remains dissatisfied after a review by the Lord Chancellor, he/she may take their complaint to the Commissioner for Public Appointments. A candidate may complain to the Commissioner that a selection campaign has not been conducted in compliance with the Code of Practice.
- 1.74. Complaints should be lodged with the Commissioner within 12 months of an appointment being made, but the Commissioner will consider complaints lodged out of time in exceptional circumstances.

Recommending candidates for appointment

- 1.75. The panel makes its recommendations directly to the Lord Chancellor through officials at the Magistrates HR Team. The following documentation **must** be sent to the Team:

- List of the candidate(s) recommended for appointment
- Copy of completed application form
- Copies of reference forms
- Copies of the recommended candidates' completed interview assessment forms
- Copy of the completed diversity and data monitoring questionnaire (**Appendix 1D**). The information contained on this form is required by the Commissioner for Public Appointments. Candidates should be asked to complete this form once the committee has decided to recommend them for appointment
- Copy of the completed appointments confirmatory statement (**Appendix 1F**)
- Confirmation of DBS clearance checks for non-magistrate members
- Copy of advertisement for any recruitment publicity campaigns or details of how and where the vacancy was publicised
- Copy of information pack sent to candidates
- List of any candidates not recommended for appointment

1.76. In compliance with the Commissioner for Public Appointments Code of Practice the Magistrates HR Team are able to process a recommendation for appointment only once all of the above documentation has been received from the advisory committee making the recommendation.

Reasonable adjustments for non-magistrate members

- 1.77. To ensure compliance with the Equality Act 2010 the Magistrates HR Team will write to the candidates recommended for appointment as non-magistrate members. The letter will make an offer of appointment and ask whether the candidate requires reasonable adjustments to assist them in carrying out the duties of a committee or sub-committee member, for example specialist equipment or adaptations to buildings.
- 1.78. If the candidate requires reasonable adjustments, the Magistrates HR Team will contact the advisory committee to discuss how arrangements will be put in place locally to assess the practicability of providing those adjustments.
- 1.79. The presumption must always be in favour of finding ways in which a suitable candidate with a disability can be appointed. Committees should be as flexible as possible in considering how that could be achieved.

Appointment without recommendation from an advisory committee

- 1.80. The Lord Chancellor, with the agreement of the Lord Chief Justice, may in exceptional circumstances make an appointment without seeking a recommendation from a panel.

Publicising appointments

- 1.81. The appointment of the successful candidate must be publicised. This will be arranged by the Magistrates HR Team via a public announcement on the public appointments section of the MoJ website following formal confirmation of the appointment(s) to the advisory committee.
- 1.82. Details of any declared political activity of a successful candidate will be published when the appointment is announced on the website.

The Office of the Commissioner for Public Appointments' Code of Practice for Ministerial Appointments to Public Bodies

- 1.83. The recruitment and selection process for advisory committee and sub-committee members falls within the remit of the Commissioner for Public Appointments and must accord with the principles and essential requirements which underpin the Commissioner's Code of Practice:
- **Merit**
The overriding principle is selection on merit. This means providing the Lord Chancellor and Lord Chief Justice with high quality candidates, drawn from a strong and diverse field, whose skills, experience and qualities have been judged to best meet the needs of the appointing advisory committee or sub-committee.
 - **Fairness**
The selection process must be objective, impartial and applied consistently to all candidates. Each candidate must be assessed against the same published criteria.
 - **Openness**
Information about the requirements of the post and the selection process must be publicly available. Public appointments must be advertised publicly in a way that is designed to attract a strong and diverse field of suitable candidates.
- 1.84. Where advisory committees will be recruiting and selecting members, the secretary will need to inform the Magistrates HR Team. This notification should include the dates for sifting applications and holding interviews, and be provided as soon as the information is known.

Exemptions

- 1.85. The appointment of lords-lieutenant to chair an advisory committee has been granted an exemption by the Commissioner from the Code of Practice by virtue of the role being an ex officio post.
- 1.86. The Commissioner has also agreed an exemption for departing from the Code for the appointment of all other advisory committee and sub-committee chairmen. This may be subject to a future review by the Commissioner. Advisory committees will be notified of any resultant changes.

Public Appointments Assessors, the Commissioner for Public Appointments Audits and Compliance Assessment

- 1.87. The Commissioner will appoint, train and allocate Public Appointments Assessors to regulated appointments processes for the purpose of ensuring compliance with the Code of Practice. No other person, unless authorised by the Commissioner, may act on his behalf in relation to regulated public appointments.
- 1.88. Public Appointment Assessors will be allocated to undertake an audit of advisory committee and sub-committee member appointments. Advisory committees and sub-committees must therefore retain sufficient information on committee member appointments to provide evidence that they have complied with the Code of Practice. This information must be retained for a minimum of two years.
- 1.89. In order to provide additional assurance of capability and compliance, the Commissioner may require a Public Appointments Assessor to perform spot checks on individual recruitment processes as they are happening, or to sample completed appointment records.
- 1.90. Where a Department is assessed as failing to comply with the Code of Practice, the Commissioner may require the Department to adopt a plan of improvement for managing regulated appointments that will be the subject of subsequent review. As part of that plan the Commissioner may require that additional appointments undertaken by that Department involve a Public Appointments Assessor for a specified period.
- 1.91. The Commissioner will report publicly on Departmental capability and compliance with the Code of Practice, including examples of poor and good performance, and best practice.

Terms of office

- 1.92. Members of both advisory committees and sub-committees will normally be appointed for a **nine-year** term of office. However, members are not normally appointed for a period that would extend beyond their 70th birthday. Advisory committees should also allow for the fact that members

may wish to resign before they have completed nine years' service or offer a lesser undertaking on appointment.

- 1.93. Unless supported by a strong business case made to the Magistrates HR Team, appointments will not generally be extended beyond nine years for an extra and final (tenth) year of appointment.
- 1.94. The Lord Chancellor may terminate a member's appointment with the agreement of the Lord Chief Justice or the member concerned.
- 1.95. Secretaries will normally remain in the role until they cease to be the justices' clerk.
- 1.96. A member who is appointed as chairman may serve as chairman until the end of their nine-year term of office as a member. If their term of appointment is then extended to a tenth and final year they may continue to serve as chairman until the end of their extended term of appointment.
- 1.97. Lords-lieutenant will normally continue as chairman until they cease to be a lord-lieutenant.

Training

- 1.98. Newly appointed members must attend the mandatory training course before taking part in selecting candidates for the magistracy.
- 1.99. The Magistrates HR Team will provide advisory committees with information about the available training.
- 1.100. Any member who refuses to attend the induction training course (and any other training that the Lord Chancellor might subsequently require them to attend) is liable to be removed from office.
- 1.101. Advisory committee and sub-committee chairmen, secretaries and any deputy secretaries should attend the course if they have not already done so.
- 1.102. Non-magistrate members must have some tutored observations in court following their appointment. However, it would be inappropriate for non-magistrates to attend any part of the training for magistrates, or to become associate members of the Magistrates' Association.

Conduct

1.103. To maintain public confidence in the work of advisory committees, members, secretaries and chairmen must abide by the seven principles set out on the standards in public life in performing their duties as follows:

Selflessness	Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
Integrity	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
Objectivity	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
Accountability	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
Openness	Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
Honesty	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership	Holders of public office should promote and support these principles by leadership and example.

Matters to bring to the attention of the secretary

1.104. 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; or
- if they become bankrupt or involved in any other financial difficulties, or if a company of which they are a director goes into liquidation; or

- if a spouse, civil partner, partner, family member or close relative is involved in any criminal proceedings, and of the outcome; or
- if they accept a position or office which would have disqualified them from appointment to the committee.

Register of interests

- 1.105. New members must complete a declaration on appointment (**Appendix 1G**) to enable the committee and any sub-committees to maintain a register of interests (**Appendix 1H**).
- 1.106. Advisory committee secretaries and chairmen should remind members at least annually of the need to keep the register up to date.
- 1.107. The secretary must notify the Magistrates HR Team if a member takes on work or a personal interest that might cause a potential conflict of interest.
- 1.108. The register must be made available to anyone who wishes to see it.

Complaints

- 1.109. Complaints made against members, secretaries or chairmen should be dealt with according to the guidance at **Appendix 1J**.

Legal proceedings

- 1.110. If an advisory committee or sub-committee is threatened with, or becomes aware of, legal action brought by a candidate or a serving magistrate, the secretary must inform the Magistrates HR Team immediately.
- 1.111. An official in Judicial HR will liaise between the advisory committee and the departmental legal team. They will keep the secretary informed of developments.
- 1.112. The secretary must respond promptly and fully to any requests for information or documentation from Judicial HR in relation to the proceedings.
- 1.113. Unless they act dishonestly, in bad faith, or recklessly, members, secretaries, chairmen and members of the administrative support staff will not incur personal legal liability or be expected to bear the cost of responding to legal proceedings.

Disclosure of membership

- 1.114. Advisory committees should provide local public libraries and Citizens Advice Bureaux with lists containing:
- the name and official contact details of the secretary; and
 - a list of the names of the chairman and current members.

Expenses

- 1.115. Members and chairmen attending meetings (business, interviews or conduct investigation panels) of advisory committees or sub-committees, or attending mandatory training, may claim travel and subsistence expenses (and financial loss allowance where applicable) at the prescribed rates and within stated Rules.
- 1.116. Secretaries should ensure that information about allowances and the claims process is available to members and chairmen.

Advisory committee relationships with HMCTS and bench chairmen

- 1.117. HMCTS provide the secretary and support staff for advisory committees. In addition, the views of the HMCTS administration and bench chairmen should be sought by inviting them to the relevant part of the advisory committee meeting. The secretary will notify the advisory committee of any new magistrate recruitment that may be required as a result of the annual judicial resource exercise.
- 1.118. HMCTS administrative staff should not, however, participate in other deliberations of the advisory committee, including discussions on individual applications or investigations carried out by the advisory committee.