 Part 1 – Appendix 1B (Part 1)

GUIDANCE FOR APPLICANTS TO ADVISORY COMMITTEE MEMBERSHIP

# Introduction

Thank you for your interest in becoming a member of one of the Lord Chancellor’s Advisory Committees on Justices of the Peace. Advisory Committees carry out important work in the justice system of England and Wales, particularly in relation to the recruitment and conduct of the magistracy.

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 under-represented amongst Advisory Committee memberships. This 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 (either assisted or unassisted) can carry out the full range of a member’s duties.

# Status and Functions of Advisory Committees

Advisory Committees 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.

There are twenty-three Advisory Committees responsible for the recruitment of magistrates; and seven 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 candidates for appointment to the magistracy;
* 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;
* Consider requests for re-instatement to the magistracy
* Encourage applications to the magistracy and Advisory Committee membership from underrepresented groups; and
* 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 form (Appendix 4C);
* 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;
* 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 Advisory Committee by Bench Chairs;
* Maintain strategic oversight of sitting levels and leave of absences to ensure they are aware of issues that may impact upon future recruitment numbers.

Conduct Advisory Committee members are recruited from Recruitment Advisory Committees so as to maintain cross-fertilisation of experience. Direct recruitment into Conduct Advisory Committees is therefore through applying for, and gaining experience of, Recruitment Advisory Committees.

# Eligibility Criteria

***Magistrate members*** – Magistrate members must be serving magistrates. Bench Chairmen and Deputy Bench Chairs are excluded from membership of Advisory Committees.

***Non-magistrate members*** – Former magistrates will not be appointed as non-magistrate members. The guidance at Appendix A lists occupations which will generally preclude a non-magistrate from membership to an Advisory Committee.

The table below 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 and if you have any doubt about your eligibility for appointment, contact the relevant Advisory Committee.

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| --- | --- |
| **Roles which automatically disqualify you from applying** | **Roles where eligibility will depend on the circumstances** |
| * Bailiff * Community Assessor (involved in the selection of police officers and related roles) * Community safety partnership member * Educational welfare officer * Independent custody visitor * Mckenzie Friend * National Crime Agency * Police (civilian employee) * Policy Community Support Officer * Police and Crime Commissioner (and Deputies) * Police Officer * Police Special Constable * Prison Service * Prison Escort Contract Services * Private Detective * Probation Assistant * Probation Officer * Probation Prosecutor * Restorative Justice panel member * Store detective * Traffic warden * Youth offender panel / team / referral panel | * Adoption Agency * Appropriate adult * Barrister / solicitor advocate * Care manager * Children’s guardian * Citizen’s advice * Child contact centre * Civil servant * Councillor * Crime prevention panel member * Crown Prosecution Service * Crown Prosecution Service Inspectorate * Expert witness in the family court * Family mediation service * Foster carer * Health Authority * Highways Agency * H.M. Forces * Independent Monitoring Board * Interpreter * Lay Observer (inspecting prisoner transport/holding conditions) * Licensee * Local Authority * Local Children Safeguarding Board * Medical professional working directly with children * Member of UK Parliament / European Parliament / Welsh Assembly * Minister of religion * Neighbourhood watch member * NSPCC or other similar children’s welfare charities * Parole Board * Party political agent * Member of Police and Community Partnerships * Member of Community Police Engagement Groups * Member of Police and Crime Panels * Police (non-staff support worker) * Prison after-care worker * Probation Trust board member * Relate counsellor (or similar charities) * RSPCA * Samaritans * Security Officer * Sheriff * Social worker * Solicitor * Teacher * Victim / Witness Support Scheme member |

Candidates and, once appointed, members must inform the Advisory Committee Secretary if they intend to accept a position or office which would have disqualified them from appointment to the Advisory Committee.

***Age*** – The minimum age for appointment to an Advisory Committee is **18**. The retirement age is **75**.

***Nationality*** – British nationality is not a requirement however candidates must permanently reside in the jurisdiction of England and Wales at the time of application. Candidates in the process of, or intending to, seek asylum or applying for indefinite leave to remain in the UK are ineligible.

***Residence*** – Magistrate applicants should apply to the Advisory Committee which covers the area in which they serve. Non- magistrate applicants should apply to the Advisory 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 of an Advisory Committee member.

# 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.
* 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.
* 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 **75**, 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

There must be nothing in an Advisory Committee member’s past which could cast doubt on their credibility and standing in the eyes of the public. The Lord Chancellor will not appoint anyone in whom the public would be unlikely to have confidence.

**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. Provide as much information as you can on your application form.

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; and
* Any subsequent convictions/orders.

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://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945449/rehabilitation-of-offenders-guidance.pdf>.

**You must declare if you are currently, or become subject to any of the following during the selection process:**

***Involvement in current proceedings:***

* Subject to investigation by the police;
* Involved in any form of court proceedings, including as a witness, includes divorce proceedings where the custody of children is contested;
* Subject to professional disciplinary proceedings or disciplinary proceedings at work.

***Driving offences[[1]](#footnote-2) (in which case you are unlikely to be selected for appointment):***

* Have any driving convictions or cautions (see section above on convictions and cautions);
* Have any serious motoring convictions resulting in disqualification from driving for twelve months or more within the last 10 years;
* Have any serios motoring convictions resulting in disqualification from driving for less than twelve months within the last five years;
* Have any motoring offences which have resulted in six penalty points or more for one offence within the last five years, or nine penalty points for totting-up purposes within the last five years.

***Penalty Notice for Disorder:***

* Have any penalty notice for disorder within the last four years.

***Bankruptcy and liquidation (in which case you are unlikely to be selected for appointment):***

* Are an undischarged bankrupt;
* Have a debt relief order or interim debt relief order against you or entered into an arrangement with your creditors;
* Are or were the director of a company that went into liquidation in the past five years;
* Are or were disqualified from acting as a director of a company in the last ten years.

***Spouses, partners/civil partners, close relatives and close friends:***

You must declare it if you are, or if you become, aware that your spouse, partner/civil partner, a close relative or a close friend has convictions or cautions which would qualify for disclosure under this guidance. 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.

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 and Lord Chancellor can consider:

* The nature and seriousness of the matter;
* The person’s relation to you and the extent of your contact with that person;
* Whether or not you appear to condone the offence;
* Whether the circumstances could undermine your credibility or the credibility of the magistracy if it became known to the public.
* The penalty or order imposed; and
* Any subsequent convictions/orders.

# 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 HR Team.

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; and
* 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. Completion of the **diversity monitoring questionnaire** is mandatory as part of your application, but your answers will not form any part of the selection process unless otherwise specified.

Your completed documents should be submitted by email to the relevant Advisory Committee. The Advisory Committee will obtain references using the information provided in your application form.

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

* The Advisory Committee Chair (or their nominee) to chair the panel;
* One Advisory Committee member;
* An independent panel member who should be from a different Advisory Committee.

At least one member of the panel will be a non-magistrate member.

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 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: <https://publicappointmentscommissioner.independent.gov.uk/regulating-appointments/investigating-complaints/>

# Training

All new Advisory Committee members are required to participate in mandatory training, which is currently two consecutive days. Details of training events will be provided following appointment.

# 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 Advisory Committee work.

Information about allowances can be obtained by contacting the relevant Advisory Committee.

1. You do not need to declare driving offences which were dealt with by an information warning, any attendance on a Driver Offender Retraining Course where no fixed penalty was issued or parking offences [↑](#footnote-ref-2)