



Ministry of  
**JUSTICE**

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

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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 July 2013 (As amended in September 2017). It reflects the changes agreed in the 2017 consultation on the Mechanisms and Governance for overseeing the recruitment and conduct of Justices of the Peace<sup>1</sup> and changes to the recruitment of magistrates. The document is laid out in five parts:

**Part 1 – Advisory committees**

**Part 2 – Eligibility for the magistracy**

**Part 3 – The selection process for magistrates**

**Part 4 – Submitting recommendations for appointment**

**Part 5 – Matters arising after appointment**

Advisory committees must adhere to these Directions and use the materials available in the advisory committee toolkit. 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 Magistrates HR at the Judicial Office (details of whom are circulated regularly) about any queries regarding the application of these Directions to a particular issue.

Since commencement of the Crime and Courts Act 2013, the Lord Chief Justice has been responsible in legislation for the appointment of magistrates. The Lord Chief Justice (in accordance with Schedule 13 of the Act) has delegated his power to appoint magistrates to the Senior Presiding Judge. The Lord Chancellor holds joint responsibility with the Lord Chief Justice for others matters pertaining to magistrates, including disciplinary responsibility.

The Lord Chancellor, the Lord Chief Justice and the Senior Presiding Judge place considerable confidence in advisory committees and will generally act on their recommendations and support their decisions. However, there may be occasions when they 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 Judicial Conduct (Magistrates') Rules 2014<sup>2</sup>. 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](#).

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.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/696438/Final\\_Cleared\\_\\_Advisory\\_Committee\\_Response\\_document\\_29.03.18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696438/Final_Cleared__Advisory_Committee_Response_document_29.03.18.pdf)

<sup>2</sup> [https://s3-eu-west-2.amazonaws.com/jcio-prod-storage-1xuw6pgd2b1rf/uploads/2015/12/Judicial\\_Conduct\\_Magistrates\\_Rules\\_2014.pdf](https://s3-eu-west-2.amazonaws.com/jcio-prod-storage-1xuw6pgd2b1rf/uploads/2015/12/Judicial_Conduct_Magistrates_Rules_2014.pdf)

## 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.

1.3. Unless otherwise stated, the term 'advisory committee' refers to both recruitment and conduct advisory committees.

### Functions

1.4. 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 (in accordance with Appendix 1A);
- 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;

1.5. 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

## **Advisory Committee quorum**

- 1.6. Where the full advisory committee is unable to meet, any decision to recommend appointments to the magistracy, will require a quorum of the full advisory committee comprising the Chair and no less than six members, a third of which should be non-magistrates.

## **Advisory sub-committees**

- 1.7. Sub-committees shall be comprised of a panel of three (in accordance with paragraph 3.47 where recruitment sub-committees are concerned) and will exercise their functions on behalf of the advisory committee.
- 1.8. Sub-committees must not deviate from any guidance or instruction given to them by the advisory committee.
- 1.9. The functions of recruitment sub-committees are to sift applications, interview candidates for the magistracy and make recommendations to the advisory committee for appointment.
- 1.10. The function of a conduct sub-committee is to deal with an investigation and conduct hearing
- 1.11. The authority of any sub-committee shall cease upon the final recommendation being made.

## **Advisory Committee secretaries**

### **Appointment**

- 1.12. Each advisory committee will have a secretary who will be appointed by the HMCTS Head of Legal Operations for the relevant area.
- 1.13. The secretary may appoint a deputy with the agreement of the committee Chair and the Head of Legal Operations, and may also delegate duties to other HMCTS staff.
- 1.14. Magistrates HR should be notified of forthcoming changes in secretaries and deputy secretaries, and will confirm new appointments in writing.

### **Duties**

- 1.15. The duties of the secretary are to:
  - to ensure that the committee is fully conversant with, and adheres to, the policies and processes set out in these Directions, and to fulfil the responsibilities assigned to them by these Directions;

- provide advice to advisory committees to assist them in carrying out their functions. This might include advice on sifting applications, quality assurance of completed interview assessment forms, or advice on conduct related matters;
- 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 for the advisory committee; and
- support conduct investigation panels, as required by the Judicial Conduct (Magistrates) Rules 2014.

1.16. Secretaries must not play any part in decision-making about the selection of individual magistrates or committee members.

## **Advisory Committee Chairs**

### **Lord-Lieutenants**

1.17. The Lord Chancellor, with the agreement of the Lord Chief Justice, will usually invite Lord-Lieutenants to chair advisory committees.

1.18. Where a committee area intersects with more than one lieutenancy, the Lord-Lieutenants concerned should agree which of them will chair the committee. The role may be shared provided that the committee has no objection.

1.19. A Lord-Lieutenant may continue to chair an advisory committee until they cease to be a Lord-Lieutenant.

### **Chairs appointed from committee members who are not Lord-Lieutenants**

1.20. The Lord Chancellor, with the agreement of the Lord Chief Justice, will appoint Chairs of advisory committees who are not Lord-Lieutenants on the recommendation of the members of the advisory committee concerned.

1.21. 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 Chair will have the deciding vote.



1.22. Once appointed, the Chair 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.

### **Role of the Chair**

1.23. The Chair's role is to:

- represent the role of the committee to the public as necessary;
- ensure that the committee meets at appropriate intervals and to chair the meetings;
- hold discussions with members who do not attend two consecutive meetings, or who do not contribute effectively to the committee's work;
- chair interviews for new committee members;
- ensure that new members are inducted on appointment;
- provide an assessment on request of a member's performance if they are being considered for appointment to another public body; and
- (for conduct committees), chair (or nominate another member of the conduct advisory committee to) conduct panels (see Judicial Conduct (Magistrates) Rules 2014).

1.24. The Chair may nominate a deputy to carry out duties on their behalf. If the Chair is not a magistrate, it is recommended that a magistrate is chosen for the role of deputy Chair.

1.25. The Chair (or nominated deputy) may, with the committee's agreement, act on behalf of the committee.

1.26. The Chair (or nominated deputy Chair) may act on the committee's behalf without seeking its agreement in the following exceptional circumstances:

- an urgent matter has to be resolved before a meeting of the full committee or quorum can be convened; or
- a confidential matter arises which cannot be dealt with by the full committee or quorum.

### **Advisory Committee membership**

1.27. The Lord Chancellor appoints members of advisory committees with the concurrence of the Lord Chief Justice. The Lord Chancellor has delegated this function to officials in Magistrates HR.

### **Size and composition**

1.28. Decisions to vary the size of an advisory committee should be agreed by the secretary and the Chair, who should also seek views of the committee members as appropriate.

- 1.29. At least one third of an advisory committee's members must be non-magistrates. This is to enable as far as practicable, one member of every interview panel to be a non-magistrate and each conduct panel to include a non-magistrate member.

### **Recruitment advisory committees**

- 1.30. For recruitment advisory committees, at least one third of the magistrate members must be family magistrates. This is to enable as far as practicable, one member of every family interview panel to be a family magistrate.

### **Conduct advisory committees**

- 1.31. Save for the role of the Chair, membership of each conduct advisory committee shall be made up of members with relevant experience of magistrate recruitment. Relevant experience means an individual must have served on an advisory committee dealing with recruitment within the two years prior to appointment to the conduct committee.
- 1.32. Conduct advisory committee members will be drawn from the membership of the recruitment advisory committees across that particular region, wherever possible. Where it is not possible, for example because of insufficient interest or where the composition requirements cannot be met, conduct advisory committee members will be recruited as stated in **paragraphs 1.52 – 1.91**.

### **Role of members**

- 1.33. The role of advisory committee members is to carry out the functions specified by, and in accordance with these Directions.
- 1.34. Members are expected to:
- Attend meetings, unless they have a valid reason for non-attendance. If a member fails to attend two consecutive meetings without good reason (to the satisfaction of the advisory committee Chair), that member is expected to resign from the committee
  - Contribute effectively to the committee's work
  - Adhere to the policies and processes set out in these Directions
  - Follow any additional guidance issued by the Lord Chief Justice and the Lord Chancellor or their delegates
  - Be familiar with rules/guidance relating to their area of work

### **Terms of office**

- 1.35. Advisory committee members will be appointed for a **nine-year** term of office or, if earlier, until they reach the age of 70.
- 1.36. Applicants are not required to guarantee that they will serve a full nine-year term.

- 1.37. Appointments may be extended for a maximum of **two years**, but only for exceptional business reasons. Committees should contact Judicial HR to discuss applying to extend an appointment.
- 1.38. Former members who have completed a nine-year term will not be reappointed.
- 1.39. Former members who previously served less than a nine-year term are not precluded from serving a further term. The cumulative total of both terms must not exceed nine years.
- 1.40. The cumulative total of terms for any members moving between recruitment and conduct advisory committees must not exceed nine years.
- 1.41. The Lord Chancellor may terminate a member's appointment with the concurrence of the Lord Chief Justice or the member concerned.

## **Exclusions from membership**

### **Magistrates**

- 1.42. There are few factors which would disqualify a serving magistrate from membership of an advisory committee or sub-committee.
- 1.43. Bench Chairs and deputy Chairs are excluded from membership of advisory committees.
- 1.44. Advisory committee members for conduct committees must not be members of the J/FTAAACs. There is a potential conflict of interest should the J/FTAAAC decide to report a magistrate to the committee on the grounds of lack of competence.
- 1.45. For non-magistrates, committees should use the factors referred to in paragraphs **2.18 to 2.51** in **Part 2** of these Directions as a broad guideline on eligibility.
- 1.46. Committee members who are adopted as a parliamentary candidate, or appointed as a full time political agent, for a constituency which intersects with, or is adjacent to, the committee area must resign from the committee.

### **Non-magistrate roles**

- 1.47. Former magistrates should not be recruited as non-magistrate members of advisory committees or sub-committees, otherwise the committees will lose the fresh perspective that people who have no background in the magistracy bring to the role.

### **Bench Chairs**

- 1.48. While it is not expected that Bench Chairs/deputies should be routinely invited to every advisory committee meeting, committees should invite them to at least one general meeting per year.
- 1.49. If necessary, meeting agendas should be constructed to allow the Bench Chairs/deputies to withdraw at such time as the committee comes to matters such as candidates for appointment and conduct cases.

- 1.50. Bench Chairs must not sit in on interviews for new magistrates or be present during discussions about candidates or conduct matters.
- 1.51. Outside these constraints it is permissible for Bench Chairs and deputies to be invited to attend advisory committee meetings in a nonvoting “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 Chairs and deputies must withdraw from the meeting and take no part in confidential agenda items, for example conduct investigations/ disciplinary matters.

## Recruiting members to advisory committees

- 1.52. The recruitment and selection process for advisory committee members falls within the remit of the Office for the Commissioner for Public Appointments (OCPA) and must accord with the principles underpinning the Cabinet Office Governance Code on Public Appointments<sup>3</sup>.
- 1.53. Any recruitment activity which entails a cost must be given prior approval by the relevant HMCTS official.

### Magistrate members

- 1.54. Vacancies for magistrate members must be advertised to all magistrates within the area.
- 1.55. It is recommended that advertisements emphasise that the committee would particularly welcome applications from groups underrepresented amongst its membership, and specify those groups when advertising.

### Non-magistrate members

- 1.56. Vacancies for non-magistrate members must be advertised on the Cabinet Office’s public appointments website: [www.publicappointments.gov.uk](http://www.publicappointments.gov.uk).
- 1.57. Advisory committees should complete the template provided at **Appendix 1B** and email it with any attachments to:  
  
[publicappointmentsteam@justice.gsi.gov.uk](mailto:publicappointmentsteam@justice.gsi.gov.uk).
- 1.58. For enquiries relating to the placement of vacancies contact:  
  
Mr Alex Randall, MoJ Public Appointments Advisor  
T: 020 3334 5365  
E: [alex.randall@justice.gsi.gov.uk](mailto:alex.randall@justice.gsi.gov.uk)
- 1.59. **Paragraph 1.55** also applies to the recruitment of non-magistrate members.

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<sup>3</sup> <http://publicappointmentscommissioner.independent.gov.uk/the-code-of-practice/>

- 1.60. Advisory committees recruiting in Wales are required to give particular attention to the requirements of their respective Welsh language schemes.
- 1.61. All publicity material should display the Commissioner for Public Appointments' regulatory kite mark (available from Magistrates HR).

## Application and selection

### Application

- 1.62. The following guidance in Part three of these Directions also applies to the recruitment and selection of advisory committee members:

Panel members' responsibility for note-taking (**paragraphs 3.68 - 3.71**)  
The role of secretaries in relation to interviews (**paragraphs 3.66 – 3.67**)  
Treatment of candidates at interview (**paragraphs 3.87 - 3.84**)  
Candidates with a disability (**paragraphs 3.85 – 3.86 and 3.135**)

- 1.63. These principles apply to the handling of all applications:

- Applications must be handled fairly, consistently and expeditiously.
- Candidates must be assessed on merit. No other factors must be taken into account.
- Candidates must be treated with courtesy and respect.
- It is unlawful for candidates to be excluded or disadvantaged on the basis of any protected characteristics as set out in the Equality Act 2010<sup>4</sup>.
- Information about an individual gained through the selection process is confidential.

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

- Appendix 1B (Part 1) – Applying to become a member of an advisory committee: notes for guidance
- Appendix 1B (Part 2) – Application for appointment as a member of the Lord Chancellor's advisory committee on justices of the peace
- Appendix 1C (Part 1) – Reference for an applicant for appointment as a non-magistrate member of a Lord Chancellor's advisory 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 on justices of the peace – guidance for referees

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<sup>4</sup> <https://www.legislation.gov.uk/ukpga/2010/15/contents>

- Appendix 1D - Diversity and data monitoring questionnaire
  - Appendix 1G – Declaration for register of advisory committee members' interests
- 1.65. Applicants must complete the standard application form at **Appendix 1B (Part 2)**.
- 1.66. A reference must be sought for non-magistrate applicants using the form at **Appendix 1C**.
- 1.67. Applicants must be asked to complete the diversity and data monitoring questionnaire at **Appendix 1D**.
- 1.68. 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.

## Panels

- 1.69. The advisory committee should establish an appointments panel/s composed as follows:
- The advisory committee Chair (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, who should be a member from a different advisory committee
- 1.70. 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.

## Independent Panel Member

- 1.71. 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 Cabinet Office Governance Code on Public Appointments<sup>5</sup>, 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

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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.

- 1.72. 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 different advisory committee area to sit in on all interviews for appointment to advisory committees.
- 1.73. 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.
- 1.74. HMCTS will meet the cost of the independent panel member.

## Selection

- 1.75. There is no set format for the questions that should be asked at interviews. As a general guideline, interview panels should ask open questions which give candidates the opportunity to provide evidence against the criteria set out at Appendix 1C. This could, for example, be achieved through discussion of candidates' skills and experience gained from employment or in voluntary roles including, where applicable, the magistracy.
- 1.76. The panel chairs must complete the assessment form (**Appendix 1F**) after each candidate has been interviewed and sign the confirmatory statement (**Appendix 1G**). The signed statements should be attached to the completed assessment forms.

## Appointments

- 1.77. Recommendations for appointment should be submitted to Magistrates HR (acting on behalf of the Lord Chancellor) and accompanied by the following documents:
- List of the candidate(s) recommended for appointment.
  - Copies of completed **Appendices 1B-1G** for each candidate
  - Confirmation of Disclosure and Barring Service clearances (for non-magistrate members).
  - Copy of any recruitment materials, and details of how and where vacancies were publicised.
  - List of any candidates not recommended for appointment.
- 1.78. Magistrates HR will process the appointments and then inform the new appointees and the advisory committee.
- 1.79. A list of the new appointments will also be entered onto the public appointments section of the Ministry of Justice website. Details of any declared political activity of a

successful candidate will be published when the appointment is announced on the website.

- 1.80. In the event that Magistrates HR has concerns about a candidate recommended for appointment, the Head of Magistrates HR will contact the secretary to discuss the matter.

### **Review of decision not to recommend for appointment**

- 1.81. Candidates not recommended for appointment are entitled to seek a review of the decision by the Lord Chancellor if they believe the selection process was misapplied or the decision not to recommend them for appointment was unreasonable.
- 1.82. Letters informing candidates that they have not been recommended for appointment should:
- Provide a summary of the reasons.
  - Inform the candidate of their entitlement to seek a review of the decision if they believe the selection process was misapplied or the decision not to recommend them for appointment was unreasonable.
  - Specify that any request for a review must be received within **20 working days** of receipt of the committee's letter.
- 1.83. The guidance at **paragraphs 3.1148 – 3.163 of Part 3** of these Directions also applies to this process (save that references to the Senior Presiding Judge should be interpreted to mean the Lord Chancellor.)
- 1.84. Candidates who remain dissatisfied after a review are entitled to complain to the Commissioner for Public Appointments. Further information about the Commissioner's complaints' remit is available at:  
<http://publicappointmentscommissioner.independent.gov.uk/what-we-do/complaints-and-investigations/>

### **Reasonable adjustments for non-magistrate members**

- 1.85. Magistrates HR will write to the candidates recommended for appointment as non-magistrate members. To ensure compliance with the Equality Act 2010, 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 member, for example specialist equipment or adaptations to buildings.
- 1.86. If the candidate requires reasonable adjustments, Magistrates HR will contact the advisory committee to discuss how arrangements will be put in place locally to assess the practicability of providing those adjustments.
- 1.87. 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**

- 1.88. 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.

### **Public Appointments Assessors**

- 1.89. OCPA Public Appointment Assessors may from time to time be allocated to audit advisory committee and subcommittee member appointments or to perform 'spot checks' on recruitment and selection processes.
- 1.90. Magistrates HR will help to facilitate this process and advise committees accordingly.

### **Retention of records**

- 1.91. Advisory committees must retain all documentation relating to the recruitment and selection of unsuccessful candidates, destroying them after six years of date of receipt of application.
- 1.92. Advisory committees must retain all documentation relating to the recruitment and selection of successful candidates while they are members, destroying them six years after they leave the role.

### **Training**

- 1.93. Newly appointed recruitment advisory committee members must complete the required training before taking part in selecting candidates for the magistracy. Newly appointed conduct advisory committee members must complete any required training before participating in conduct matters.
- 1.94. Non-Family magistrate members of advisory committees must:
- Attend the Family Familiarisation training; and
  - Observe at least one Family Court.
- 1.95. Non-magistrate members must have some tutored observations in court following their appointment. Non-magistrates will not be able to attend magistrate training as of right, although some elements may be open to them, by invitation of Secretaries if deemed useful. It is inappropriate for them to become associate members of the Magistrates' Association.
- 1.96. HMCTS will provide advisory committees with information about the available training.
- 1.97. Any member who refuses to attend training is liable to be removed from their role.
- 1.98. Advisory committee Chairs, secretaries and any deputy secretaries should attend the training required of their advisory committee members, if they have not already done so.

## Conduct and Complaints

- 1.99. To maintain public confidence in the work of advisory committees, members, secretaries and Chairs must abide by the seven principles set out on the standards in public life: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; Leadership. For further information see:  
<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>
- 1.100. Complaints made against members, secretaries or Chairs should be dealt with according to the guidance at **Appendix 1H**.

## Matters to bring to the attention of the secretary

- 1.101. 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 intend to accept a position or office which would have disqualified them from appointment to the committee.

## Register of interests

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

## Expenses

- 1.105. Applicants for advisory committee membership are not entitled to be reimbursed for expenses incurred in the process of pursuing their application.
- 1.106. Members and Chairs attending meetings (business, interviews or conduct investigation panels) of advisory committees, or attending mandatory training, may claim the applicable allowances from HMCTS.

- 1.107. Secretaries should ensure that information about allowances and the claims process is made available to members and Chairs.

## **Legal proceedings**

- 1.108. Unless they act dishonestly, in bad faith, or recklessly, members, secretaries (including deputy secretaries), Chairs, and administrative support staff will not incur personal legal liability or be expected to bear the cost of responding to legal proceedings in or in connection with things done or omitted in the exercise of their duties.
- 1.109. If an advisory committee is threatened with, or becomes aware of, legal proceedings brought by a candidate or a serving magistrate, the secretary must inform Magistrates HR immediately.

## **Advisory committee relationships with HMCTS, Bench Chairs and family panel chairs**

- 1.110. HMCTS provide the secretary and support staff for advisory committees. The views of the HMCTS administration and Bench Chairs should be sought by inviting them to the relevant part of the advisory committee meeting.
- 1.111. 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.
- 1.112. It is important for there to be productive working relations between advisory committees and Bench Chairs/deputies who should be involved in discussions about the needs of the bench, facilitated by the advisory committee Secretary or deputy Secretary. For example, Bench Chairs have responsibility for managing sittings and granting leave of absence up to 12 months in any 24-month period. They may refer cases to the advisory committee where necessary and must provide a retrospective annual or bi-annual report to the Advisory Committee.
- 1.113. Advisory Committees will need to have constructive discussions, facilitated by advisory committee Secretaries or their deputies, with Chairs of FTAAACs around the needs of the family panel, and whether it may be necessary for Committee to attempt to recruit candidates directly to the panel.