

Part 3 — Selection process for magistrates

These directions are for the use of regions undertaking the Uplift Pathway Programme (UPP) - North West, South East and South West. All other regions should use the standard Lord Chancellor's Directions.

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**Part 3 of the Directions is relevant to Recruitment Advisory
Committees only**

Part 3 — Selection process for magistrates

Guiding principles

3.1. These principles apply to the handling of all applications to the magistracy:

- applications must be handled fairly, consistently and expeditiously;
- candidates must be assessed on merit against the five key attributes and the requirements in the role description¹. No other factors may be considered;
- candidates must be treated with courtesy and respect;
- candidates must not be disadvantaged on the basis of any protected characteristics as set out in the Equality Act 2010²;
- information about an individual gained through the selection process is confidential.

The Key Attributes

3.2. Magistrates must demonstrate each of the five key attributes set out below:

- **Understand and appreciate different perspectives**
Recognises and appreciates others' perspectives. Deals with others compassionately and demonstrates genuine understanding and empathy towards their situation. Has awareness of and a willingness to understand key aspects of societal issues.
- **Communicate with sensitivity and respect**
Listens actively and attentively, clarifies opinions and communicates confidently and sensitively, within confidential boundaries. Adapts style to match the situation and clearly articulates the rationale for decisions made.
- **Work and engage with people professionally**
Instils trust and confidence, is approachable and dependable. Works in a professional and efficient manner with others and independently. Encourages others to participate and engages them in decision-making. Appropriately challenges prejudice in self and others.
- **Make fair, impartial and transparent decisions**
Is decisive, able to form reasoned opinions that are unbiased, impartial and

¹ The role description can be viewed online at <http://magistrates.judiciary.uk>

² <http://www.legislation.gov.uk/ukpga/2010/15/contents>

transparent by following a structured approach when deliberating. Able to assimilate large amounts of information and identify relevant issues.

- **Show self-awareness and be open to learning**

Is open-minded and able to reflect and learn from others' perspectives. Adapts quickly to changes and seizes opportunities to learn. Maintains competence and uses effective strategies to maintain personal well-being.

- 3.3. Candidates will also be required to demonstrate that they are of good character, and asked to declare that they are able to meet the minimum sitting requirements, and there is nothing in their public or private life that could bring the magistracy into disrepute.

Recruitment campaigns

- 3.4. Judicial recruitment planning will be informed by a multi-year national resourcing model. This model will forecast recruitment needs at national, regional, and local levels, based on workload data and judicial capacity.
- 3.5. Modelled recruitment needs will be shared with Advisory Committees and they will be asked to confirm their capacity to support proposed recruitment levels. Where recruitment targets are not met, feedback will be provided to the Judicial Complement Group to consider adjustments to future plans.
- 3.6. Recruitment plans, once agreed, will be shared with Judicial Office HR to support resource planning and delivery. Advisory Committees should liaise with Judicial Office HR to ensure alignment with operational capacity, including interviewing, training, and mentoring.
- 3.7. All advertising materials and candidate information must clearly state:
- The start date of the campaign;
 - The closing date for applications; and
 - An indicative timetable for interviews.

Welsh language-essential posts

- 3.8. Advisory Committees in Wales recruiting to vacancies deemed to be 'Welsh language-essential' should follow the guidance at **Appendix 3A**.

Applying to become a magistrate

- 3.9. Applications should be made online at <https://magistrates.judiciary.uk/>. Hard-copy application forms will only be provided in exceptional circumstances.
- 3.10. Copies of application forms in additional formats will be made available on request. Candidates should be made aware that this may delay the application process.

- 3.11. Advisory Committees must not use or accept alternative versions of application forms. Hard copies of application forms will be input into the recruitment system by Advisory Committee Secretaries.
- 3.12. Information on being a magistrate, the application process and details of local courts is available at <https://magistrates.judiciary.uk/>. Advisory Committees must not produce alternative guidance for applicants or send out any information which conflicts with these Directions.

Pre-application requirements

Applications to the Criminal Court

- 3.13. Applicants to the criminal court should make at least two observational visits to a magistrates' court when it is sitting in general sessions, in the preceding 12 months before they submit their application form. During these observations applicants should only observe magistrates, and not District Judges.
- 3.14. Advisory Committees must not consider applications to the criminal court if applicants have:
- failure to undertake at least two visits within the 12 months prior to the application being submitted.

Applications to the Family Court

- 3.15. Applicants to the family court are not permitted to observe proceedings in a family court but are required to have researched the material referenced in the candidate guidance found here: [Family court magistrates - Magistrates Recruitment](#). This research should include watching the videos and reading the materials provided.
- 3.16. Applicants will be asked to submit their personal reflections on the research in the application form. This will be given to the interview panel prior to interview, and advisory committees may ask the applicant to expand upon their reflections, using only probes provided in the interview script.
- 3.17. Advisory Committees must not consider applications to the family court if applicants have not researched the digital material referenced in the candidate guidance.

Receiving and dealing with applications

Receipt and acknowledgment

- 3.18. All applications must be submitted online via the digital system. An acknowledgement will be sent by email on successful submission. Candidates should check their junk/spam inbox before contacting Advisory Committees seeking confirmation that their application has been received.

Record-keeping

- 3.19. The digital system will keep all application details of candidates for two years

after the date of the decision to appoint or not appoint, including any reasons not to proceed with an application. Application details will be deleted after this date.

- 3.20. Personal details for magistrates appointed will be retained by Judicial Office HR while they remain active and destroyed six years after they resign or retire.

Stage 1: Eligibility requirements

Checking for factors which lead to automatic disqualification

- 3.21. Applications will be checked for disqualification under Part 2 of these Directions by an automated system. Within ten working days of receiving an application, Advisory Committees must review any flagged disqualifications, confirm the reason for ineligibility, and ensure this is properly recorded. Candidates who are automatically disqualified from appointment must be advised of this.
- 3.22. Details of applicants who are rejected based on automatic disqualification must remain confidential.

Previous applicants

- 3.23. Advisory Committees must not consider candidates who have applied within the past two years (beginning from the candidates' interview date) and failed to demonstrate the key attributes at interview, unless there are exceptional reasons to do so.

Applying to more than one Advisory Committee/jurisdiction at the same time

- 3.24. Applicants must only apply to one Advisory Committee area, and to either the family or criminal court at any one time. This is due to different training requirements for each type of court and the resulting commitment needed from newly appointed magistrates both in attendance of training and familiarising themselves with the magistrate role, on top of meeting minimum sittings requirements.
- 3.25. Secretaries should refrain from doing any further eligibility checks at this stage, except in the circumstances outlined in 3.21-3.26.

Stage 2: Qualifying assessment

- 3.26. All candidates, except those automatically disqualified must be invited to complete an online qualifying assessment.
- 3.27. The qualifying assessment determines whether candidates sufficiently demonstrate the five key attributes to be invited to interview.
- 3.28. The qualifying assessment will consist of 20 questions, with each question measuring a single attribute and are given equal weighting in marking the assessment. All five attributes will be assessed equally across the assessment.
- 3.29. The assessment is untimed but must be completed in **ten calendar days**.
- 3.30. Candidates who meet the pass mark for the assessment will progress to the next

stage.

- 3.31. Applicants not invited to next stage must be notified of this in writing, advised that feedback from the qualifying assessment is not available, and made aware that they are welcome to reapply when the committee has vacancies in the future.
- 3.32. To ensure the continuity of the application process and fairness between candidates, applicants who are unsuccessful in the qualifying assessment must wait at least six months, from receipt of their outcome, before reapplying.

Application pre-screening

- 3.33. The Secretary should identify any applicants who *may* be disqualified for appointment under Part 2 of these Directions, and the reasons for the disqualification, and contact the candidate to obtain further information where required.
- 3.34. The decision on whether individual candidates should be permitted to proceed to interview will be made by the Secretary / Deputy Secretary and/or a nominated HMCTS official.
- 3.35. The Secretary / Deputy secretary and/or delegated HMCTS official(s) will review all candidate information, including details of any further information obtained from the candidate. This information should be factual only and may include emails or verbatim quotes from discussions between candidates and Secretaries.
- 3.36. These decisions should be made within **ten working days** of passing the qualifying assessment.
- 3.37. The Secretary will log the decision on the digital recruitment system, and ensure the candidate is advised whether their application has been permitted to proceed.

Stage 3: References

- 3.38. Candidates must supply contact information for two references at the point of application. It is at the discretion of the Advisory Committee Secretary whether references may be requested and considered for any particular candidate as part of the recruitment process. Secretaries may decide to seek references in order to clarify any eligibility concerns, or in response to evidence obtained at interview to inform any decisions on whether a candidate should proceed.

Obtaining references

- 3.39. Where references are requested, these must be obtained from two individuals who have known the candidate for at least three years, using the standard reference form. Hard-copy reference forms will only be provided in exceptional circumstances. Where the candidate is in employment, one of the references should be from their current employer (for example, this could be the candidate's current manager). Employer references do not need to meet the condition of having known the candidate for three years.

- 3.40. When Secretaries contact referees, they should be made aware of the guidance for referees at **Appendix 3B**.
- 3.41. Secretaries should make clear to referees the date by which references should be received.
- 3.42. Secretaries should make reasonable and proportionate efforts to chase references where required, including asking the candidate to contact the referee directly.
- 3.43. If the candidate states that the delay is caused by the referee being away, they should be asked to identify an alternative referee.

Restrictions on who can provide references

- 3.44. Referees must not be in an intimate or familial relationship with the candidate.
- 3.45. References should not be provided by anyone who is likely to appear before the court to which the candidate might be appointed.
- 3.46. Only one magistrate or judicial office holder can be nominated as a referee.

Confidentiality of references

- 3.47. References must be kept confidential.
- 3.48. Secretaries may decide to request references in cases where other eligibility or good character issues are being considered, following application and/or interview. At such time, Secretaries will review and make the decision on whether or not the candidate should be allowed to proceed.

Stage 4: Interview

- 3.49. Candidates who meet or exceed the pass mark of the qualifying assessment must be invited to interview.

Content of interviews

- 3.50. The purpose of the interview is to assess the candidate on how well they demonstrate the key attributes of a magistrate, that they are of good character and can meet the time commitments required of a magistrate.
- 3.51. Advisory Committees will be provided with a bank of questions designed to test each of the key attributes. Advisory Committees must select one behavioural and one situational question for each attribute, for each campaign.
- 3.52. Interview panels will be provided with guidance on asking follow up questions to help them ask fair and objective questions to probe answers where appropriate.
- 3.53. The requirement for good character will be tested throughout the interview.
- 3.54. In order to pass the interview, a score of 3 or above in all five attributes is required.

- 3.55. To minimise the potential for unconscious bias, interview panels will receive only the candidate's name and submitted research reflections ahead of the interview.
- 3.56. Interview panels should keep in mind that candidates will come from a variety of different backgrounds and will have varying degrees of interview experience.
- 3.57. While candidates should leave the interview feeling they have been properly tested, they should feel that this has been done with courtesy and professionalism.

Interview assessment

- 3.58. Candidates' performance will be measured on the key attributes. Interview panels will be provided with a standardised scoring methodology.
- 3.59. Panel members may make their own notes during the interview when they are not talking to the candidate.
- 3.60. Each panel member should make a note of their own assessment of each attribute before anyone expresses their views about the candidate. The panel chair should then ask each member for their views, before giving their own view.
- 3.61. The panel chair should ensure that a finalised assessment form is completed and submitted via the online system, evidencing the panel's joint assessment.
- 3.62. It is vital that the form records robust, valid and reliable evidence, particularly in the event of a request for a review of the panel's decision or some other challenge. It is strongly recommended that verbatim quotes from candidates be used to evidence assessment against the key attributes.
- 3.63. Interview panels should remember when agreeing the evidence that the summary comments provided by the panel will be shared verbatim with the candidate on request.
- 3.64. All individual notes must be destroyed at the end of the interview session.

Practical arrangements

- 3.65. Candidates will be invited to schedule an interview via the online recruitment system.
- 3.66. It is expected that the time taken between passing the qualifying assessment and pre-screening (if applicable) to being offered an interview date will be a maximum of **two months**.
- 3.67. Interview panels will receive an automated invitation to the interview when a candidate books an interview slot.
- 3.68. Interviews should normally last around 1 hour and 15 minutes.
- 3.69. Interviews will normally be held via Microsoft Teams.

- 3.70. It is expected that panels will conduct a minimum of three interviews per day as standard.
- 3.71. Candidates may request a face-to-face interview as an alternative and Advisory Committees should seek to accommodate this.
- 3.72. Face to face interviews should be held in a public building.
- 3.73. All interviews must be conducted in a way that is secure and accessible to all candidates, including those with disabilities.
- 3.74. Candidates who are unsuccessful may not seek a review on the grounds that the interview was held via Microsoft Teams.
- 3.75. Candidates who are being re-interviewed following a review of a previous decision are entitled to request a face-to-face interview.

Reimbursement of expenses to candidates

- 3.76. Expenses for travelling to face-to-face interviews, or for any other expenses incurred in the process of pursuing their application will not be reimbursed unless there are exceptional circumstances, such as in relation to a reasonable adjustment. Candidates wishing to seek reimbursement must contact the Secretary to discuss requirements before committing to any expenditure.
- 3.77. Any decision to reimburse costs to individual candidates would need to be given proper approval by HMCTS.
- 3.78. Following the interview, the candidate must submit proof of expenditure (e.g. a rail ticket). Payment of reimbursed costs should then be arranged by HMCTS.

The role of Secretaries in relation to interviews

- 3.79. The Secretary should not routinely sit in on interviews, although they may observe interviews by prior arrangement. However, there should always be a Secretary or nominated Deputy available to advise interview panels on any administrative or policy issues in connection with the selection process.
- 3.80. The Secretary should also quality-check a sample of completed assessment forms and raise any issues or concerns with the panel chair.
- 3.81. If successful at interview, candidates will receive an email containing an automated link for the candidate to complete and submit their DBS application.

Interview panels

- 3.82. Advisory Committee members **must** have attended the relevant recruitment training before participating in the selection process.
- 3.83. Interview panels will always comprise of two members. Where possible, panels should be conducted by a panel of three members (including a chair).
- 3.84. The panel chair can be either a magistrate or a non-magistrate Advisory

Committee member.

- 3.85. Panel representation should be comprised of both magistrate and non-magistrate Advisory Committee members where possible, all of whom are of equal standing. Where not possible, panels can comprise of magistrate Advisory Committee members only.³
- 3.86. For applications to the family court, at least one panel member must be a family magistrate.
- 3.87. For applications to the criminal court, at least one panel member should be a magistrate sitting in the criminal court.
- 3.88. If Advisory Committees experience difficulties in securing sufficient interviewers, they should seek assistance from another Recruitment Advisory Committee. Additionally, and where appropriate, committees may draw on the wider magistrates' national pool.
- 3.89. An attempt will be made to proceed with a panel of three with magistrate and non-magistrate representation including seeking availability from another Recruitment Advisory Committee area. However, if no non-magistrate Advisory Committee member is available then the panel of two comprising of only magistrate members may proceed.
- 3.90. The lack of a non-magistrate member on the panel does not constitute grounds for cancellation or rescheduling of the interview.
- 3.91. Where a panel of two proceeds and it is a magistrate-only interview panel:
- Both magistrate panel members must be experienced in interviewing for the magistracy and they must have interviewed for magistrates in previous campaigns; and
 - Panels should include at least one magistrate of the jurisdiction for which the interviews are taking place, so where the interview is for crime, there must be a criminal court magistrate or where the interview is for family, there must be a family court magistrate.
- 3.92. Interview panels should be as diverse as possible. It is recognised that Advisory Committees are reliant on the availability of members to participate in interviews but consideration of diversity should be a key factor when convening panels.

Observing interviews

- 3.93. The only person(s) who may observe interviews (by prior arrangement) are:
- An official from Judicial Office HR;

³ <https://www.gov.uk/government/publications/governance-code-for-public-appointments>

- Someone authorised by the Senior Presiding Judge;
 - The Advisory Committee Chair;
 - Advisory Committee Secretary or nominated deputy;
 - A new committee member (limited to one per interview); or
 - Ministry of Justice or HMCTS officials, for purposes of improving recruitment practices.
- 3.94. Candidates should be informed prior to the interview if an observer will be present and asked to confirm that they have no objection. If an objection is made, the observer should withdraw from the interview.

Candidates with disabilities

- 3.95. Reasonable adjustments should be made to enable candidates to attend interviews.
- 3.96. Candidates with a disability must not be asked any questions about their disability, or how they think it might affect their ability to serve as a magistrate. This includes questions about getting to court/access to buildings. If a candidate attempts to discuss this topic at their interview, they should be advised that this will be considered if and when they are appointed, and reassured that the purpose of the interview is to assess them solely on merit.

Identification

- 3.97. Candidates must produce **three forms of identification** ahead of the interview to enable their identity to be confirmed. These must be originals and should include one form of photographic ID from List A and one document from List B below:

List A

- passport; or
- driving licence; or
- EU identity card.

List B (dated within the past two months)

- utility bill; or
 - bank statement; or
 - credit card statement (or similar).
- 3.98. If the candidate does not have any photographic identification, they should ask a person to verify a photo of them. The countersigner should be a person either working in or retired from, a “recognised” profession. See [Confirm someone's](#)

[identity online for a passport application - GOV.UK \(www.gov.uk\)](https://www.gov.uk) for list of “recognised” professions. The photo must be signed and dated no more than three months prior to the application being submitted.

- 3.99. The candidate should provide proof of identity to Secretaries in advance of the interview, either in person or by post or email.
- 3.100. Candidates must also produce the proof at the interview to show the interview panel, either over Microsoft Teams or in person.

Interviews: post assessment procedures

Advisory Committee recommendation for appointment

- 3.101. Recommendations for appointment should be based solely on the assessment score of the candidate’s interview by the interview panel who conducted the interview.
- 3.102. The qualifying assessment is used purely to determine which candidates should progress to interview.
- 3.103. Information disclosed by candidates as part of the application process relating to previous convictions, bankruptcy or other concerns around eligibility should be resolved prior to interview. This information should not usually form part of considering whether to recommend a candidate for appointment, and as such will not routinely be provided to the Advisory Committee.

Personal knowledge about candidates

- 3.104. Where a Committee member suggests that it would be inappropriate to proceed with an application on the basis of personal knowledge about a candidate, the Advisory Committee or quorum should discuss the matter. A decision not to proceed must be a decision of the full Advisory Committee or quorum.
- 3.105. Interview panel members must not conduct their own research into candidates, for example by doing internet searches against their names or other known details about them. Nor should research be done on any other form of social media, for example by putting out a message via an online “blog” entry or “twitter” account asking for background information on a candidate.

Procedure where there are more suitable candidates than vacancies

- 3.106. All candidates successful at interview should be recommended for appointment. In exceptional circumstances, where appointments would exceed the regional capacity cap (distinct from the annual recruitment target), the Secretary for that region will make the final appointment decision.
- 3.107. The fact that reasonable adjustments may be required by a candidate must not be a consideration in making (or not making) a recommendation.
- 3.108. The Secretary should also take the following steps:

- check with HMCTS whether it would be practicable and in line with established business need to appoint all of the successful candidates; and
- check whether nearby areas can offer appointments if appropriate.

Notifying candidates about the outcome of their application

- 3.109. Secretaries should log the outcome of applications and notify candidates via email within five working days after interview.
- 3.110. Emails to unsuccessful candidates should advise that the candidate is not being recommended for appointment, and whether this is because they did not meet the required standard, or that other candidates scored more highly.
- 3.111. Candidates may request further feedback on their interview, which Secretaries will provide from the interview panel's assessment form.

Disclosure and Barring Service (DBS) clearance

- 3.112. Candidates recommended for appointment as magistrates must have enhanced level DBS clearance.
- 3.113. If successful at interview, candidates will receive an email containing an automated link for the candidate to complete and submit their DBS application digitally.
- 3.114. There is no requirement for a DBS counter signatory for new magistrate appointments due to the digitalisation of DBS checks. A HMCTS official will be designated for each committee to provide manual verification of ID if required.
- 3.115. If further guidance is required, the DBS publishes useful guidance online, including for applicants. This information can be accessed via the following website: www.gov.uk/disclosure-barring-service-check.
- 3.116. Advisory Committees do not receive copies of disclosure record certificates from the DBS. Once candidates have received a DBS certificate, they must provide the original or digital copy to the Secretary to confirm.
- 3.117. Advisory Committees should allow a **minimum of ten working days** for DBS checks to be completed.

Review by unsuccessful candidates

Review of an Advisory Committee's (or quorum of Advisory Committee's) decision

- 3.118. Candidates not recommended for appointment following an interview where they did not meet the required standard are entitled to seek a review of the decision if:
- the selection process has been misapplied; or

- a member of the interview panel behaved inappropriately.
- 3.119. The candidate must set out how they were prejudiced on either of the above grounds for their appeal to be considered. The candidate must have requested and considered feedback before requesting a review of their application outcome.
- 3.120. Candidates should be made aware of this review process and given a deadline of **fifteen working days** from the date of receipt of feedback to submit their request for a review which must include details of their grounds for requesting a review. Requests for review received after the deadline should not be taken forward unless there are exceptional circumstances. All requests must be submitted via the digital recruitment system.
- 3.121. There is no entitlement to seek a review of the results of the qualifying assessment, where they have been rejected on eligibility grounds, or for candidates who reached the required standard at interview, but were not recommended for appointment due to vacancies being filled by other candidates scoring more highly. Communications to such candidates should make it clear that the Advisory Committee's decision on non-recommendation is final.
- 3.122. The Advisory Committee is responsible for reviewing decisions in the first instance and should do so within **twenty working days** of receiving a request for a review.
- 3.123. Where it is not practicable for the full Advisory Committee to review the decision, a separate review quorum of three Advisory Committee members should be convened to do so. These three members should include both magistrate and non-magistrate Committee members.
- 3.124. Where applicable, it is important for the recollections of the panel members who took part in the interview to be sought and considered as part of the review process. This information may also be required if the matter is subsequently referred to the Senior Presiding Judge for consideration.
- 3.125. The Advisory Committee or review quorum may decide to uphold the decision. Alternatively, they may decide that the candidate should be re-interviewed by a different panel.
- 3.126. Candidates should be notified within **five working days** of the outcome of the review and be given reasons for the decision made. They must also be advised that, if they do not accept the decision, they may request a further review by the Senior Presiding Judge.

Request for review by the Senior Presiding Judge / Deputy Senior Presiding Judge

- 3.127. A review of a decision made by an Advisory Committee can be requested by a

candidate and will be considered by either the Senior Presiding Judge or Deputy Senior Presiding Judge. The Senior Presiding Judge or Deputy Senior Presiding Judge will only consider upholding a request for a review if there is clear evidence that the selection process has been misapplied or that a member of the interview panel behaved inappropriately.

- 3.128. If the Advisory Committee receives a request for a review of their decision, this should be forwarded, with all relevant papers to Judicial Office HR within **five working days**.
- 3.129. The target for completion of a review by the Senior Presiding Judge or the Deputy Senior Presiding Judge for candidates is **thirty-three working days** from receipt of all relevant papers. However, occasional delays may occur because of demands on the Senior Presiding Judge's time.
- 3.130. The decision by the Senior Presiding Judge or the Deputy Senior Presiding Judge is final.
- 3.131. The Senior Presiding Judge or the Deputy Senior Presiding Judge may decide to uphold the Advisory Committee / review quorum's decision, or may decide that the candidate must be re-interviewed. Candidates should be notified in writing of the outcome of their review by Judicial Office HR within **ten working days** of a decision by the Senior Presiding Judge or the Deputy Senior Presiding Judge. The letter will be copied to the secretary of the Advisory Committee.
- 3.132. If the Senior Presiding Judge or the Deputy Senior Presiding Judge does not uphold the Advisory Committee's decision, Judicial Office HR will provide the Secretary with a summary of any reasons given.