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Useful information for Magistrates

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Message from the Lord Chancellor and the Lord Chief Justice

In our respective roles as Lord Chancellor and Lord Chief Justice, we greatly admire and value the dedication and selflessness of the magistracy. It is your commitment to justice which provides your common bond with the wider judicial family.

This document contains useful information for you as a magistrate, together with guidance on issues such as security and dealing with the media.

The Rt Hon. The Lord Burnett of
Maldon
Lord Chief Justice of England & Wales

The Rt Hon. Robert Buckland QC MP
The Lord Chancellor and Secretary of
State for Justice

Who's Who?

The Lord Chancellor

The Lord Chancellor is the government minister responsible for the judiciary and for providing the resources and support needed to provide an efficient and effective courts and tribunals system. The Lord Chancellor (LC) has a duty to defend the independence of the judiciary. The Lord Chancellor and Lord Chief Justice (LCJ) have responsibilities for the appointment and assignment of new magistrates and in doing so have a responsibility for working to ensure the judiciary reflect the diversity of society. The LC is responsible, with the agreement of the LCJ, for the removal of magistrates who have acted improperly or failed to meet the minimum sittings requirement. In considering appointment and disciplinary matters, they rely on the advice of their advisory committees.

The Lord Chief Justice

The Lord Chief Justice of England and Wales is head of the judiciary. The Lord Chief Justice (LCJ) is responsible for the appointment of magistrates. The LCJ has delegated his power to appoint magistrates to the Senior Presiding Judge who performs this function. The LCJ is responsible for the welfare, training, and deployment of magistrates and for disciplinary action, where a magistrate has been found to have acted improperly. The LCJ appoints the National Leadership Magistrate and the six regional leadership magistrates for England and the Wales Leadership Magistrate.

The Senior Presiding Judge

The Senior Presiding Judge (SPJ) holds delegated authority from the Lord Chief Justice to exercise a range of functions in respect of magistrates. It will typically be the Senior Presiding Judge who issues guidance about matters affecting serving magistrates.

The Senior Presiding Judge for England and Wales usually serves a three-year term. The Deputy Senior Presiding Judge (DSPJ) assists the SPJ in the responsibility for the magistracy.

Magistrates' Liaison Group (MLG)

The MLG is set up by the Senior Presiding Judge as a consultative forum to consider matters relating to the operation of magistrates' courts and the welfare and guidance of magistrates. The members presenting the views of the Judiciary are the Chief Magistrate, the National Leadership Magistrate and the Chair of the Magistrates' Association. The MLG advises the Lord Chief Justice on policy proposals and their impact and, through the Judicial College, any training requirements.

Advisory Committees

The Lord Chancellor's advisory committees form a network covering the whole of England and Wales. There are recruitment advisory committees and conduct advisory committees. Your local recruitment committee will have interviewed and recommended you for appointment. Apart from recruitment, a smaller number of conduct advisory committees have an important role in investigating any allegations of misconduct.

The work of advisory committees is governed by a set of Directions issued by the Lord Chancellor. These are published online and accessible at:

<https://www.judiciary.uk/publications/advisory-committees-justices-peace/>

Bench

On appointment you are assigned to sit in a particular local justice area – more usually known as your 'bench'. The local justice area may have one or more courthouses in which work is conducted. Magistrates may be expected to sit at multiple courthouses rather than sitting exclusively in one court building. Some limited work may be done remotely.

Bench Chair

Each bench has a chair, elected annually by the members of the bench to act as their leader, representative, and spokesperson. The bench chair takes office in April and may serve in the role for up to three years. The bench chair, supported by a deputy(ies), has a pastoral responsibility towards members of the bench including monitoring sittings, agreeing absence from sittings and advice on changes in personal circumstances. This is set out in more detail in *The Lord Chief Justice's Directions to Bench Chairs on Dealing with Pastoral Matters* available on the Judicial Intranet <https://intranet.judiciary.uk/wp-content/uploads/2019/11/LCJs-Guidance-to-Bench-Chairs-on-Dealing-with-Pastoral-Matters-November-2019.pdf>. Approach your bench chair about any issues of concern or which impact on your ability to comply with your declaration and undertaking which can be found in the Lord Chancellor's Directions in Appendix 4C (<https://www.judiciary.uk/publications/advisory-committees-justices-peace/>). The undertaking covers all aspects of work as a magistrate, including sittings, training and conduct. It is worth noting that exactly the same oath is taken by every judge in England and Wales which is a clear indication both of the significance and expectations of magistrates.

Heads of Legal Operations

The Lord Chancellor appoints a Head of Legal Operations (HoLO), who is qualified as a barrister or solicitor, to each region (and Wales) to provide legal advice and support to magistrates and District Judges (Magistrates' Courts), amongst other responsibilities. The HoLO is supported by a team of legal advisers who deputise for the HoLO in court on a day to day basis and who also support the bench.

HoLOs support a number of benches in their region, but in practice you will usually deal with either a Senior Legal Manager (SLM Business or SLM People) or a legal team manager (LTM). HoLOs also have responsibility for supporting Justices' Training, Approvals, Authorisations and Appraisals Committees for both criminal and family benches (JTAAAC and FTAAAC) and Advisory Committees (Recruitment and Conduct) for their areas and will be supported in this by the SLM (Training/Advisory).

Legal Advisers

Magistrates' court legal advisers are responsible for giving legal advice to magistrates in magistrates' courts throughout England and Wales. They help magistrates to make decisions and state the legal reasons that underpin the decisions. They also advise all parties at court on points of law, practice and procedure.

The duties of a magistrates' court legal adviser are set out in the Criminal Practice Directions.

It shall be the responsibility of the legal adviser to provide the justices with any advice they require to perform their functions justly, whether or not the advice has been requested, on:

- (a) questions of law;
- (b) questions of mixed law and fact;
- (c) matters of practice and procedure;
- (d) the process to be followed at sentence and the matters to be taken into account, together with the range of penalties and ancillary orders available, in accordance with the relevant sentencing guidelines;
- (e) any relevant decisions of the superior courts or other guidelines;
- (f) the appropriate decision-making structure to be applied in any given case; and
- (g) other issues relevant to the matter before the court.

This typically can include:

- Reviewing the court papers, managing the court list, providing magistrates with a summary of cases prior to each session.
- Explaining the purpose of a hearing before it starts, identifying the parties before the court and reading out any charges or summonses.
- Managing the court room so that proceedings run efficiently.
- Prioritising cases to make the best use of the court's time and ensuring that witnesses and defendants are dealt with promptly.
- Explaining process and procedure to those at court and assisting defendants who conduct their own defence to present their case.
- Intervening in court proceedings to explain points of law, if necessary.
- Conducting legal research to clarify points of law and procedure.
- Providing guidance to magistrates whether requested or not on practice and procedure

- Providing guidance on the appropriate decision-making structure for bail, trials and sentencing
- Providing guidance on sentencing guidelines including case law.
- Participating in appraisal and post-sitting reviews with magistrates.
- Producing digital records of court decisions as required

Please consider the advice of your legal adviser carefully. If you act on advice and your decision is challenged there is protection from legal costs. If you fail to take advice, or ignore it, you can risk being liable for costs.

Senior District Judge, The Chief Magistrate

The Senior District Judge, the Chief Magistrate, has leadership responsibility for District Judges (Magistrates' Courts) (DJs(MC)), and Deputy DJs(MC) across England and Wales. The Chief Magistrate has no responsibility for lay magistrates. However, the Chief Magistrate liaises with the Senior Judiciary, Presiding Judges and the MLE on matters relating to magistrates' courts and DJs(MC). There is certain work that only can be done by the Chief Magistrate: special jurisdiction work.

District Judges (Magistrates' Courts)

Some cases in the magistrates' courts are heard by District Judges (Magistrates' Courts) (DJs(MC)). DJs(MC), who are legally qualified judges, and usually sit alone, although in some cases, and after invitation, they sit with two magistrates. They have the same judicial powers as a bench of magistrates but can exercise certain additional functions. DJs (MC) will be rostered to deal with legally complex or long cases and work that only DJs (MC) can do e.g. unlimited fines. They are also expected to deal with a share of general cases. There are also Deputy District Judges (MC) who sit part-time.

The National Leadership Magistrate

The National Leadership Magistrate (NLM) is appointed by the LCJ as the leadership magistrate for England and Wales and is responsible for leading the development and execution of the judiciary's long-term strategy for magistrates. The NLM liaises directly with the Senior Judiciary (including the Judicial Office), HMCTS and external stakeholders. The NLM provides a voice for the magistracy at national level and communicates with regional leadership magistrates, the magistracy and other stakeholders. The NLM chairs the Magistrate Leadership Executive comprising 6 Regional Leadership Magistrates and the Wales Leadership Magistrate.

Regional Leadership Magistrates and the Wales Leadership Magistrate

The Regional Leadership Magistrates (RLMs) and the Wales Leadership Magistrate (WLM) are appointed by the LCJ. They chair the Regional Magistrates' Leadership Group (RMLG) and are responsible for leading the development and execution of the judiciary's long-term strategy for magistrates within a given judicial circuit in England and Wales. The RLM/WLM liaises with the Presiding Judges of the Circuit, Head of Legal Operations and Regional Delivery Director and with the bench chairs, the circuit lead DJ (MC), nominated deputy bench chairs, training committee chairs and panel chairs within the region.

National Digital Lead

The National Digital Lead (NDL) is appointed by the Senior Presiding Judge (SPJ) and has a responsibility to regularly report and advise the SPJ/Deputy SPJ that the practical needs of the magistracy are taken into account when digital solutions are developed and become business as usual. The NDL advises the MLE as a co-opted member. The NDL liaises with the Judicial College and HMCTS on training and provision of documentary guidance on products used by magistrates. The NDL manages the National IT Mentors' Scheme, which allows volunteers on a bench to support their colleagues with any IT issues.

Please refer to, and read, your responsibilities regarding IT security and data protection on the Security tile on e-Judiciary.

Organisations

The Ministry of Justice (MoJ)

The MoJ supports the Lord Chancellor in the execution of his duties in relation to the magistracy. This includes the appointment of magistrates and on magistrate related policy areas.

HM Courts & Tribunals Service (HMCTS)

HMCTS is an agency of the MoJ responsible for administering many UK tribunals and all Crown, County, Family, and magistrates' courts in England and Wales. Your local HMCTS Delivery Director and Cluster Manager are responsible for delivering court business in your area.

HMCTS is governed by a partnership agreement between the Lord Chancellor and Lord Chief Justice. This means that all members of staff have a joint responsibility to the Lord Chancellor and the Lord Chief Justice for the effective, efficient and speedy operation of the courts and tribunals. All members of the judiciary have a similar responsibility to the Lord Chief Justice to work with the staff to deliver these objectives. In practice this means that magistrates should take an active interest in ensuring that business before the courts is conducted efficiently in accordance with their judicial oath.

The Judicial Office

The Judicial Office (JO) is a unique branch of the civil service, dedicated to supporting the judiciary and promoting judicial independence, to maintain confidence in the rule of law. It assists the Lord Chief Justice and the Senior President of Tribunals to fulfil their responsibilities to the judiciary, and an ever-evolving justice system. It provides operational support, policy, legal and handling advice through a number of specialist teams.

The JO includes specialist trainers in the Judicial College, legal advisers, HR and communication experts, policy makers, IT experts and administrators. It also includes the Judicial Conduct Investigations Office (JCIO) supporting the Lord Chancellor and the Lord Chief Justice in their joint responsibility for judicial discipline.

The Judicial College

The Judicial College, part of the JO, is responsible for the oversight of national magistrate and legal adviser training on behalf of the Lord Chief Justice. It develops compulsory and essential training for magistrates which is, for the most part, delivered locally by the HoLO's legal team. You will need to regularly access the Judicial College Learning Management System (LMS) for eLearning and other resources for magistrates. You can also access a wide variety of materials open to the whole judiciary to assist with your learning and development.

Judicial HR

This is the Judicial Office team which supports the Senior Presiding Judge in discharging her magistrate-related functions. Day to day, this entails scrutinising advisory committee recommendations for the appointment of new magistrates, processing appointments, resignations and retirements, providing training for new committee members, and a wide range of other duties including providing advice to HoLOs and advisory committees on policy matters affecting magistrates. The team also maintains the Lord Chancellor's *Directions for Advisory Committees* and the Lord Chief Justice's *Directions to Bench Chairs Dealing with Pastoral Matters*.

The Magistrates' Leadership Executive (MLE)

The primary role of MLE is to support the LCJ and SPJ in their governance responsibilities. MLE liaises with the magistracy canvassing views on issues – it takes into consideration all the views it receives and assesses what is in the best interests of the magistracy, also taking account the views of the wider judicial family. It then puts forward proposals to the Magistrates' Liaison Group (which advises the LCJ on policy issues) and the Senior Presiding Judge.

The MLE comprises 6 selected Regional Leadership Magistrates (RLM) and the Wales Leadership Magistrate (WLM) and is led by the National Leadership Magistrate (NLM). The RLMs chair a Regional Magistrate Leadership Group (RMLG) quarterly and this group's membership comprises all the bench chairs for that region, with Training, Approvals, Authorisations and Appraisals Committees (TAAACs) and Panel Chair representatives. This group provides a forum where leadership magistrates can raise issues of mutual concern, share good practice, and develop networks. The MLE has a page on the Judicial Intranet which provides an easy way for magistrates to access information to which they may need to refer <https://intranet.judiciary.uk/magistrates/mle/>

The Magistrates' Association

The Magistrates Association (MA) is an independent charity and the membership body for the magistracy in England and Wales. The MA promotes the sound administration of the law, including by providing support, guidance and training to its members, giving magistrates the opportunity to network with their peers locally and nationally, informing the public about the courts and the role of magistrates, and contributing to and influencing the development and delivery of reforms to the magistracy, the courts and the broader justice system.

The chair of the MA attends meetings with the Senior Judiciary, HMCTS and others to put forward the views of the membership of the association.

Magistrates can find out more about the MA and join, by visiting <http://www.magistrates-association.org.uk>

Management and Support for the Bench

Your bench chair provides leadership and support for the bench in conjunction with the deputy bench chairs and a range of committees and panels. You will be advised of the various committees and their roles. Magistrates must keep themselves informed of bench business through the regular use of e-Judiciary email and the Magistrate Matters site, provided for this purpose, as well as through attendance at meetings. Each bench has a page on Magistrate Matters. Benches have IT Mentors who will assist magistrates with signing up to e-Judiciary and the rota system.

HMCTS undertakes to provide proper support to the judiciary. The HoLO will ensure that each court is assisted by a qualified legal adviser who will advise on law, practice and procedure. Magistrates are supported in court with access to up-to-date reference materials and case information through the use of court supplied digital devices.

The Cluster Manager will ensure that appropriate court facilities and administrative support are provided, including for the online rota and payment of expenses.

Expenses

Expenses can be claimed for court sittings, bench meetings and training. The allowances for travel, subsistence, and financial loss are set out in the *Guidance Notes for Justices & HMCTS staff on completion of a claim for justices' expenses*. The magistrates' Expenses Policy document can be found on the Expenses tile on the home page of e-Judiciary.

https://judiciary.sharepoint.com/Pages/Magistrates_Expenses.aspx

Magistrates can claim Financial Loss Allowance i.e. loss of earnings or expenditure incurred whilst undertaking their judicial duties. Other examples might include carer costs for children or dependants incurred to enable a magistrate to carry out their sittings. An Annual Declaration Form must be completed to detail such expenses. Travel and Subsistence claims should be made regularly (at least monthly) through your e-Judiciary account.

The Magistrates Expenses claim portal was launched in April 2020 and provides magistrates with individual expense claim accounts. Forms, guidance and videos explaining how to set up an account, are all available on the [Expenses tile](#) on e-Judiciary, together with details of specific expenses portal support contact details.

Bench Meetings

Bench meetings are held at least once a year providing local magistrates with the opportunity to get together. The date(s) will be determined by the bench chair depending on the needs of the bench including the giving of information or training. It is important that you make every effort to attend these meetings.

The purpose of bench meetings is to:

- enable liaison and share information with other bodies relevant to the work of the magistrates' court
- provide a forum for training
- put forward the views of the bench to the Judicial Business Group
- put forward training needs to the TAAACs

e-Judiciary and Rota

The judiciary has embraced digital working and the digitisation of the work of the court. You will be provided with a secure e-Judiciary email account to use in conjunction with your judicial duties. This is the way that you will be communicated with by various bodies associated with your role – you should not use your personal email for court business. The system will provide access to your online rota. It is important you act on any directions given about use of the email or rota system including the set-up of passwords and password resets. You will need to keep in touch with your bench by checking your e-Judiciary email account *at least* weekly, preferably daily, as important information or communications will be sent in this way. It is also important that you keep your availability up to date on the online rota. A summary of your planned, completed, cancelled and vacated sittings is always available on your rota page enabling you to monitor your compliance with your minimum sitting requirement.

Magistrate Matters Tile

Magistrate Matters is the “one stop shop” site that is accessed via the e-Judiciary tile page and is where you will find all the key information, news and guidance that you need for your role. There is a national page, regional pages and pages for each Bench. As with your e-Judiciary email account, it is expected that you access Magistrate Matters *at least* weekly, preferably daily, as important information or communications will be posted on it.

Training and Development

Your training and ongoing learning and development are your responsibility and that of the Justices' Training, Approvals, Authorisations and Appraisals Committee (JTAAAC) for your area. The Committee has the responsibility of planning and overseeing the delivery of training in your area. It is also responsible for identifying training needs and overseeing the mentoring and appraisal schemes for your bench. You will need to complete a number of training sessions. Some of these are designated as essential in order for you to continue as a competent magistrate, and it is part of your commitment to attend them.

The Family Training, Approvals, Authorisations and Appraisals Committee (FTAAAC) has comparable responsibilities for training family magistrates.

The F/JTAAAC will assign you a mentor before you start sitting as a newly appointed magistrate. The mentor will be an experienced magistrate who will provide you with advice and support. He or she will sit with you for some of your sittings in your first 18 months. There will be an element of appraisal following those sittings and a report made to the F/JTAAAC whether you have achieved the basic competences that are required.

Magistrates are appraised, against nationally agreed competences, at each threshold in their career (e.g. within two years of appointment or before becoming a presiding justice) and on a regular basis every four years as a winger and every two years as a presiding justice. The appraisal is carried out by trained magistrates appointed by the TAAACs. The TAAACs will consider the appraisal report and if training needs are identified, the TAAAC will organise additional training.

Employed Magistrates

By law, employers must allow employees reasonable time off to sit as magistrates. Magistrates must sit for at least 13 days (or 26 half-days) a year in court. Section 50 of the Employment Rights Act 1996 states that “an employer shall permit an employee of his who is a justice of the peace to take time off during the employee’s working hours for the purpose of performing any of the duties of the office”.

Payment for loss of earnings:

Many employers will pay you for your time off as magistrates (paid leave) but they are not required to do so. Many supportive employers allow magistrates time off for their public duties in addition to their normal holiday entitlement.

If your employer declines to give you paid leave, you may be entitled to claim for your loss of earnings under the Financial Loss Allowance (FLA) scheme (see expenses section).

Talking to your employer:

It is very important you inform your employer about your magistrate duties *as soon as possible*. You should inform them as part of your application, and on appointment, and also your new employer, if you change jobs.

Magistrates may have experienced different responses when talking to their employer about their magistrate duties. Some employers have existing policies in place to accommodate magistrates. Other employers may have never employed a magistrate before and may not understand what the role involves.

To aid the conversation with your employer, you may want to refer to and direct them to the [Magistrates Association’s guide for prospective employers](#), which answers key

questions and highlights some of the many transferable skills you acquire as a magistrate.

Escalating any issues:

In some cases, you may still be struggling to obtain the required time off from your employer. If this is the case you should contact your bench chair, who may be able to escalate the matter on your behalf.

Magistrates' Media and Security Issues

The Judicial Office (JO) has produced media guidance for all judicial office-holders which is available on the judicial intranet:

<https://intranet.judiciary.gov.uk/practical-matters/media-guidance/>

Reporters have a legitimate interest in the workings of the court and can play an important role in opening up the criminal justice system to the general public. Typically, this might involve the local newspaper publishing an account of the court's proceedings, possibly including your name in the article. The media can also help to raise the profile of the magistracy and encourage others to apply. This will usually be done through your bench chair or advisory committee.

Very occasionally, magistrates involved in a high-profile case are approached directly, sometimes at their home or workplace. This is extremely rare, so don't worry unduly. But again, if it does happen always speak to your bench chair or SLM (People), who will contact the JO Press Office on your behalf.

More generally, if you are approached by the media or a researcher, either for comment or for interview, you should tell your bench chair, SLM (People) and the JO Press Office. You should also refer the journalist to the JO Press Office.

In line with the advice from the Lord Chief Justice, the presumption is that any interview request should be declined and certainly no interview should take place until you have received the advice of your bench chair and the JO Press Office. The Senior Presiding Judge should be made aware of any interview request.

The JO Press Office will consider and advise on each interview request on a case by case basis.

We recognise that magistrates, who do not work full-time as a judge, often have other roles within their profession or local community. If you are taking part in media interviews or television programmes as a result of one of these other roles you should ensure in advance you are not going to be described by your judicial role. When deciding whether to take part you should also consider whether doing so could bring the magistracy into disrepute, even if you are not described as a magistrate. (See the Guide to Judicial Conduct below.)

The JO Press Office can provide advice and training, if necessary, to any judicial office-holder who is to participate in an interview.

Social Networking and Blogging

Use of social networking is a matter of personal choice; however, magistrates should be alert to security aspects and also ensure that the content does not breach confidentiality or risk bringing the judiciary into disrepute.

Magistrates should be wary of:

- getting involved in any kind of online debate particularly where they may be perceived as being critical of justice agencies or government policy.
- publishing more personal information than is necessary, particularly addresses or telephone numbers, and dates of birth as they are key pieces of information for fraudsters
- publishing information that could put personal security at risk.
- Identifying themselves by their judicial role.

Guidance on social networking, blogging and the use of Twitter was published by the Senior Presiding Judge and Senior President of Tribunals in August 2012.

<https://intranet.judiciary.gov.uk/practical-matters/it/it-guidance/blogging-guidance/>

It says: “Blogging by members of the judiciary is not prohibited. However, judicial office- holders who blog (or who post comments on other people’s blogs) must not identify themselves as members of the judiciary. They must also avoid expressing opinions which, were it to become known that they hold judicial office, could damage public confidence in their own impartiality or in the judiciary in general.

“The above guidance also applies to blogs which purport to be anonymous. This is because it is impossible for somebody who blogs anonymously to guarantee that his or her identity cannot be discovered.

“Judicial office-holders who maintain blogs must adhere to this guidance and should remove any existing content which conflicts with it forthwith. Failure to do so could ultimately result in disciplinary action.”

This guidance was updated in April 2020 to say that the only content that can be used to advertise and portray the magistracy is the content available from HMCTS and Judicial Office (<https://intranet.judiciary.uk/wp-content/uploads/2020/04/Social-Media-update-on-guidance-for-magistrates-final.pdf>).

Judicial Security

It is very rare for a magistrate to feel threatened either inside or outside court and you do not need to be unduly concerned about this. Nevertheless, it is important for magistrates to take personal responsibility for safeguarding information about themselves. And sensible precautions should be taken not to draw undue attention to your position as a magistrate in your life away from court.

Being a holder of judicial office is a matter on which the general public can expect there to be a level of transparency. If the court(s) at which you serve, your local advisory committee, or the Judicial Office are asked to confirm the names of serving magistrates, then your name could be disclosed. This could happen, for example, as part of a response to a request made under the Freedom of Information Act or in relation to a specific case when the court is obliged to provide the first initial and surnames of magistrates who have dealt with specific cases. However, apart from your name being disclosed – which would already have become a matter of public record at the time of your appointment – no further personal information about you would be disclosed.

Magistrates can discuss concerns about safety with their bench chair or SLM (People). Outside of court, if a magistrate has any concerns about their personal safety, for example if they receive threatening letters or phone calls at their home address which allude to them being known as magistrates, this should be reported to the police in the first instance. If a magistrate believes that the police are not taking their concerns seriously, they should contact the Senior Presiding Judge's Private Office on 020 7073 1798/1601.

Further information can be found at <https://intranet.judiciary.uk/practical-matters/security>

Conduct and Complaint Issues

The public are entitled to expect that magistrates, as members of the judiciary, maintain high standards of conduct in court and in their personal lives. Actions which might bring the magistracy into disrepute can result in investigation by the Advisory Committee and potential disciplinary sanctions or removal from office. Any complaints received are initially investigated by the Advisory Committee and any findings of misconduct are referred to Lord Chief Justice through the Judicial Conduct Investigation Office.

Consequently, you should always be mindful of how you are conducting yourself both in and out of court and the perceptions that might create.

The *Guide to Judicial Conduct* <https://www.judiciary.gov.uk/publications/guide-to-judicial-conduct>, revised March 2018, updated March 2020, issued by the Judges' Council, and available on the judicial intranet, provides guidance on key aspects of judicial conduct. The guidance covers impartiality, integrity, propriety, personal relationships, and perceived bias, activities outside of court, references, gifts, hospitality and social activities and social networking.

Before you were appointed to the magistracy you signed a Declaration and Undertaking which binds you to adhere to all rules, regulations and directions that apply to magistrates.

This is a key document that will apply to you throughout your magisterial career. Magistrates are encouraged to read and keep in mind the details of the document: <https://www.judiciary.uk/wp-content/uploads/2010/08/Appendix-4C-Declaration-and-undertaking-form.pdf>

Failure to abide by the Declaration and Undertaking that you signed prior to your appointment could result in disciplinary action. The requirements to be followed by magistrates include responsibility to notify your Bench Chair and SLM (People) of some changes to your personal circumstances such as involvement in legal proceedings in any capacity.

Reporting things like speeding tickets or being called as a witness

You must report to your SLM (People) or bench chair:

- any interview with the police in connection with their investigations, whether or not this leads to a formal charge against you
- any impending or actual criminal proceedings against you, including for motoring offences where the outcome is not yet known¹

¹ Judicial office-holders should judge out-of-court disposals and any new penalty alongside this framework in determining whether or not any other matter needs to be reported. You should ask your SLM (People) for advice.

- all forms of formal recorded caution (i.e. those given by the police on an admission of guilt of the offence being cautioned.)
- any fixed penalties or penalty notices (including for disorder) or cautions (but not fixed penalty notices for matters such as littering)¹
- you must also report penalty notices for disorder, cannabis warnings, and Anti-Social Behaviour Orders (or any successor to these)
- road traffic offences if on conviction a period of disqualification from holding or obtaining a licence is imposed; or six penalty points are to be endorsed on the licence; or if a lesser number of points are ordered to be endorsed, the total points then endorsed on the licence exceeds six
- any civil proceedings against you
- any divorce proceedings you are involved in
- any disciplinary proceedings by your employer or professional body
- if you become bankrupt
- if a company of which you are a director goes into liquidation
- if a close relative becomes involved in any criminal or civil proceedings (including as a victim or as a witness) and the outcome
- if a close relative joins a Police Force (in any capacity), the Prison Service, Crown Prosecution Service, or Probation Service - anything which has the potential to create a conflict of interest
- changes to your personal circumstances, such as a change of address or employer, or that of a close relative if they are relevant

A complaint is made against me

Not all complaints involve disciplinary proceedings. The judiciary has published procedures for dealing with grievances between judicial office-holders and grievances against judicial office-holders made by staff. The procedures apply equally to all members of the judiciary including magistrates. The processes are aimed at informal and swift resolution of complaints wherever possible.

The procedures for handling formal complaints are set out in Judicial Conduct (Magistrates) Rules 2014 and supplementary guidance available on the Judicial Conduct Investigations Office (JCIO) website listed at the end of this leaflet. (You will be given a copy of this document if you are the subject of a complaint.) Advisory Conduct Committees responsible for investigating complaints cannot look at judicial decisions but they can look into complaints about personal conduct.

Depending on the nature and seriousness of the complaint magistrates may be invited to refrain from sitting whilst the matter is investigated – this is to protect the integrity of the magistracy and its decisions.

Only the Lord Chancellor, with the agreement of the Lord Chief Justice, has power to take disciplinary action against a magistrate following investigation by an advisory conduct committee. Investigations will be handled expeditiously, sensitively and impartially.

Many complaints made do not need any disciplinary action as they can be properly dealt with by advice from the bench chair or by additional training organised by the TAAAC but where disciplinary action is required advisory committee recommendations are forwarded to the JCIO who then take the matter forward for the Lord Chief Justice and Lord Chancellor.

I think I am being treated unfairly or have a complaint against another magistrate or member of staff

You should first speak to your bench chair or one of their deputies and to your SLM (People) for advice about handling grievances. The Judicial grievance procedures are available to deal with grievances between judicial office-holders and in relation to grievances by or against judicial office-holders and HMCTS staff available. All the grievance policies are on the judicial intranet and magistrates are encouraged to be familiar with them:

<https://intranet.judiciary.gov.uk/practical-matters/hr-matters/supporting-frameworks-and-guidance/judicial-grievance-procedure/judicial-grievance-procedures/>

Frequently Asked Questions (FAQs)

'Justice of the Peace' or 'magistrate'?

'Magistrate' is now the commonly used term. The term 'Justice of the Peace' covers both magistrates and district judges who sit in a magistrates' court. Magistrates are appointed by the Lord Chief Justice under Section 10 of the Courts Act 2003; and the Act refers to them by the term 'lay justices'. However, this is really only a way of distinguishing them from District Judges (Magistrates' Courts). Nowadays we avoid using the term 'lay' as it fails to convey the professionalism of the magistracy.

When may I use the initials 'JP'?

The initials may be used on private and business letterheads in the same way as academic or professional qualifications unless there is a risk that a person receiving correspondence from you may perceive you have mentioned this fact to gain an advantage or exert pressure. There is also particular sensitivity around usage in an electoral context, publicity material, websites and social media.

Great care should be taken to avoiding personal reference to your position as a magistrate in circumstances where it could be perceived as an attempt to influence or gain advantage. For example, if involved in civil proceedings or with the police.

Misuse of status can result in a disciplinary sanction including removal from office.

It is always sensible to consult your SLM (People), bench chair or deputy if intending to refer to your status as a magistrate. Further guidance is provided on reference to your position on social networking or the internet under 'Magistrates media and security issues' at page 15.

Can I make reference to the fact I am a magistrate if asked to provide a reference for someone?

It is always important to be mindful of the perceptions that can be created from the use of the suffix JP. Great care should be taken with regard to its use for personal references particularly where it relates to court proceedings. You are advised to discuss any such requests with your bench chair.

When can/should I countersign documents?

If a document legally requires a signature by a justice of the peace it will generally require a fee to be paid and the document should be signed at court. Any such request should be referred to the SLMs' (People) office for advice. If you sign a document incorrectly without having taken legal advice you could be liable for legal costs.

You may authenticate photographs for driving licences and passports for people you know without reference to your SLM (People). If you decide to use the suffix JP in these circumstances, you do so as a private citizen.

Are there some cases I shouldn't sit on?

The public must be confident that magistrates are impartial and independent. If you know that your impartiality or independence is compromised in a particular case, you must withdraw at once and consult the legal adviser who will be able to advise on how to proceed. By discussing the matter with the legal adviser rather than with your colleagues you protect their judicial independence and impartiality. You should also withdraw if there is a risk that an objective person might consider your impartiality or independence compromised.

Under the declaration and undertaking you are expected to notify your bench chair and SLM (People) if a close relative is being investigated or has been charged with an offence. You should not sit on any case involving a friend or relative, your employer, or someone else with whom you or a family member has dealings. Nor should you hear any case about which you already know something, or which touches upon an activity in which you are involved. This includes cases which affect your financial interests or those of a friend or relative.

You may already be aware of some factors which might limit the cases you can hear e.g. if you work for a local authority or government department. You must not sit on any cases to which they are a party – and your bench chair or SLM (People) should have discussed these with you when you were appointed. If any other issues arise in court you should raise the matter immediately on the day with your Legal Adviser and Presiding Justice.

If your employment or personal circumstances change, or that of close relatives, you should advise the SLM (People) and bench chair if it is likely to impact on your role. Similarly, if you join other panels, such as family, you should consider whether your work or activity conflicts with the new role. The Lord Chancellor's Directions for Advisory Committees set out the issues that can affect eligibility to sit. There are some roles e.g. witness support, where you may be able to take on the role, but not in your local justice area. If in any doubt, consult your bench chair, SLM (People) for advice.

I (or close relative) am involved in potential court proceedings. Can I continue to sit?

This is something you should discuss with your bench chair and SLM (People). An important part of their pastoral role is to give advice to magistrates who have become involved in court proceedings of any kind (including divorce proceedings). One of your undertakings on appointment is to report any involvement in court proceedings, tribunals, or disciplinary proceedings by an employer or professional body. Failure to report is likely to be regarded as misconduct and you could be removed if you fail to do it (for more see below in 'Conduct').

Your bench chair will advise you on whether it would be appropriate for you to continue to sit until the proceedings have been resolved, or whether you should consider standing down generally or from hearing certain types of cases. Consideration will be given to factors such as the need for the public to have confidence in the integrity of the judiciary. In addition, a magistrate could be asked to refrain from sitting if a close relative was investigated for offences, particularly if they are living in the same household.

Magistrates going through a divorce with children who could become the subject of a court order setting out where they should live, who they should have contact with, financial maintenance and so on, should refrain from sitting in the Family Court.

Circumstances vary widely and discussion with the bench chair and SLM (People) will ensure that you are given appropriate advice from the outset.

Will I be able to spend time with the police seeing how they work?

It is an important principle that members of the judiciary act in such a way that their impartiality and independence are clear to all. The proper operation of our system of justice requires appropriate dialogue, communication and engagement with other criminal justice agencies. To achieve this balance contact between police and other agencies and magistrates is arranged by the JTAAAC, bench chairs and SLM (People) in accordance with guidance issued by the Senior Presiding Judge and the Judicial College. It is not generally permitted for magistrates to attend on operational police duties and you should refer any such proposals to your bench chair and SLM (People).

What should I do if I don't agree with a law that has been passed?

All magistrates are required to obey the law and to enforce any law that is enacted. If you were to break any relevant law enacted by Parliament, or to refuse to enforce it, this would be likely to constitute conduct incompatible with the requirements of your office. If you believe you cannot enforce any relevant law, then you must immediately inform your bench chair and SLM (People).

What can I tell others about my work as a magistrate?

There is no reason why you shouldn't discuss the work of the court in general terms, especially as this helps promote a greater understanding of the magistracy but you should never discuss individual cases, or reveal information to which you have had privileged access (such as views expressed in retiring room discussions) particularly those very sensitive matters such as search warrants and warrants of further detention.

Magistrates are not permitted to act as McKenzie Friends at court.

Inappropriate disclosure of information is likely to result in disciplinary action, which can result in removal from office.

Great care should be taken around use of social media such as blogging (see section on Magistrates' media and security issues). Before deciding to express in public your personal views on any sensitive or controversial issue, you must consider carefully how your position might be perceived by those who come before you in court, and the implications it might have for wider public confidence in the administration of justice.

How should I dress for court?

You should dress to reflect the dignity of the court (this allows for style of dress dictated by your ethnic or religious background). A good starting point is to look at the professional court users and model your dress code on theirs - the expectation is that we dress to reflect the solemnity of our work and casual wear, such as jeans and t-shirts, would not be appropriate. You must not wear anything which might suggest that you have affiliations or sympathies which would make you prejudiced in relation to the outcome of a particular case. You should generally avoid wearing insignia of a particular organisation or club which may give an impression of bias.

What should I do if I am having difficulty finding the time to sit?

Magistrates are required to sit a minimum of thirteen days a year (or 26 half day sessions if relevant reasonable adjustments apply). You will be given access to an online rota system which will enable you to notify dates that you are unavailable to sit. The rota is for a six-month period and available approximately six weeks before the rota period starts. The rota is hosted on the Common Platform and is accessed from e-Judiciary on the Rota tile. To obtain a good range of work and sufficient sittings it is likely that you will need to be able to offer more than one day of the week and not unduly restrict your availability.

The Essential IT Guidance for Magistrates has a section on rota. There is also a PowerPoint presentation available – Documents Rota-Magistrates pack v4-1. A summary of sittings completed, scheduled, cancelled and vacated is available on your rota page, enabling you to monitor your compliance with the minimum sitting requirement for magistrates.

If you think you will have difficulty achieving this target, speak to your bench chair and SLM (People). If you cannot continue to sit for 12 weeks or more, for any reason, you must inform your bench chair. Your bench chair may be able to offer you leave of absence of up to twelve months to deal with a short-term difficulty or may be able to rearrange your sittings to times which are more convenient. If necessary, they can ask the advisory committee for help - e.g. by contacting your employer on your behalf or agreeing a longer period of leave of absence. During a leave of absence, a magistrate is expected to log onto e-Judiciary **at least** every 90 days. On

return from a long absence, the bench chair will discuss with the magistrate whether any training is required, if so the TAAAC will be involved.

Leave for medical reasons does not require a leave of absence, and the bench chair will deal sensitively with such notifications. Maternity leave is a year. There is an expectation that magistrates will resign if they cannot sit for eighteen months. A failure to meet the sittings requirement can result in disciplinary action and removal.

Half day sittings may be available where a magistrates' personal circumstances/other commitments (such as health) require reasonable adjustments.

I have a disability. What support is available to enable me to discharge my duties?

This includes people who are sight-impaired or hearing-impaired.

As the role of a magistrate is to sit at HMCTS premises, HMCTS has a duty to ensure that the magistrate is enabled to work safely at the workplaces provided. Adjustments may be needed due to an existing or developing disability or medical condition, or may be identified by a Display Screen Equipment (DSE) assessment for working with IT. In the first instance the magistrate requiring the adjustment should speak to their bench chair and SLM (People). If the magistrate has a workplace passport this will assist the process. Needs will be discussed with reference to the Ministry of Justice's Reasonable Adjustments Policy for judicial office-holders and its Departmental Disability Advisers.

Can I use a laptop or notebook in court?

Much of the work of the courts is becoming digital.

HMCTS provide magistrates with digital devices in court to view key information about the cases they are hearing, and with access to sentencing guidelines and a fine calculator. Local arrangements will be described to you by the SLM (People). You should **not** use your own equipment or use laptops to take notes in court. Any notes made on paper **must** be disposed of as confidential waste at the end of the hearing at the courthouse.

The magistrates' section on the Support tile on eJudiciary has instructions for all IT products and also a list of support contact details.

Digital support officers (DSO) are available to assist with in court digital working, ensuring that that equipment is in good working order.

Who sits as the chair or presiding justice in court?

Only an approved presiding justice can 'chair' a court. He or she has been trained for the special responsibilities of presiding and has been assessed as having the

required competencies for chairmanship by the TAAAC. Only the presiding justice should make public pronouncements in court. You will normally have sat as a magistrate for about five years before you can apply to become a presiding justice.

Who can sit in the Youth Court or Family Court?

Specialist courts and panels deal with particular work:

- the Youth Court deals with offenders aged 10-17
- You need to have been sitting for at least two years in the adult court before you can apply to be appointed to the Youth Court
- the Family Court is a court within the civil jurisdiction dealing with a variety of cases relating to children, child protection, family breakdown.

The Family Court is a single court with cases being heard by different tiers of the judiciary. Magistrates may be appointed to sit in the Family Court without having sat in the adult criminal court and magistrates can apply to sit in the family court at any time.

What other roles are available on the bench?

Membership of the bench provides other opportunities for personal development. Bench chairs determine the number of deputy bench chairs to be elected. Bench chairs, deputy bench chairs, Youth and Family Panel chairs are elected annually by the members of the bench/panel. The TAAACs' membership is drawn from members of the benches within its area with vacancies being advertised on a yearly basis. The TAAACs also require magistrates to undertake important roles as mentors for new magistrates and appraisers for all magistrates to help ensure all magistrates are competent and to assist with the identification of training and development needs.

Can I be summoned for jury service?

Yes. Magistrates and other judicial office-holders are eligible. You will only be excused in extreme circumstances, but you should advise the summoning officer of your position. To prevent any conflict, you should expect to be transferred to a different Crown Court centre from the one to which you commit cases. The summoning officer will take into account your availability and suitable alternative courts.

As a magistrate you are already performing an important public service within the criminal justice system. Jury service will not count towards your sittings as a magistrate. If you are facing difficulties with your employer allowing you time off work for your duties, you can apply to your bench chair/advisory committee as appropriate for leave of absence of up to 18 months.

When you serve on a jury you do so as a private citizen. It would not be appropriate for the Lord Chief Justice to issue guidance as to how you should conduct yourself. However, the following observations might be helpful:

Like everyone else, alert the jury bailiff privately if you know someone involved in the trial, including the judge and legal representatives.

Your role as a magistrate should not be a distraction to deliberations. It is for you to decide if, and when, you tell fellow members of the jury that you are a magistrate. But don't conceal the fact if asked.

Expect to be treated as an equal member of the jury. Listen carefully to the directions given by the judge. You might suggest a structure to the deliberations but don't assume you should be elected foreman.

Magistrates should not give the jury any advice on the law or procedures.

If the jury does not understand any guidance given by the judge it should ask for clarification - you should not take on this role.

Once you have sat as a juror you must have nothing more to do with the case, or any connected case, in your judicial capacity.

Further information

Where do I go for further advice?

Always consult your bench chair and SLM (People). In addition, we recommend that you:

- register with e-Judiciary and check your e-Judiciary email and Magistrate Matters at least weekly for updates and information
- register for the Judicial Intranet website and relevant news alerts with your e-Judiciary email address. These services provide a central resource containing information relevant to magistrates as well as an opportunity to stay in touch with high level developments affecting the justice system. To register visit: <https://intranet.judiciary.gov.uk/register/>
- look at a copy of the Lord Chancellor's Directions for Advisory Committees. They contain detailed information about eligibility, inter-bench transfers, leave of absence, and attendance, as well as information on matters of judicial independence and impartiality. An online version is accessible via your bench iPad or at: <https://www.judiciary.gov.uk/publications/advisory-committees-justices-peace/>. You are advised to familiarise yourself with the Directions' content.

Useful and Local numbers can be found on your Region and bench pages on Magistrate Matters.

MLE Admin Contact – magistratesleadershipexecutive@eJudiciary.net

Magistrates' Association –

General enquiries: info@magistrates-association.org.uk

General enquiries: 020 7387 2353

Individual Press Office contacts are on the judicial intranet at:

<https://intranet.judiciary.gov.uk/practical-matters/media-guidance/>

The JO Press Office (24hr) contact: 020 7073 4852

The JO Press Office out-of-hours pager contact: 07623 514943

You can email the Press Office on: press.enquiries@judiciary.uk

Useful websites

Judiciary website - www.judiciary.uk

Judicial Intranet and LMS - <https://intranet.judiciary.gov.uk/>

Judicial Conduct Investigation Office - <http://judicialconduct.judiciary.gov.uk/>

Justice website - www.justice.gov.uk

HMCTS - <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service>

Magistrates Association - <http://www.magistrates-association.org.uk>

Commonwealth Magistrates' and Judges' Association - www.cmja.org

Sentencing Council - <http://www.sentencingcouncil.org.uk/>