



Guidance for referees

The Lord Chancellor's advisory committees form a network of committees covering the whole of England and Wales. They are classified as Non-Departmental Public Bodies and are responsible directly to the Lord Chancellor who, through these directions and such other instructions as he may give, determines their organisation, structure, membership and operating practices.

From 1 May 2019, there shall be: Twenty-three advisory committees responsible for the recruitment of magistrates; and Seven regional advisory committees with responsibility for the conduct of magistrates

The functions of recruitment advisory committees are to:

- Recruit and recommend to the Senior Presiding Judge (exercising functions on behalf of the Lord Chief Justice) candidates for appointment to the magistracy;
- Recruit and 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;

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

Role of advisory committee members

Members of advisory committees have collective responsibility for the operation of the committee. They must:

- Engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the Lord Chancellor and Lord Chief Justice
- Ensure that the Code of Practice on Access to Government information (including prompt responses to public requests for information) is adhered to
- Agree an annual report for submission to the Judicial Office
- Respond appropriately to complaints, if necessary with reference to the Office for Judicial Complaints
- Ensure that the advisory committee does not exceed its power or functions.

The role of the non-magistrate member of an appointments panel

In addition to the role set out above, there is a special role for non-magistrate panel members. There must be a non-magistrate member on every advisory committee appointments panel and that individual acts as an independent guarantor of the process for appointment to advisory committees.

Qualities sought in members of the Lord Chancellor's advisory committees:

- Good inter-personal skills
- Ability to participate in interviewing candidates for the magistracy. Experience of interviewing is an advantage but is not essential
- Good judge of character and ability: objectivity
- Ability to articulate clear, well founded reasons on the suitability or otherwise of candidates
- Awareness of own prejudices and ability to set them aside
- Discretion in handling confidential information
- Understanding or willingness to acquire understanding of the needs of the bench
- Willingness and ability to talk about the magistracy and to participate in recruitment events
- Ability to work as a team member
- Commitment, dedication and enthusiasm
- Willingness to undergo such training as may, from time to time, be prescribed by the Lord Chancellor.

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