

## ***Supporting Magistrates to Provide Justice***

### **Questionnaire**

At the annual conference of the Magistrates' Association on 26 October Lord Falconer, the Secretary of State for Constitutional Affairs and Lord Chancellor announced a new programme of work entitled ***Supporting Magistrates to Provide Justice***. This programme, which has the involvement and support of senior representatives across the Criminal Justice System, is in the context of the government making clear its commitment to the continuation of the lay magistracy as a central part of the justice system.

#### Background

Over recent months DCA Ministers have been visiting magistrates' courts up and down the country. During these visits a number of issues have been consistently raised. In addition to the recruitment and retention of more magistrates we need to:

- Ensure the magistracy is respected and valued and their orders obeyed
- Improve the perception of what Magistrates do - effective local justice
- Do more to connect courts with their communities

Lord Falconer is looking for new and better ways of working that will help see the Magistrates' courts – **Connected. Respected. Effective**

Your ideas will assist the Lord Chancellor to develop early thinking on innovations that can be taken forward after the establishment of Her Majesty's Courts Service (HMCS). Lord Falconer recognises that it will be from the people who work in and work with the courts that genuinely innovative thinking embedded in an intimate knowledge of the business of the courts will be found.

When completing this questionnaire:

- We recommend you read all sections before completing the questionnaire. There is some overlap in the issues raised.
- It is not important where your ideas are documented.
- You are **not** required to provide ideas in each section. Just one idea, which addresses one problem, will suffice as a completed questionnaire.
- You may already be familiar with some of the issues raised and have had discussions about how the problems the courts face could be better managed. This questionnaire aims to capture those ideas.
- At this time we are looking to identify practical solutions rather than an analysis of the issues or problems. The Programme Team will research your ideas.

- The background information and specific areas of concern under each question is provided to prompt and give focus – it is not meant to unduly limit the areas your idea(s) can address.
- Instructions for returning your completed form are at page 9

## **How can we improve confidence in, and respect for local justice?**

- Background Information and specific areas of concern

Magistrates contribute to and engage with their communities in many ways over and above that of dispensing local justice. There are regular open days in magistrates' courts and Court User Groups. The Schools Mock Trial competition, held annually, relies very heavily on the work and assistance of local magistrates as well as court clerks, other legal professionals and court staff.

The Magistrates' Association (MA), with support from the DCA, sponsors wide-ranging locally based programmes through their Magistrates in the Community initiative. The Local Crime: Community Sentence project sponsored by the MA and the Probation Boards' Association sees Magistrates and probation officers working together in an increasing number of areas to raise public awareness about the effectiveness of community penalties.

The Operation Black Vote mentoring scheme aims to give members of black and ethnic minority communities invaluable experience of life as a Magistrate by shadowing a serving Magistrate. It aims to equip participants with both the knowledge and the confidence to speak to others about the magistracy and how they may get involved.

It is important that the community understand how Magistrates come to their decisions and pass sentences. In some instances their decisions will have a deterrent effect that will impact on the behaviour of the wider community and communities have a right to feel confident in the way crime and anti-social behaviour are dealt with in their local area, including the administration of criminal justice.

Magistrates have a valuable role to play in educating the wider community in the function of the magistracy and the importance of the rule of law.

How can we help to build on the work of the 'magistrates in the community' and other programmes so that we maximise the knowledge and experience of magistrates in improving the citizenship of our communities?

How can we demonstrate to the magistracy and the community the positive impact of the magistrates' courts?

Where this confidence is lacking how can we help magistrates demonstrate the part they play in delivering justice and thereby making their communities safer?

Magistrates have an understanding of their local community but there is also a wealth of research and monitoring which is undertaken by a variety of CJS agencies, not least of which is the work of the Crime and Disorder Reduction Partnerships in each local community (In Wales called Community Safety Partnerships).

How can we ensure that relevant research and monitoring is available to magistrates in a way that does not compromise judicial independence and impartiality?



## How can we ensure court orders are obeyed?

- Background Information and specific areas of concern

Community Penalties and bail conditions must be enforced and when offenders fail to comply with their orders effective action must be taken to address the situation. Pilots are currently underway in Cambridgeshire and Staffordshire MCCs to fast track the procedures for breach warrants for high-risk offenders and a Multi-agency breach warrant pilot is being planned.

The non-payment of fines undermines respect for the courts and reduces public confidence in the delivery of justice. The Criminal Enforcement Programme is taking forward the provisions of the Courts Act (2003) and the Government's unambiguous commitment that all fines will be paid by developing a new enforcement regime.

Are there ways in which we can improve on the recovery of fines, which are not already being addressed through the criminal enforcement programme?

Court Compensation Orders requiring an offender to pay compensation helps the victim to move on with their life. Delays in the payment of compensation are a denial of justice and damages public confidence. A compensation fund for victims has been considered in the past.

How can we ensure that victims are paid their compensation awards promptly?

## We can ensure court orders are obeyed by...

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## How can we improve court processes and infrastructure?

- Background Information and specific areas of concern

The work of the Effective Trial Management Programme has had a demonstrable impact on reducing ineffective trials and has led to the recently published Criminal Case Management Framework. The Criminal Procedure Rules will be published in 2005 and will consolidate criminal practice directions.

What else can we do that will ensure cases are ready to be heard when they are listed and are listed as early as possible and what else can be done to help magistrates improve the way cases are managed?

What support and measures can we provide which will assist magistrates in imposing discipline in the trial process?

What additional measures would improve the court experience of victims and witnesses?

Are there areas of work that could be dealt with outside the magistrates' courts freeing up magistrates' and courts' valuable time?

Victim Support provides witness services to all magistrates' courts and the DCA Victims and Witnesses Branch is working with magistrates' courts to improve dedicated facilities.

Much has already been done to improve the way people are treated and kept informed when required to attend magistrates' courts. HM Magistrates' Courts Service Inspectorate's recent inspections have highlighted clear and comprehensive written information, which has satisfied most court users, and whilst external signage was assessed as poor there were good examples of signage inside courthouses.

More can still be done to ensure timely and targeted information and assistance that will allow them to undertake their particular role with confidence and give them an understanding of how the system does its best to meet their needs.

How can we improve the way members of the public are informed about their role and responsibilities when coming in to contact with magistrates' courts?

What actions can we take that will raise the standards of all our buildings and their facilities?



## How can we improve recruitment and retention of magistrates?

- Background Information and specific areas of concern

Last year the DCA launched a National Strategy for the Recruitment of Lay Magistrates. The strategy is designed to raise the profile of the magistracy generally (and particularly with employers); improve the recruitment and retention of magistrates, in particular from under-represented groups, while continuing to draw on the support of those who have traditionally provided the backbone of local recruitment; and ensure that Advisory Committees are supported in the recruitment process through having publicity and advertising material tailored to their particular needs.

The National Strategy has had an impact but so far it has not achieved as much as we wanted. Much of the first year has been spent gathering data, and conducting a programme of research into the experiences of magistrates, and the views of those from outside the magistrates' community. That data will enable us to target support for Advisory Committees in the coming years. Other elements of the strategy have already been put in place. A single, national call-centre for all applicants has been established, and enables the gathering of more comprehensive data about applicants, while also reducing the burden on Advisory Committees. A national advertising campaign has been run, using advertising on buses and we have seen an increase in the number of applications. A mentoring scheme, run in partnership with Operation Black Vote, provides potential future magistrates with a detailed understanding of the work of magistrates and is already encouraging applicants to join the magistracy. Despite these initiatives, we need to achieve much more with the strategy and we need to target our support of Advisory Committees more effectively.

Provisions in the Courts Act will see the introduction of a set of new national rules on the provision of training for magistrates, their appraisal and development. There will be new rules on the authorisation of magistrates to sit in Family Proceedings Courts and Youth Courts. Rules will also contain procedures for selecting bench chairs in the adult, family and youth jurisdictions. The DCA and the Judicial Studies Board are in the process of taking this work forward.

Initial research findings have identified that public perception of the make up of the magistracy is often different from the facts. In recent years the magistracy has become increasingly representative of their communities in relation to the proportion of women magistrates and magistrates from ethnic minorities. However there is more work to be done to ensure the magistracy reflects the age and socio-economic make up of their communities.

What more can be done to ensure that we recruit and retain the numbers of magistrates that are needed and that the make up of the local magistracy reflects its community?

Some people find it difficult to obtain time off/away from their work commitments to sit as a magistrate. This can damage recruitment and retention.

How can employment issues associated with the time magistrates take away from their work and other issues that make it difficult to be a magistrate be addressed? How can we encourage employers to see the value of their employees being magistrates?



## Respondent details:

Name: \_\_\_\_\_

- District Judge                       Magistrate                       MCS employee
- Other CJS employee                       Court User, please specify \_\_\_\_\_
- Other, please specify \_\_\_\_\_

Are you are content for the programme team to contact you to discuss your ideas in further detail? YES/NO

Contact details \_\_\_\_\_  
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\_\_\_\_\_

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Please return your completed questionnaire in the enclosed pre-paid envelope no later than December 10th 2004.

### ***Supporting Magistrates to Provide Justice*** programme

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### **THANK YOU**

The ***Supporting Magistrates to Provide Justice*** Programme team will now begin the process of developing the detail of your idea(s); identifying any associated costs, determining any legislation that is affected, and identifying whether and which other government departments will have an interest in your proposals.

There are a number of change programmes that are already being taken forward; the establishment of Her Majesty's Courts Service, the Criminal Enforcement Programme and the Lay Magistrates National Recruitment Strategy amongst many others. Where your ideas feed into these or other initiatives they will be taken forward through that work.