



The business case for being a magistrate employee

Ensuring your employer/line manager fully understands what the magistracy and its work involves is key to helping you be a magistrate, and will help you juggle work and judicial duties. You will need this support, and clarifying these issues when you apply, or change managers/roles, will always make it easier.

Who to approach

You will probably need to see your line manager first, who may advise you to go to a more senior manager. If appropriate, you may want to keep senior management in the loop. Contact your human resources department (if you have one) and check if the company has a public duties policy. Your trade union might also have similar information about your sector.

How to Approach Your Employer

Your employer may be wholly supportive of your magisterial involvement. Alternatively s/he may be unsure how the role will affect the workplace. Whatever the situation, it is advisable to think in advance if, and how, being a magistrate will affect your employer, your work and that of your colleagues, as well as what you could do to deal with that effect. It helps to show your employer that you have thought carefully about your reasons for applying, the commitment required and what you hope to learn in the role. Last but not least, how this could benefit the workplace. If you have a new line manager you may need to repeat the process, demonstrating what has been gained for all parties.

Questions you may be asked by your employer – some thinking points

1. Why do you want to be a magistrate?
Does this relate in any way to elements of your work?

Thinking Point: look at our 'Juggling work with Judicial duties' case studies for ideas. Think about your organisation's values/mission/goals, the department's needs etc. Are any related to self-development, community involvement, good PR, decision-making etc? Look at the outline of magisterial skills on the back page of this leaflet. Compare any that might be useful to your job.

2. Does your employer know what a magistrate actually does?

Thinking point: There's a chance your employer knows nothing about the role, or has misconceptions. Highlight what magistrates actually do eg range of cases, range of decisions, and perhaps what you know so far that attracts you. There is more information on the Magistrates' Association website www.magistrates-association.org.uk.

3. How will your magistrate duties affect your employer, your work and that of your colleagues?

Most courts sit full days, a few half days. Others rota you to sit on the same day of the week each time. You are expected to be at court for 9.30am to allow time for briefings. Court starts promptly at 10.00am and finishes at 1pm; afternoon courts start at 2pm/2.15pm and usually finish by 5pm. Court rotas are usually done six months or one year in advance. You can also swap courts with colleagues.

Thinking Point: When thinking about effects on your workload, you also need to think about how being out of the workplace will affect your immediate colleagues, any front line services, customers, clients, formal meetings, team work, management responsibilities, cover arrangements etc.

4. How could the effect on your employer, work and colleagues be dealt with?

Juggling magisterial duties with your work is about being flexible. In certain jobs it may involve putting extra hours in. You will need to assess the elements of your own job closely and how much commitment you can realistically devote.

Thinking Point: How flexible is your job and how flexible can you be? Do you have to be 'in' the workplace to work? Can you make phone calls/do reading/send emails/anything else outside work/work hours? How far is the court from your workplace? Could you pop back to work in a lunchtime, and would that help? Check the court times for the court you plan to apply to if you can. How can your work be organised whilst you were away from the workplace? How could you support colleagues in turn? This could include ensuring that your clients/customers know when you will be there to contact, planning and prioritising your work commitments, preparing contingency plans for urgent work, offering to be flexible with your colleagues in terms of shifts and rotas, sharing the work of your colleagues.

5. Will the employer have to pay you?

No, but it is good practice. You can claim financial loss allowance to compensate you, as long as you demonstrate loss.

Thinking Point: financial loss may not cover your whole pay depending on how much you earn and you may need a proof from your employer to demonstrate loss. Will this involve extra work for your employer? If you claim financial loss, you may need to discuss your pension arrangements.

6. How much time away from the workplace will you have?

The minimum is 13 days a year, plus about 2 days more for training. Many magistrates will sit a little more than this. Some courts have Saturday courts to make up extra sittings, but not many. If your work is seasonal (eg a teacher), you may be able to arrange more sittings in holiday time.

Thinking point: would it be impossible for you to take full days off? If so, check the court rota does not do this, or is there a way round this?

7. First year time away from work?

In addition to the minimum, in your first year you will probably need extra time off work for training and observation visits. This could be anything from 2-6 days, depending on whether your court can organise out-of-hours training. Visits to institutions, for example, invariably take place in office hours.

Thinking Point: this is only for the first year, but can your expected workload in the next year take this? Can you make a case that this training is useful to tasks that you do – see overleaf for outline of skills.

8. What could you bring from the experience that could help your job?

Look at the table overleaf. If you have staff competences, try and compare them, and if not, analyse the tasks in your job and even some others in your department. Pick out a few.

Thinking Point: Look at some of our 'Juggling work with Judicial duties' case studies. This may give you some ideas. Are there any tasks that link with your current job? Are there any that you could never get experience in your current job but might be useful to the company? Think laterally.



**9. What will you learn from this?
What self-development do you think you might get out of this?**

In the current economic climate, it may be difficult to get training paid for by your employer and can cost an awful lot of money. Magistrates receive considerable training not only in their first year but on an ongoing basis. The training covers topics such as team work, giving feedback, structured decision-making. Magistrates are also appraised every three years on the effectiveness of their skills and training. If you compare say, a management course, with magistrates' training and experience, it can be very effective self-development.

Thinking Point: Look at the case studies for what magistrates said they gained from their experience. Is there any policy in your organisation for training/ day release/volunteering – could this be compared to magisterial duties? While you do not get a qualification, as a magistrate you will gain extra skills.

10. Does the organisation want to review any of your learning in the magistracy?

If this is the case, there are records of mentoring/ training attendance in your first year that employers may be able to see.

11. Will there be any conflict of interest?

There is a small chance your magisterial work will have a conflict of interest with your work. Local authorities for instance may be parties in court cases, so if you work for a council you should check with the HR department to get an

authoritative view. Unless you are in one of the proscribed professions (eg the police) this does not mean you cannot sit in court but it may restrict the cases you judge – if this applies it may be advisable to apply to a court in a neighbouring area.

12. Obligations of the Employer

According to the law, employers do have an obligation to release employees for public duties, but that should not impinge on their business.

Thinking Point: you should know your rights but it may not be useful to raise them with your employer at a first discussion!

Employment Rights Act 1996

“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.

The amount of time which an employee is to be permitted to take under this section and the occasions on which and any conditions subject to which time off may be so taken, are those that are reasonable in all the circumstances having regard in particular to:

- *How much time off is required for the performance of the duties of the office.*
- *The circumstances of the employer’s business and the effect of the employee’s absence on the running of that business.”*

Magisterial Competences and Workplace Skills

After the first year, magistrates will have demonstrated – and been trained in – the competences below. Even if they have these skills already, they are often enhanced. Later on, further skills can be developed with different roles, eg chairing a court, becoming a mentor or appraiser, taking part in presentations about the magistracy to community groups.

Competence	Elements	Work Tasks this Might Relate To
Managing Yourself	<ul style="list-style-type: none"> • reading paperwork, using reference material • agreeing tasks with the team • identifying potential conflict and legal issues • focusing attention and listening skills • note taking • identifying questions • awareness of others/observation in the courtroom • acting with authority and impartiality • learning to assess your own performance. 	<ul style="list-style-type: none"> • any situation where you have to manage yourself effectively eg being punctual, reliability etc • being responsible • dealing with paperwork/reading reports: magistrates learn to absorb high volumes of information quickly and accurately • contributing to appraisals for yourself or others • prioritising and delegating your own workload and that of others • understanding colleagues'/ management's/clients' points of view.
Working as a member of the team	<ul style="list-style-type: none"> • expressing your views clearly • justifying your opinions, giving reasons for them • team work and negotiating skills • diplomacy • challenging stereotypes • communication techniques • knowing when to seek appropriate advice • taking joint responsibility for decisions which will affect people's lives. 	<ul style="list-style-type: none"> • any work that involves dealing with people effectively • negotiating with others, listening skills • dealing with the public: magistrates encounter all sectors of society, so skills/knowledge gained from this support any frontline role • contributing effectively to formal meetings • enabling a team to reach a decision together.
Making Judicial Decisions	<ul style="list-style-type: none"> • sifting evidence to decide whether it is relevant • identifying what effect a decision will have • setting aside prejudices, basing decisions on evidence • giving reasons for the courts decision • balancing interests against each other (like community protection, needs of the victim, needs of the offender, other factors). 	<ul style="list-style-type: none"> • any decision where there are a number of choices, eg project decisions for managers, practical decisions for supervisors • dealing with workplace issues, such as disciplinaries and grievances • presenting a clear business case with structured arguments, providing the right evidence to support it • management, contract management, grant applications.

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www.magistrates-association.org.uk or www.direct.gov.uk/magistrates