
Lay Magistrate Induction Booklet - Revised November 2014 (Updated November 2017)

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WELCOME

Dear Lay Magistrate,

Congratulations on your success.

Your appointment as a Lay Magistrate has been approved subject to you attending training to gain the skills and knowledge needed to carry out your duties effectively.

You will be required to attend a mandatory programme of induction training comprising of a series of formal training events and court observations. This will be supplemented by the opportunity to visit relevant custodial establishments.

This is your Induction Booklet. It has been provided for your information and assistance. It has been set out in a way that enables you to look up queries and relevant information you may need to help you through your training and subsequent role. We hope that the step-by-step format is quick and easy for you to use.

This Induction Booklet forms part of an Induction Pack which you will receive when you start training. The pack includes:

- *Blank travel claim forms,*
- *A sample form for claiming attendance at court fees,*
- *A note of travel and subsistence allowances,*
- *Contact details for Lay Magistrate Liaison Officers,*
- *Executive Committee details*
- *Training Committee details*

Other materials you will receive during your induction training will include:

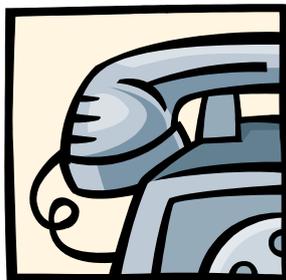
- *Lay Magistrates' Manual,*
- *An Emergency Protection Order Pack,*
- *A New Testament,*
- *A notebook for recording work on summonses and warrants,*
- *Handouts relating to specific training events.*

If however you find that you have a query or problem at any time, in relation to your training, please do not hesitate to contact any member of the Lay Magistrate training team who will be happy to assist you.

The Lay Magistrate training team manages the provision of your training and facilitates each event. We are located at:

*Judicial Studies Board
Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF*

Alternatively, please feel free to ring us directly on:



*Mrs Denise Bloomer -
Mrs Cheryl Dunlop –
Mrs Anne Mulligan –*

*028 90 725903
028 90 725905
028 90 725904*

We are also available on e-mail at either:

judicialstudiesboard@courtsni.gov.uk

OR

cheryl.dunlop@courtsni.gov.uk

Thank you for your co-operation and we hope you find your training informative and enjoyable.

Yours faithfully,

Judicial Studies Board

Training

The Judicial Studies Board (JSB) for Northern Ireland is responsible for your training and for paying agreed related expenses. It also provides administrative support for The Lay Magistrates' Association (see page 25).

Upon your appointment being approved, you will receive a programme of induction training. This training will centre around Youth Courts, Family Proceedings Courts and signing summonses and warrants. It will also cover Human Rights and Diversity issues which relate to your role as Lay Magistrate. There will be opportunities to visit custodial establishments which deal with young people in Northern Ireland (more on this later).

During the period of your appointment you will be expected to attend regular training organised by JSB (usually once per year). This training will cover a variety of subjects. You will also be invited to attend meetings and training events organised by The Association.

Invitation to attend a Training Event

When invited to attend a Training Event, you will receive a letter from Judicial Studies Board indicating what training event you are being invited to attend and the purpose of the training.

Sometimes you will be asked to fill in a reply slip and send it back to JSB. JSB appreciates a quick response to the reply slips in order to keep

things running smoothly and to ensure that the appropriate accommodation and resources are secured within the JSB budget.

You will also be informed of the location of the training event and at what time to arrive.

Where do I go once I arrive at a Training Event?

At training events, staff from JSB will be available to greet all Lay Magistrates upon their arrival. A registration desk will be set up at a convenient location for you to confirm that you have arrived and sign a register.

Why is it so important to register?

By registering, you will ensure that your attendance is recorded for your training record, and that your fee for attending training will be paid. You must sign the registration list held by JSB staff on each morning of each day of each event. This is particularly important at residential, when you must re-register on the second morning of the event. Your signature on the register is the authorisation for the Northern Ireland Courts and Tribunals Service (NICTS) to pay your fee for attending training. **Failure to sign the register will result in you not being paid a fee.** Audit practices will not permit JSB to authorise payment of fees even if a member of staff recalls that you were at an event but there is no signature on the registration list.

Evaluating training

Evaluation forms are given out at the end of each training event for your completion. It is important that your views and comments are provided on these forms to enable JSB to improve on their service at future events.

Why is it so important that I attend?

If you do not complete your Induction Training you will not be able to sit as a Lay Magistrate. Training is held for all Lay Magistrates, usually once or twice per year, and your local Lay Magistrate Association meetings will incorporate training sessions. Attendance at all of these will be recorded on your training record. Lay Magistrates are expected to attend all training in order to keep fully updated on recent developments and new legislation. Attendance at training events is a factor for consideration for re-appointments.

It is imperative that you keep updating your knowledge when appointed as a Lay Magistrate through the various training opportunities that will be offered to you by JSB and The Association. Your training record can be considered by NIJAC in relation to you being re-appointed.

What if I can't attend?

If you cannot attend a particular training event, JSB would stress that you let the office know that you will not be attending, together with a valid reason for your non-attendance. If you have stated that you will be attending training, and it turns out that you cannot attend, please contact JSB and advise them of this as soon as possible.

While JSB will do its best to facilitate anyone who has a real difficulty with a particular date for training, it may not always be possible for alternative dates to be offered.

Court Observations

As part of your Induction Training you will be required to attend court observations. This is to give you an idea of how a court operates and what will be expected of you once you are sworn as a Lay Magistrate.

It also gives you the chance to observe what court life is like on an everyday basis and to introduce you to the District Judge (Magistrates' Court) (DJ(MC)) and fellow lay members of the bench who will be on duty when you attend.

Overall you will be required to attend 4 observations – 2 before your formal training events and 2 following these events. You will observe Youth Courts and Family Proceedings Courts. Every attempt will be made to ensure that as many of your observations as possible take place within your own County Court Division, however, depending on court sittings and your availability to attend on the dates allocated to you, this may not always be possible.

Invitation to attend court observations

When being invited to attend court observations, you will receive a letter from JSB indicating which Court you are being invited to attend. You will also be told what time to arrive and who to ask for upon arrival.

Court observations will be held for small groups of people. The DJ(MC) will be notified that you are attending and will make every attempt to

make time to speak with you on the day. On occasion this may be difficult if the court list is particularly busy.

Where do I go once I arrive at court?

Once you arrive at court, as is normal training procedure, you will need to register your name with court staff. You will then be taken to the court where the proceedings are being held and directed where to sit. When court commences Lay Magistrates will be able to see how the court proceeds in practice.

How long will court observations last?

Court sitting times vary. Sittings normally commence at 10.30am. Sometimes business is completed by lunchtime, other times a court will sit all afternoon. You are expected to attend until the court rises for lunch. Should the court convene again after lunch, you are more than welcome to stay.

Further court observations

JSB has stipulated a compulsory commitment of 4 court observations as part of your induction training. However, you may arrange further observations in your own time should you feel it would be helpful to you. Such arrangements should be made between you and your local Lay Magistrate Liaison Officer (LMLO) (see page 13). JSB will pay your travel expenses for such attendances (providing that you ensure that a member of court staff advises us that you did in fact attend). We cannot pay a training fee.

Custodial Establishments

As part of your Induction Training you will also be invited to visit the 2 custodial establishments in Northern Ireland which hold young people charged with or convicted of an offence. This is to give you a basic idea of what these establishments are like so that if you make an Order for someone to attend you will have an idea of the environment to which they are being sent and the facilities available at the centre.

The custodial establishments you will be invited to are Hydebank Wood Young Offenders Centre and Woodlands Juvenile Justice Centre at Rathgael, Bangor.

Invitation to attend custodial establishments

Again, as with all your training, you will receive your invitation through the post from JSB indicating which custodial establishment you are required to attend.

Where do I go once I arrive at a custodial establishment?

Your letter of invitation will include directions to the establishment and instructions where to go once you arrive. A member of staff from JSB may attend these visits. As with normal procedure, you will need to register your name with that person. After a brief introduction you will be shown around the establishment. Feel free to ask questions at any stage of your visit - these visits are quite informal. It is usual that you will meet some of the young people detained at the establishments and we

would ask all visitors to respect the privacy of the young people and the sensitive nature of a group of Magistrates being shown around.

Carrying out your duties

Preparing to sit as a Lay Magistrate

When your induction training is completed you will be sworn as a Lay Magistrate and then start to carry out your duties. You are appointed to a County Court Division (a map of these Divisions is contained in the Lay Magistrates' Manual). The vast majority of your duties will be carried out within this Division and you will correspond regularly with court offices in that Division. JSB will notify court offices in your Division that you have completed induction training and that you are ready to be included in rotas for court duty. Court offices will contact you directly in relation to these sittings.

To support the introduction of Lay Magistrates a designated liaison officer will be appointed within each court division. These LMLOs will act as a central contact point for all Lay Magistrates within their respective court divisions and will have responsibility for the allocation of court dates, forwarding papers, authorising payments and resolving any specific pre-court issues. Depending on the number of court locations within a division it may be necessary to nominate a second LMLO. Regardless of the actual physical location of the LMLO a named contact point will be provided for each court location.

As a guide the LMLO will be responsible for the following areas: -

- Management of the Court Calendar
- Allocation procedures

-
- Monitoring the level of Lay Magistrates' sittings across the division
 - Authorising attendance fees
 - Approving travel and subsistence claims
 - Arranging collection of court papers
 - Arranging car parking facilities (where possible)
 - Providing access to administrative facilities for official business
 - Managing customer service issues
 - Commenting on areas such as attendance, availability and punctuality as part of the annual performance assessment
 - Facilitating court observations during Induction Training.

Allocation of duties

In addition to an annual training commitment it is estimated that Lay Magistrates will be expected to commit to an estimated 10 court sittings per year. Records will be maintained by the LMLO detailing the number of offers made, offers accepted and the number of sittings. Allocations will be the responsibility of the LMLO and the primary focus will be to maintain a consistent level of court sittings throughout the divisional panel of Lay Magistrates.

To assist the allocation process the LMLO will publish a court calendar detailing scheduled youth and family proceedings courts. This will normally be compiled on a quarterly basis although divisional demand will dictate the frequency of publication. Following appointment the LMLO will confirm the arrangements for your respective division.

The available dates will then issue on a divisional basis to all Lay Magistrates with an accompanying letter requesting details of their availability against the scheduled court dates. On receipt of this information the LMLO will then allocate individual Lay Magistrates on the basis of availability, number of previous sittings and business need. In the event that there is no clear decisive factor allocations will be made on the basis of the date last set (i.e. the earliest date since the last sitting will have priority). However the primary requirement to maintain a consistent level of court sitting will remain paramount.

In addition to scheduled court sittings the LMLO will on occasion have to arrange an additional court date. It may not be possible to include such additional courts in the published court calendar and in allocating Lay Magistrates, the LMLO will apply the same allocation criteria as outlined above. However contact will be made on a personal basis and attendance records updated accordingly. Any queries relating to the number of sittings offered on an individual basis should in the first instance be referred to the LMLO.

Changing Allocations

Given the need to apply the allocation criteria in an open and fair manner, maintain accurate attendance records and manage the payment process it is important that you advise the LMLO immediately if you are unable to satisfy a prior commitment to sit as a Lay Magistrate. Only the LMLO can re-allocate business between Lay Magistrates in order to ensure that the allocation procedures are applied consistently across the division.

Attendance Fees

Attendance fees must be claimed on the appropriate form (sample copy included in your induction pack) and certified by the court clerk at the end of daily business. A half-day fee can be claimed for court attendances up to 3 hours. Sitting times in excess of the 3-hour period attract the full attendance fee. Lay Magistrates are expected to attend the courthouse half an hour prior to the start of court business to discuss any potential issues as part of any pre-court discussion with the DJ(MC). This pre-court attendance period is included in the calculation of the daily attendance fee. Copies of the attendance fee claim form can be obtained from the LMLO.

Payment Process

On a monthly basis the LMLO will consolidate into a single claim all claims for court attendance fees and travel relating to court business which have been submitted during the month. JSB will consolidate and submit all training fees and travel claims relating to training and meetings organised or approved by them. Travel is now paid along with court attendance and training fees through the NICTS payroll system at the end of the month. Claims, once checked and approved, are forwarded to Payroll for processing.

Queries regarding the approval of fees should in the first instance be directed to the LMLO or JSB. However, should a query relate to a payment or deduction issue your query will be referred to the Payroll Section to preserve confidentiality.

Travel & Subsistence claims

(Frequently asked questions)

What is a Travel and Subsistence Claim Form?

A Travel and Subsistence Form is a form that is used when claiming back travel and other expenses incurred in respect of services as a Lay Magistrate. It is also known as a 'Travel Claim Form'.

What can I claim for in a Travel Claim Form?

In a Travel Claim Form you can claim for travel expenses, such as travel by car, passenger mileage, car parking expenses, subsistence allowance and all other reasonable and approved expenses relating to your role as a Lay Magistrate. The standard rates of travelling, subsistence and financial loss allowances will apply to:

- Attendance at Youth Courts as a Lay Magistrate
- Attendance at Family Proceedings Courts as a Lay Magistrate
- Attendance at County Courts as assessors in appeals cases
- Attendance at training seminars
- Training related visits approved by Judicial Studies Board e.g custodial establishments, Children's Homes etc.
- Such other attendances as may, from time to time, be approved by the NICTS

-
- Attendance at meetings organised by the Lay Magistrate Association as approved by JSB.

Details of allowances payable are in your Induction Pack.

Where do I send my Travel Claim upon completion?

When you have completed a travel claim form relating to training events you are required to send the form to JSB where it is processed. The information then goes to Payroll Section to process your payment.

If however you attend court sittings or meetings that are not related to training events, you will need to send your claim to the court office in which the meetings or sittings were held. For example, if you attend a court sitting in Belfast, you would send your claim form to Belfast court office. *JSB only deals with travel claim forms relating to training and Association events.*

Claims must be submitted within *3 months* of incurring the expenses. The NICTS has the discretion to refuse to pay late claims.

What can I not claim for in a Travel Claim Form?

In a travel claim submitted to JSB you cannot claim for court attendances or for any meeting not arranged by or approved by JSB. JSB will keep records of each training event held and full lists of attendances at each event.

In a travel claim submitted to a court office, you cannot claim for any training event or meeting arranged or approved by JSB.

You may only claim travel expenses from the home address provided by you to the NICTS. Second homes, such as holiday homes, cannot be considered.

Subsistence is reimbursement of expenses necessarily and actually incurred in relation to your duties as a Lay Magistrate. Details of allowances are contained in your Induction Pack. If you have attended an event or seminar where a meal has been provided for you, subsistence cannot be claimed.

Why should I use a Travel Claim Form?

Travel Claim Forms enable you to claim back expenses you have incurred whilst carrying out your duties as a Lay Magistrate. When you fill in a form, all expenses you have incurred have to be approved for payment by NICTS staff. Payments will be made directly into your bank account.

Where can I get Travel Claim Forms?

Travel Claim Forms can be obtained from JSB or your local court office. At each training event you attend, the Lay Magistrate Training Team will provide claim forms for your completion.

What does a Travel Claim Form look like?

When you receive a Travel Claim Form you will notice that it is blue or yellow. Blue forms relating to training or JSB approved meetings should be submitted to JSB. Claims for commuting to court should be submitted on a yellow form and business travel to court should be on a blue form and should be sent to the LMLO at your local court office. The NICTS *cannot* accept claim forms if they are not originals.

How do I use a Travel Claim Form?

There are 3 sections to a Travel and Subsistence Form, Sections A, B and C. You will be required to fill out all 3 sections of the claim form. A sample form is reproduced at page 21.

SECTION A

The first section of your travel claim form is straightforward as it asks for your details. You will need to fill all parts of this section out in order for us to process your claim, except parts marked with X's.

SECTION B

The second section of your travel claim (Declaration) requires your signature. If you do not sign the Declaration at Section B your claim *cannot* be processed. This section is for you to confirm that you agree to the declaration and that what you have filled in on the travel claim form is true. The second part to this section (Approval) is for official use only – you do **not** sign this part.

SECTION C

The third section of your travel claim requires you to fill in details of what you are claiming for. It is split into sections to make it easier for you to understand and complete. If you are claiming for expenses that you have receipts for, please ensure that you include receipts with your travel claim forms. Examples have been given on page 22.

* At column 1, you are required to put down which day the travel commenced (e.g: Mon, Tues, Wed, Thurs, Fri, Sat or Sun).

* In columns 2 and 3 the claim is asking for you to put down the date that you commenced your travel (e.g: 26.04.03) and the time of your departure and return. This example explains that I commenced my travel on 26.4.03 at 8.15am and returned on the same day at 2.30pm.

* At column 4 the claim form is asking you to list the destination of your journey. An example has been illustrated on the claim form for your assistance.

* At column 5 you are asked for your journey details. This is the reason for your journey (e.g: if you are attending a meeting, name what meeting it is you attended), if you have any passengers with you (give the name of your passenger(s) etc). These details have also been illustrated for your assistance on the claim form.

* At column 6 you are required to put down the number of miles it took to get to your destination and back again. This is so you can work out how much travel expenditure you have incurred. You are also asked for your standard rate in this column. You can find this out by referring

to the Travel & Subsistence Allowances included in your Induction Pack. JSB will notify you if the allowance is amended.

* Column 8 of your claim form is only for when you have passengers travelling with you to a training event. For each passenger you carry in your vehicle you will receive an additional amount per mile covered. You should enter the number of miles that the passenger travelled with you. The rates are available upon request from JSB. Passengers should be other Lay Magistrates carrying out their duties.

* Columns 9 and 11 of your travel claim are for other travelling expenses (such as parking fees) and any other miscellaneous expenses which you might incur in the course of your duties and which are approved by the NICTS.

* Column 10 is for subsistence allowances, as mentioned above.

When you have completed your Travel and Subsistence Form, you are advised to put a diagonal line through the rest of the form. This is to let NICTS staff know that the form is fully completed. It also helps prevent fraud.

Do I need to send anything along with my travel claim form?

In order that your travel claim forms can be processed, court office staff and JSB will need a copy of your motor insurance certificate which should state that your insurance covers the use of your vehicle for business purposes. JSB and court staff will need valid copies of motor insurance certificates each year upon their issue.

General Information

The Lay Magistrates' Association

The Association is a body independent from the NICTS, run by Lay Magistrates for Lay Magistrates. It promotes and encourages liaison between members throughout Northern Ireland.

The Association is centrally managed by an Executive Committee which consists of a representative from each county court division (except in the case of Belfast which shall select two representatives), a Training Committee representative, and four office holders - Chairman, Vice Chairman, Honorary Secretary, Honorary Treasurer. This enables an exchange of information and views, and aids uniformity of approach when carrying out your duties. The Executive Committee meets approximately four times per year, and is an important communication link between the NICTS and Lay Magistrates. The Lord Chancellor is the President of the Association. A list of Executive members is contained in your Induction Pack.

The Executive members who represent their respective Divisions act as Chairpersons for those Divisions. These Divisional Chairs are the communication link between the Executive and individual Lay Magistrates. Divisional Chairs will organise meetings within their respective Divisions. The purpose of these meetings is to raise and discuss issues at local level. There is usually a training element to these meetings also. Divisional meetings are an excellent opportunity for members within Divisions to get to know each other and share common concerns.

Each September or October the Lay Magistrates' Association holds its Annual General Meeting (AGM). A training event may also be held. JSB helps to administer these events. The AGM and Training Event are normally held on a Saturday morning and finish after lunch. This is the one opportunity for members of all Divisions to come together as a whole to meet each other.

The NICTS works together with and supports the work of the Association. Lay Magistrates are strongly advised to join the Association.

Ongoing Training

Induction Training will be supplemented by one training event organised by JSB each year. Training needs will be identified by either the Lay Magistrate Training Committee (see below) or through direct consultation with Lay Magistrates. There will also be additional training in response to new legislation and relevant initiatives.

Lay Magistrate Training Committee

This Committee is responsible for planning, organising and evaluating the annual programme of training for Lay Magistrates.

It is chaired by the Chair of the Association and its members include a Lay Magistrate from each Division (2 from Belfast) and a DJ(MC). This is to ensure that views from all divisions and DJ(MC)s can be heard and considered at meetings of this Committee. The Secretariat to the

Committee is provided by JSB. Committee member details are contained in your Induction Pack.

Throughout your Induction period of training, you will become aware of duties of a Lay Magistrate, i.e. attending at Court hearings, visiting Detention Centres etc. What you can never be trained for however is the unexpected.

Not all court hearings are held in a courtroom with a DJ(MC) present. You could be called to hear a case without a DJ(MC). What's more, you could be called to hear a case without a DJ(MC) and in your own home...

Emergency Protection Orders

As a Lay Magistrate, you may be called to hear an Emergency Protection Order (EPO) case. An EPO gives the applicant in the case "parental responsibility" for a child under the age of 18. It authorises the removal of the child from its parents care at any time to alternative accommodation.

Lay Magistrates can be called to hear these types of cases in circumstances where no DJ (MC) is available to sit. Depending on the time of day/night, these cases can be held in the court or in your home. Don't panic! EPO training will be provided for all Lay Magistrates and a full information pack provided so that if and when the time comes, you will be prepared for the unexpected.

Although when hearing an EPO case you will have no DJ (MC) guiding you, you will have a mobile contact number for the court clerk who will

be on emergency duty and who will help you with any queries or problems you may have.

Once you have received the phone call from the court clerk asking you to take the case and providing you have agreed, a representative from a Health Service Trust (usually a social worker) will meet with you and explain the circumstances of the situation to you and state why they want the Order. After considering all the evidence you can make the decision as to whether to grant the Order or not.

In the event that you decide to make the Order, you are required to fill in the appropriate forms, give copies to the Trust representative and then leave the originals into the court office by 10am the next morning. If you decide not to make an Order, you do nothing.

You will receive all necessary forms at EPO training (part of your induction training). Forms can also be obtained from the Lay Magistrate Training Team at JSB, or your local court office.

Signatory Duties

All Lay Magistrates are expected to complete signatory duties in respect of court summonses and warrants as part of the conditions of office. This element of the post does not attract a fee payment. Documents may be signed as part of an attendance at a court sitting or as part of your post court duties. However the Police Service for Northern Ireland (PSNI) or Public Prosecution Service (PPS) may also require a signature on certain documents. In these circumstances arrangements may be made to either sign at a local Police Station or alternatively the local PSNI may make arrangements to call at your home address.

Following appointment the local District Command Unit will be advised of the contact details for the full schedule of divisional Lay Magistrates. They will be advised that all Lay Magistrates should share signatory duties equally and that they should report repeated incidences of non-availability to the LMLO. However should you believe that you have been asked to bear a disproportionate number of signatory duties you should also raise the issue with the LMLO.

Court Files

In order to prepare for court you will be expected to review papers and files prior to the hearing date. To ensure safe transport of confidential papers you will be expected to collect court files from a nominated office within the court division. On appointment the LMLO will agree which court office in the division is most convenient and most suitable to arrange collection. You will be entitled to claim mileage allowance when collecting court papers.

Car Parking when at court offices

Car parking will where possible be provided at the local courthouse. The LMLO will confirm arrangements and advise security officials of your attendance. However parking facilities are extremely limited at some venues and it may not be possible to accommodate all parking requests. In these circumstances you may reclaim the cost of any necessarily incurred expenditure.

Administrative Services

You may in connection with your official duties make use of administrative office services including postage and photocopying facilities. Should you require the use of these facilities you should initially contact the LMLO.

Confidentiality

As a Lay Magistrate you will have access to the intimate and private details of the lives of people who come before the courts. You will have copies of court files at home and may hold notebooks detailing proceedings. All such information is strictly confidential and should not be shared with or discussed with anyone outside the court environment.

What should I wear in court?

A good working rule is that the manner of dress of Lay Magistrates should uphold the dignity of the Court rather than draw attention to themselves. A Lay Magistrate should dress comfortably, neatly, tidily and soberly. This does not mean that it has to be sombre, rather, it should not be so striking that it is distracting to court users.

Nothing should be worn or displayed which might be taken as indicating bias, including certain ties or badges.

This is only guidance and is not intended to be prescriptive. It is accepted that good sense will prevail on the vast majority of occasions.

Library resources

Also, within each Court office, there should be a Court library where all Lay Magistrates are welcome to look for relevant information.

The JudiciaryNI website has useful links to publications and legislation
www.judiciary-ni.gov.uk.

Court Contact Numbers

All courthouses - 030 0200 7812 (NI Direct number)

Antrim Courthouse

Armagh Courthouse

Ballymena Courthouse

Banbridge Courthouse

Belfast – Laganside Courts

Coleraine Courthouse

Craigavon Courthouse

Downpatrick Courthouse

Dungannon Courthouse

Enniskillen Courthouse

Limavady Courthouse

Lisburn Courthouse

Londonderry Courthouse

Magherafelt Courthouse

Newry Courthouse

Newtownards Courthouse

Omagh Courthouse

Strabane Courthouse