



MAGISTRATES
ASSOCIATION



ANNUAL REPORT AND ACCOUNTS 2009–2010



From the Chairman

This is the report of the Magistrates' Association for 2009/2010 – the fifth anniversary since the grant of a new Charter and Bye-laws on 14 June 2005.

Your Association has had another year of successes, innovation and developments. We secured a full review of out-of-court disposals, ensured new guidance on retail theft, prevented 27 new penalty notices for disorder offences and led amendments in the Coroners and Justice Bill to guarantee judicial independence and discretion. We have raised the profile of the magistracy in a wide range of areas, through extended support from the media. The MA is regularly invited to engage with ministers, government officials, other agencies and outside bodies.

The Board of Trustees is in the process of restructuring the Association into three divisions – Finance/Administrative, Communication and Policy – the last being a vital departure for the organisation. We have appointed a new Association Secretary (starting August 2010) to administer further developments to improve the service to members. The website has delivered quicker communication with branches and members.

A small group of very supportive academics has directed our work to important research on the value of our role. We have added a European dimension to our activities to unify the importance of lay involvement in judicial matters.

I would like to thank the committee officers and members for their influential work nationally, all branch officers and bench representatives and staff. I would particularly congratulate Sonia Andrews on her retirement after many years of devoted and dedicated service to the Association.

John Thornhill, *Chairman*

About us

The vast majority of members of the Magistrates' Association are Justices of the Peace. All members belong to one of 61 local branches in England and Wales. Each branch now elects two representatives to the national Council.

Members of the Board of Trustees are elected by Council, with one third resigning from office each year. All new appointees to the Board undergo an induction process which consists of an induction pack to new trustees and discussions with the senior management team. On-going training of trustees is provided in accordance with the guidance given by the Charity Commission.

A risk management programme is in place. Trustees have identified potential risk areas and have received reports on risk management. All identified areas of risk – and the steps taken to minimise exposure in each case – are reviewed annually.

The Board is the overall policy-making body of the Magistrates' Association and is therefore responsible for all of the activities featured in this report. The Board has referred to the guidance in the Charity Commission's general guidance on public benefit when reviewing its aims and objectives and in planning its future activities. In particular the trustees always consider how planned activities will contribute to the aims and objectives they have set.

What we do

The Magistrates' Association is a charity with the following **charitable objects**:

To promote the sound administration of the law by the following means:

- (a) educating and instructing magistrates and others in the law, the administration of justice, the treatment of offenders and the best methods of preventing crime; and*
- (b) issuing publications and promoting conferences and discussions on developments in the law and the administration of justice.*

We aim to **fulfil these objects** by:

- *Promoting justice for all*
- *Safeguarding community justice*
- *Protecting judicial independence*
- *Increasing the knowledge of magistrates*
- *Educating the public*

The activities that we undertake to **achieve these aims** are:

- Promoting awareness of magistrates and the magistrates' courts service
- Developing guidance and protocols to improve the delivery of justice in magistrates' courts to the benefit of all

- Providing information, guidance and advice to magistrates
- Consulting magistrates on proposals which affect the delivery of justice in magistrates' courts
- Responding to proposals which affect the delivery of justice in magistrates' courts
- Educating the public through community-based presentations, publications and events

Our achievements and performance during 2009/2010 are described in the following pages but we highlight the following as matters which we referred to in last year's annual report and which have been achieved:

- Worked to improve our organisational structure so as to increase accountability and efficiency by introducing a regional network, implementing arrangements for election of Council members, holding discussions with branches at conference and reorganising the national office
- Continued to exert pressure to obtain extended powers for magistrates in both criminal and civil jurisdictions
- Ensured proper implementation of revised s21 protocol with strong emphasis on appropriate facilities for safety and security of magistrates
- Monitored and challenged the inappropriate use of out-of-court disposals
- Supported magistrates in their local outreach work to educate the public

What we do

- Developed plans for celebrating the 650th anniversary of the magistracy in 2011
- Provided advice and suggestions for serving and potential magistrates, to enable them to carry out their judicial duties without adversely affecting employment
- Pressed for improvements in family work to reduce delay, provide proper representation for children through guardians and safeguard against intrusive media reporting
- Provided more guidance for environmental cases and worked on guidance in health and safety matters
- Responded to a variety of consultation papers looking at various aspects of law and procedures in magistrates' courts and issues relating to magistrates directly
- Represented and advised members in many areas of the media covering news stories relating to magistrates and their work

Council and Committees

Much of the work of the Magistrates' Association is achieved through Council and its standing committees.

- The **Family Courts Committee** (FCC) considers all issues relevant to magistrates who sit in family proceedings courts. In particular it addresses the allocation of work between family proceedings and county court, the impact of any delay on families involved in cases especially the children and the relationship between the various agencies working in family work.
- The **Judicial Policy and Practice Committee** (JPPC) focuses on the operation of the criminal justice system, procedures in court, inter-agency issues, the role of justices' issues groups and area judicial forums, facilities for magistrates and new legislation.
- ❖ The **Support, Training and Development Committee** (STDC) supports magistrates in their judicial role by promoting high-quality, accessible training and development for all. It also provides support and guidance on issues relating to magistrates eg sittings, time off work, allowances.
- ▲ The **Road Traffic Committee** (RTC) deals with road traffic offences and consideration of the impact on other road users and the public.

- ★ The **Sentencing Policy and Practice Committee** (SPPC) deals with all issues relating to sentencing and sentences. It monitors sentencing practice and other court decisions such as bail. It reviews the delivery of community sentences and custody; and it provides guidance on specific types of offences – such as environmental and health and safety matters.
- The **Youth Courts Committee** (YCC) covers youth court issues and looks at the relevance and potential impact of initiatives aimed at reducing youth crime. It supports youth panel magistrates in their work in court.

Representation

Committee members, along with national officers and senior staff have represented and will continue to represent magistrates on a wide range of working parties, committees and steering groups organised by government and non-government organisations. This is a crucial part of the Association's work to make sure that magistrates' views are heard and that the public gets the best possible service from magistrates' courts.

What we have achieved

Promoting awareness of magistrates and the magistrates' courts service

- Worked with the Youth Justice Board on the *Scaled Approach* to sentencing and on the production of sentencing data for use by youth court panel chairs and youth offending teams to encourage local debates about sentencing and custody; continued to raise awareness generally about the consequences of alcohol abuse in young people; raised the profile of the Magistrates' Association in Wales by giving evidence to the Welsh Assembly; and strengthening representation on the committee by co-opting a Welsh member
- ★ Contributed to the debate on women offenders, domestic violence and honour crime, probation liaison and mental health issues in the criminal justice system
- Conducted a survey in response to the HMCS proposals on activity-based costing project before making representations; monitored and pressed for transparency of use, misuse and abuse of out-of-court disposals through media campaign and successfully achieved a review; monitored the piloting of virtual courts; developed a European dimension to the committee's work

- Successfully raised awareness of capacity in the family proceedings courts which has led to a change in culture and in legislative and procedural changes to enable more work to be retained and transferred from county courts into family proceedings courts; called for a review of CAFCASS; raised concerns regarding the shortage of legal advisers and administrative staff; contributed to debate on opening up the courts
- Provided on-going support for the Magistrates in the Community teams, National Magistrates' Courts Mock Trial Competition, Welsh Magistrates' Court Mock Trial Competition, local joint community engagement projects and the Local Crime Community Sentence project
- Developed new materials including PowerPoint presentations, one specifically for employers and business organisations and the other explains work of the family panel and their work in family proceedings court
- Initiated plans for celebration of the 650th anniversary of the magistracy in 2011 and provided a toolkit for branches to assist in local research

■ **The Family Courts Committee**

● **The Judicial Policy and Practice Committee**

❖ **The Support, Training and Development Committee**

▲ **The Road Traffic Committee**

★ **The Sentencing Policy and Practice Committee**

➤ **The Youth Courts Committee**

Developing guidance and protocols to improve the delivery of justice in magistrates' courts for the benefit of all

- ▲ Pressed for the implementation of legislation to enable courts to encourage more traffic offenders to undertake training courses by offering reduction in sentence
- ★ Worked on providing guidance on health and safety offences and continued to cover various aspects of environmental crime; involved in the drugs intervention programme training for court workers
- Produced guidance for youth panel chairmen; contributed to Making it Count in Court, a joint document with HMCS and YJB providing a framework for better cooperation between youth court users

Providing information and advice to magistrates

- Continually updated the members area of the Association website with guidance, practice directions, letters etc from a number of sources; carried a varying number of articles and issues in *Magistrate* magazine; provided branches with monthly bulletins
- ❖ Published Magistrates' Association guides in allowances and expenses, voting for bench chairmen and volunteering opportunities for magistrates after retirement; facilitated a

■ The Family Courts Committee

● The Judicial Policy and Practice Committee

❖ The Support, Training and Development Committee

good practice guide on data protection for magistrates; supported magistrates by responding to queries about appraisals, cross-bench sittings, disability issues and access to court facilities

- ❖ Established a group of magistrates with human resources experience to help promote the magistracy with employers by providing informed guidance of the commitment and benefits to be derived; produced a leaflet on *Juggling Work with Judicial Duties* and a template of a business case for being a magistrate employee
- ❖ Developed distance learning materials in the form of a pocket book and companion to refresh skills and knowledge for all mentors called *Getting More out of Mentoring*
 - Worked with the Judicial Studies Board to ensure that training materials are relevant and accessible, covering areas of case management, training for chairman of training and development committees, issues on mental health training following the *Bradley Report* and fair treatment
- Updated the youth court protocol confirming the need for specially trained magistrates and separate youth courts to ensure young people are treated appropriately
- ▲ Produced Fact file 6 on s172 identification of drivers for easy reference
 - Produced hints and tips on appearing on radio phone-in programmes as well as dealing with difficult audiences for MIC presenters and a Magistrates' Association guide to taking part in the National Magistrates' Mock Trial Competition

▲ The Road Traffic Committee

★ The Sentencing Policy and Practice Committee

➤ The Youth Courts Committee

Consulting and responding to proposals which affect magistrates and the delivery of justice in magistrates' courts

- ▲ Researched the relationship between disqualified driving and road traffic collisions; gave evidence to Sir Peter North's *Review of drink and drug driving*; pressed for consistency when dealing with disqualification in a driver's absence at court; responded to consultations on electrically assisted pedal cycles, electric personal vehicles and motorway controls
- ❖ Advised the Senior Presiding Judge on magistrates' views regarding all/half-day sittings, court cancellations and proposed reorganisation of advisory committees
- ★ Produced policy documents on short custodial sentences, fines, community orders, fly-tipping, mental health and drug offences and responded to consultations on bail accommodation, burglary in a dwelling, environmental enforcement, parole board, NOMS and sentences for drug offences
- Responded to papers on families and relationships and the public law outline
- Produced policy documents on victims, local crime, local justice, compensation fund, licensing and responded to consultations on engaging communities in criminal justice, court closures, entertainment facilities, street trading, drinking banning orders
- Responded to consultations on youth crime and anti-social behaviour and youth justice provision in Wales

■ The Family Courts Committee

● The Judicial Policy and Practice Committee

❖ The Support, Training and Development Committee

Educating the public through the media, community-based presentations, publications and events

- ❖ Using information from employer focus group, produced a PowerPoint presentation to be used in presentations to employer groups or by individual magistrates to their line manager/supervisor; developed a suite of materials including posters and leaflets aimed at highlighting the valuable role of a working magistrate for use in the work place but also at open days, shows, exhibition stands etc
- Supported magistrates with advice, materials and resources for a variety of events and presentations
- Produced new materials including a set of cards on domestic violence for use in presentations and a PowerPoint presentation for audiences wanting to know about family proceedings
- Organised a series of seminars for branch liaison officers to enable discussion on community engagement, new materials, arising problems and good practice
- Supported steering and working groups on community engagement groups, the Mock Trial Competition and Local Crime Community Sentence projects
- Responded to media queries by providing information and spokespersons for national and local media as well as proactively linking with key journalists in national newspaper and broadcast media

▲ The Road Traffic Committee

★ The Sentencing Policy and Practice Committee

➤ The Youth Courts Committee

Next year and beyond

We aim:

- To continue to review and improve our organisational structure so as to increase accountability and efficiency
- To promote the role of the magistracy as a vital component of the justice system in England and Wales
- To celebrate the 650th anniversary of the magistracy in 2011
- To promote and extend justice delivered by ordinary citizens in the communities affected by crimes
- To look at creative use of venues for the delivery of justice, balancing local delivery with accessibility and security issues
- To explore how magistrates could be involved in the wider crime prevention field
- To determine the possibility of involvement of magistrates in the management of sentences both in custody and in the community
- To press for more private and public law cases to be heard in family proceedings courts to reduce delay for families with problems and protect children from significant harm
- To work with magistrates to identify the local factors which result in custodial sentences for young people with the aim of reducing the number through more inter-agency cooperation
- To ensure that budgetary restrictions have minimal impact on the criminal justice system and in particular the youth justice system
- To seek ways to encourage young, employed people to join the magistracy by making working life compatible with the judicial duties without putting pressure on magistrates, their employers or families
- To work with other European representative organisations in promoting the role of the 'lay judge' in the justice process
- To contribute to a review of sentencing, sentences and out-of-court disposals

Finances and financial management

Law applicable to charities in England and Wales requires the trustees to prepare financial statements for the financial year which give a true and fair view of the Magistrates' Association's financial activities during the year and of its financial position at the end of the year. In preparing financial statements giving a true and fair view, the trustees should follow best practice and:

- select suitable accounting policies and then apply them consistently;
- make judgments and estimates that are reasonable and prudent;
- state whether applicable accounting standards and statements of recommended practice have been followed, subject to any departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue in operation.

Trustees are responsible for keeping accounting records which disclose with reasonable accuracy the financial position of the Association and which enable them to ascertain the financial position of the Association and which enable them to ensure that the financial statements comply with applicable law. They are also responsible for safeguarding the assets of the Association and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

All the current trustees have taken all the steps that they ought to have taken to make themselves aware of any information needed by the Association's auditors for the purposes of the audit and to establish that the auditors are aware of that information. The trustees are not aware of any relevant audit information of which the auditors are unaware.

Further information relating to the Association's finances can be found in the Honorary Treasurer's Report.

J J Thornhill JP
Chairman

Honorary Treasurer's report for the year ended 30 June 2010

Income and Expenditure

The Association's income arose principally from membership subscriptions, grants, tax recoveries under the gift aid scheme, dividends and interest from investments and advertising revenues. Largely due to a reduction in the number of magistrate appointments, membership numbers fell during the year and despite the increase in subscriptions from 1 January 2010, income from members' annual subscriptions fell by just over £9,000. Gift Aid recovery was down by almost £78,000 although it must be taken into account that the successful gift aid campaign in 2008/09 generated one-off income in that year of £85,000.

The Association reports an operating deficit for the year of £34,956 in its unrestricted funds against a surplus in the previous year of £65,899. When combined with an excess of income over outgoings of £19,482 on the restricted funds there was a net outflow of resources for the year of £15,474. Despite disappointing revenue from magazine advertising, the Association benefited from lower administration costs mainly due to one-off savings in staffing, venue hire and governance.

An improvement during the course of the year in the financial markets saw gains of £211,661 on the Association's Investment portfolio compared with the reported fall in the previous year of almost £300,000.

Investments

The investment portfolio continues to underpin the long-term requirements to service subscriptions of our life members.

The percentage of Investments held by the Association in equities has fallen slightly during the year. However the risk profile of the portfolio continues to be balanced between fixed interest holdings, which now includes a proportion of overseas stocks, and equities (mainly UK). The portfolio continues to be structured to provide a hedge against longer-term inflationary pressures and is operated within continuing overall objectives to maximise the Association's assets within a medium-risk strategy.

Reserves

The Board has Reserve Policies to ensure that the available resources are used to implement its charitable objectives and to safeguard the future financial strength of the Association. The Board sets these policies taking into account current financial conditions and the need to provide adequate working capital allowing for periodic fluctuations in receipts and payments. Cash balances at the year end were £176,719 (2009 – £333,959) against a policy requirement of £86,059 (2009 – £85,495). The exceptional fall in cash balances is due to the transfer of funds not required in the short term into our investment portfolio. Free reserves at 30 June 2010 were £355,800 (2009 – £101,244) against a policy requirement of a minimum of £100,000 (2009 – £100,000).

The Association continues to set aside a sum to meet the current value of future subscriptions of life members. The figure at 30 June 2010 amounted to £1,600,757 (2009 – £1,694,351) represented on the Balance Sheet by the aggregate of the designated fund (£1,506,580) and the creditors: amounts falling due after more than one year (£94,177).

Conclusion

The Association's finances continue to be satisfactory. At the time of this report the financial markets are experiencing some stability although it is too early to say whether that stability will be maintained.

The Board has set a balanced budget for the year to 30 June 2011 incorporating a modest increase in subscriptions, subject to non-recurring costs of marking the 650th Anniversary of the Magistracy being funded from reserves.

I would like to thank our auditors, my fellow Honorary Officers and Trustees and the staff at 28 Fitzroy Square, particularly Brian Worboys, for their help, advice and commitment to the Association and to wish Brian a long and happy retirement.

M J Dodden JP

Honorary Treasurer

What follows are not the statutory accounts but a summary of information relating to both the Statement of Financial Activities and Balance Sheet and as such may not contain sufficient information to allow for a full understanding of the financial affairs of the Association. The full accounts from which these summary financial statements are derived have been audited and there are no concerns expressed in the audit opinion. The annual accounts were approved on 14 September 2010 and are available (free of charge to members) from the Association's national office – The Magistrates' Association, 28 Fitzroy Square, London, W1T 6DD.

Funds not immediately required are invested either on short-term deposit or by our investment managers, who have discretionary powers of investment within the terms laid down in the Charter.

The investment powers of the trustees are laid down in the Supplemental Charter and give the trustees power to invest in property, shares, stocks, funds, securities, unit trusts and other investments.

No material changes to accounting policies have taken place during the year.

The cash assets of the Association are all held in order to finance ongoing activities.

Statement of financial activities for the year ended 30 June 2010

	Unrestricted Funds £	Restricted Funds £	Total 2010 £	Total 2009 £
Incoming resources				
<i>Incoming resources from generated funds</i>				
Grants	-	96,975	96,975	129,500
Investment income	76,494	-	76,494	93,984
<i>Incoming resources from charitable activities:</i>				
Members' annual subscriptions	697,024	-	697,024	706,324
Gift Aid tax recovery	155,453	-	155,453	233,243
Publications and other income	6,175	-	6,175	4,418
<i>Magistrate</i> – advertising and sales	62,605	-	62,605	53,870
Total incoming resources	997,751	96,975	1,094,726	1,221,339
Resources expended				
Costs of generating funds	2,768	-	2,768	2,118
Charitable activities	981,573	77,493	1,059,066	1,090,572
Governance costs	48,366	-	48,366	58,260
Total resources expended	1,032,707	77,493	1,110,200	1,150,950
Net (outgoing)/incoming resources	(34,956)	19,482	(15,474)	70,389
Net gain/(loss) on investment assets	211,661	-	211,661	(298,447)
Net movement in funds	176,705	19,482	196,187	(228,058)
Total funds brought forward	1,829,286	16,431	1,845,717	2,073,775
Total funds carried forward	2,005,991	35,913	2,041,904	1,845,717
The above fund balance is analysed as to:				
Designated funds	1,506,580	-	1,506,580	1,579,582
Unrestricted funds	499,411	-	499,411	249,704
Restricted funds	-	35,913	35,913	16,431
	2,005,991	35,913	2,041,904	1,845,717

All amounts relate to continuing activities.

Balance sheet at 30 June 2010

	2010 £	2010 £	2009 £	2009 £
Fixed assets				
Tangible assets		143,611		148,460
Investments		1,757,775		1,440,851
		<hr/>		<hr/>
		1,901,386		1,589,311
Current assets				
Stock	104		1,170	
Debtors	92,918		103,929	
Cash at bank and in hand	176,719		333,959	
		<hr/>		<hr/>
	269,741		439,058	
Creditors: amounts falling due within one year	(35,046)		(67,883)	
		<hr/>		<hr/>
Net current assets		234,695		371,175
		<hr/>		<hr/>
Total assets less current liabilities		2,136,081		1,960,486
Creditors: amounts falling due after more than one year		(94,177)		(114,769)
		<hr/>		<hr/>
Net assets		2,041,904		1,845,717
		<hr/>		<hr/>
Unrestricted funds				
– Designated funds		1,506,580		1,579,582
– Other				
Tangible assets		143,611		148,460
Free reserves		355,800		101,244
Restricted funds		35,913		16,431
		<hr/>		<hr/>
		2,041,904		1,845,717
		<hr/>		<hr/>

The financial statements were approved by the Trustees and authorised for issue on 14 September 2010 and signed on their behalf by:

J J Thornhill, *Chairman* **M J Dodden**, *Honorary Treasurer*

Independent Auditors' statement to the trustees of The Magistrate's Association

We have examined the summary financial statements for the year ended 30 June 2010 set out on pages 13 to 14.

Respective responsibilities of trustees and auditor

The trustees are responsible for preparing the summary consolidated statement of financial activities and the summary consolidated balance sheet in accordance with applicable United Kingdom law.

Our responsibility is to report to you our opinion on the consistency of the summary financial statement within the annual report with the full annual financial statements.

We also read the other information contained in the annual report and consider the implications for our report if we become aware of any apparent misstatements of material inconsistencies with the summary financial statement.

Our report has been prepared pursuant to the requirements of the Charities Act 1993 and for no other purpose. No person is entitled to rely on this report unless such a person is a person entitled to rely upon this report by virtue of and for the purpose of the Charities Act 1993 or has been expressly authorised to do so by our prior written consent. Save as above, we do not accept responsibility for this report to any other person or for any other purpose and we hereby expressly disclaim any and all such liability.

Basis of opinion

We conducted our work in accordance with Bulletin 2008/3 'The auditors' statement on summary financial statement in the United Kingdom' issued by the Auditing Practices Board. Our report on the charity's full annual financial statements describes the basis of our opinion on those financial statements and on the Trustees' Report.

Opinion

In our opinion the summary financial statement is consistent with the full annual financial statements and the Trustees' Report of the Magistrate's Association for the year ended 30 June 2010.

BDO LLP, Statutory Auditor
Epsom, Surrey, UK
16 September 2010

BDO LLP is a limited liability partnership registered in England and Wales (with registered number OC305127).

Trustees

John Bache JP (*from November 2009*)

Bill Clift MBE JP

George Curry JP

Mike Dodden JP (*Honorary Treasurer*)

John Fassenfelt JP (*Deputy Chairman*)

Elliot Griffiths JP

John Howson JP (*Deputy Chairman*)

Flo Kaufmann JP

Fred Manning JP

Richard Monkhouse JP

Martin Prevezer JP (*until November 2009*)

Malcolm Richardson (*from November 2009*)

Anne Smith JP (*until November 2009*)

John Thornhill JP (*Chairman*)

Simon Wolfensohn JP

Senior staff members

Sally Dickinson *Chief Executive*

Ann Flintham JP *Communications Manager*

Brian Worboys *Finance Manager*

Editor of *Magistrate* magazine

Simon Hudson JP

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