

THE MAGISTRATES' ASSOCIATION**SUPPORT, TRAINING AND DEVELOPMENT COMMITTEE****Sifting Candidates for the Magistracy****Response****Overview:**

The Association agrees with sifting as an option, should it be appropriate for the bench. The format of the application form will therefore be more important. A request from one branch was made that there be wider consultation on the format/final questions in the form.

Question 1 - Do you favour changing the current selection system for magistrates by introducing the option to sift candidates against the key qualities at the application form stage? Please answer yes or no and give your reasons

Issues you may wish to consider

- What are your views on the arguments outlined in the consultation document?
- Are there any other relevant arguments that should be taken into account?

Please enter your response to Question 1 in this box.

The responses favoured sifting as an option, rather than a mandatory requirement, especially for those benches which had too many applicants.

However, some felt the six key qualities were not as effective a measure as something more comprehensive based on the magistrates' competences. It is acknowledged that competences can be developed through training and experience, but questions can still be related to the basic competences, which are what magistrates actually do in their role.

If you answered no to question 1 please go to question 4

Question 2 - If you favour sifting at the application form stage, how do you think applicants should be required to demonstrate their suitability on the application form? Please give your reasons

Issues you may wish to consider

- Should candidates be asked to explain in general why they believe they are suitable for the magistracy or against the key qualities?
- What other changes, if any, would need to be made to the application form?
- Should there be any change to the use of references?

Please enter your response to Question 2 in this box.

Members favoured evidential based and practical questions to demonstrate suitability. As mentioned, some favoured questions designed to reveal magistrates' competences.

Practical questions could be Eg

'Give an example of when you have had to make a difficult decision. How did you approach the problem, what help did you seek and what was the outcome?'

Questions based on evidence could be examples of previous experience, what existing contribution have you made to the community, what are the main local problems etc. Obviously, objective criteria on eligibility issues, eg criminal convictions, need to be raised.

Question 3 - If you favour sifting at the application form stage, what safeguards do you think should be employed to guard against disadvantaging candidates who would make good magistrates but who are not experienced or proficient at form filling?

Issues you may wish to consider

- If sifting were introduced we would need to ensure that this did not impact negatively on the ability to attract and fairly assess candidates from a broad range of backgrounds, including those with little or no experience of evidence based application forms

Please enter your response to Question 3 in this box.

The following point were first noted, para 2.1 of the consultation document, mentions 'applying fairly and equitably to all' . This is an inadequate concept as equitably does not mean fairness.

It would be, however, impossible to tailor make a form for each individual applicant. Members acknowledged that form filling is now a part of everyday life, and in professional recruitment most people seek help and advice.

General maxims would be:

Plain English, accessibility, conciseness and support.

The form should be user friendly, the guidance notes should be really helpful (and not appear daunting visually either). They should also be genuinely illustrative.

In order to ensure widening recruitment, genuine support for the form filling would be needed. Suggestions were a helpline (staffed with those who have been trained to help rather than just send out papers), and, if appropriate, distribution of guidance to the voluntary sector/communities.

Question 4 - If you either do or do not favour sifting at the application form stage, are there any other changes that you believe should be made to the current selection process?

- What changes could further the key objectives outlined at the start of this document (appointment on merit, a fair and equitable selection system and ensuring that magistrates reflect the diverse communities they serve)

Please enter your response to Question 4 in this box.

No radical changes were seen as appropriate.

Thank you for your response

Please email your completed response to:

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