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Response to	Future Structure of legal Operations: Allocation of work between leadership roles
Issued by	HMCTS

General

Question 1: Do you agree with the proposal to have roles at Tier 3 and Tier 4 with little or no management responsibility, but who will be responsible for technical, legal or jurisdictional management issues?

The MA supports a specialist model working under the new HOLO structures. It seems sensible to allow individuals to be trained towards specific roles, where specific skills are required. The different roles proposed would certainly require distinct skills.

Question 2: Are the People DJCs, who are likely to be the most geographically dispersed group at this tier, the right people to deliver pastoral support to magistrates?

The MA supports People DJCs having overall responsibility for pastoral issues; however, it would be concerning if there were not specific, named individuals in each local justice area or panel area to provide initial pastoral support to magistrates. As acknowledged in the paper, pastoral care involves difficult questions, and when magistrates have personal problems, it is important they can easily access an individual they know, and who is suitably trained, to discuss those problems. There may well be situations where an issue has to be escalated to a more senior individual, but early intervention at a local area will hopefully minimise the likelihood of this happening.

Question 3: What do you consider the best way of organising people DJCs to enable them to properly focus on their role, jurisdictionally or geographically?

The MA believes it would be most beneficial to organise the “People” role of DJCs jurisdictionally, so that the pastoral care for family magistrates sits with the Family DJC. The MA is aware that the pastoral care for all magistrates will remain with Bench Chairs, and it will be important for them to liaise with both DJCs who have People responsibility for those magistrates who sit in both family and crime.

Regardless of how the Tier 4 level responsibilities are organised, it might be useful to have Tier 3 or Tier 2 individuals with specified responsibility for pastoral care, so that magistrates have a particular person they know who they can speak to about personal issues.

Question 4: Understanding the nature and scope of each role is important to building a successful leadership team which works well together and with others. Do you think we have used the right labels to describe the different focus of the roles?

Separating out Business and People makes sense, and the labels clearly describe the roles. However, it should be clearly stated where the proposal is for the DJC Family to have both the Business and People responsibility. The MA would support consistency across all regions: it is not clear why the DJC for Family would have the responsibility for pastoral support (People) in some regions, but not others.

The MA would support a distinct Tier 4 DJC role responsible for the Business aspect of the work of youth magistrates in each region, as a distinct jurisdiction with separate workloads as well as legal frameworks.

Question 5: What are your views on separating pastoral support for magistrates from engagement with Bench Chairs on matters of performance and resourcing?

Although pastoral issues can affect performance, it is beneficial for them to be separated out as responsibilities.

Question 6: is it best that the DJC Crime roles align with clusters, CPS areas or TAAAC areas? What are the pros and cons of each?

The MA believes it would be most useful for the DJC Crime roles to align with TAAACs; especially as Advisory Committees responsible for recruitment will be similarly organised.

Question 7: What are your view on the creation of the new” Business Lead” role at Tier 3 for a legal specialist?

The MA supports the creation of Tier 3 Business Leads to carry out the roles listed in support of either DJC Crime or DJC Family.

Given the fact that work in the Youth Court is distinct from other crime, it might be useful for there to be a designated youth specialist for the Business of Youth Courts in each region.

Question 8: Is family work sufficiently different from the other work of magistrates’ courts to require its own organisational structure, can it follow the same structure but with a family focus or fall within a single structure?

The MA believes that family work is sufficiently different from the work of magistrates’ court to require its own organisational structure.

Question 9: Could the DJC Family focus on both business and people, or should they be separated? If you support this approach, should the different roles be carried out at Tier 3 or Tier 4 in Family?

The MA feels that it would be more consistent for family magistrates if they had the same individual responsible for both Business and People, although we appreciate that pastoral care will remain with Bench Chairs, so there will be a need for liaison between the crime and family jurisdictions in respect of this responsibility.

Even if the DJC Family takes on both Business and People responsibilities, it will be important for family magistrate to have a named Legal Adviser in each Family Court as a named individual available to discuss pastoral issues with family magistrates would be helpful.

Question 10: Should Family training be the responsibility of the Family Lead or the Training lead? What are the pros and cons of each approach?

Training for family magistrates is distinct from that of crime magistrates, and therefore it makes sense for the training of family magistrates to be the responsibility of the Family Lead.

Question 11: Should legal teams be formed of people who work in the same or similar jurisdictions or should there be mixed-jurisdictional legal teams?

It would seem sensible to have legal teams who work in separate jurisdictions as they have separate legal frameworks.

Question 12: Could the DJC Family also be responsible for any other areas of work, such as Civil or Tribunals?

The MA would argue that a DJC Family should only be responsible for the family jurisdiction.

Question 13: How to achieve mobility within and between Leadership Roles?

The MA agrees that it is likely that the strongest candidates for Tier 5 Head of Legal Operations roles will have proven themselves capable at both the Business and People leadership roles. It would therefore be helpful if movement between these roles at different levels was possible: although it may require dropping down a tier if new skills need to be acquired.

Question 14: Should case progression officers also come within the legal line management chains?

It would seem sensible if case progression officers ultimately came within the legal line management chains.

Question 15: Should Court Associates and Tier 1 lawyers always be managed by the Tier 3 Legal Tem Manager, or could they be managed by Tier 2 lawyers line as part of their overall development?

It might be helpful for the potential development of Tier 2 lawyers to enable them to take on line-management responsibilities if they wish to: otherwise it is unclear how these skills would be achieved.

Question 16: Should teams who provide administrative support to legal teams and benches report directly to the Head of Legal Operations, the DJC Advisory and Training, 'People' DJCs, the RSU, or be left to individual regions to decide?

The teams providing administrative support should report directly to the relevant DJC; although it may be beneficial to have a matrix line management structure so that the teams can also report to the RSU.

Question 17: How do you see these role developing in the future with Reform?

N/A

Question 18: What do you see as the benefits of maintaining some regular presence in court at Tier 3 and Tier 4?

The MA welcomes the proposal to keep the number of court hours by Tiers 1, 2 and 3 the same and appreciates the necessity of reducing the number of court hours expected by Tier 3 level individuals. Maintaining some regular presence in the court is vital in ensuring individuals are able to maintain an understanding of challenges faced by the courts.

It is disappointing that there will no longer be any expectation for Tier 5 roles in relation to court hours. Although the MA notes that maintaining legal competence maybe through other work, we feel that sitting in court advising magistrates is the best way to remain connected to the fundamental responsibilities of the role.

Question 19: it has been suggested that the expectation for Tier 2 level Family Legal Advisers should be to only undertake 650 hours (instead of 840 hours for Crime) to reflect the greater work outside of the courtroom in the family jurisdiction. What are your views on this? What activities should be included in this time?

The MA agrees that Family Legal Advisers are likely to have greater work outside the courtroom: activities that might be relevant would include supporting litigants in person, and generally assisting with case progression.

Questions 20: Do you have any views on the overall approach to implementation, including the methods of filling roles?

The MA notes that the plan is to have the new structures in place by 1st April 2018, and full implementation in terms of filling roles by 30th June 2018. It would seem an ambitious timeline to fill all the roles by 30th June.

It may not be possible within the timeframe, but an open recruitment process may be more appropriate to fill the new roles

Questions 21: How might we ensure the system is fair and open?

In order to ensure the system is fair and open, a proper recruitment process may be preferable: allowing the best candidates to be selected for the different roles.

Annexes:

Although not asked specifically to comment on the proposed charts, the MA would query why there does not seem to be greater consistency in relation to the number of Tier 4 and Tier 3 posts across the regions proportionate to the number of magistrates. Particularly in relation to the “People” roles.