



MAGISTRATES ASSOCIATION

STANDING ORDERS

September 2016, as amended September 2022

1. Board of Trustees

Standards

The Chief Executive and Company Secretary is responsible for convening and servicing Board meetings. A schedule of all Board meetings will be prepared annually, and presented to the Board meeting by September of the preceding year. There shall be four Board meetings and one Board strategy day per year.

Minutes of Board meetings will be taken and circulated no more than four weeks after the meeting. The minutes of each meeting will be approved by the subsequent meeting and available on the website with 28 days.

The Board is legally responsible for the affairs of the MA and is responsible for overseeing and co-ordinating the work of the Standing Committees.

Board membership

In accordance with the Bye-laws, the Board shall consist of the following members:

The Chair and the Deputy Chair or Deputy Chairs, elected by the Ordinary Members from amongst the current Trustees and the current Chairs of the Standing Committees for the immediately preceding year;

The Honorary Treasurer appointed by the Board in its discretion;

Six other Trustees elected by the Ordinary Members from amongst the Ordinary Members, provided that any person standing for election must be actively serving;

Not more than two Members of the Association co-opted at any time by the Board in their absolute discretion.

Six Board members shall form a quorum, provided that the Chair, or one Deputy Chair with the appropriate delegated authority from the Chair for decisions made, is present.

Standards and Terms of Reference

Board members must familiarise themselves and work within the regulatory and guidance framework created by the Charity Commission of England and Wales.

The Board governs the MA and the Chief Executive is responsible for management and implementation. When considering strategic matters the terms of reference of the Board are as follows:

- (a) define and ensure compliance with the Charitable Objectives of the MA as set out in the Royal Charter;
- (b) establish policies and plans to achieve those objectives;
- (c) approve each year's accounts prior to publication and approve each year's budget;
- (d) establish and oversee a framework of delegation and systems of control;
- (e) agree policies and make decisions on all matters that create significant financial risk to the MA or which affect material matters of principle;
- (f) monitor the MA's performance in relation to strategic and annual plans and budget;
- (g) appoint (and if necessary remove) the Chief Executive;
- (h) take appropriate advice (including legal and/or any other advice);
- (i) set and amend terms and conditions of employment for the Chief Executive.

The Board may not delegate any of these responsibilities to any other group or Standing Committee.

Significant matters

The following significant matters are reserved for decision by the Board and will not be delegated to any other party:

- (a) Expansion of the MA's operations into new activities or geographical areas;
- (b) Any decision to cease a material part of the MA's operations;
- (c) Approval of resolutions to be put forward by the Board at a General Meeting;
- (d) Approval of recommendations from the Selection Committee as to Standing Committee membership, including Committee Chairs and Committees' Terms of Reference;
- (e) Removal of any Board member.

Powers

The powers of the Board are detailed in the Royal Charter.

The Board reserves the right to exercise additional powers available to charities and as detailed in Charity Commission regulations and guidance.

2. Board roles

Chair

In addition to the standard duties of being a trustee of the MA, the Chair is responsible for:

- Ensuring that the business of the Board, Annual General and Extraordinary General meetings and National Council is conducted fairly and efficiently.
- Establishing a good working relationship with the Chief Executive and other staff as appropriate.
- Ensuring that the Board remains aware of the major issues impacting on the strategic objectives of the MA.
- Supervising and appraising the Chief Executive, assessing the remuneration of the Chief Executive, and when necessary ensuring that the Chief Executive is replaced.
- Ensuring that the Board effectively scrutinises and supervises the policy committees holding them to account for their actions.
- Ensuring that the Board has the appropriate mix of skills and experience and ensuring that action is taken in the event that skills gaps are identified.
- Ensuring that the Board complies with its statutory obligations acting within the guidelines of the Charity Commission.
- Managing the collegiate responsibilities of the Board.
- Developing and implementing national policy priorities and strategies to influence decision-making.
- Representing the MA publicly, to the media, Parliamentarians, judiciary, partners, members and other stakeholders.

The Chair can delegate any of the above responsibilities to a Deputy Chair, Committee Chair, or other trustee, provided that they maintain accountability for the implementation of that responsibility.

The Chair is empowered to take any action delegated to the Chief Executive, including signing any document on behalf of the MA that the Chief Executive is authorised to sign.

Company Secretary and Chief Executive

The Company Secretary and Chief Executive is responsible for:

- Preparing the Board agenda, in consultation with the National Officers, and ensuring appropriate reports are prepared for submission to Board meetings.



Magistrates Association

- Advising and supporting the Board to meet their legal and statutory responsibilities.
- Distributing the agenda and reports by email to Board members no less than seven calendar days before the date of the meeting. Consideration of any late items or papers will be at the discretion of the Chair.
- Implementing all strategies and policies approved by the Board.
- Ensuring the efficient and effective management and administration of the MA in accordance with the decisions of the Board.
- Reporting to the Board on performance against the strategic and business plans.
- Maintaining an organisational risk register and establishing a Board review cycle.

The Chief Executive may delegate any aspect of these responsibilities to other suitable staff.

Honorary Treasurer

The Honorary Treasurer is responsible for:

- Ensuring, in co-operation with the Chief Executive, that expenditure and income are in accordance with Board decisions.
- Informing members of any pertinent matters relating to the finances of the MA.
- Producing the Annual Report and Accounts in a form to comply with the Charity Commissioners' Statement of Recommended Practice (SORP).
- Developing and presenting, with the Chief Executive, to the Board the annual budget.
- Liaising with the MA's investment advisers, and reporting to the Board on the performance of the MA's investments.
- Reporting to each meeting of the Board on the finances of the MA and performance against budget.
- Ensuring an effective audit through liaising with the MA's auditors.
- Leading the selection of the MA's suppliers, key agents and financial advisers.
- Liaising with branches, where required, on any matters of financial concern or importance.
- Advising the Chair and other Honorary Officers on the financial parameters and implications of any new initiatives suggested.

Trustees

Trustees are responsible for:

- Participating in, developing and regularly reviewing the strategic aims and objectives of the MA.
- Ensuring that the policies and practices of the MA are in keeping with its Charitable Objectives as contained in its Charter and its Bye-laws.
- Ensuring that the MA complies with its legal and statutory obligations and strives to achieve best practice.
- Maintaining a national perspective when contributing to Board discussions and decisions.
- Contributing specific skills, interests and contacts for the benefit of the MA, and supporting the MA's fundraising activities.
- Scrutinising the actions of the Standing Committees.
- Being an active and collegiate member of the Board* in exercising its responsibilities and functions, maintaining collective responsibility** at all times.
- Undertaking specific tasks, or taking responsibility for particular portfolios of activity, as directed by the MA Chair.

* Collegiality requires active participation in robust discussion, debate and challenge within the Board in the pursuit of the Association's objects, whilst respecting each other's abilities to work toward that purpose.

** Once decisions have been taken, the Board has collective responsibility for them, this makes it the duty of every Board member to actively support all Board decisions, including those made before the individual Board member sat on the Board, both in private and public discourse, regardless of their personal perspective.

Any Board member who finds themselves unable to act in such a way should resign; in the event that they do not, the Board has the power to remove them under Clause 55(e) of the Association's Bye-laws and following the Member Disciplinary Procedure.

3. Policy Committees

Working Practice

The MA's Policy Committees discuss and make policy recommendations in their areas of expertise, respond to consultations and develop and implement proactive policy goals to promote the sound administration of the law.

In each annual cycle the Committee meets once, in November or December, to agree priorities and ways of working. Any further meetings are agreed on the basis of a clear need and are convened primarily to make decisions and agree on the future direction of the Committee.

The detailed policy work that is carried out by each Committee, and reporting to Committee members on actions taken and progress made, is done remotely through email exchange and other IT mechanisms. The work is co-ordinated by the relevant Committee Chair and Policy Officer or, on specific specialist areas, by a Committee member appointed by the Committee Chair.

The Committee Chair, or appointed Committee member, is encouraged and supported to set up ad hoc working groups on particular issues, and is expected to utilise the skills of a broad range of members whether or not they sit on a Policy Committee. This enables expertise to be brought in from outside of the Committee structure as and when required.

This flexible approach is designed to enable quick decision-making, and encourage involvement from those members with the most appropriate skills, knowledge or interest in the particular issue in question, regardless of geographical location or ability to be available during standard office hours.

Adult Court Committee

The Adult Court Committee is responsible for all policy and practice relation to the working of and decision-making in the adult criminal court.

Family Court Committee

The Family Court Committee is responsible for all policy and practice relating to the workings of and decision-making in the family court.

Youth Court Committee

The Youth Court Committee is responsible for all policy and practice relating to the workings of and decision-making in the youth court.

Training Committee

The Training Committee is responsible for all MA activity around training and development both of, and by, magistrates.



4. Finance

The financial matters of the charity shall be run in accordance with the separate Financial Standing Orders, as agreed by the board.

5. Emergency powers

In the event of emergencies or unforeseeable events that make compliance with existing protocols impractical or against the interests of the organisation, the Chair, the Deputy Chairs or the Chief Executive may authorise action on any organisational decision. Such decisions shall be recorded in writing and the details sent to the Chair and Chief Executive and Board of Trustees as soon as practicable.

6. Registers and Seals

As Company Secretary, the Chief Executive is responsible for ensuring that the register of interests, charitable returns, audited accounts and any other statutory documentation is maintained and submitted as required.

The Company Secretary is responsible for the safe keeping and appropriate use of the official Seal.

The signature of two Board members and the counter-signature of the Chief Executive shall attest the fixing of Seals.