

HALF-DAY SITTINGS

NOVEMBER 2024



SUMMARY

There is considerable variation between benches about accommodating requests for half-day sittings, with some benches allowing them and some not. Half-day sittings enable magistrates with additional commitments like employment, young children, or caring responsibilities to sit – likewise for many disabled magistrates, who may find it difficult to sit for a full day. This helps to extend the range of people who can apply to the magistracy knowing that they are able to fulfil minimum sitting requirements, which contributes towards a diverse bench in line with the Judicial Diversity and Inclusion Strategy 2020 – 2025.

BACKGROUND

Lord Chancellor's Directions for Advisory Committees

[The Lord Chancellor's Directions for Advisory Committees Part 5](#) (updated October 2023) make clear that court rotas should be flexible enough to accommodate half-day sittings. The Directions recognise that most magistrates will be able and willing to sit for full days, but set out that:

“... court rotas must be flexible enough to accommodate magistrates whose other commitments prevent them from sitting for full-days (albeit that a mix of sittings, including some full-day sittings, may sometimes be necessary for them to maintain competence in accordance with the National Training Programme for Magistrates (NTPfM)).”

and

“...in order to achieve and retain a more diverse bench, the Lord Chancellor and the Lord Chief Justice encourage advisory committees to be as flexible as possible towards magistrates whose other commitments make it difficult for them to sit at regular intervals throughout the year, provided this will not prevent them from remaining competent on the bench.”

Member feedback

In March 2024, the Magistrates' Association (MA) invited members to share their experiences of half-day sittings. Themes that emerged were:

- When half-day sitting was customary, it enabled participation in the magistracy that lasted for many years:

“I was appointed at a time when half-day sittings were available and accepted (1990). If it had not been possible for me to do half-day sittings, I would not have been able to have become a magistrate and serve for over 34 years.”

Half-day sittings

- There are times in peoples' lives when the opportunity to do half-day sittings enables them to be more available to rota teams and fulfil minimum sitting requirements. People's lives are likely to change during – hopefully – a long period lasting several decades on the bench:

“I would welcome a return to being able to sit half a day as I now have caring responsibilities and as I am still working, it can be difficult to juggle it all.”

“There are at least four times a year when my whole day sittings are cancelled due to no family court listings, and days in court are reduced to the morning due to listings being decided in a quicker time than they are allocated for. The impact of this is that I am informed that I haven't met the minimum number of sittings for the year, but due to needing to arrange carers for my father and other family commitments I am unable to find sittings that are vacant.”

- Some members suggested that not allowing half-day sittings goes against the spirit of the Lord Chancellor's Direction to encourage a diverse bench:

“I think not offering half-day sittings potentially makes it extremely challenging for some people who could be excellent magistrates to even consider applying.”

“...it's an equality issue that they are ignoring and if you only have relatively wealthy, retired people working because of these restrictions and logistics then you impact heavily on the administration of justice as you get a very restrictive demographic doing the 'judging'.”

- There is considerable variation between benches in facilitating half-day sittings:

“I am a new family magistrate, and I am told I am not allowed to do half-day sittings. I was led to believe during the application process that this was possible, but it appears in my area they only allow full days.”

“I sat for half-days on my old bench but when I moved, my new bench told me this wasn't possible.”

- There was some frustration in areas where magistrates cannot schedule half-day sittings but are only credited with a half-day when listings run short. This impacts on finances and fulfilling minimum sitting requirements:

“I get frustrated that some sittings become half-day (on the day). I block out the whole day and as a freelance gardener I can't just go back to work if I suddenly have a free afternoon. I think they should be counted as full days.”

- There was recognition that only sitting half-days could give magistrates reduced court experience, even among magistrates who sit for half-days:

“Half-days exclude you from a lot of work (my observation is that half-day sittings aren’t ideal in terms of maintaining competencies and getting the full experience in the magistrates’ court.) The main consequence is firstly, I am far less likely to be listed for trials as they are often full days.”

OUR POSITION

The MA supports the Lord Chancellor’s Directions that court rotas must be flexible enough to accommodate magistrates who wish to sit for half-days, either all or some of the time. The MA believes that the duty to facilitate this should extend beyond advisory committees to include bodies who oversee the whole of magistrates’ tenures.

Recommendations

1. Half-day sitting should be available to all magistrates upon request.
2. Principles of flexible working should be applied to magistrates’ sitting. This would accommodate differences between magistrates and changes in an individual magistrate’s life circumstances, so extend the pool of people able to apply to or remain in the magistracy.
3. The uptake of half-day sitting should be monitored, and data shared with key stakeholders including magistrates. This will enable court rota teams to plan from an evidence base and gauge the appetite for, and impact of, half-day sittings at a national and regional level.
4. The potential issue that only sitting for half-days impacts on magistrates’ ability to maintain and evidence their competencies should be looked at in detail as a discrete issue. Magistrates should be surveyed and data gathered to better understand the extent of the impact, if any.
5. These findings should lead to a strategy that enables magistrates only able to sit for half-days to maintain their competencies, or to be able to be provided with extra training to regain lost competences when they are able to return to full-day sittings.
6. The Lord Chancellor’s Directions and other relevant guidance should more clearly confirm the current message that half-day sitting should be available to all magistrates.