

**I can be a
magistrate**

**Managing magistrates in the
workplace: an employers' guide to
developing a volunteering policy.**

Helpful tips to get you started.



**Ministry
of Justice**



**JUDICIARY OF
ENGLAND AND WALES**

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Introduction

The following pages are designed as a quick guide to help you get started on developing a policy for your employees who wish to take time off for public duties. We have written it with volunteering for the magistracy in mind.

There are over 13,000 magistrates in England and Wales and the government is running a recruitment drive to bring in more, and to recruit younger magistrates from all walks of life. Other public duty roles include local councillor, school governor and being a member of a health authority. You'll find a full list on the [gov.uk website](https://www.gov.uk).

It isn't difficult to develop a policy that outlines how your organisation will support individuals to sit as magistrates. Having a policy is important because it will help establish guidelines and expectations for both you and them – and ensure you as the employer can quickly realise the benefits.

Whether you're starting from scratch, or simply looking to update your employee volunteering policy to include the magistracy, we hope this guide will make the task a little easier.

Supporting your employees to volunteer as magistrates

Anyone in England and Wales between the ages of 18 and 74 can volunteer to be a magistrate, so the role could appeal to a wide range of your employees. Magistrates are unpaid volunteers. They sit in either the criminal or family court in their local community and make fair and reasonable decisions on the cases brought before them. While many people choose to volunteer as magistrates after they have retired, we're keen to broaden the appeal of the role and recruit more people who are currently working.

Magistrates do not need a legal background and receive specialist training before hearing cases. They develop substantial new skills, both in the role and during their training. Transferable skills such as critical analysis, teamwork and conflict resolution will motivate your employees and make them even more of an asset to your team.

Take a look at our [Benefits of supporting your employees to be magistrates](#) leaflet to find out more.

Things to consider

Here are some of the key things to consider when developing your policy to support employees to volunteer as magistrates:

1. Your obligations as an employer

Being a magistrate is an unpaid position and employees will need to take time out from work to do it.

Employers are legally obliged to give anyone who wants to volunteer as a magistrate time off to fulfil their duties. This is set out in Section 50 of the Employment Rights Act 1996:

'An employer shall permit an employee of his who is a justice of the peace to take time off during the employee's working hours for the purpose of performing any of the duties of the office.'

The amount of time an employee is permitted to take and the circumstances in which this time is taken must be considered by the employer to be reasonable with regard to:

- *how much time off is required for the performance of the duties of the office*
- *the circumstances of the employer's business and the effect of the employee's absence on the running of that business.'*

Magistrates must attend court (sit) for a minimum of 13 days each year. Up to an additional week is also required for training – although some of this can be done at weekends.

The law doesn't say how many days off you need to allow employees, and it's up to you whether or not you pay them. If you choose not to, individuals can claim for loss of earnings from the court. Many employers provide additional paid leave for public duties, and others offer flexible working arrangements so employees can fulfil their magistrate duties.

2. How to support your employees to take time off to fulfil their duties

Options include providing:

- **paid or unpaid time off:** some magistrates have half their time in court included in their working hours and make up the other half from other arrangements such as holidays
- **providing flexible working arrangements** so employees can make up some of the time they've taken off to fulfil their magistrate duties
- **other working arrangements** such as deducting the time taken off from the employee's personal development time allocation.

3. How to promote the magistracy to your employees

It isn't necessary to have a legal background, or any specific educational qualifications to volunteer as a magistrate. And it's an important feature of the justice system that magistrates come from a diverse range of professions, roles, and backgrounds.

When developing your volunteering policy, we would ask you to bear this in mind and take an inclusive approach to promoting your support of people wishing to sit as magistrates.

It's worth considering:

- how you ensure you open up the opportunity to all levels of staff in your organisation, not just the most senior people
- that not everyone who applies to be a magistrate will necessarily pass the recruitment process
- whether you put a cap on how many people are enrolled to volunteer at any one time.

4. Other things to think about

You might like to consider:

- how your volunteering policy could help boost employee engagement and pride in your organisation
- aligning employee volunteering with your learning and development offering, and possibly adding it to your organisation's continued professional development (CPD) scheme
- including your magistrates' volunteering policy in your organisation's recruitment policy and promoting it on your website.

Once you've published your new policy, you'll also need to think about how you promote it to your employees. We'd recommend reviewing it annually.

Developing your policy

It's beneficial to have a clearly worded policy document that covers volunteering and civic duty including volunteering for the magistracy – as you should already have to cover jury service and time off for armed force reservists.

Below are some sample sections you might like to include in your policy. In each, we've included some suggested messaging you may wish to use and adapt to reflect your approach. Simply copy and paste the content you find most helpful into your policy document.

Sample policy sections

Why is our organisation supporting employees to become magistrates?

- People who sit as magistrates make a valuable contribution to their local communities.
- We are committed to investing in our employees' training and development, and this includes supporting them to benefit from the excellent training magistrates receive.
- We recognise that supporting employees to sit as magistrates can help them develop a range of valuable and transferrable skills, including:
 - critical analysis
 - complex problem solving
 - and conflict resolution.

How we will support you with time away from work

- We're happy to provide you with up to 13 additional days' paid leave to cover sitting as a magistrate.
- or
- We'll cover your pay/salary for X days a year to enable you to fulfil your duties as a magistrate. The remaining time will need to be taken as annual or unpaid leave.
- or
- While we cannot provide paid leave for you to volunteer as a magistrate, we're happy to give you unpaid time off.

Agreeing which days employees take to volunteer as a magistrate

- We'll always do our best to be flexible and accommodate your magistrate commitments, but we'd ideally like X days' notice.
- or
- We'd prefer you to sit as a magistrate on set, pre-arranged dates that are mutually agreeable.
- or
- Your line manager will arrange your time off with you locally.

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Useful resources

- Take a look at the [benefits of supporting your employees](#).
- If you're unable to pay an employee for their time performing judicial duties, [they can claim special allowance pay](#).
- If you're interested in working with the Magistrates Association to promote routes into the magistracy, please [get in touch with the membership team](#).



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