

**Minutes of the Plenary Meeting held on Thursday 10 October 2013,
Ground Floor Boardroom, Headline Building, Victoria Street, Belfast.**

Present: The Right Honourable Sir Declan Morgan, the Lord Chief
Justice of Northern Ireland (Chairman)
The Right Honourable Lord Justice Coghlin
Mr Eoin Doyle
Mrs Breidge Gadd
Mrs Fiona Keenan
Judge Patrick Kinney
Mr James McNulty QC
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Alastair Rankin
Professor Nichola Rooney
Mr Justice Stephens
Mr Lindsay Todd

In Attendance: Mrs Mandy Kilpatrick
Mrs Helen Anderson
Ms Adeline Frew
Miss Catherine Woods
Mr Andrew Millar

Minutes of the Last Meeting

1. The minutes of the meeting held on 6 June 2013 were agreed by the Commissioners and signed by the Chairman.
2. All Commissioners confirmed that there were no conflicts of interest before proceeding with the meeting.

New Interim Chief Executive and Accounting Officer

3. The Chairman welcomed Mrs Mandy Kilpatrick to the meeting and the Commission. Mrs Kilpatrick will take up post as the Interim Chief Executive and Accounting Officer on Monday 14 October 2013.

Action Point Update from Last Meeting

4. The Staffing Letter dated 4 June 2013 from Alan Maitland, Office of the First Minister and Deputy First Minister (OFMDFM); which referred to Deputy Principal level down, appeared to have omitted the number of Executive Officers. Mr Gorringer was to draft a reply. All correspondence, including minutes of meetings, have been passed to the new Chief Executive and are saved in a secure file accessible only by the Chief Executive.

Action: Mrs Kilpatrick to follow up and clarify.

5. At the Plenary meeting on 6 June, it was confirmed that Commissioners have indemnity insurance as part of their Terms & Conditions of appointment. The insurance will cover a Commissioner provided they have acted honestly, in good faith and not recklessly. We are currently investigating what cover is provided to the Independent Selection Panel Members (co-opted members) while sitting on our panels. We are still awaiting an answer to our query from OFMDFM, who have passed the query onto the Department of Finance and Personnel (DFP).

Action: OFMDFM to provide information on personal indemnity insurance for Independent Selection Panel Members while sitting on our panels

6. Discussions were held at the Plenary meeting on 6 June, around the Chairman and Commissioners coming to Headline Building to do Commission work. It was confirmed that there is a vacant office on the second floor for the Commissioners to use.

Updates from Chairs of the Committees

Policy Committee

7. Lord Justice Coghlin, as Chair of the Policy Committee, gave a brief overview of the last Policy Committee meeting as follows:

- Personal Profile streamlining has been taking place on the current schemes.
- There is still difficulty in getting a suitable date for the next Joint Liaison Committee (JLC) meeting; therefore, Personal Profiles have not been discussed with the legal profession. Mrs Anderson will continue to work on streamlining the Personal Profiles and will meet with the Law Society and the Bar to ascertain feedback. These focus groups will provide information to inform any adverse impact on the diverse legal population.
- The short listing test for the Appeals Tribunal Legal scheme has been piloted with a sample of judicial officer holders in Northern Ireland and with a sample of lawyers in JAC England & Wales. The test for the District Judge Civil Scheme is to be piloted later this month with a similar methodology. John Mallon (Occupational Psychologist, NISRA) has provided advice and assistance to those who have designed the tests and has provided initial advice on online testing. On-line testing will be a future project led by the Appointments Team but one that will require funding.

- There is to be a dedicated Issues & Character Sub-Committee set up. The Character Policy was approved by Policy Committee on 24 September subject to final amendments.

Action: Mrs Anderson to circulate the Character Policy to all Commissioners when Policy Committee have agreed the final version.

Business Committee

8. Mrs Breidge Gadd, as Chair of the Business Committee, gave a brief overview of the last Business Committee meeting as follows:
 - Budget for 2013/14 has been reduced by £30,000 in the last Monitoring Round due to staff vacancies.
 - Business Objectives have been allocated to each Committee. It is the responsibility of each Committee to ensure these Objectives are met and reported on. A reporting structure is still being looked at by the Committee for all Committees.
 - Staffing – the quality of new secondees has been good. The replacements are either already in post (4) or awaiting CTC clearance (2). There have been no further developments in the staffing review.

Audit & Risk Management Committee

9. Mr Lindsay Todd, as Chair of the Audit & Risk Management Committee gave a brief overview of the last Audit & Risk Management Committee meeting as follows:

- Membership of Committees will be reviewed and confirmed at the Strategy Day in December.
- Confidentiality was discussed by the Committee, and it is requested that the importance of confidentiality be reinforced to members of the selection panels. If an incident regarding confidentiality has been formally or informally brought to the attention of the Commission the Chief Executive will continue to deal with it supported by the Head of Appointments where required. As part of any formal or informal investigation Selection Panel Members will continue to be contacted for any relevant information in relation to the incident by the Chief Executive Officer as part of the normal investigation process. Policy Committee will continue to develop the Complaints Policy and any associated guidance.

Action: The Chief Executive Officer will continue to deal with reported issues of confidentiality and carry out an investigation of informal and formal notifications with all relevant persons including the Selection Committee.

- Complaints are a standing item on the Agenda. There are currently no formal complaints. Mrs Anderson is presenting a Complaints Policy and Guidance for Investigators to the Policy Committee in November. The Commission agreed a Service Level Agreement (SLA) should be set up with the Northern Ireland Judicial Appointments Ombudsman setting out a time frame for complaint handling. The Chief Executive Officer and Head of appointments on behalf of Policy Committee will take the SLA forward with the Ombudsman. In particular, the issue of setting out timeframes for complaint handling will be on the agenda for this meeting. Mrs Anderson advised that a Confidentiality Policy exists within the Commission.

Action: The Chief Executive on behalf of Policy Committee will take forward updating the SLA with the Northern Ireland Judicial Appointments Ombudsman.

- Mr Todd met with Colette Kane, Director, Northern Ireland Audit Office (NIAO). Although Ms Kane agreed that the level of scrutiny and reporting is high, we have to abide by it.
- The NIAO issued an unqualified audit report following the external audit of the 2012-13 Annual Report & Accounts, which have now been signed by both the NIAO and Mr Gorringe.
- The Audit & Risk Management Committee have discussed the need for financial expertise on the Committee and have agreed there exists the required level of financial experience among them and there is no need for a committee member to hold an accountancy qualification.

Updates from Chairs of the Selection Committees

Appeals Tribunal Medical Scheme

10. Mrs Gadd gave an update on the Appeals Tribunal Medical Scheme. Successful and Unsuccessful letters are going out today.
11. The Chairman asked for every Selection Committee to do an audit of the time spent on their scheme; where it went, and was the time well spent.

Appeals Tribunal Legal Scheme

12. Mr Rankin gave an update on the Appeals Tribunal Legal Scheme. Interviews are envisaged to be at the end of November/start of December. There will be two Selection Committee Panels. Recommendation for appointment is likely to be mid January.
13. It was agreed that no private sittings should be offered for fee-paid posts.

District Judge (Civil) Scheme

14. Judge Kinney gave an update on the District Judge (Civil) Scheme. The closing date for the scheme is 21 October. A pre-scheme meeting has been held, amendments to the personal profile will be brought to Policy Committee for approval. The short-listing test will be piloted in JAC England & Wales later this month. Role-play is also being used.

County Court Judge Scheme

15. Mr Justice Stephens and Mrs Keenan gave an update on the County Court Judge Scheme. The Commission noted Mrs Keenan's Evaluation Summary paper C22/13 of the last scheme.
16. A pre-scheme meeting has taken place for the new County Court Judge Scheme due to be advertised in the next few months. Amendments to the personal profile will be brought to Policy Committee for approval.
17. A reserve list of 12 months has been agreed for the new County Court Judge Scheme.

Forthcoming Retirement of Court Deputies

18. Paper C20/13 on the Forthcoming retirements of Deputy Judges serving in the courts was noted by the Commission.
19. Advertising was discussed. Business Committee referred the issue of the cost effectiveness of our advertising methods to Policy Committee. This was discussed at Policy Committee on 24 September and will be reported back to Business Committee in November.

Management Statement and Financial Memorandum

20. Updates made to the Management Statement and Financial Memorandum were noted by the Commission.

Annual Report and Accounts 2012-13

21. The annual Report and Accounts 2012-13 have been signed by both the NIAO and the Chief Executive and are due to be laid in the NI Assembly in October.

Role of the Interim Chief Executive by Business Committee

22. The Job Description of the Interim Chief Executive was circulated to all Commissioners with no objections or amendments. The Business Committee are to approve the final Job Description at their next meeting.

NIJAC's Impact 2006 to 2013 (Legal Appointments) and Gender Overview: the Northern Ireland Judiciary and potential (legal) applicant pools

23. Lord Justice Coghlin presented paper C21/13 to the Commission. It was noted that there was a decline in female appointments and solicitors from 2010 onwards.

Annual Corporate Risk Register Review

24. The Risk Register is formally reviewed and updated quarterly at Senior Management Team meetings, reviewed at each meeting of the Business Committee and the Audit and Risk Management Committee, and reviewed annually at the Plenary meeting.

25. Mrs Gadd raised the issue that was discussed in Audit and Risk Management Committee on 12 September around the reputational damage to the Commission if we don't appoint the best candidate and the factors throughout the selection process should be included in the risk register. Best practice is to remove from the risk register a risk which has been mitigated down to a low residual risk by processes in place and adhered to by the Selection Panel. This was previously on the risk register and removed by the Committees. The Chairman requested that any suggested changes to the Register follow the proper risk reporting procedures and be referred to the Business Committee and Senior Management team to consider.

Overview of Board Evaluation Questionnaire Responses

26. The Chairman noted that there is still one Board Evaluation Questionnaire outstanding, possibly from an ex-Commissioner. The Chairman will present the findings of the Board Evaluation Questionnaires at the Strategy Day in December.

Mr Todd, as Chair of the Audit & Risk Management Committee, highlighted the importance of these self assessments.

Action: Board Evaluation Questionnaire findings to be presented at the Strategy Day in December.

To Note

Report to the Business Committee

27. The report which had been before the Business Committee on 17 September 2013 was noted by the Commissioners.

Performance against Business Plan

28. Business Objectives have been allocated to each Committee. It is the responsibility of each Committee to ensure these Objectives are met and reported on. A reporting structure is still being looked at by the Business Committee for all Committees.

Updates and Minutes from the Committees

29. Duly noted by the Commissioners, the Chairs of the Committees referred to the minutes in their updates.

Strategy Day

30. The Strategy Day will be held at Headline Building with a 9am start.

Signed

.....
The Right Honourable Sir Declan Morgan, the Lord Chief Justice of Northern Ireland, Chairman of the Northern Ireland Judicial Appointments Commission

Dated

.....