

**Minutes of the Plenary Meeting held on Thursday 25 April 2013,
Ground Floor Boardroom, Headline Building, Victoria Street, Belfast.**

Present: The Right Honourable Sir Declan Morgan, the Lord Chief
Justice of Northern Ireland (Chairman)
Mrs Sinead Burns
The Right Honourable Lord Justice Coghlin
Mrs Breidge Gadd
District Judge (Magistrates' Courts) Amanda Henderson
Mrs Fiona Keenan
Her Honour Judge Loughran
Mr James McNulty QC
Mr Alastair Rankin
Professor Nichola Rooney
Mr Lindsay Todd
The Honourable Mr Justice Weatherup

In Attendance: Mr Edward Gorringe
Mrs Helen Anderson
Ms Adeline Frew
Miss Catherine Woods
Mr Andrew Millar

Apologies None

Minutes of the Last Meeting

1. The minutes of the meeting held on 26 February 2013 were agreed by the Commissioners following two amendments to item No.5.
2. The Commissioners confirmed that there were no conflicts of interest before proceeding with the meeting.

Weighting and Assessment of Judicial Skills – Other Jurisdictions

3. Paper C6/13 was discussed by the Commission and it was agreed that Policy Committee should examine personal profiles.
4. The Chairman gave a brief overview of his recent visit to the Court Service in South Africa.

Action: Policy Committee to review personal profiles for posts on a regular basis and report recommendations to Plenary.

Update from Chair of Selection Committees

5. Judge Loughran presented paper C9/13 Update from Chair of Selection Committee: DSO (3). It was discussed and noted that no appointments had been made to the posts of Deputy Taxing Master and Deputy Master Bankruptcy.
6. Feedback for the Deputy Taxing Master and Deputy Master Bankruptcy schemes would be provided in the normal way, and those identified with potential would be encouraged to develop their knowledge and skills further. It was suggested that a note on the unfilled posts should be put on the NIJAC website and future potential applicants encouraged to participate in the Judicial Shadowing Scheme; however a concern was acknowledged on how to ensure that the existing Masters' time was not used inappropriately.

Action: A note on the unfilled posts of Deputy Taxing Master and Deputy Master Bankruptcy to be put on the NIJAC website.

7. Mr Justice Weatherup, as nominated Commissioner for the scheme, noted that some of the character issues which had arisen within the scheme could inform future treatment of similar issues. He undertook to consider the matter and bring forward recommendations.

Action: Mr Justice Weatherup to report on the treatment of character issues.

8. Training of potential applicants was discussed. The Commission agreed that as this was outside their remit it should be suggested at the next Joint Liaison Committee that the Bar Council or/and the Law Society consider offering Master Classes in Taxing and Bankruptcy.

Action: Training in Taxing and Bankruptcy to be tabled at the next Joint Liaison Committee.

Review of recent scheme assessment and testing

9. Judge Loughran presented paper C10/13 Preliminary Report to Plenary on shortlisting methods in two recent schemes. It was highlighted that the current exercises were extremely demanding of commissioner and staff resources. Paper C8/13 prepared by the CEO and Head of Appointments was discussed. It was agreed to investigate implementing the Away Day recommendations which included how NIJAC could employ experts to assist in the drafting and marking of shortlisting tests. It was noted that in the JAC (England & Wales) non-Commission judiciary assist with the drafting and marking of tests; this is less of a burden due to the size of their jurisdiction. How to minimise the demand on our judiciary and any negative impact on their work was discussed.

10. Selection methods were discussed. A review of the methodology and use of selection methods per tier is to be conducted, this is to include different options and the rationale for the use of each. Proportionality and value for money are to be part of the consideration.

Action: Head of Appointments to prepare a paper on the review of selection methodology and scope services to be provided by occupational psychology experts.

11. The number of Deputy posts and how often vacancies arose was discussed, along with how successful existing Deputies had been in schemes for substantive posts.

Action: The Senior Management Team to report back to Plenary on the expected vacancies for fee paid/deputy posts arising.

12. The Commission discussed the split of applicants across the profession at each stage of the DSO and DDJ(MC) schemes. It was agreed that the breakdown of the DDJ(MC) scheme should be reported back to the Joint Liaison Committee.

Action: The Senior Management Team to report the applicant breakdown in the DSO and DDJ(MC) schemes to Plenary and the DDJ(MC) scheme to the Joint Liaison Committee.

Annual Report from Chairs of the Committees and Assessment of their Effectiveness by the Committees' Chair.

Policy Committee

13. Lord Justice Coghlin, as Chair of the Policy Committee, presented the Annual Report and a brief overview of the work and achievements of the Committee during 2012/13 as follows:

- The Annual Review of Diversity and Communications core activity and the forward looking Research Informed Programme of Action had been considered, approved and submitted by Policy to Plenary for approval in April 2013.
- Through sub-groups, the commissioning and delivery of research and the further expansion of flexible working across courts and tribunals had been explored by the Committee.
- The feasibility of talent management strategies for the legal profession (including mentoring and coaching) and emerging trends had been explored by the Committee.
- The QUB findings had been made a priority area for the Joint Liaison Committee and progress had already been evident.
- The introduction of eRecruit, eNews, approval of the use of Twitter, and continual enhancement of the website had taken place.

- A tracking system for monitoring the continual review of NIJAC policies and procedures on an ongoing basis to ensure they are regularly reviewed and updated had been implemented. Policy reviews had been carried out to ensure compliance with new or amended legislative requirements.
14. Lord Justice Coghlin continued to present his Assessment of the Effectiveness of the Policy Committee. In his view the Policy Committee operates effectively; there is an exchange of ideas, differences of opinions are looked at and examined, and decisions arrived at. The Committee had made a number of important decisions during the year all of which had been agreed by Plenary.

Business Committee

15. Mrs Breidge Gadd, as Chair of the Business Committee, presented the Annual Report and a brief overview of the work and achievements of the Committee during 2012/13 as follows:
- The Impact of security concerns on the ability to attract candidates had been addressed.
 - The draft budget for 2013-14 had been agreed at £1,569,000 Resource and £1,562,000 Grant in Aid.
 - The Business Plan sets out how we will achieve the objectives set out in our Corporate Plan and outlines how these objectives will be delivered and measured, and within what timetable. An update on the Business Plan Objectives had been reviewed at each Business Committee meeting. The Chairman requested that the last report be circulated and that future reports be tabled at each plenary.

- The Staffing Review was being monitored by the Business Committee.

Action: Copy of the last Business Plan Objectives Report to be circulated and to be included in Plenary papers going forward.

16. Mrs Gadd continued to present her Assessment of the Effectiveness of the Business Committee. In her view the Committee was working well and in line with its terms of reference. To aid Business Committee work Mrs Gadd requested that each Committee have in place for 2013-14 a Work Plan based on the 2013-14 Business Plan approved on 19 March 2013.

Action: All Committees to produce a 2013-14 Work Plan, based on the 2013-14 Business Plan.

Audit & Risk Management Committee

17. Mr Lindsay Todd, as Chair of the Audit & Risk Management Committee, presented the Annual Report and a brief overview of the work and achievements of the Committee during 2012/13 as follows:

- Reviews of the quarterly stewardship statements, fraud returns & risk register had been undertaken.
- Three Internal Audit Reports had been considered.
- Mrs Burns, as Interim Chair of the Audit & Risk Management Committee, had attended the OFMDFM Chairs of Arms Length Bodies Audit Committees meeting on 22 August 2012.

- Alan Maitland (Director of HR and Corporate Services, OFMDFM) had addressed the Audit & Risk Management Committee on 18 October 2012 in relation to the Staffing decisions.
 - Mr Todd had met with Noel Lavery (Accounting Officer, OFMDFM) on 17 January 2013, as part of the new Chair of the Audit Committees Introduction. Mr Todd had taken the opportunity to raise current issues and working relationships with him.
- 18.** Mr Todd continued to present his Assessment of the Effectiveness of the Audit & Risk Management Committee. Mr Todd stated that the work of the Audit & Risk Management Committee was very comprehensive. NIJAC was subject to very extensive governance requirements in line with the NI Civil Service and OFMDFM; these may ease over time, but currently they absorbed a great deal of time and resource . Mr Todd went on to discuss the following:
- Mr Todd and Mr Rankin will meet with the Internal Audit Manager in 2013-14 in line with good practice.
 - New Standing Items had been added to the Audit & Risk Management Committee agenda in 2013-14, these were:
 - Whistle Blowing
 - Contracts List with contract end dates
 - Dear Accounting Officer (DAO) Letters
 - Complaints Register
 - The Terms of Reference had been reviewed in 2012-13.
 - The Audit and Risk Management Committee members had been issued with Guidance Packs in October 2012 as part of on-going training.

- All members had been sent on the Public Accountability and Governance course for Audit Committee members in February 2013.
- The Audit and Risk Management Committee, commencing in 2013-14, would sit 4 times a year instead of 3 in line with good practice.
- The Audit and Risk Management Committee completes the Audit Committee Self-Assessment Checklist annually. The 2012-13 checklist would be tabled at the June 2013 meeting.

The Plenary

19. Mrs Keenan suggested that every Commissioner, as part of the Plenary Annual Review, should complete a Board Evaluation Questionnaire and submit this to the Chairman. The Chairman requested Mr Todd to liaise with Mrs Keenan and Mrs Gadd to take this forward.

Action: Mr Todd to liaise with Mrs Keenan and Mrs Gadd re the Board Evaluation Questionnaire and circulate to all Commissioners.

Annual Review of Diversity and Communications core operations and Programme of Action Informed by Research

20. Commissioners discussed the paper and the general issue of how to enhance experience levels within female candidates. It was felt that the Joint Liaison Committee had an important role in encouraging changes in briefing practices and exploring the provision of mentoring for female lawyers.

Updates, Signed Minutes from Committees and Appointments and Reappointments Schedules

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

Mrs Anderson, Ms Frew, Miss Woods and Mr Millar left the room.

Staffing Review and Future Recruitment of Staff

22. Mr Gorringe discussed the Draft Staffing Report and future recruitment plans with the Commissioners.

Signed

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

Dated

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