

**Strategy Day**  
**Thursday 5 December 2013**  
**Headline Building**

**Present:** The Right Honourable Sir Declan Morgan, the Lord Chief  
Justice of Northern Ireland (Chairman)  
The Right Honourable Lord Justice Coghlin  
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 Lindsay Todd

**In Attendance:** Mrs Mandy Kilpatrick  
Mrs Helen Anderson  
Ms Adeline Frew  
Miss Catherine Woods  
Mr Conor Curran

**Apologies:** Mr Justice Stephens  
Mr Eoin Doyle

### **Minutes of the Last Meeting**

1. The minutes of the meeting held on 10 October 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.

### **Action Point Update from Last Meeting**

3. 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. The Office of the First Minister and Deputy First Minister (OFMDFM) have advised that Co-opted Independent Panel Members who are trained and have signed a confidentiality agreement are also indemnified on the same basis. However, it has been advised that NIJAC may wish to seek legal advice to ensure that the correct processes are in place e.g. policy guidance containing how an co-opted independent member is appointed.

**Action: The Senior Management Team (SMT) to ensure all necessary actions are completed and formal confirmation of Indemnity to be recorded for co-opted members.**

4. Mrs Anderson has circulated the Character Policy to all Commissioners. This policy was approved.

### **Chief Executive Update**

5. Mrs Kilpatrick presented the Chief Executive Update:
  - The Service Level Agreement (SLA) with the NI Judicial Appointment Ombudsman (NIJAO) will be completed early in 2014 to inform the review of the Complaints Policy.

- The new information assurance training has just been released in the form of an e-learning course. Information on how to access the 'Protecting Information e-Learning Course' will be emailed to all Commissioners in the few weeks to complete the course.

**Action: Commissioners to complete the Protecting Information e-Learning Course.**

***NIJAC Corporate Plan 2014-17 and Business Plan 2014-15***

- It was confirmed that the Business Committee will continue to take the lead on the Corporate and Business Plans. Mrs Breidge Gadd, as Chair of the Business Committee, will contact the Chairs of the other Committees (Policy [PC] and Audit & Risk Management [ARMC]) to consult them on the draft plans. The Corporate and Business Plans will be 'discussed' rather than 'noted' at the Plenary in February.

**Action: Mrs Breidge Gadd to consult the Chairs of the other Committees on the draft Corporate and Business Plans.**

***NIJAC Board Effectiveness Review***

- The findings of the Board Evaluation Questionnaires were discussed. The Chief Justice thanked everyone for their contributions and encouraged all to continue to actively participate.

**Action: ARMC to consider Board Evaluation Questionnaires and make recommendations to Plenary.**

**Personal Profiles: Joint Liaison Committee (JLC)**

6. It was agreed that in advance of the JLC meeting on 16 January the Bar Council and Law Society should be asked to submit feedback on the papers previously provided (Deputy District Judge (Magistrates' Court) [DDJMC] recruitment). The outcomes of the focus groups will be sent to the JLC before the January meeting.

7. Following the JLC the PC is to consider the approach to Personal Profiles (PP) and provide recommendations to Plenary.

**Action: Adeline Frew to issue papers to JLC and request their feedback on DDJMC documents.**

**Helen Anderson will action Point 7 for Policy Committee.**

### **Review of Selection Procedures – Group Work**

***Group 1 (Lord Chief Justice, DJ(MC) Prytherch, Mr Lindsay Todd, Prof Rooney, Ms Adeline Frew)***

8. In the context of considering the District Judge (Civil) (DJC) scheme Group 1 identified a number of opportunities for improvement. They included establishing a project methodology for all schemes which would incorporate:

- earlier convening of panels with fuller briefing for co-opted members and/or members new to the selection process;
- development of a timetable with all preliminary stages and contingency dates included;
- Conflict of Interest (Col) checks carried out much earlier in the process;

9. The Group also recommended, where appropriate, the use of Expression of Interest (Eoi) forms, before an application form is required, to determine the potential applicant pool. It is recognised this approach could lengthen the process and therefore the SMT is to initially consider its application on a scheme by scheme basis and if appropriate recommend its application to relevant Selection Committees (SC). Once tested PC can consider its wider application. The group noted previous feedback that tests may be set too hard and recommended that SC consider their expectations carefully; it was also agreed SC should see and approve any shortlisting test before it is used unless the test was approved by Policy Committee as new standardised approaches are implemented in the future.

10. Group 1 also identified that development of the PP should ensure that both the SC and an applicant can easily link the PP to the tests applied in the selection process; similarly the link between the PP and the scoring system

should be enhanced. It was agreed PP should be reviewed by the executive to ensure there is no adverse impact from an equality perspective and, for example, where there is an under-representation, in gender this should be examined before final issue. In considering the selection tools the Group considered an approach adopted by the English Court of Appeal to test judgement was useful; it included providing a court list and testing how the applicant proposed how to handle it.

***Group 2 (Lord Justice Coghlin, Mrs Fiona Keenan, Miss Cathy Woods, Mr Conor Curran)***

11. Group 2 looked at the Appeals Tribunal (Legal) (ATL) and County Court Judge (CCJ) Schemes. In the context of the ATL and similar schemes the following selection methods were agreed as appropriate:

- High volume - short listing: multiple-choice test (preferably on-line) followed by a paper sift (where appropriate to test communication skills); assessment by way of scenario & presentation, and interview.
- Low volume – short listing: paper sift (on criteria agreed by SC); assessment by way of scenario & presentation, and interview.

12. *The Group also noted that opportunities to test experience, other than by eligibility, at the initial stage in high volume schemes should be considered.*

13. The Group reviewed the current CCJ scheme and agreed the approach adopted in the PP, whereby the numbers of criteria were reduced; the introduction of an interview to short list applicants and the removal of the written test from the assessment stage was appropriate. Going forward it was agreed selection methods should include – interview sift, scenario, interview and role-play; with consideration given to the order of assessment methods used to reduce anxiety ie role play post interview. Generally it was agreed that three assessment methods on one day were sufficient.

14. It was also suggested role-play training/rehearsal should be provided much earlier and before the scoring matrix is set; to ensure the PP criteria are

being effectively assessed. A standard scoring matrix, which should be made publically available, should be established for role-plays with input from previous users/panel members.

***Group 3 (Judge Patrick Kinney, Mrs Breidge Gadd, Mr Alastair Rankin, Mrs Helen Anderson)***

15. Group 3 initially reviewed the High Court Judge (HCJ) scheme and noted positive feedback on the interview as a short listing method; noting that it was to be used for the CCJ scheme. They suggested the criteria in the HCJ PP should be reviewed and that future profiles should include clear reference to the weighting applied to the key areas of knowledge and experience, skills and personal qualities. In the wider context of PP across all schemes the Group also noted the importance of matching personal profiles to the assessment tools.

16. More generally the Group indicated a preference for adopting EoI to determine numbers of applicants and also multiple choice tests as a sift of choice in large schemes; they agreed with the consensus that written tests, such as the one used in the previous CCJ scheme should be discontinued.

17. The discussion also considered the level of feedback from co-opted independent panel members. They suggested seeking greater feedback on whether the scheme methodology identified and delivered on the requirements set out in the PP.

**Feedback Arrangements – Group Work**

18. The following consensus was reached:
- SC to determine the feedback arrangements for the scheme at the outset;

- Applicant Information Booklet (AIB) to set out potential numbers for interview; to be followed through and 'equal' scores to be taken into consideration;
- Scores provided for short listing tests; order of merit provided by way of percentiles/bands;
- Personal contact by phone (including staff) may be used to give scores and/or banding as feedback at early stages in the process e.g. short listing tests;
- Chair to determine a pass mark so that information on 'appointable' but unsuccessful can be provided (to include if on reserve list); also if the first ranked appointable applicant does not take up post then the second ranked applicant will be offered the position;
- Reserve lists to run 12 months from the expected/intended appointment date fixed at the start of the scheme;
- Feedback through the 'Helpful Tips' section of the website to extend to lower volume schemes to reflect the positive indicators.

19. The following amendments are to be made to the Feedback Policy:

- Review to ensure statutory basis is explicit;
- remove from Point 3, (iii); reference to future applications;
- use of telephone feedback to be included at Point 5 and
- include 'Policy may be set aside in exceptional circumstances.'

Otherwise the policy is subject to normal 3 year cycle for review<sup>1</sup>.

**Professional Interviewing Skills – Mr Niall Leavy (NL) from Public Appointments Service (PAS), Dublin**

20. NL explained PAS had looked at best practice internationally and, following the most recent six to nine months wave of improvements, they were now operating in 'steady state'. PAS have a pro-active approach at the front end of the process and use a number of models and recruitment companies to complement their own outreach for suitable applicants.

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<sup>1</sup> Due in x20xx

21. PAS have pared back their approach and it is now closer to the industry standard. Typically they request a CV together with one page where an applicant should set out the key achievements which they consider reflect how they meet the criteria/competencies. Their information booklet, previously some twenty pages is now reduced to around six. The 'Personal Profile' is likely to cover six areas, with five to six components in each (i.e. 30 elements but these are not individually scored). The six areas are likely to be compressed into four for the interview (combining areas with similar themes). They have recently published the competences for their senior secretary level posts<sup>2</sup>.

22. The higher level posts will generally involve a short listing interview, focussing on career to date, for around twelve applicants, with few criteria tested, a psychometric test and references. Those proceeding to the full interview, usually between three and five applicants, will be presented in no particular order and probed further on the basis of the earlier information. This stage concentrates on ability to do the job being interviewed for.

23. A HR or interview professional will always be involved in the panels; PAS provide a significant training programme to meet panel members individual needs, this may include a one to one with an occupational psychologist. Panel members will generally receive a maximum of one day's interview training and they will be provided with a formal platform for each scheme including an interview guide and potential questions. Each interviewer gets an area to cover and will typically have four or five lead questions, thereafter they will probe in response to the examples provided.

24. PAS consider this 'conversational' style of interview preferable; they recognise that it requires skilled interviewing, training and judgement. At the interviews PAS provides a note taker; no individual notes are taken by panel members. A short discussion is held after each interview, the score and an

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<sup>2</sup> Copies will be shared with Commissioners



assessment are recorded by the note taker; scoring is either pass or fail or for larger volume schemes on a 'Band Level' basis e.g. High, Medium or Low (no numeric scoring) and only this information is subsequently made available for feedback. It is rare for individual scores to be provided. The note taker will also feed back to PAS on panel performance.

25. Commissioners were generally attracted to the approach outlined by NL. It was agreed that sample documentation would be provided to facilitate further consideration and its application where appropriate. An immediate action point was agreed in relation to development of a standard scoring matrix:

Action:

Helen Anderson to follow up.

**Any Other Business**

It was agreed the SMT should incorporate feedback and actions arising from the Strategy Day into the business planning process.

New Committee Membership, to take effect immediately, distributed together with dates of Committee meetings up to 31 March 2014.

**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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