

Plenary Minutes
21st March 2024 at 9.30 am.

Present: The Rt. Hon Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland (Chair)
Mr Bernard Brady KC (attended from 10.00am)
Mr Colm Donaghy
Mr Paul Douglas
Mrs Maureen Eccles
District Judge (MC) Anne Marshall
Judge Geoffrey Miller KC
Mr Brian McTeggart
Mr Michael Robinson

In Attendance: Mrs Tonya McCormac
Mr Duncan Greer
Mr Andrew Millar
Mr. Raymond Donnelly
Mrs Rebecca Mayes (Secretary)
Ms Shauna Graham (Secretary)

1. Apologies and Introductions

- 1.1** Apologies were noted from Lord Justice Treacy and Judge Humphreys.
- 1.2** The Chair welcomed everyone to the meeting and welcomed Judge Marshall to her first meeting as the newly appointed Commissioner from the District Judge (Magistrates Courts) tier.

2. Conflicts of Interest

- 2.1** No conflicts of interest were declared regarding items included on the agenda.

3. Confidentiality

3.1 The Chair reiterated to all the need for confidentiality to be maintained.

4. Minutes of Board meeting of 14 December 2023

4.1 The Chair requested Members to approve the minutes of 14 December 2023
Members approved.

4.2 The Chair confirmed that all the actions arising from the previous meeting have
been completed.

5. Chief Executive's Report

5.1 The Report had been circulated in advance of the meeting and Mrs McCormac
invited members to raise any matters from the report for further discussion or
clarification.

5.2 In relation to the 2023-24 Business Plan Mrs McCormac extended her thanks
and appreciation to Commissioners and Staff for the work during the year that
had delivered very positive Outcomes for NIJAC.

5.3 Mrs McCormac then gave an update on the Commission Complaint from the
DJ(MC) scheme in 2021. The Northern Ireland Judicial Appointments
Ombudsman (NIJAO) had now issued the draft report simultaneously to the
recently appointed TEO Ministers and NIJAC (in line with the requirements of
the legislation). NIJAC are to consider the draft report, including checking for
factual accuracy, and respond to NIJAO by 12 April 2024.

ACTION: NIJAC to forward comments to NIJAO on draft report by 12 April
2024.

5.4 Mrs McCormac confirmed that in relation to the 2024-25 Business Plan process
feedback from Plenary members and the Senior Leadership Team (SLT) on the
Business planning workshop sessions had been incredibly positive. All

comments and suggestions had been considered for the final draft that has now been included in Plenary papers and Mrs McCormac requested members to approve this.

Mr McTeggart made a number of final suggestions in relation to Commissioner training, the Quality Management System (QMS) and the target date for the Accommodation Strategy. Mrs McCormac thanked Mr McTeggart for his feedback and indicated that SLT would consider these before finalising the Annual Business Plan. She added that in terms of some of the points raised it may be appropriate to include the detail within the Directorate Operational Plans for 2024-25 that support the Annual Plan.

Members approved the 2024-25 Business Plan subject to the consideration by SLT of Mr McTeggart's suggestions.

ACTION: SLT to consider Mr McTeggart's suggestions in relation to the final 2024-25 Business Plan.

Mr McTeggart noted that the Corporate Risk Register included in the Performance Dashboard presented in the Plenary papers did not seem to show the correct Residual Risk for the Financial Stability Risk.

Mr Greer acknowledged this error in the Plenary paper but assured Members that SLT, the Business Committee and Audit and Risk Assurance Committee (ARAC) had all agreed a correct version of the Corporate Risk Register at meetings during March 2024 and that the ARAC Minutes of the Meeting of 12 March 2024, included in Plenary papers, includes details of the Financial Stability risk including the correct, approved Residual Risk designation.

ACTION: Mr Greer to correct the March 2024 Performance Dashboard Plenary paper to ensure it reflects the Residual Risks approved by ARAC on 12 March 2024.

6. Selection Committee updates

6.1 An update paper for each scheme was presented.

6.2 Master (Taxation and EJO) 2023

Mr Paul Douglas, Chair of the selection committee, provided an update.

6.3 NIVT Ordinary 2024

Mr Brian McTeggart, Chair of the selection committee, provided an update.

6.4 Appeals Tribunal Legal Member 2024

Mrs Maureen Eccles, Chair of the selection committee, provided an update.

6.5 Appeals Tribunal Medical Member 2024

Mr Paul Douglas, Chair of the selection committee, provided an update.

7. Business Committee - 5 March 2024

7.1 Mr Donaghy referred Members to the Minutes of the Business Committee held on 5 March 2024.

7.2 He confirmed to Members that the out-turn financial position for 2023-24 was currently forecast to be within the tolerance levels for underspends allowable by TEO.

7.3 Mr Donaghy also indicated that there is ongoing communication with TEO Sponsorship Unit since current estimates suggest that if the Opening Budget Allocation for 2024-25 is the same as for 2023-24 a significant shortfall against the baseline requirement will occur. The Chair's planned meeting with the TEO Interim Accounting Officer on 22 March 2024 will be an opportunity to further discuss this.

7.4 Mr Donaghy then updated Members on the legal claim being pursued by the public sector trade union - NIPSA - in relation to potential age discrimination in the application of rules governing Northern Ireland Civil Service (NICS) pensions. He reminded Members that NIPSA had selected a number of public sector bodies to lodge the claim against, from the many that provide an NICS based pension, and NIJAC was one of the bodies chosen. The NIPSA claim has been taken against individual public bodies despite the fact the pension rules are set by the Department of Finance (DoF) and public bodies offering an NICS pension have no control over the Scheme rules. NIJAC has sought legal advice, as recommended by DoF, but there is no further movement on the case to report at this time. The Business Committee will continue to monitor developments on this.

8. Advisory Committee - 12 March 2024

8.1 Judge Miller referred Members to the Minutes of the Advisory Committee of 12 March 2024 and the four papers emanating from the Committee, which have been presented to Plenary for Approval.

8.2 Quality Based Review of Feedback

Judge Miller informed Members that this Review, by the Interim Director of Appointments and Communications, made eighteen recommendations in respect of changes to the provision of Feedback by NIJAC. Ten of these were recommendations to maintain service provision and have been adopted by Advisory Committee. Plenary is requested to approve the eight remaining recommendations that show adaptations to practice / service provision - all of which the Committee recommends be adopted.

8.3 Members approved the eight recommendations and agreed that this area should continue to be kept under review by the Advisory Committee.

8.4 Quality Based Review of Shortlisting

Judge Miller informed Members that this Review, by the Interim Director of Appointments and Communications, made fifteen recommendations in respect of changes to the provision of Shortlisting by NIJAC. Six of these were recommendations to maintain service provision and have been adopted by the Advisory Committee. Plenary is requested to approve the nine remaining recommendations that show adaptations to practice / service provision - all of which the Committee recommends be adopted.

8.5 Members approved the nine recommendations and agreed that this area should continue to be kept under review by the Advisory Committee.

8.6 Eligibility Policy

Judge Miller directed Members to the paper on a potential addition to the Eligibility Policy, prepared by the Interim Director of Appointments and Communications. This amendment would seek to clarify the position on eligibility when a decision is expected to be made in respect of a candidate's admittance/call by an external body, before the anticipated date for the first appointment, but after the expected date for interviews.

8.7 Members approved the following addition to the current Eligibility Policy:
"Where standing 'only' is required (i.e., without a stipulated period of standing) then that standing must be in place before the date anticipated for the first interview. No applicant can be interviewed by NIJAC where their eligibility remains subject to a subsequent qualitative decision of a third-party body."

8.8 Role and Responsibilities of Co-opted Members

Judge Miller directed Members to the paper on the Roles and Responsibilities of Co-opted Members, prepared by the Interim Director of Appointments and Communications. This contained four recommendations for the consideration and approval of Plenary.

8.9 Members approved the four recommendations.

- 8.10** In relation to these recommendations the Chair requested that the Annual Presiders Meeting should if possible be held by June 2024.
- 8.11** Judge Miller confirmed that all other points within the Minutes of the meeting of 12 March 2024 were for Members to note.
- 8.12** The Chair thanked the Committee for the extensive work undertaken on these important matters and in particular commended the Interim Director of Appointments and Communications on the quality of the papers presented.

9. Audit and Risk Assurance Committee - 12 March 2024

- 9.1** Mr Douglas referred Members to the Minutes of the Audit and Risk Assurance Committee of 12 March 2024.
- 9.2** In relation to the Corporate Risk Register he emphasised that the Financial Stability Risk remains as a Red risk to be monitored closely by ARAC.
- 9.3** Mr Douglas confirmed that with TEO Ministers now in place the aim is to lay before the Assembly the outstanding three years Annual Report and Accounts - 2020-21, 2021-22 and 2022-23 – by the end of June 2024. Furthermore NIAO had nearly completed the planning phase for the audit of the 2023-24 Annual Report and Accounts and it is anticipated the normal timing of these matters can now be resumed with laying and publication of the 2023-24 report in September 2024. He added that the NIAO Audit Strategy would be presented to the Committee at the June 2024 meeting.
- 9.4** Mr Douglas also confirmed that the Internal Auditors are progressing well with their review of Cyber Security and will present a report to the Committee at the June 2024 meeting.

9.5 He concluded by assuring Members the Committee had no further matters to report to Plenary at this time.

10. Any Other Business

10.1 Post Retirement Business Case

10.2 This Business Case in relation to an Employment Judge had been completed by the Department of Employment and submitted to NIJAC as required for approval.

10.3 Members approved the Business Case.

10.4 NIJAC Board Composition

10.5 Members discussed the fact that the legislation does not include a requirement to have a Commissioner on the Board from Tribunals despite a very significant number of Appointments being carried out by NIJAC for membership of Tribunals.

10.6 Members agreed that it would be worthwhile to formally raise this with TEO conveying the Board's view that given the volume of work by NIJAC on Tribunal appointments that it would be very valuable to have a Commissioner on the Board from this area of NIJAC business.

ACTION: Mrs McCormac to write to TEO expressing the Board's view that given the volume of work by NIJAC on Tribunal appointments that it would be very valuable to have a Commissioner on the Board from this area of NIJAC business.

11. Corporate Values

11.1 Mr Donnelly gave a presentation entitled 'Leading with Our Values'. This included: A refresh on the NIJAC Values and Behaviours; Delivering on our Corporate Plan & People Strategy; Commissioners' Corporate Role and Planning for going Forward.

11.2 Members thanked Mr Donnelly for his presentation and agreed that the five Corporate Values remain the right ones for NIJAC and that they indicated to all stakeholders the type of organisation that we aspire to be.

12. Board and Committee Dates for 2024-25

12.1 Members noted the proposed Board and Committee dates for 2024-25.

Date of next meeting: 20 June 2024 at 9.30am

The meeting concluded at 12pm.

Signed:



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The Right Honourable Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland, Chair of the Northern Ireland Judicial Appointments Commission

Dated: 20-06-2024