

Plenary Minutes
20 June 2024 at 9.30 am.

Present: The Rt. Hon Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland (Chair)
Mr Bernard Brady KC
Mr Colm Donaghy
Mrs Maureen Eccles
Mr Justice Humphreys
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
Mrs April Matchett (Secretary)

1. Apologies and Introductions

1.1 Apologies were noted from Lord Justice Treacy, Mr Paul Douglas and Mr Raymond Donnelly.

1.2 The Chair welcomed everyone to the meeting.

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 21 March 2024

- 4.1 The Chair requested Members to approve the minutes of 21 March 2024 which had been circulated in advance of the meeting. Members approved.
- 4.2 The Chair asked for updates on actions arising from the previous meeting:
- 4.3 Mrs McCormac confirmed the complaint submitted by an applicant following the DJ(MC) scheme in February 2022 is still with The Northern Ireland Judicial Ombudsman (NIJAO). There is no further action for NIJAC at this time.
- 4.4 Mrs McCormac gave a verbal update in relation to discussions with TEO regarding a representative from the Tribunals to sit on the Board. Discussion followed. Mrs McCormac confirmed this is on the agenda for the forthcoming Accountability meeting with TEO.
- 4.5 All other actions were confirmed as completed.

5. Chief Executive's Report

- 5.1 The Report had been circulated in advance of the meeting. Mrs McCormac asked the Board to note the following:
- 5.2 NIJAC have not yet received an allocation letter outlining the budget for 2024/25. An indicative budget has been set by TEO at the same level as the Opening Budget for 2023/24 and a bid has been made in the June 2024 monitoring round to seek funds to increase the indicative allocation to meet 2024-25 expenditure needs. Mrs McCormac highlighted that until the outcome is known this is the main risk for the organisation at this point in time.
- 5.3 Appointment of NIJAC permanent staff:
 - Mrs Rebecca Mayes – Recruitment Manager
 - Mrs April Matchett – Corporate Services Manager
 - Mr Andrew Millar – Director of Appointments and Engagement
 - Mr Curtis Ross – Recruitment Officer (starting 17 July 2024)

Mrs McCormac asked Plenary to note that going forward any staff changes would be communicated to them by email with a Pen Pic of the new staff member.

- 5.4** TEO confirmed to NIJAC on 12 June 2024 that Ministers have now approved the outstanding 3 years Annual Reports & Accounts (2020-2021 and 2021-2022 and 2022-23) and TEO will now proceed to Lay these before the Assembly.
- 5.5** NIJAC have received a Commission complaint in relation to the ITFET Fee Paid Employment Judges 2023 scheme. The Complaints Commissioner is in the final stages of preparing the Outcome Report and it is expected to be with members within the next week for approval.
- 5.6** Mr Donnelly has submitted an application for accreditation with Diversity Mark for the Bronze Award. This goes before the next panel on 26 July 2024 for consideration and accreditation. This application covers NIJAC as an employer as well as NIJAC core business making Appointments to Judicial Office.
- 5.7** NIJAC's Corporate Plan 2025 – 2030 - Mr Greer and Mrs Matchett will be in touch with members to arrange dates for Commissioner engagement.
- 5.8** Mrs McCormac concluded her remarks by advising that several matters would also be covered by the Chairs of the Standing Committees later in the Agenda. Members were invited to raise any other matters from the report.
- 5.9** The Chair asked about the provision of iPads for non – judicial members of the Board. Mrs McCormac advised they would be receiving these following the Plenary meeting with a training session.
- 5.10** The Board had a discussion on the potential implications arising from a case brought against Judicial Appointments Commission (JACs). A discussion followed regarding NIJAC's approach to References.

Action Point:

Mr Millar to track the outcome of the JACs case.

Action Point:

Mr Millar to check the wording of the References Policy and share with Plenary.

5.12 Mr McTeggart asked for further information on the BCS Review. Mrs McCormac explained that this has been completed and some roles have changed to meet the needs of the organisation to ensure a dynamic and agile staff team. E.g. Head of Assessment Transformation and Quality has changed to Head of Recruitment Operations.

5.13 An update was given on a Cyber Security Event that Mrs McCormac attended., NIJAC are considering the facilitator of this event to take part in the next Tri-Partite Conference.

6. Selection Committee updates

6.1 An update paper for each scheme was presented.

6.2 Appeals Tribunal Legal Member 2024

Mrs Maureen Eccles, Chair of the Selection Committee, provided an update. This was noted by Plenary. Mrs McCormac advised that Mr John Duffy, President of the Appeals Tribunal had sent a letter thanking NIJAC for a successful scheme.

6.3 Appeals Tribunals Medical Generalist Member 2024 & Appeals Tribunals Medical Specialist Member 2024

Mr Millar, Director of Appointments and Engagements, provided an update on both schemes in the absence of the Chair of the Selection Committee. It was noted by Plenary that the rolling scheme approach adopted by both medical schemes had been useful. Mr Millar advised the rolling schemes have been paused and will relaunch in September 2024.

6.4 District Judge (Magistrates' Courts) 2024

Mrs Eccles, Chair of the Selection Committee, provided an update. This was noted by Plenary.

6.5 ITFET Fee Paid Employment Judges 2023

Mr Donaghy, Chair of the Selection Committee, provided an update. This was noted by Plenary.

6.6 ITFET President 2024

Judge Marshall, Selection Committee member, provided an update. This was noted by Plenary.

6.7 Master (Taxation and Enforcements of Judgments) 2023

Mr Bernard Brady KC, Selection Committee member, provided an update. This was noted by Plenary.

6.8 NIVT Ordinary Member 2024

Mr McTeggart, Chair of the selection committee, provided an update. This was noted by Plenary.

6.9 SENDT Legal (Chair) 2024

Mrs Eccles, Chair of the Selection Committee, provided an update. This was noted by Plenary.

6.10 A request was made to make a minor change to the Scheme Update paper.

Action Point:

Mr Millar to change the Scheme Update paper to reflect 'Number Appointed' instead of 'Number Appointable'.

7. Business Committee – 12 June 2024

7.1 Mr Donaghy referred Members to the Minutes of the Business Committee held on 12 June 2024. He asked members to note the following:

- 7.2** The Out-turn position for 2023–24 confirming that TEO has accepted this with no further action needed.
- 7.3** Issue with Quorate - The Business Committee has operated with three members so if one member is unable to attend they cannot make decisions (the Quorum is three). Mr Donaghy noted the addition of Mr Robinson to the committee will bring membership to four. There was a discussion on this with Board members agreeing to review Quorate when more Commissioners are in place.
- 7.4** Lay Magistrate Scheme – NIJAC is liaising with TEO and DoJ to plan and design this scheme.
- 7.5** Staff Absence Levels – In the last financial year NIJAC’s percentage lost time rate was 3.71%, which sits significantly below NICS average of 5.4% (2022).
- 7.6** Mr McTeggart noted the increase in Applicant Survey figures in relation to NIJAC’s Long Term Outcomes. There was a discussion which encompassed the potential reason for this and the need to review how applicants are defined in NIJAC’s Communication Strategy which will be reviewed in conjunction with NIJAC’s Corporate Plan.
- 7.7** Mr Donaghy gave a verbal Annual Report of Business Committee during 2023-24. He shared the Committee’s work and positive achievements during the reporting period and thanked the Committee members and NIJAC’s Senior Leadership Team. Mr Donaghy noted it was his view as Chair that it had proved an effective Committee.
- 7.8** The Chair recorded her thanks to Mr Donaghy and the members of Business Committee.
- 8. Advisory Committee – 6 June 2024**
- 8.1** Judge Miller KC referred members to the Minutes of the Advisory Committee held on 6 June 2024 and guided them through noting the following:

- 8.2** Purpose and Responsibilities - Advisory Committee had discussed and agreed that current wording was accurate but may need to be reviewed in light of the new Corporate Planning (2025-2030) period.
- 8.3** Communications and Working with Others – Advisory Committee noted the volume of work having been undertaken, and the work still to be commenced.
- 8.4** Review and Implementation of a New Communications Strategy and Review of Data Collection and Reporting.
- 8.5** Review of Reserve List Policy noting Advisory Committee has approved new wording for the Policy.
- 8.6** Review of Standardised Approaches advising that some members were not aware of this approach. A short discussion followed with Mr Millar clarifying to Board members the current approach to the aggregation of scores.
- 8.7** Review of Complaints Policy – a review will be conducted in respect of non-commission complaints by Business Committee.
- 8.8** Use of Tests – a recent scheme had received a higher number of applicants than expected with no shortlisting test in place. The Committee discussed the demands of papersifting and the benefits of using tests to manage high numbers of applications.
- 8.9** Artificial Intelligence – The Committee are awaiting an outcome on discussions to adopt this topic at the forthcoming Tri-Partite.
- 8.10** Streamlined Papers – Judge Miller KC informed the Board that the Committee were considering how to streamline papers to ensure they did not impact on the Committee pursuing its core focus.
- 8.11** Mr McTeggart asked members to consider if tests could be prepared beforehand so they were in place should need to use them arise. A discussion followed on the merits of this with members agreeing it was a large amount of

work to undertake if it was not going to be used and the Chair noting the big commitment it placed on judicial office holders.

- 8.12** Judge Miller KC gave a verbal Annual Report of Business Committee during 2023-24. He shared the Committee's programme of work, specific activities and routine business during the reporting period. Judge Miller KC thanked his colleagues on Advisory Committee noting the groundwork Mr Douglas had laid before he took over as Chair. Judge Miller also put on record his appreciation for the contribution Dr Joan Martin made to the Committee and acknowledged the work of Adeline Frew during her 17 years with the Committee.
- 8.13** The Chair recorded her thanks to Judge Miller KC and the members of Advisory Committee.

9. Audit and Risk Assurance Committee – 11 June 2024

- 9.1** In the absence of Mr Douglas Mrs Eccles referred Members to the Minutes of the Audit and Risk Assurance Committee held on 11 June 2024 and noted the following.
- 9.2** Mr Brady KC has joined the Committee bringing the membership to four.
- 9.3** The Corporate Risk Register reflects the two main risks – NIJAC Finances and Data Loss/Cyber Security Breach. Mrs Eccles acknowledged the provision of iPads for non-networked Commissioners to enhance security.
- 9.4** External Audit – Mrs Eccles thanked the team who had been involved and highlighted the Audit Fee at £18,266, an increase of 26% on the previous year and 68% over the past five years. The Board members discussed the high increase and noted their discomfort at the cost involved considering pressure on NIJAC's finances. It was reported that Mr Douglas, ARAC Chair, had asked NIAO's representative to pass on NIJAC's concerns to those setting the fees at NIAO.

- 9.5** Internal Audit – the overall conclusion for the ‘Review of Cyber Security Risk’ is Satisfactory (that being the highest rating). There were five Priority 3 recommendations that would further enhance the current systems and SLT have agreed to implement all of these recommendation by 31 October 2024.
- 9.6** Internal Audit – In the ‘Review of Financial Controls’ the Internal Auditors had commented favourably on the NIJAC Financial Procedures Manual and the implementation of this by the Director of Finance and Finance Business Partner. He also commended the role of the Chief Executive in the approvals process and how her support to the small Finance Team allowed the segregation of duties at transaction level to work well.
- 9.7** On behalf of Mr Douglas Mr Greer gave a verbal Annual Report of ARAC during 2023-24. He shared the Committee’s work and positive achievements during the reporting period noting the successful transition to new internal auditors. Mr Greer noted that ARAC members had completed a questionnaire that measured their effectiveness in terms of the five Good Practice principles in the Audit and Risk Assurance Handbook (NI) and as a result of this they had deemed themselves an effective Committee.
- 9.8** The Chair praised the work of ARAC, thanked Mrs Eccles, the Committee members and NIJAC Staff – Mrs McCormac, Mr Greer and Mr Burns.

10. Any Other Business

10.1 The Chair reported that annual appraisals with the Commissioners were ongoing with the process nearing completion.

10.2 NIJAC Equality Monitoring 2023-24

The Report had been circulated in advance of the meeting. Mr Millar highlighted the key points to Members. He indicated that the diversity statistics would be made available on the NIJAC website and to Stakeholders.

The Board members had a full discussion regarding the Report, engagement with stakeholders on key issues, outreach for future schemes and key messages to convey in communications.

Action Point: Mr Brady KC to update Plenary at a future meeting on information disseminated in the past by the Bar Council regarding Judicial roles and recruitment.

10.3 Selection Committee Composition 2024-25

The Chair reported that the Selection Committee Composition was not yet finalised for 2024-25 and would be shared with members once complete.

10.4 Stakeholder Events

The Chair advised members to note the following events:

Late Summer/ Early Autumn 2024 – The Chair and Mrs McCormac will meet with TEO, First and deputy First Minister

3-4 Oct 2024 - Tri-Partite Conference in London

Feb 2025 – Meeting with Politicians event planned for Q4 (TBC)

Date and Time of next meeting: Thursday 19 September 2024 @ 9.30am

The Chair thanked the NIJAC Board.

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: 19.09.24