

Other Important Information

Policies

Equal Opportunities – NIJAC’s Equal Opportunities policy sets out the framework for the provision of equality of opportunity in the Assessment and Selection process for judicial office and is intended to ensure the elimination of all forms of unlawful and unfair discrimination.

Reasonable Adjustments - Applicants who require a Reasonable Adjustment at any stage of the Assessment and Selection process (e.g. application/interview stage) need to indicate this by completing Section 8 of the application form. Please contact Andrew Millar, Head of Assessment, Transformation and Quality, Judicial Appointments 028 9056 9113 (email Andrew.Millar@nijac.gov.uk).

Feedback - The purpose of feedback is to assist applicants to learn from their experience in a particular competition and to assist in highlighting strengths and areas for improvement in respect of future applications for judicial appointment. It is NIJAC’s policy that feedback will be provided upon the request of each applicant. The Feedback Policy is separate to the Complaints Procedure. Please note there is a specific timeframe within which feedback can be requested. Requests for feedback will not be accepted outside the time limits.

Complaints – NIJAC’s Complaints Procedure is available to view or download on our website www.nijac.gov.uk Please note that there are time limits within the procedure and it is not an indefinite period.

Other Information

Tenure - Retirement: Subject to the statutory retirement age for the office there is no age limit for this appointment. The statutory retirement age is 75 years.

Statement of Ethics - NIJAC has agreed with the office of the Lord Chief Justice that its role will be to disseminate the Statement of Ethics for the Judiciary in Northern Ireland. The complete Statement of Ethics is available to view or download on our website at www.nijac.gov.uk

Nationality Requirements - Applicants must fulfil at least one of the following nationality requirements:

- be a citizen of the United Kingdom;
- be a citizen of Ireland;
- be a citizen of a Commonwealth country;
- hold dual nationality, one of which falls within the above criteria.

Data Protection and Disclosure of Personal Information - NIJAC is committed to Data Protection principles as laid out in the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) in relation to the way NIJAC stores and processes manual and electronic data. All personal information is treated in confidence and is only shared with the Commissioners, relevant staff and any appropriate third parties. Personal information about the successful applicant will be made available to the Lord Chancellor (where appropriate) and the Northern Ireland Courts and Tribunals Service for the purpose of completing the appointments process. Individual monitoring information will not be disclosed to the Selection Committee or transferred to the Northern Ireland Courts and Tribunals Service or any other Department.

Northern Ireland Judicial Appointments Ombudsman - The NIJAO (appointed under section 9A of the Justice (Northern Ireland) Act 2002) will consider the investigation of a complaint made to him by a qualifying complainant under section 9D of the Justice (Northern Ireland) Act 2002. Details of the Ombudsman's role may be found on the Northern Ireland Judicial Ombudsman's website www.nijao.gov.uk.

Pre-Appointment Checks – Successful Applicant

NIJAC is required to appoint or recommend for judicial appointment only persons of good character.

The purpose of NIJAC conducting pre-appointment checks is to inform the decision making process regarding the applicant(s) suitability for appointment to judicial office. In addition, pre-appointment checks verify the information provided.

Failure to disclose any material matter will have an adverse effect on your application.

In answering the relevant question on financial affairs in the application form it would be helpful if explanations could be given for any penalties or surcharges incurred in the last ten years. Please also ensure that up to date returns have been sent to the relevant tax authorities.

All pre-appointment checks will be commenced after the assessment decision has been reached.

Pre-appointment checks will be conducted with HM Revenue and Customs, the Enforcement of Judgments Office, Access NI, the Bar Council, the Law Society or the relevant professional body, as appropriate. There will also be a Conflict of Interest discussion with the selected applicant prior to any recommendation being made.

If the selected applicant is an existing judicial office holder NIJAC will check with the office of the Lord Chief Justice and/or relevant tribunal etc. that there are no complaints outstanding against her/him.

An Assessment of any Reasonable Adjustments Required

After the assessment decision has been made the successful applicant will be required to complete a Reasonable Adjustments Form to assist in identifying if any reasonable adjustments are required to accommodate someone with a disability in carrying out the role. The information disclosed will only be shared with the relevant employer if it is declared that a reasonable adjustment is required. The relevant department will be advised to follow up with the applicant directly and given their contact details.

The personal information collected on this declaration form will be processed and stored in full accordance with the Data Protection Act 2018.

Rehabilitation of Offenders (NI) Order 1976 & Exceptions Order 1979

The Rehabilitation of Offenders (Northern Ireland) Order 1976 and Exceptions Order 1979 deals with the employment opportunities for people who have had a criminal conviction. Essentially the 1976 Order allows for persons who have been considered as “rehabilitated” to have their convictions become spent and therefore non-disclosable. However, judicial appointments are exempt from this piece of legislation under the Exceptions Order 1979. The Exceptions Order therefore makes it essential that any persons with a criminal conviction, ***of any description, extending over any length of time***, applying for judicial office must declare this on her/his application form.

Enhanced Level Disclosures

In accordance with the provisions of the Police Act (1997), Criminal Record Checks are undertaken through AccessNI. AccessNI was established by a joint programme between the Northern Ireland Office, the Department of Health, Social Services and Public Safety, the Department of Education and the Police Service of Northern Ireland.

AccessNI enables organisations in Northern Ireland to make more informed recruitment decisions by providing criminal history information about anyone seeking paid or unpaid work in certain defined areas, such as working with children or vulnerable adults.

AccessNI is part of central government and operates under the provisions of Part V of the Police Act 1997. After the selection decision has been made the enhanced level criminal record check will commence. The process requires the active involvement of the applicant(s) in the process of disclosure application.

The applicant(s) will be required to complete an online consent for the release of the information gathered by AccessNI. AccessNI procedures provide a copy of the information arising from the check to the applicant concerned.

All disclosure requests from NIJAC will be conducted to an enhanced level in accordance with Part V of the Police Act 1997. In addition to providing details of spent and unspent convictions and cautions, an Enhanced Level Disclosure contains other relevant information held in police records. This can include information about attempted prosecutions that were unsuccessful or behaviour that might be indicative of criminal activity.

All information provided by AccessNI will be retained in accordance with the Data Protection principles under the Data Protection Act 2018, In addition, NIJAC complies fully with AccessNI's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure applications and Disclosure information. NIJAC's policy statement on how such Disclosure information is managed, handled and stored is available on request. Further information on AccessNI can be obtained at www.accessni.gov.uk.

Applicants are also advised that no recommendation for judicial appointment can be made until all the pre-appointment checks have been completed and clearances have been confirmed to NIJAC, this will include the requirement that NIJAC must be provided with a disclosure certificate from an applicant upon request.