

**Minutes of the Plenary Meeting**  
**Held on Wednesday 4 December 2019**  
**Headline Building, Victoria Street, Belfast**

**Present:** The Rt. Hon Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)  
Mr Paul Douglas  
The Hon Mrs Justice Keegan  
Ms Noelle McGreenera QC  
District Judge (Magistrates' Courts) Rosalie Prytherch  
Mr Michael Robinson  
The Rt. Hon. Lord Justice Stephens  
Mr Lindsay Todd

**In Attendance:**

Ms Adeline Frew  
Mr Duncan Greer  
Mrs Tonya McCormac  
Mr Andrew Millar – joined at 11am  
Mrs Nicola Byrne (Secretary)

1. **Apologies**  
Mr Eoin Doyle QFSM.
2. **Conflicts of Interest**  
No conflicts were declared.
3. **Confidentiality**  
The importance of confidentiality was stressed.
4. **Minutes of meetings**  
The minutes of the meeting on 26 September 2019 were approved.



The Chairman updated on the actions arising, the majority of which are either complete or addressed on the substantive agenda.

## **5. Chair's Brief**

### **Governance Review**

The Chairman confirmed that the three Standing Committees have considered the recommendations arising from the Governance Review and have confirmed their acceptance of these.

Policy Committee have confirmed that they will remain as a Standing Committee and will review its Terms of Reference to ensure they are as effective as they can be.

### **Chair's Meetings**

Following discussion at the individual Standing Committees there is a general acceptance of the benefits of Committee Chairs' meeting two/three times a year. The Chairman confirmed that they will not have any decision making powers.

## **6. Chief Executive's Report**

Mrs McCormac presented the Chief Executive's report to Plenary.

### **Business Plan 2019/20**

Mrs McCormac advised that the Business Plan Key Performance Indicators have been reported to Business Committee, who have also approved some amendments to the Business Plan which were necessary due to circumstances outside of NIJAC's control.

### **Corporate Planning Process**

Mrs McCormac thanked Commissioners for their input to the Corporate Planning Workshop on 20 November 2019 and advised that the Executive Team will continue to work closely with Business Committee to progress this and engage with the key stakeholders.



## Risk Register

Mrs McCormac advised that Business Committee considered the Risk Register at their meeting on 14 November 2019 which continues to reflect the acknowledged risks.

## Budget

Mrs McCormac advised that a submission was made on 8 November 2019 for the January monitoring round, which included a number of matters including Commissioner and Staff training and a scheme for Care Tribunal Chairman. The submission noted that additional unanticipated receipts enabled the overall net bid made to be reduced.

Given the ongoing risk around budget, Commissioners agreed that in the event that NIJAC are asked to deliver beyond the budgeted schemes NIJAC will approach The Executive Office (TEO) to request that the cost of the additional schemes be reflected in the future baseline budget.

## Outreach and Working with Others

Commissioners noted the update provided on outreach and working with others.

Mrs Justice Keegan emphasised the importance of utilising technology in a greater way to enhance outreach and gave the example of the Bar Council who have recently launched a new app which is extremely informative and easy to use.

Ms Frew advised that the Executive Team are in the process of considering an interim structure given the delay in the formal TEO review of the staffing structure, and have identified a requirement for a post to focus on the outreach and stats elements of our work. Mr Todd suggested considering a Communications degree 3<sup>rd</sup> year placement student.

***ACTION:*** NIJAC to consider the most appropriate method of filing the identified outreach / stats role.



## Lay Commissioner Recruitment

Mrs McCormac advised that a ranked list of candidates has been forwarded to the Office of the Lord Chancellor. A decision is expected following the general election on 12 December 2019. There are currently three Lay Commissioner vacancies to be filled.

## Staffing

Mrs McCormac advised that whilst TEO had confirmed that they would not be conducting the formal Staffing Structure Review until 2021 they have now indicated that this will be brought forward to approximately September 2020.

## 7. Selection Committees

### Current Scheme Updates

- **Review Tribunal Legal Members** – Mr Douglas advised that the scheme is progressing in accordance with the standardised approach and has closed to applications. .
- **Review Tribunal Experienced Members** – In the absence of Mr Doyle, Mr Todd updated Commissioners and advised that the scheme is currently open to Expressions of Interest. A targeted outreach event was held on 2 December 2019 in the Hilton Hotel, Belfast. Nearly 70 participated and the level of interest and engagement was very high.

### Lessons Learned Reports

- **Industrial Tribunals & Fair Employment Tribunal - Employment Judge Mr Robinson** advised that this scheme was well run and identified two successful applicants along with a reserve list of three. The Selection Committee noted that some applicants failed to utilise the STAR approach in their responses within the Application Form despite specific guidance being provided from NIJAC and both the Bar and Law Society. Ms McGreenera advised that she would raise this with the Bar again.



The Selection Committee recommended that the scoring matrix be reconsidered to ensure there is sufficient clarity between the areas.

- **Review Tribunal (Consultant Psychiatrist) Medical Member** - Mr Douglas advised that the scheme appointed two successful applicants with a high standard of documentation and quality of support provided throughout. The Selection Committee were disappointed with the low number of applications received despite the extensive outreach undertaken, however are aware of the ongoing investigations into considering other measures that can be used to attract applicants to the role.
- **Review Tribunal (Generalist) Medical Member** - Mr Douglas advised that this was another successful scheme which identified ten successful applicants along with a reserve list of one. The administrative support was of a high quality and Selection Committee members worked well together.
- **Temporary High Court Judge** – The Chairman advised that the scheme was successful in identifying seven successful applicants who are currently undergoing pre-appointment checks. The scheme attracted a higher number of applicants than originally anticipated which raised the need to consider a shortlisting mechanism for any future schemes.
- **High Court Judge** – Mr Todd presented the lessons learned report for the High Court Judge scheme which was unsuccessful in identifying any meritorious applicants for appointment. Mr Todd advised that the Selection Committee have met to review the selection process for High Court Judge and presented a detailed paper outlining the current processes in the Judicial Appointments Board Scotland (JABS) and the Judicial Appointments Commission (England & Wales) along with a number of considerations for NIJAC.

Following extensive discussion the following process was agreed to be trialled for the next High Court Judge scheme:

- **Composition of the Selection Committee:** Retain current composition of two judicial members at a more senior role than High Court and two lay members with the role of Chairman normally rotating between judicial and lay.
- **Personal Profile:** Commissioners agreed a number of amendments to the Personal Profile which include replacing 'Intellectual Capacity, Knowledge & Expertise' with the title of 'Legal Skills'.
- **Scoring of 'Legal Skills':** It was agreed that all Selection Committee members would score the area of 'Legal Skills' but would take their lead from the legally qualified members of the Selection Committee. This is in line with the current process in JAC.
- **Number, format and duration of interviews:** Two stage process to be retained; the first interview will assess Legal Skills and last approximately 30 minutes. In order to progress to the second interview, applicants must score 80% or above in this area. Other areas of the Personal Profile may be assessed during the first interview however they will be scored as part of the holistic approach following second interview. The second interview will last approximately 1 hour and assess all other area of the Personal Profile.
- **Personal Profile Weighting:** It was agreed that equal weighting of 20% will apply to all areas of the Personal Profile.

The key stakeholders are to be advised of the new process and changes to the Personal Profile.

***ACTION:*** *The key stakeholders are to be advised of the new process and changes to the Personal Profile.*

## **8. Issues and Character Committee Update**

Commissioners noted the report presented by Mrs Justice Keegan.



## 9. Policy Committee

Mr Robinson provided an update on the discussions at the meeting on 5 November 2019 and the draft minutes were noted by Plenary.

### Reserve List Policy

Mr Robinson advised that given the extensive discussion at previous Committee meetings in respect of reserve lists and the contrasting views of Commissioners it is recommended that Plenary vote on the matter.

Following a majority vote, Commissioners agreed the following;

- Reserve lists to be default for all schemes (with the exception of High Court and County Court).
- No default reserve list High Court and County Court. A reserve list will be included where there is a request justified by an anticipated vacancy.

***ACTION:*** Reserve list policies to be reviewed to reflect the agreed position.

## 10. Business Committee

The draft minutes of 14 November 2019 were noted by Plenary. In Mr Doyle's absence, Mrs McCormac provided an update on the discussions.

### Digitalisation of Committee Papers

Mr Millar updated Commissioners on the trial for the digitalisation of Committee papers and advised that the two systems had been trialled at the recent Policy Committee and Business Committee meetings. Both trials were successful and following feedback from both Commissioners and staff, the Executive Team were recommending that NIJAC adopt Huddle which Plenary approved.

***ACTION:*** Executive Team to progress the introduction of the Huddle system.

### HR Matters

Mrs McCormac advised that Mr Doyle would email Commissioners to update them.

***ACTION:** Mr Doyle to email Commissioners to update on the HR Matters.*

**11. Audit and Risk Management Committee (ARMC)**

The draft minutes of 12 November 2019 were noted by Plenary. Mr Todd provided an update on the discussions at the meeting which included a consideration of the Governance Review Recommendations.

**12. QUB Research Issues for NIJAC**

Following detailed discussion, Commissioners agreed that the recommendations identified should be considered by Policy Committee.

***ACTION:** Policy Committee to consider the recommendations identified from the QUB Research Report.*

**13. AOB**

**Marion Matchett CBE**

Following her recent resignation from her role as Lay Commissioner in NIJAC, Plenary wanted to acknowledge Ms Matchett's commitment and huge contribution to the work of the Commission.

**15. Date of next meeting**

Thursday 5 March 2019.

**Signed**

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*Declan Morgan*

**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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*5 March 2020*





## ACTION POINT SUMMARY

<b>Agenda Item</b>	<b>Action</b>	<b>Owner</b>
6	<ul style="list-style-type: none"><li>• <i>NIJAC to consider the most appropriate method of filing the identified outreach / stats role.</i></li></ul>	Executive Team
7	<ul style="list-style-type: none"><li>• <i>The key stakeholders are to be advised of the new process and changes to the Personal Profile.</i></li></ul>	Executive Team
9	<ul style="list-style-type: none"><li>• <i>Reserve list policies to be reviewed to reflect the agreed position.</i></li></ul>	Executive Team
10	<ul style="list-style-type: none"><li>• <i>Executive Team to progress the introduction of the Huddle system.</i></li></ul>	Executive Team
10	<ul style="list-style-type: none"><li>• <i>Mr Doyle to email Commissioners to update on the HR Matters.</i></li></ul>	Mr Doyle
12	<ul style="list-style-type: none"><li>• <i>Policy Committee to consider the recommendations identified from the QUB Research Report.</i></li></ul>	Policy Committee