

**Plenary Minutes**  
**7 October 2021 at 9.30 am**

**Present:** The Rt. Hon Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland (Chairperson)  
Mr Eoin Doyle QFSM  
Mr Colm Donaghy  
Mr Paul Douglas  
Mrs Maureen Eccles  
Mr Justice Horner  
Ms Noelle McGreenera QC  
Mr Brian McTeggart  
Dr Joan Martin  
Judge Miller QC  
District Judge (Magistrates' Courts) Rosalie Prytherch  
Lord Justice Treacy

**Apology:** Mr Michael Robinson  
Ms Adeline Frew

**In Attendance:**

Mrs Tonya McCormac  
Mr Duncan Greer  
Mr Andrew Millar  
Mr Raymond Donnelly  
Ms Caitriona Roberts (Secretary)  
Mrs April Matchett (arrived at 12:00pm)

**1. Apologies and Introductions**

The Chairperson welcomed everyone to the first face to face Plenary meeting in over a year. The Chairperson thanked Mrs Tonya McCormac, NIJAC Staff and

Commissioners for their work and commitment throughout the Covid-19 Pandemic. The Chairperson noted her delight at meeting everyone in person and welcomed the new Commissioners to the NIJAC Board. Introductions were facilitated.

The Chairperson explained the format of today's meeting and highlighted the fire drill procedure offsite today.

## **2. Conflicts of Interest**

No conflicts of interest were declared regarding any of the items included on the agenda.

## **3. Confidentiality**

The Chairperson reiterated to all the need for confidentiality to be maintained.

## **4. Chair's Opening Comments**

The Chairperson provided a brief history of her time as a NIJAC Commissioner and noted that she takes over as Chair with NIJAC in a good and settled place and thanked Sir Declan Morgan for his work leading the commission to this point. She added that she was honoured and privileged to be the Chairperson for NIJAC.

The Chairperson noted that at the core of her vision for NIJAC is her appreciation and desire to hear all views and asked all to contribute today and at all future meetings. The Chairperson continued, and stated that her vision for NIJAC consisted of three core things:

- 1) Outward Looking
- 2) Inward Looking
- 3) Cost effective

### **1) Outward looking**

The Chairperson confirmed that historically NIJAC has been satisfactory in this area and noted that the commission has done well through traditional outreach, however she noted that with the introduction of a Communication and Diversity Manager,

more can be done to optimise outreach through NIJAC's different social media channels. The Chairperson stated that her vision for NIJAC would blend how the commission communicates, to reach and attract a wider variety of judicial applicants.

## **2) Inward Looking**

The Chairperson spoke about her inward looking strategy and highlighted the need for the board to undergo training to ensure continuous development. It was noted that there are some training days upcoming for Commissioners in October and November and the chairperson encouraged all to attend and actively participate.

## **3) Cost effective**

The Chairperson discussed the importance of cost effectiveness and noted that Commissioners have a duty to manage their time and manage costs within the remit allowed. She further highlighted the financial uncertainty NIJAC operates within and noted that her door would always be open to all, if they have any questions or concerns.

## **5. Minutes of meeting of 03 June 2021**

5.1 The minutes were approved, and it was confirmed that all action points arising had been completed or were work in progress.

5.2 The Chairperson discussed reserve lists and the decision to adopt a reserve list. The Chairperson noted that although Plenary are quorate on this matter, she wanted to provide an opportunity to discuss the matter in person as objections were registered by Ms McGreenera QC and District Judge (MC) Prytherch. Ms McGreenera QC thanked the Chairperson for facilitating a face to face discussion on the matter and reiterated the position of the Bar Library. Ms McGreenera QC advised that although she understands and accepts the merits for adopting such a policy, she still has reservations due to the issue of confidentiality and the potential risk to applicants, if it becomes known that they are applying for judicial office. District Judge (MC) Prytherch echoed Mrs McGreenera QC's concerns regarding confidentiality and noted that the period of time an applicant can be on a reserve list varies, as its 12 months from the swearing-in date, which means that in reality an applicant can be a

reserve applicant in a scheme for longer than 12 months. The Chairperson thanked everyone for their views and stated that the new policy would be kept under review.

**Action Arising:** Accept change to Reserve Lists as default for all schemes.

5.3 Board development is still underway and Plenary now have a plan of action for 2021-22, the Chairperson confirmed that training has been arranged for all Commissioners on the 20<sup>th</sup> October and 14<sup>th</sup> November 2021 and asked everyone to book out their calendars.

**Action Arising:** Commissioners to attend training on the 20<sup>th</sup> October and 14<sup>th</sup> November 2021.

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

6.1 Mrs McCormac welcomed all Commissioners to this Board meeting and she noted it was especially good to see the new Commissioners that have joined the Board in the last 12 months. She delivered her report to the meeting.

6.2 Business Continuity Plan has recently been updated to remove Clare House as an alternative working area and has now been changed to working from home. Mrs McCormac noted that NIJAC would be moving to a blended working model and confirmed that the new NICS Hybrid Working policy has been received by NIJAC and will be reviewed to inform a NIJAC policy that will be considered by the Business Committee.

6.3 The status of risks on the Register remains mainly unchanged. Cyber security has been highlighted as an issue and added to the register. Training on cyber security has been requested by the Business Committee Chair and Mr Greer confirmed that he will be examining the best way to deliver this. The Chairperson noted the current importance to all organisations of cyber security and welcomed work to give reassurances to the Board in this area.

**Action Arising:** Examine the best way to deliver cyber security training to staff and Commissioners.

6.4 Financial sustainability remains a high risk, as the opening position does not cover core costs (£125-£140k shortfall); scheme and staff costs having to be met through in-year bids. A number of single issue meetings are scheduled with TEO to highlight, plus a number of short, medium and long term strategies are being explored to help secure an opening position that provides funding for core costs, including staff and schemes. Working paper being put together regarding this and will go to Business Committee.

**Action Arising:** Working paper to be drafted on NIJAC's financial sustainability and sent to Business Committee for consideration.

6.5 Mrs McCormac shared positive trend results in terms of engaging with others and the increase in the use of social media with 55.2k impressions to date and a 19% increase in Twitter followers. It was noted that the 'top Tweet' related to the Swearing-In of Lady Chief Justice Keegan.

6.6 The Politicians Event, will happen at Decembers Plenary, and the tripartite event has been scheduled on the 4<sup>th</sup> March 2022, with NIJAC hosting. The Chairperson noted Tribunal work would form an integral part of the Agenda.

6.7 Implementation of staffing review is still under way, with the new structure now in place. NIJAC are now starting phase three with a move towards collective leadership.

## **7. Selection Committee Scheme updates**

7.1 An update paper for each scheme was presented.

7.2 Mr Donaghy updated Plenary on the Appeal Tribunals Disability member.

7.3 Mrs Eccles updated Plenary on the Appeal Tribunals Medical member. Mrs Eccles noted that this scheme had pointed to a potential need to review the application of the appointable threshold in schemes such as this. She added that the Personal Profile and Expression of Interest forms for these schemes could also be reviewed. The Chairperson thanked Mrs Eccles for her comments and stated that she would like these areas to be discussed at the forthcoming training days on Assessments. It was also suggested that the Expression of Interest form could be reviewed by Mr Millar in his role as Head of Assessment, Transformation and Quality. In terms of the ongoing difficulty of recruiting medical members to judicial office it was

agreed that further outreach is needed to encourage medical professionals to put themselves forward. The Chairperson asked Dr Martin if she would speak with the President of the Appeals Tribunal at their next scheduled meeting, requesting an opportunity for NIJAC to speak to the medical members of the Tribunals, Dr Martin agreed. Queries were also raised regarding the differing fees paid for differing types of Tribunals and that fees continue to be a potential barrier to application. Mr Doyle noted that a meeting had been held with the Chief Medical Officer to raise the difficulties of medical recruitment but Covid then got in the way of a follow-up session. Ms McCormac added that this would be picked up again as lobbying to influence potential external factors and increase interest in these schemes was very important. It was clarified that medical recruitment remains challenging and that NIJAC has aimed to remove barriers to application, however the final assessment must continue to be suitably robust. There are a number of medical schemes underway or pending and NIJAC will feedback to the Department of Health in due course on degrees of success or otherwise.

**Action Arising:** The Assessment training days should discuss the various issues raised at this Plenary.

**Action Arising:** Dr Martin to request an opportunity for NIJAC to speak with medical members of Tribunals.

**Action Arising:** Mr Millar to review the Expressions of Interest Form for medical schemes.

7.4 Mr Donaghy updated Plenary on the Victims Payments Board Medical Member Scheme.

7.5 Mr Douglas updated Plenary on the Review Tribunal Medical Scheme.

7.6 Mr McTeggart updated Plenary on the Pensions Appeal Tribunal Deputy President scheme.

7.7 Mrs Eccles updated Plenary on the Victims Payments Board Legal Member.

7.8 Dr Martin updated Plenary on the Industrial Tribunals and the Fair Employment Tribunal President Scheme.

7.9 Judge Miller QC updated Plenary on the District Judge (Magistrates' Court) Scheme. Mr Millar confirmed that a shortlisting test will be created for this scheme.

The Chairperson commended those involved in drafting the test questions and agreed with District Judge (MC) Prytherch's suggestion that establishing a bank of questions for future schemes might be very valuable. The Chairperson stated that she would raise this matter at the next Presiders meeting.

**Action Arising:** Chairperson to discuss potential bank of questions for shortlisting test at next Presiders meeting.

## **8. Advisory Committee**

8.1 The draft Minutes of 16 September 2021 were presented.

8.2 The provision of feedback to candidates was discussed and the Chairperson concluded that the principle of feedback is something the Board supports at present and requested that an options paper from the Advisory Committee is presented at the next Plenary to help the board make an informed decision.

**Action Arising:** Options paper in relation to feedback, to be drafted by Advisory Committee and presented at the next Plenary.

8.3 The Advisory Committee recommended that Plenary adopt the approach outlined in the options paper in relation to tied scores. Plenary agreed to adopt the approach recommended by the Advisory Committee, but stated that they would keep this under review.

**Action Arising:** Adopt agreed approach to Tied Scores

8.4 A successful tender has been identified in relation to the online testing trial, and it is aimed that the platform should go live in 6 weeks. Mr Millar wanted to express his thanks to the Advisory and Business Committees for their help on this matter and individually thanked District Judge (MC) Prytherch and Mr McTeggart for their involvement in the online testing trial.

## **9. Business Committee**

9.1 Mr Doyle presented the draft Minutes of 14 Sept 2021, with an emphasis on risk, finance and staffing.

9.2 In particular he pointed out a number of items: i) the Committee had requested that Mr Greer ensure members fees paid are in compliance with the revised policy issued in June 2021; ii) a piece of work will be presented to the Committee in November to highlight the reasons actual scheme costs out-turn differently to budgeted costs and iii) the June 2021 monitoring round was successful and secured £125k additional resources for Core business.

9.3 Mr Doyle acknowledged the significant piece of work on the staff restructuring with special mention of the contribution of the HR Business Partner – Mr Donnelly. He also noted that his understanding was that the outcome on the evaluation of the Chief Executive post was very clearly that the role sits well within the G5 band.

9.4 Mr Millar presented on the outcomes based accountability (OBA) project and advised that a training partner had been selected after a tender process. A number of workshops will be held with staff and Commissioners over the next 3-4 months. Mr Millar stated that a core group of Commissioners would be selected to attend the first workshop scheduled for the afternoon of the 24<sup>th</sup> November 2021.

9.5 Mr Donaghy presented on the progress of the Board Effectiveness sub-group and presented the plan so far for comment. Mr Donaghy advised that a buy in from the board is required to ensure the successful implementation of the plan. Plenary members were content.

9.6 Mr Donnelly confirmed that all posts in the new staffing structure have now been matched or filled via open competition. Interviews for the outstanding recruitment officer roles have been completed and successful applicants have been identified. NIJAC are now in phase 3 of the restructuring plan and confirmed that there will be a focus on NIJAC's valuing our people strategy. Mr Donnelly confirmed receipt of the NICS Hybrid Working policy and confirmed that this policy will be reviewed and amended in line with NIJAC's circumstances, this policy will be shared with Business Committee in November.

## **10. Audit and Risk Assurance Committee**

10.1 Mr McTeggart presented the draft minutes of the 07 Sept 2021.



10.2 Mr McTeggart confirmed that 4 years of NIJAC's annual accounts have been signed off, which brings the issue of the outstanding accounts to a close. He commended the work of Mr Greer and the Finance Team in bringing this to a conclusion.

10.3 The Audit and Risk Assurance Committee requests that Plenary note its annual report.

## **11. Standing Orders and Scheme of Delegation**

11.1 Mr Greer confirmed that updates have now been made to this policy documentation to reflect the new Chair of NIJAC.

11.2 Mr Greer advised that the terms of reference for all committees have now been updated and are contained as Appendices in the Policy. The Chairperson noted this and formally requested that Mr Justice Horner join the Audit and Risk Assurance Committee.

**Action Arising:** Mr Justice Horner to join Audit and Risk Assurance Committee.

**Action Arising:** Updated Standing Orders and Scheme of Delegation accepted.

## **12. Any other business**

Mrs McCormac highlighted Mr Douglas' involvement in the Supreme Court (SC) Judge Recruitment scheme. Mr Douglas noted that the scheme was in its early stages and that a date for advertisement has not been agreed yet. The Chairperson thanked Mr Douglas for agreeing to be NIJAC's representative on the SC and asked that he keeps the Board updated of any progress.

The Chairperson welcomed Mrs April Matchette, the newly appointed NIJAC Communications and Diversity Manager to the meeting. The Chairperson indicated that this was a very important role in NIJAC and that she was looking forward to working with her.

**Date of next meeting:** 9.30am Thursday 2 December 2021.

**Signed:**

A handwritten signature in black ink, appearing to read 'Siobhan Keegan', written in a cursive style.

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

**Dated:** 02-12-21