

**Minutes of the Plenary Meeting  
Held on Thursday 8 March 2018  
Third Floor Board Room,  
Headline Building, Victoria Street, Belfast**

**Present:** The Right Honourable Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)  
Mr Brian Coulter OBE  
Mr Paul Douglas  
Mr Eoin Doyle QFSM  
District Judge (Magistrates' Courts) Rosalie Prytherch  
Mr Lindsay Todd

**Observers:**

The Rt. Hon. Lord Justice Stephens  
Mr Michael Robinson  
The Rt Hon Mrs Justice Keegan (from 10.35am)

**In Attendance:**

Ms Adeline Frew  
Mrs Julie Monahan  
Mr Andrew Millar  
Mr Duncan Greer  
Mr Ryan White (Secretary)

**1. Apologies**

1.1 Ms Marion Matchett CBE and Noelle McGreenera QC

**2. Conflicts of Interest**

2.1 No conflicts were declared.

**3. Confidentiality**

3.1 The importance of confidentiality was stressed. The Observers signed a confidentiality statement.

**4. Minutes of meeting of 7 December 2017**

**4.1** The minutes of the meeting on 7 December 2017 were approved.

The Chairman noted that the actions arising were either complete or addressed in the substantive agenda.

**5. Chief Executive's Report**

**5.1** Ms Adeline Frew presented the Chief Executive's report to Plenary.

**5.2 Business Plan 2017/18**

**5.2.1** Ms Frew presented a verbal update on the detail provided on the Business Plan objectives and advised that all objectives were on track for full or partial delivery; the political situation continues to delay the laying of the 2016/17 Annual Report and Accounts and the "Programme of Appointments delivered on time and within allocated budget" is partially met as there remain vacant offices in the High Court and the Appeal Tribunals.

**5.3 Draft Business Plan 2018/19**

**5.3.1** Ms Frew presented the Draft Business Plan 2018-2019 which reflects the comments and recommendations from the Departments for Justice and Communities and the Executive Office (TEO). Plenary asked the Executive Team to review objectives to ensure they were deliverable within NIJAC's control.

**Action:** Executive Team to reconsider the objectives of the Business Plan for 2018/19 and report back through Business Committee.

**5.4 Risk Register**

**5.4.1** Plenary noted that the 2017/18 Risk Register had been formally reviewed by the Executive Team in February 2018. The loss of Commissioners and staffing levels were considered and new actions were added to reflect the impact on the business. The Chairman added that he is writing to the Secretary of State to explain the impact of the loss of Commissioners and to ask for clarity on when and how this will be dealt with. In addition a new risk had been added to reflect

the unknown position regarding the budget and the prospect of lack of income from sub-tenants.

**Action:** Executive Team to re-examine contingency regarding further loss of Commissioners and the impact on business, including Committees and provide a paper to June 2018 Plenary.

**Action:** Risk Register to be updated to include Chairman writing to the Secretary of State in actions required.

## 5.5 Risk Appetite

5.5.1 Commissioners discussed NIJAC's current Risk Appetite and approved the continued use of a Low to Medium Risk Appetite. The Executive Team were directed to provide Business Committee with a narrative to support the levels of tolerance acceptable against each category of risk (Reputational, Political and Social, Operational and Financial) identified within the 18/19 Business Objectives.

**Action:** The Executive Team to provide Business Committee with a narrative to support the levels of tolerance acceptable against each category of risk; (Reputational, Political and Social, Operational and Financial) identified within the 18/19 Business Objectives.

## 5.6. Budget Update 2017/18

5.6.1 It is anticipated that at year end, 31 March 2018, the outturn will be an underspend within the required tolerance level.

## 5.7 Budget Update 2018/19

5.7.1 The position on the 2018/19 budget remains uncertain. Commissioners agreed the Accounting Officer, in consultation with the Chair of Business Committee, should write to TEO to establish the basis for spending money in the absence of a budget.

**Action:** The Accounting Officer, in consultation with the Chair of Business Committee, to write to TEO to establish the basis for spending money in the absence of a 2018/19 budget.

## 5.8 General Data Protection Regulations Implementation Plan (GDPR)

**5.8.1** Commissioners discussed and approved the Implementation Plan. In addition they identified the need for additional preparatory work in relation to the retention of data.

**Action:** Executive Team to seek legal advice in terms of disposal and report through Business Committee.

## 5.9 Outreach and Working with Others

**5.9.1** Ms Frew advised of the various initiatives undertaken since the last meeting of Plenary.

## 5.10 Staffing

**5.10.1** Ms Frew gave an update on staff changes and the Staff Survey completed in February 2018. Commissioners agreed to invite staff to attend June Plenary at lunchtime to enable an exchange so that Commissioners and staff understand their respective backgrounds and roles.

## 6. Selection Committee

### 6.1 Current Scheme Updates

- High Court Judge – Shortlisting interviews have completed and Assessment, Interview and Selection is scheduled for late March 2018.
- County Court Judge – Lord Justice Stephens confirmed shortlisting had taken place and interviews were scheduled for April 2018.
- Employment Judge – District Judge (Magistrates' Court) Prytherch updated Plenary that the scheme had now closed to applications and the shortlisting moderation was planned for April 2018.

- District Judge (Magistrates' Court) – Mr Todd updated that a pre-scheme meeting had been arranged. The Chairman confirmed that the opportunity to avail of flexible working is being considered for these roles.

**6.2** A short discussion was held on the use of reserve lists in salaried schemes. It was acknowledged that the Reserve List policy requires any reserve positions to be advertised at the outset of a scheme. It was agreed that the Reserve List policy should be published on the NIJAC website. Plenary requested that the Reserve List policy be brought to Policy Committee to review.

**Action:** Policy Committee to review Reserve List policy.

## **7. Policy Committee**

**7.1** The Draft minutes of 30 January 2018 were noted by Plenary.

### **7.2 Review of the Effectiveness of NIJAC's Appointments Processes (RENAP)**

**7.2.1** Mr Coulter and Mr Doyle presented the report to Commissioners. They noted that the review had found that there were no fundamental flaws in how NIJAC was delivering its business.

Commissioners discussed the report in detail and accepted the recommendations within it. Plenary further sought that the Executive Team develop a communications plan and consult with contributors to ask for consent in regards to further limited distribution.

The Executive Team were asked to consider the prioritisation of the recommendations in line with the Continuous Improvement Plan (CIP) and present to May Policy Committee. Plenary agreed that any input from the Judicial Appointments Commission (E&W) (JAC) and Judicial Appointments Board for Scotland (JABS) would be considered in the autumn. Plenary to consider the implementation plan when they meet in October. In addition, the Chair acknowledged the input of contributors and staff on this issue and thanked them for this exceptional piece of work.

**Action:** Executive Team to present prioritisation of recommendations to Policy Committee in May 2018.

**Action:** Executive Team to seek consent of contributors to further dissemination of report.

**Action:** Executive Team to develop communication plan for further dissemination of report to Joint Liaison Committee, Judges Council, JAC and JABS.

### **7.3 Standardised Approach to Medical Schemes**

**7.3.1** Plenary approved the revised standardised approach to medical schemes, which is reflective of the applicant pool and proportionate to the nature of the roles being recruited.

### **7.4 Proposal on Medical Checks**

**7.4.1** It was agreed to cease conducting medical checks on all appointments immediately and to also seek legal advice regarding the County Court Act (NI) 1959.

**Action:** Executive Team to seek legal advice on how to facilitate the County Court Act (NI) 1959 which states that NIJAC must satisfy itself as to the health of a potential appointee.

### **7.5 Programme of Action & Stakeholder Engagement Strategy**

**7.5.1** The Programme of Action and the Stakeholder Engagement Strategy were approved. Commissioners also discussed relations with the Press/Media/Politicians and directed that the Executive Team examine the potential for an appropriate engagement plan.

**Action:** Executive Team to consult appropriately on the formulation of an engagement plan.

### **7.6 Compatibility Review of Interviews, Situational Judgement Exercises and Role Plays**

**7.6.1** Commissioners discussed the report and approved the continued use of the three assessment methods in combination.



**7.7.1** Commissioners discussed and approved the Guiding Principles subject to the addition of a reference to the option of the Selection Committee requiring a judgement from a SJE.

**Action:** Executive Team to ensure the inclusion of a specific reference to judgements in the Guiding Principles document.

## **8 Business Committee**

**8.1** The draft minutes of 25 January 2018 were noted by Plenary.

## **9 Audit and Risk Management Committee**

**9.1** The draft minutes of 23 January 2018 were noted by Plenary.

## **10 Any other business**

### **10.1 NIJAC 2018/19 Committee Dates**

**10.1.1** Committee dates were approved subject to review in June Plenary along with the contingency plan considering further loss of Commissioners.

### **10.2 Post Retirement Appointments**

**10.2.1** Plenary approved the post retirement appointment of HHJ Marrinan as a Deputy CCJ and DJ (MC) Magill as a Deputy DJ (MC) with effect from their retirement dates (in July and June 2018 respectively). These requests are in accordance with the Post Retirement Appointments Policy.

### **10.3 Civil Justice Report Recommendation**

**10.3.1** Policy Committee to review this report in conjunction with a review of the Personal Profile.

**Action:** Executive Team to incorporate the recommendation into Policy Committee's review of the Personal Profile.

### **10.4 NIJAC's Impact**

**10.4.1** Commissioners discussed the report on NIJAC's impact. Commissioners sought further refinement of this information to inform future events.

**Action:** Executive Team to further refine the information with a view to sharing through planned events.

**10.5 Non-Legal Appointments**

**10.5.1** Commissioners discussed the legal advice provided and concurred on the legitimacy of the present position. The Executive Team were tasked with following up on the matter with the Department of Justice (DoJ) at an appropriate juncture.

**11 Date of next meeting**

**11.1** Thursday 7 June 2018 at 9.30am

Signed

*Declan Morgan*

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**The Right Honourable Sir Declan Morgan, the Lord Chief Justice of Northern Ireland, Chairman of the Northern Ireland Judicial Appointments Commission**

Dated

*11 June 2018*