

SELECTING THE BEST APPLICANTS AND SUPPORTING DIVERSITY



**ANNUAL REPORT
AND ACCOUNTS
2016-17**



Northern Ireland Judicial Appointments Commission

**Annual Report and Accounts
for the year ended 31 March 2017**

***Laid before the Northern Ireland Assembly by The Executive Office
under paragraphs 5 and 7 of Schedule 2 to the Justice (Northern
Ireland) Act 2002, as amended***

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Any enquiries regarding this document / publication should be sent to:

Northern Ireland Judicial Appointments Commission
Headline Building,
10-14 Victoria Street,
Belfast,
BT1 3GG

E-mail: judicialappointments@nijac.gov.uk

This document / publication is also available on our website - www.nijac.gov.uk

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THE PERFORMANCE REPORT

Overview

Chairman's Foreword

This overview aims to provide sufficient information to aid understanding of the organisation, its purpose, the key risks to the achievement of its objectives and how it has performed during the year.

This is our twelfth report on the work of the Northern Ireland Judicial Appointments Commission (NIJAC), which covers a very demanding period of appointments, renewals, diversity and communications work, policy review and internal governance and accountability.

During the reporting period 1 April 2016 - 31 March 2017, NIJAC made 57 recommendations for judicial appointment (Courts 14, Tribunals 43) and 71 renewals of appointment.

We continue to work within our statutory obligations and, through review and evaluation of our strategies and policies, continually seek to improve.

We have achieved success with applications broadly reflecting the Northern Ireland community and the legal applicant pool; however a priority remains attracting applications from those in under-represented groups.

In that context our work with the legal profession, through the Joint Liaison Committee, remains important, as does outreach generally. We consulted widely on the work of the Senior Appointments Review Team (SART), which was focussed upon assessment and selection for the County and High Courts, discussed the changing demographics of the legal applicant pool and the continued success of initiatives such as the Women in Law Mentoring Scheme. We also worked closely with the Joint Liaison Committee, Judges' Council and the Office of the Lord Chief Justice in developing Guidance to Flexible Working across courts and tribunals.

During the period under review NIJAC's Commissioners and staff engaged with around 500 people through events and meetings, promoting judicial service and demystifying the application process.

There are two policy matters of significance which began to be reviewed during 2016-17 and should be resolved in the coming months. NIJAC has agreed to cease obtaining health checks for fee paid offices and the practice of obtaining health checks for salaried office is under review. As NIJAC is responsible for certain Terms and Conditions we are consulting with courts and tribunals on the appropriateness of 5 year appointment terms.

NIJAC is determined to promote judicial office to those who demonstrate the required qualities, abilities and skills to meet the challenges and fulfil the expectations of judicial office. I would encourage anyone with an interest to contact NIJAC to discuss opportunities and initiatives such as Judicial Shadowing or visit our website (www.nijac.gov.uk) for further information.

I look forward to another year, fulfilling our Corporate and Business plans to ensure the most meritorious appointments based upon open and fair processes. I also welcome hearing from those with an interest on how the Commission can more positively influence those they work on behalf of, should that be the courts and tribunals, the legal and other professions.

The Right Honourable Sir Declan Morgan

Lord Chief Justice of Northern Ireland and Chairman of the Northern Ireland Judicial Appointments Commission

Purpose and Activities

Who we are

NIJAC is an independent public body which was established to bring about a new system for appointing members of the judiciary in Northern Ireland.

NIJAC was established on the 15th June 2005 under the Justice (Northern Ireland) Act 2002, as amended. It is an independent executive Non-Departmental Public Body (NDPB) sponsored by The Executive Office (TEO).

As a consequence of the Northern Ireland Act 2009 policing and justice powers were devolved to the Northern Ireland Assembly on 12 April 2010.

The 2009 Act also extended NIJAC's statutory duties as not only a recommending body (for listed judicial offices commonly known as Crown appointments, generally substantive posts) but also as an appointing body (for non-Crown appointments, primarily fee paid posts) which removed this function from Government Ministers and the political process.

NIJAC also has influence over the judicial complement, and determination over certain terms and conditions in agreement with sponsoring departments who hold the budgets for judicial offices.

The Commission comprises of 13 members drawn from the judiciary, legal profession and other professional backgrounds. The Chairman is the Lord Chief Justice of Northern Ireland, Sir Declan Morgan. The 12 other members are appointed by the First Minister and deputy First Minister acting jointly. The 5 judicial members are nominated by the Lord Chief Justice. Commissioners, who hold publicly funded office i.e. salaried members of the judiciary, are not remunerated by NIJAC for their work in accordance with public sector policy.

The Bar Council of Northern Ireland and Law Society of Northern Ireland nominate 1 member each to serve as legal members on the Commission, and the Commission's 5 lay members who do not hold (or have never held) a protected judicial office and are not (and have never been) a barrister or solicitor are selected and appointed by the First Minister and deputy First Minister acting jointly.

The Commission is supported by 12 staff headed by Mandy Kilpatrick, Acting Chief Executive, who is responsible for the day to day management of NIJAC.

The Commissioners and staff have very different responsibilities. The Board of NIJAC (Plenary) has corporate responsibility for ensuring that it fulfils its statutory obligations and the aims and objectives agreed with its sponsor department. A detailed list of Plenary's responsibilities is set out in the Management Statement and Financial Memorandum and the Justice (Northern Ireland) Act 2002, as amended and includes the requirement to comply with the Code of Conduct (incorporating the 7 Nolan Principles). The Chief Executive is the Accounting Officer (AO) for NIJAC and is therefore responsible to Plenary for the discharge of NIJAC's responsibilities. The AO is also responsible for promoting the efficient, economic and effective use of staff and other resources.

Commissioners have an equal say in the work of NIJAC and are of equal status.

Our purpose

NIJAC is committed to the appointment of the best possible judicial officers for Northern Ireland through fair, open and transparent assessment, selection and appointment processes. See Appendix 1.

We recognise and value diversity and seek to promote equality while ensuring that merit remains the guiding principle for appointment.

It is our policy to have due regard to the need to promote equality of opportunity to actual and potential applicants irrespective of gender, marital status, religious belief or political opinion, race, age, disability, sexual orientation, dependant responsibilities or geographical location.

Our aim is to ensure that those who do apply will undergo an appointment process that assesses their qualities, abilities and skills fairly and openly. In this way we are confident that those most meritorious will be appointed.

Our statutory responsibilities

- To select and appoint, and recommend for appointment, in respect of all listed judicial offices up to and including High Court Judge;
- To recommend applicants solely on the basis of merit;
- To engage in a programme of action to secure, so far as it is reasonably practicable to do so, that appointments to listedⁱ judicial offices are such that those holding such offices are reflective of the community in Northern Ireland;
- To engage in a programme of action to secure, so far as it is reasonably practicable to do so, that a range of persons reflective of the community in Northern Ireland is available for consideration by NIJAC whenever it is required to select a person to be appointed, or recommend a person for appointment, to a listed judicial office; and
- To publish an annual report setting out the activities and accounts for the past year.

Our principles

The principles which guide and inform our work are:

- **Independence** – we will ensure NIJAC fulfils all of its statutory obligations, free from any political influence or interference;
- **Merit** - we will appoint and recommend for appointment applicants solely on the basis of merit;
- **Diversity** - we will implement a programme of action designed to support our aim to achieve, as far as reasonably practicable, a judiciary that is reflective of our society;
- **Fairness** - we will be fair in our decision making;
- **Transparency** - we will be open about our policies, procedures and activities;
- **Accountability** - we will explain our activities and where appropriate the reasons for our decisions; and
- **Partnership** - we will work closely with interested parties to share learning and to progress and inform our work.

ⁱ Schedule 1 of the Justice (Northern Ireland) Act 2002, as amended.

Key Issues and Risks

Risk Management is integrated into the activities of NIJAC by a direct link to the achievement of objectives. NIJAC implements effective risk management arrangements, which are detailed in our Risk Management Handbook. These include developing, monitoring and reviewing the Risk Register which identifies the key risks, those responsible for ensuring that the risks are managed, and the action that will be taken to manage them. Further details can be found in the Governance Statement.

Whilst focussing on our core business – selecting and recommending people for appointment to judicial office - we must be alive to other issues, such as local and national politics, including any potential impact of Brexit, Welfare Reform, the Future Administration and Structure of Tribunals in Northern Ireland, and of course, any alterations to our applicant pools influenced by various factors, including changing demographics and the economy.

The Senior Salary Review Body (SSRB) has embarked upon a major review of judicial pay. For the first time the review will also consider and make recommendations on the pay of fee paid judges. SSRB's work will include consideration of the overall structure of judicial salaries and it is anticipated that recommendations will be made no later than June 2018. Issues for consideration include whether total remuneration for each salary group is set correctly and how best to reward and incentivise judicial leadership. NIJAC will engage with SSRB, particularly taking into consideration where there have been challenges in securing appointments, as was experienced in the scheme to recruit Specialist (Consultant) Medical members for the Appeal Tribunals and in the High Court competition. With regards to the latter NIJAC is aware of the impact changes to the Judicial Pension Scheme is considered to have had in England and Wales.

In April 2016 the legislative change transferring responsibility for the Northern Ireland Judicial Appointments Ombudsman (NIJAO) to the Northern Ireland Public Service Ombudsman (NIPSO) occurred, while retaining the distinct legislative basis of the NIJAO.

The main risks to NIJAC's Business Objectives included in the Risk Register for 2016-2017 were:

- Breaches of confidentiality and speculation around schemes by others, causing misinformation and potential for reputational damage;
- Sufficient capacity, expertise and knowledge in staff available to ensure the business delivers its priorities;
- Loss of Commissioners; and
- Ability to operate within allocated budget avoiding overspend and managing under spend within a tolerance level of 1.5%.

Going Concern Basis

The statement of financial position at 31 March 2017 shows net liabilities of £77,370. This reflects the inclusion of liabilities falling due within one year which, to the extent that they are not met from NIJAC's other sources of income, may only be met by future grant-in-aid from NIJAC's sponsoring department (TEO). This is because, under the normal conventions applying to Assembly control over income and expenditure, such grants may not be issued in advance of need.

Grant-in-aid for 2017-18, taking into account the amounts required to meet NIJAC's liabilities falling due in that year, has already been included in the department's estimates for that year, which have been approved by the Assembly, and there is no reason to believe that the department's future sponsorship and future Assembly approval will not be forthcoming. It has been considered appropriate therefore to adopt a going concern basis for the preparation of these financial statements.

Performance Summary

During the reporting year, NIJAC managed and delivered a substantial programme of appointments and renewals to judicial office. NIJAC made 57 recommendations for appointment, and 71 recommendations for the renewal of appointments.

All but one of the 12 Business Objectives contained in the 2016-17 Business Plan were achieved; the Objectives can be found at Appendix 3. The business objective 'We will protect all data held safeguarding the confidentiality of applicants' was not achieved due to three data incidents (see page 26).

Performance Analysis

Introduction

NIJAC is an executive NDPB established as an independent body under the Justice (Northern Ireland) Act 2002, as amended. NIJAC's primary source of financing is grant-in-aid provided by TEO.

NIJAC, in consultation with the Department of Justice (DoJ), Department for Communities (DfC), Department for the Economy (DfE) and TEO, will set out its objectives and key targets having regard to the priorities of the Executive and available resources.

The relationship between NIJAC and the Ministers and their department is governed by the 'arm's length' principle. The requirements of this principle are discharged on a day-to-day basis on the Ministers' behalf by the sponsoring department (TEO).

Corporate Objectives

- **Recruitment & Selection** - We will strive to meet our statutory duty to ensure a reflective judiciary which is appointed on merit;
- **Our People** - We will fulfil our commitments through the efforts of skilled and engaged Commissioners, Co-opted Experts and Staff;
- **Working with Others** - We will work closely with others to deliver our statutory duties and implement best practice; and
- **Accountability** - We will make judicial appointments while safeguarding public money and making the best use of our resources.

Accounting Responsibilities

NIJAC's financial statements have been prepared in accordance with paragraph 7 of Schedule 2 to the Justice (Northern Ireland) Act 2002, as amended.

Operating Review

During the reporting year, NIJAC managed and delivered a substantial programme of appointments and renewals to judicial office. NIJAC made 57 recommendations for appointment (Courts 14, Tribunals 43), and 71 recommendations for the renewal of

appointment (Courts 1; Tribunals 70). For full equality monitoring information on applicant pools and renewals (Courts and Tribunals) see Appendix 2.

Various policies and guidance have been subject to review during 2016-17 including the Character Policy and the accompanying Guidance to Applicants, the Chair's Checklist, Conflicts of Interest and the Standardised Approach to Senior Appointments and to Medical Appointments. A Reference Policy and Rules for Observers were newly developed. Through the Flexible Working Group, comprising representatives from the Joint Liaison Committee, the Judges' Council, the departments and the Office of the Lord Chief Justice a 'Guidance on Flexible Working' document has been developed. Significantly, the 'Developing Best Practice in Recruitment' project concluded and was evaluated most positively. From that constructive work the 2017-20 Continuous Improvement Plan has been developed. This will help ensure NIJAC's evolving policies and practice meet industry standards and continue to deliver meritorious appointments.

While recruitment campaigns generally continue to be effective, as noted earlier recruitment of Specialist (Consultant) Medical members for the Appeal Tribunals and for High Court Judges have experienced difficulties. Lessons Learnt are considered for each scheme as are Applicant Evaluations. Engaging in this reflective practice assists in identifying issues which need to be addressed with the responsible departments and helps inform the tailoring of Scheme Outreach Plans and the overarching programme of action.

NIJAC has a sustained track record of achievement in adhering to strict governance arrangements and our aim is to continue to maintain those high standards.

Business Plan Performance

All but one of the 12 Business Objectives contained in the 2016-17 Business Plan were achieved; the Objectives can be found at Appendix 3. Business Objectives are monitored by the responsible Committee and Plenary in year.

The business objective 'We will protect all data held safeguarding the confidentiality of applicants' was not achieved due to three data incidents (see page 26).

Financial Overview

As an NDPB, NIJAC is subject to the relevant Government and accounting guidelines. NIJAC was financed in 2016-17 by grant-in-aid through TEO and does not normally obtain additional funding from any other source.

Deficit transferred to taxpayers' equity for the year totalled £1,013,392 (2015-16: £970,519). The main areas of expenditure were staff costs £630,523 (2015-16: £617,081) which accounted for 54% (2015-16: 56%) of the total expenditure, and accommodation costs of £232,240 (2015-16: £226,739) accounting for 20% (2015-16: 21%) of the total expenditure. Accommodation costs relating to the part of Headline Building shared by The Appeals Service (from 1 August 2016) and the Office of the President of the Appeal Tribunals (from 9 November 2015) are recharged; these recharges are included in receipts. Income of £149,087, relating to the reimbursement of rent, rates and other premises costs, was received during the year (2015-16: £130,897).

The total grant drawn down from TEO in respect of 2016-17 was £1,021,000 (2015-16: £973,990).

Capital expenditure during the year amounted to £NIL (2015-16: £780). At the year end, the assets owned by NIJAC had a net book value of £2,185 (2015-16: £3,822).

The expenditure for the last four years is shown in the table below.

	2016-17	2015-16	2014-15	2013-14
	£	£	£	£
Staff costs	630,523	617,081	659,132	732,437
Depreciation, amortisation and revaluation	1,740	2,923	3,398	12,754
Other expenditure	530,216	481,412	543,746	624,270
	<u>1,162,479</u>	<u>1,101,416</u>	<u>1,206,276</u>	<u>1,369,461</u>
Income	(149,087)	(130,897)	(157,302)	(139,387)
	<u>1,013,392</u>	<u>970,519</u>	<u>1,048,974</u>	<u>1,230,074</u>
Capital	-	780	3,116	234
Total (including Capital)	<u>1,013,392</u>	<u>971,299</u>	<u>1,052,090</u>	<u>1,230,308</u>
Cost increase / saving on prior year	+4%	-8%	-14%	-6%

In 2016-17 NIJAC delivered on its statutory objectives while achieving a 5% cost saving on its opening budget allocation of £1,062k, however the year-end operating cost of £1,013k was a 4% increase on the previous year. This increase was primarily due to unforeseen expenditure on building maintenance, an increase in staff costs resulting from the filling of a vacant post and increased employer ERNIC contributions following the removal of the contracted out pension scheme rebate. This was offset by increased income received from our tenants and a small reduction in depreciation / amortisation charges.

Long Term Expenditure Trends

Since 2013-14 the Commission's expenditure has reduced by 17.63% from £1,230,308 in 2013-14 to £1,013,392 in 2016-17. Despite this reduction the need for economy and value for money in public expenditure has necessitated the need to plan for further reduction in budgets over the period 2017 - 2020.

It is expected that around 73% of our budget will continue to be expended on core business, i.e. running appointment schemes and the associated programme of action and around 27% will be expended on administrative support including corporate planning, finance and governance.

NIJAC is facing a difficult financial challenge particularly given the considerable cost of accommodation which is outwith its control. We will work closely with our colleagues in

the Asset Management Unit and TEO to develop an effective solution that enables delivery of NIJAC's statutory responsibilities. NIJAC will continue to look at ways to be more cost effective, ensuring value for money and safeguarding the public purse.

2017-18 Budget Position

The Northern Ireland Assembly was dissolved as from 26 January 2017 for an election which took place on 2 March, on which date Ministers also ceased to hold office. An Executive was not formed following the election within the period specified in the legislation. As a consequence, a Budget Act is not yet in place for 2017-18. In the absence of a budget for 2017-18 determined by an Executive, Section 59 of the Northern Ireland Act 1998 and Section 7 of the Government Resources and Accounts Act (Northern Ireland) 2001 provide for the Permanent Secretary of the DoF to issue cash to departments from the NI Consolidated Fund. These powers are an interim measure designed to ensure that services can be maintained until such times as a budget is agreed and a Budget Act passed.

TEO issued a revised indicative budget allocation to NIJAC of £1,054k for 2017-18 on 04 August 2017.

Future Strategy

The 2017-20 Corporate Plan, published in May 2017, is set around NIJAC's key aim of appointing and recommending for appointment solely on merit. In accordance with our governing legislation, NIJAC is required to engage in a programme of action to ensure as far as is reasonably practicable that appointments to listed judicial office are such that those holding such offices are reflective of the community in Northern Ireland.

As you can see from the diagram below we have identified four key work areas, each of which interact with the other, work towards delivering our key aim and comply with our statutory commitments. While some operational targets may change in the next 12, 24 and 36 months, our focus will remain on meeting the commitments aligned to each of these four areas.



The 2017-18 Business Plan, which has been approved by Departmental Officials in the absence of the First and deputy First Minister, sets out the work we will do in the coming year. One of the key pieces of work is delivering on the first year commitments within the 'Continuous Improvement Plan' however we are ever mindful that a budget has yet to be set and that NIJAC may have to readjust plans accordingly.

It is our intention to review the Lessons Learned Reports produced for each scheme, with a view to enhancing our service provision to applicants, commissioners, co-opted experts and the responsible departments. We are keen to review the effectiveness of NIJAC's assessment and selection processes with court presiders and tribunal chairs. Outreach and engagement with the professional bodies and applicant pools generally will be revisited, including consulting with the professional legal bodies on our Guidance to Applicants, to help ensure those who are hard to reach, yet potentially eminently appointable, are encouraged to apply and have the tools to do so successfully.

Sustainability Report

NIJAC is working towards sustainable development and seeks to demonstrate its commitment to reducing environmental impacts wherever possible.

NIJAC's aims are:

- ***climate change and energy efficiency*** - to reduce energy consumption as far as reasonably and economically practicable;
- ***waste management and recycling*** - to reduce waste, increase the proportion of waste that is recycled and eliminate our use of landfill sites for general office waste;
- ***procurement*** - to promote a purchasing policy which will give preference, as far as practical, to those products and services which cause the least harm to the environment; and
- ***people*** - to seek to embed the principle of sustainable development through increasing awareness of sustainability responsibilities among staff and for all who work with us.

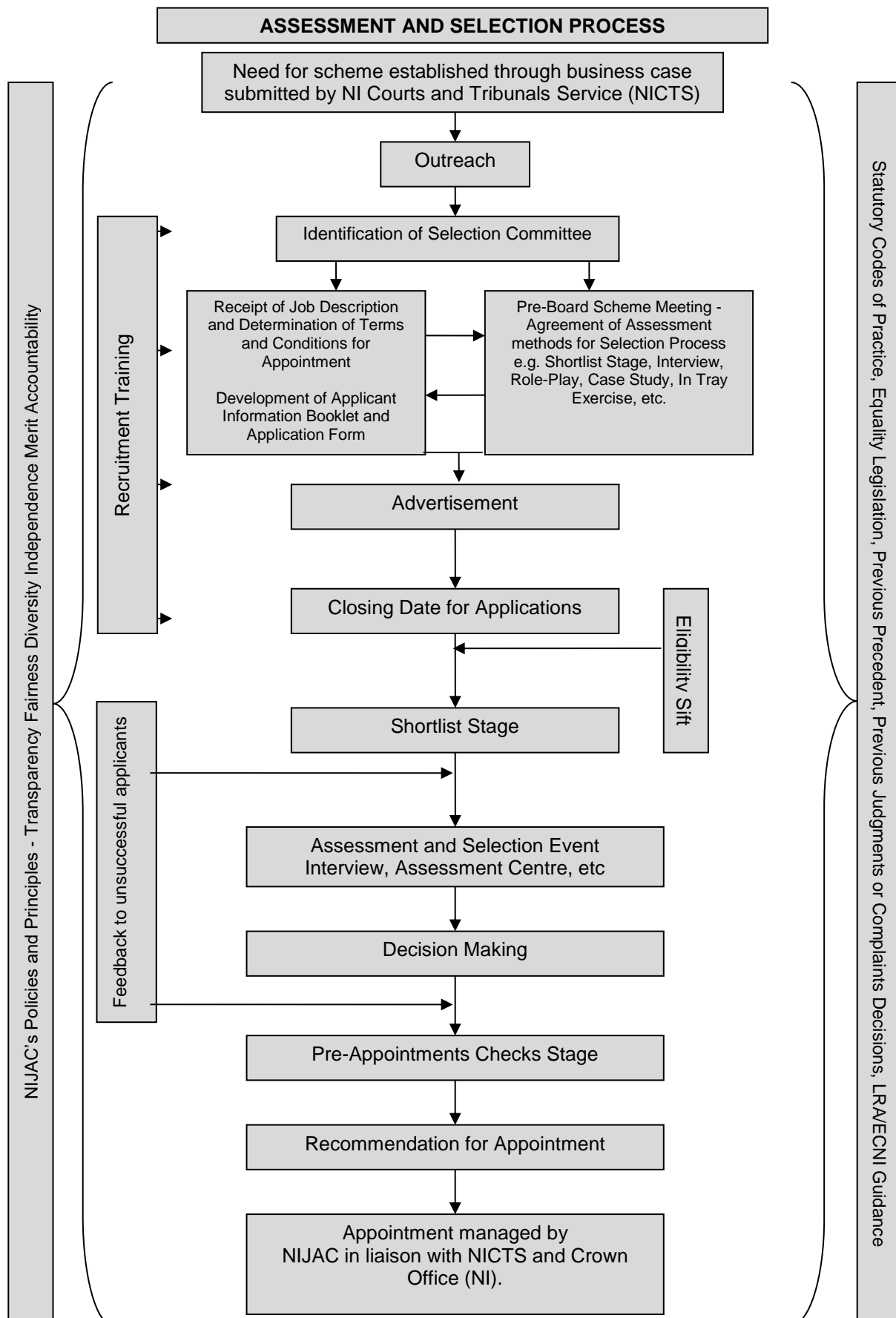
NIJAC currently recycles all office waste and encourages electronic communication to reduce the generation of excess paper. The circulation of corporate publications is confined to a succinct audience and NIJAC ensures that corporate documents are printed on paper derived from sustainable sources. NIJAC ensures that all printed publications are carbon neutral and that its website is used to promote circulation of corporate information to a wider audience.

NIJAC use NICS contracts wherever possible. All NICS Contracts for the supply of goods include a condition that requires suppliers to comply with the Packaging Act which makes the supplier responsible for recycling of the packaging materials.



Tonya McCormac
Accounting Officer
28 May 2021

Appendix 1 – Assessment and Selection Process for Judicial Appointment



Appendix 2 - Diversity Statistics

The statistical information contained in this appendix on the diversity of those who have applied and those who have been recommended as suitable for appointment, is provided in accordance with the Commissions statutory obligations under Justice (Northern Ireland) Act 2002 (c.26) Schedule 2, as amended.

Recommendations for appointment (including applicant pools) during the Period 01/04/16 – 31/03/17

During the reporting period the Commission made 57 recommendations for appointment (Courts 14; Tribunals 43): 2 County Court Judges (27 applications received), 2 District Judges (Magistrates' Courts) (84 applications received), 7 Coronersⁱ, 1 Deputy County Court Judgeⁱⁱ and 2 Deputy District Judges (Magistrates' Courts)ⁱⁱⁱ. 11 Disability Qualified Members of the Appeal Tribunals (77 applications received), 7 Legal Members of the Appeal Tribunals (88 applications received), 6 Medical Generalist Members of the Appeal Tribunals (31 applications received), 3 Medical Specialist Members of the Appeal Tribunals (9 applications received), 1 Adjudicator (Lay) of the Criminal Injuries Compensation Appeals Panel (CICAP) (22 applications received), 2 Adjudicators (Legal) of CICAP (42 applications received), 1 Adjudicator (Medical) of CICAP (14 applications received), 3 Deputy Child Support Commissioners (DCSC)^{iv}, 3 Deputy Social Security Commissioners (DSSC)^v, 1 Deputy President of the Pensions Appeal Tribunals (PAT)^{vi}, 4 Medical Members of PAT (20 applications received), and 1 Traffic Penalty Tribunal (TPT) (Legal) Adjudicator (60 applications received).

ⁱ Appointed under Section 2 of the Coroners Act (Northern Ireland) 1959. These are dual appointments.

ⁱⁱ Appointed under the auspices of the Post Retirement Appointment Policy.

ⁱⁱⁱ Appointed under the auspices of the Post Retirement Appointment Policy.

^{iv} Appointed as a result of an internal trawl from existing members of the upper tribunal in the UK.

^v Appointed as a result of an internal trawl from existing members of the upper tribunal in the UK.

^{vi} Appointed as a result of an internal trawl.

Note – all % are rounded to 1 decimal point

Gender	Male	Female	Total
Recommendations	31	26	57
%	54.4%	45.6%	100%
Applicant Pools	227	247	474
%	47.9%	52.1%	100%

Community Background	Protestant	Roman Catholic	Neither
Recommendations	22	27	8
%	38.6%	47.4%	14.0%
Applicant Pools	183	266	25
%	38.6%	56.1%	5.3%

Age on Appointment	Unknown	35 and under	36-40	41-45	46-50	51-55	56-60	Over 60
Recommendations	0	7	6	7	6	9	15	7
%	0.0%	12.3%	10.5%	12.3%	10.5%	15.8%	26.3%	12.3%
Applicant Pools	0	69	76	64	83	67	79	36
%	0.0%	14.6%	16.0%	13.5%	17.5%	14.1%	16.7%	7.6%

Ethnic Origin	White	Other
Recommendations	55	2
%	96.5%	3.5%
Applicant Pools	459	15
%	96.8%	3.2%

Disability	No Disability Declared	Disability Declared
Recommendations	50	7
%	87.7%	12.3%
Applicant Pools	445	29
%	93.9%	6.1%

Personal Geographic Location				
Location	Recommendations	%	Applicant Pool	%
Belfast	20	35.1%	204	43.0%
Co Antrim	12	21.1%	59	12.4%
Co Armagh	3	5.3%	22	4.6%
Co Down	7	12.3%	101	21.3%
Co Fermanagh	1	1.8%	6	1.3%
Co Londonderry	3	5.3%	45	9.5%
Co Tyrone	5	8.8%	33	7.0%
Other	6	10.5%	4	0.8%

Business Geographic Location				
Location	Recommendations	%	Applicant Pool	%
Belfast	27	47.4%	203	42.8%
Co Antrim	4	7.0%	22	4.6%
Co Armagh	1	1.8%	7	1.5%
Co Down	0	0.0%	20	4.2%
Co Fermanagh	0	0.0%	2	0.4%
Co Londonderry	3	5.2%	33	7.0%
Co Tyrone	1	1.8%	12	2.5%
Province wide	0	0.0%	0	0.0%
Other	6	10.5%	3	0.6%
Not indicated	15	26.3%	172	36.3%

Renewals of appointment during the Period 01/04/16 – 31/03/17

During the reporting period the Commission made 71 recommendations for renewal of appointment (Courts 1; Tribunals 70): 1 Deputy County Court Judge; 3 Appeal Tribunals Financial Members; 8 Appeal Tribunals Legal Members; 1 Appeal Tribunals Specialist Medical Member; 14 Appeal Tribunals Generalist Medical Members; 4 CICAP Adjudicators (Lay); 3 CICAP Adjudicators (Legal); 1 CICAP Adjudicator (Medical); 3 DCSC's; 3 DSSC's; 3 Mental Health Review Tribunal (MHRT) Medical Members; 15 Northern Ireland Valuation Tribunal (NIVT) Legal Members; 1 NIVT President; 4 NIVT Valuation Members; 2 PAT Legal Members; 2 PAT Medical Members; 1 PAT President and 2 TPT Adjudicators.

Note – all % are rounded to 1 decimal point

Gender	Male	Female	Total
	49	22	71
%	69.0%	31.0%	100%

Community Background	Protestant	Roman Catholic	Neither
	31	36	4
%	43.7%	50.7%	5.6%

Age on Reappointment	35 and under	36-40	41-45	46-50	51-55	56-60	Over 60
	1	5	4	7	13	17	24
%	1.4%	7.0%	5.6%	9.9%	18.3%	23.9%	33.8%

Ethnic Origin	White	Other
	71	0
%	100.0%	0.0%

Disability	No Disability Declared	Disability Declared
	68	3
%	95.8%	4.2%

Personal Geographic Location		
Belfast	40	56.3%
Co Antrim	9	12.7%
Co Armagh	3	4.2%
Co Down	4	5.6%
Co Fermanagh	1	1.4%
Co Londonderry	3	4.2%
Co Tyrone	4	5.6%
Other	6	8.5%
Not indicated	1	1.4%

Business Geographical Location		
Belfast	44	62.0%
Co Antrim	6	8.5%
Co Armagh	3	4.2%
Co Down	2	2.8%
Co Fermanagh	0	0.0%
Co Londonderry	2	2.8%
Co Tyrone	3	4.2%
Other	6	8.5%
Not indicated	5	7.0%

Appendix 3 – 2016-17 Corporate and Business Plan Objectives

The Objectives in the 2016-17 Business Plan

The four work areas are Recruitment & Selection, Our People, Working with Others and Accountability.

Recruitment & Selection

Corporate Objective

We will strive to meet our statutory duty to ensure a reflective judiciary which is appointed on merit.

Business Objectives

- We will develop, implement and deliver a programme of action to attract applications from the widest possible pool;
- We will deliver a programme of appointments and renewals that meet business needs and facilitates continuity in Courts and Tribunals; and
- We will review and benchmark what we do and implement an evidence based plan of action to deliver best practice in judicial appointments.

Our People

Corporate Objective

We will fulfil our commitments through the efforts of skilled and engaged Commissioners, Co-opted Experts and Staff.

Business Objectives

- We will put in place a Programme of Development to ensure that all are clear and confident in their roles and responsibilities and supported to deliver on our commitments; and
- We will promote an ethos of appreciating the value of diversity and encouraging continuous improvement.

Working with Others

Corporate Objective

We will work closely with others to deliver our statutory duties and implement best practice.

Business Objectives

- We will actively strengthen our consultative processes with the Bar Council and Law Society to ensure we deliver on expectations;
- We will build upon our relationships with the DoJ and the Northern Ireland Courts and Tribunals Service (NICTS);
- We will build upon our relationships with Judicial Appointments Commission England & Wales and Judicial Appointments Board Scotland; and
- We will work with the Northern Ireland Public Services Ombudsman on the transfer of responsibilities.

Accountability

Corporate Objective

We will make judicial appointments while safeguarding public money and making the best use of resources.

Business Objectives

- We will manage our resources effectively through sound financial management and controls, while increasing our efficiency;
- We will protect all data held safeguarding the confidentiality of applicants; and
- We will deliver an effective governance system that will ensure probity and the safeguarding of public funds and provide assurance to our sponsor (TEO).

THE ACCOUNTABILITY REPORT

Corporate Governance Report

The purpose of the corporate governance report is to explain the composition and organisation of NIJAC's governance structures and how they support the achievement of NIJAC's objectives.

Directors' Report

Chief Executive

Mandy Kilpatrick was the Acting Chief Executive and Accounting Officer until her resignation on 19th January 2018. Adeline Frew was appointed as Interim Chief Executive and Accounting Officer from 22 January 2018 until 21 August 2018. Tonya McCormac was appointed as Chief Executive on 22 August 2018.

Salary and pension entitlements

Details of the remuneration and pension interests of the Chief Executive and remuneration details of Commissioners are detailed in the Remuneration Report.

Composition of the Commission

The Commission consists of a Chairman (the Lord Chief Justice of Northern Ireland) and twelve other members appointed by the First Minister and deputy First Minister, acting jointly.

The Right Honourable Sir Declan Morgan (Chairman), the Lord Chief Justice of Northern Ireland

Mr Brian Coulter OBE, Lay Member

Mr Paul Douglas, Lay Member (commenced 18 October 2016)

Mr Eoin Doyle QFSM, Lay Magistrate

Mrs Breidge Gadd, Lay Member (tenure ended 2 October 2016)

His Honour Judge Kinney, County Court Judge (resigned 9 December 2016)

Ms Marion Matchett CBE, Lay Member (commenced 18 October 2016)

Mr James McNulty QC, Legal Member

District Judge (Magistrates' Courts) Rosalie Prytherch

Mr Alastair Rankin, Solicitor, Legal Member

Professor Nichola Rooney, Lay Member

The Honourable Mr Justice Stephens, High Court Judge

Mr Lindsay Todd, Lay Member.

The Right Honourable Lord Justice Weatherup, Lord Justice of Appeal

Until 2016 at the end of their first term, judicial members were re-appointed for a period of 5 years, the lay members were re-appointed for 4 years and the legal members for a period of 3 years. Upon consultation with the Bar Council and Law Society, NIJAC has recommended to TEO that all future appointments are for a 5 year term, which may be renewed for one further 5 year term.

All members are non-executive and independent.

Pen pictures of all Commissioners can be found on our website www.nijac.gov.uk.

Commissioners' Interests

None of the Commissioners held interests or directorships during the year which would conflict with their responsibilities as members of the Commission. Registers of Interest are available for viewing upon request at Headline Building.

Auditors

The financial statements are audited by the C&AG in accordance with the Justice (Northern Ireland) Act 2002, as amended. He is the head of the Northern Ireland Audit Office (NIAO) and he and his staff are wholly independent of NIJAC.

The audit of the financial statements for 2016-17 resulted in an audit fee of £9,400 (2015-16: £9,400). The C&AG did not provide any non-audit services during the year. NIJAC is currently not involved in the National Fraud Initiative.

Information Management

There have been three data incidents during 2016-17; each was referred to the Information Commissioners Office (ICO). In each instance individuals who had an interest or were involved with a scheme were made aware of others in a similar position. Apologies and remedial actions, which responded to the specific issues arising, were immediate. The ICO considered that the incidents did not meet the criteria necessitating further action. However they did make recommendations related to staff training and reviewing quality control actions which have been undertaken.

NIJAC aims to ensure that all information is safeguarded and kept securely and that we protect sensitive and personal data, particularly that of applicants. We are very aware of the potential harm or embarrassment that our actions may have caused and we have strengthened training and various processes including quality control to ensure we manage information risk by following the requirements of our suite of Information Assurance policies. We have reviewed compliance with these policies to ensure that the importance of information security is embedded within NIJAC.

Payment of Suppliers

NIJAC is committed to the prompt payment of suppliers. The Confederation of British Industry's Prompt Payment Code for achieving good payment performance in commercial transactions requires payment within 30 days of the receipt of the goods or services or on presentation of a valid invoice or similar demand, whichever is later (unless otherwise stated in the contract). During the year 99.68% (2015-16: 99.44%) of invoices were paid within this standard.

Since January 2009, NIJAC's aim has been to pay all valid invoices within ten days of receipt. During the year 98.24% (2015-16: 96.26%) of invoices were paid within the target.

Any supplier payments made outside these targets were due to disputed invoices.

Complaints

During the period of this report four complaints were made; two were not upheld, and two were deemed out of time. One of the 'out of time' complaints, which had been reflected in the 2015-16 Annual Report, was referred to the Northern Ireland Judicial Appointments Ombudsman by the Complainant; who has determined not to investigate it.

In handling these complaints NIJAC's Complaints Policy and Procedure was complied with which reflects NIJAC's principles. In applying the policy the principles of good complaint handling are applied whilst observing strict confidentiality, working towards putting things right and seeking continuous improvement. In each instance the Complainant was provided with a copy of the Complaint Committee's Report and in the context of those deemed out of time a preliminary view of the merits of their complaint was provided to aid the Complainant's understanding of the process undertaken. In line with the policy, complaints are monitored and any lessons learnt are considered, and if need be, policy

and practice amended to reflect learning. I, as Chief Executive, am responsible for complaints being monitored to ensure the necessary lessons are learnt and applied.

Statement of Accounting Officer's Responsibilities

Under paragraph 7 of Schedule 2 to the Justice (Northern Ireland) Act 2002, as amended, the Commission is required to prepare a statement of accounts in respect of each financial year in such a form and on the basis set out in the accounts direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of NIJAC and of its net operating expenditure, changes in taxpayers' equity and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the *Government Financial Reporting Manual* and in particular to:

- observe the Accounts Direction issued by the TEO including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the *Government Financial Reporting Manual* have been followed, and disclose and explain any material departures in the accounts; and
- prepare the accounts on a going concern basis.

TEO's Accounting Officer has designated the Chief Executive as Accounting Officer of NIJAC. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding NIJAC's assets, are set out in *Managing Public Money Northern Ireland (MPMNI)* published by the DoF.

As Accounting Officer, I confirm that the annual report and accounts as a whole is fair, balanced and understandable and I take personal responsibility for the annual report and accounts and the judgments required for determining that it is fair, balanced and understandable.

I confirm that the have taken appropriate steps to make myself aware of relevant audit information and to establish that the Comptroller & Auditor General (C&AG) is aware of that information. To my knowledge, there is no relevant audit information of which the C&AG is unaware.

Governance Statement

Introduction

This statement is given in respect of NIJAC's Accounts for 2016-17. It outlines NIJAC's governance framework for directing and controlling its functions and how assurance is provided to support me in my role as Accounting Officer.

The Governance Framework

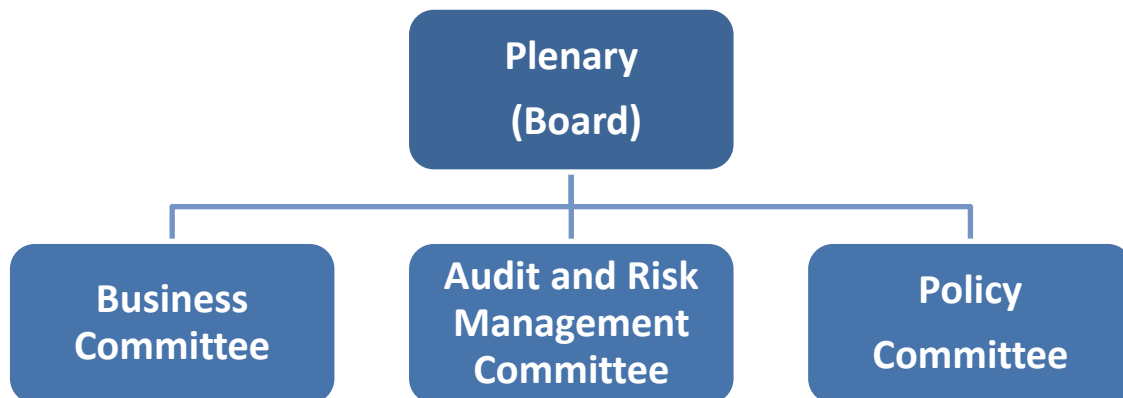
As Accounting Officer of NIJAC I have overall responsibility for ensuring NIJAC applies high standards of corporate governance, including effective support for the Board's performance and management of risks, to ensure it is well placed to deliver its objectives, and is sufficiently robust to face challenges that it encounters.

I have responsibility for maintaining a sound system of internal control that supports the achievement of NIJAC's policies, aims and objectives, whilst safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me in MPMNI and the NDPB Accounting Officer Memorandum.

Plenary (NIJAC's Board) has three committees; the Audit and Risk Management Committee (ARMC), the Business Committee and the Policy Committee.

The relationship between NIJAC and its sponsoring department, TEO, is set out in the Management Statement. The Management Statement defines the financial and administrative framework within which NIJAC operates, sets out the conditions on which grant-in-aid is paid and the delegations assigned to NIJAC. The Management Statement has been approved by Ministers responsible for TEO. It is supplemented by a Financial Memorandum agreed with NIJAC and approved by TEO and the DoF.

Committee Structure and Coverage of Work



Plenary

The Board of NIJAC (Plenary) has corporate responsibility for ensuring that it fulfils its statutory obligations and the aims and objectives agreed with its sponsor department.

Plenary, which is chaired by the Chairman of NIJAC, typically meets five times a year. Exceptional meetings are convened as required. The Chairman and the Chief Executive, in consultation with Business Committee and Plenary determine the programme of meetings and direction for business each year. Approved minutes of Plenary meetings are published on NIJAC's website.

A detailed list of Plenary's responsibilities is set out in the Management Statement and Financial Memorandum and the Justice (Northern Ireland) Act 2002, as amended and includes the requirement to comply with the Code of Conduct (which includes the 7 Nolan Principles).

Membership as at 31 March 2017

The Right Honourable Sir Declan Morgan (Chairman), the Lord Chief Justice of Northern Ireland

Mr Brian Coulter OBE, Lay Member

Mr Paul Douglas, Lay Member

Mr Eoin Doyle QFSM, Lay Magistrate

Mr James McNulty QC, Legal Member

Ms Marion Matchett, CBE Lay Member

District Judge (Magistrates' Courts) Rosalie Prytherch

Mr Alastair Rankin, Solicitor, Legal Member

Professor Nichola Rooney, Lay Member

The Honourable Mr Justice Stephens, High Court Judge

Mr Lindsay Todd, Lay Member

The Right Honourable Lord Justice Weatherup, Lord Justice of Appeal

Commissioners are drawn from the judiciary, legal profession and other professional backgrounds. Commissioners have an equal say in the work of NIJAC and are of equal status.

Section 3 of the Justice (Northern Ireland) Act 2002, as amended describes the constitution of the Board as follows:

- The Lord Chief Justice (Chairman)
- a Lord Justice of Appeal
- a Judge of the High Court
- a County Court Judge
- a District Judge (Magistrates' Courts)
- a Lay Magistrate
- a barrister
- a solicitor
- five lay members

Audit and Risk Management Committee (ARMC)

The committee supports Plenary and the Accounting Officer by reviewing the comprehensiveness, reliability and integrity of the assurances provided to the Committee regarding NIJAC's internal controls, risk management processes and governance. This includes financial, operational and compliance controls and the quality and reliability of financial reporting. On the basis of assurances provided to it, the Committee will form an overall view of the state of risk management, governance and internal control in the Commission which it will report to Plenary.

The Committee consists of at least four members and meets four times per year. Additional meetings may be convened to discuss particular issues. The meetings are normally attended by a representative from NIJAC's Internal Audit function, External Audit and the sponsorship department.

ARMC is an advisory body with no executive powers. However, it is authorised by Plenary to investigate any activity within its terms of reference, and to seek any information it requires from staff who are requested to co-operate with the Committee in the conduct of its enquiries. Requests for work and reports received from Internal Audit will be channelled through the Accounting Officer. ARMC is authorised to obtain independent professional advice if it considers it necessary.

ARMC advises Plenary and the Accounting Officer on:

- the strategic process for risk, control and governance and the Governance Statement;
- the accounting policies, the accounts, and the annual report of NIJAC, including the process of review of the accounts prior to submission for audit, levels of error identified, and the management's letter of representation to the External Auditors;
- the planned activity and results of both Internal and External Audit;
- adequacy of management response to issues identified by audit activity, including External Audit's Report to Those Charged with Governance;
- assurances relating to the management of risk and corporate governance requirements for NIJAC;
- proposals for tendering Internal Audit services;
- anti-fraud policies, whistle-blowing processes, and arrangements for special investigations, and

- the Committee will also periodically review its own effectiveness and report the results of that review to Plenary.

A full list of ARMC's tasks and responsibilities can be found in the Committee's Terms of Reference contained within NIJAC Standing Orders.

Membership as at 31 March 2017

Mr Lindsay Todd, Lay Member (Chair)

Mr Brian Coulter OBE, Lay Member

Mr Eoin Doyle QFSM, Lay Magistrate

Mr Alastair Rankin, Solicitor, Legal Member

Business Committee

Business Committee sits four times a year and consists of at least four members. The Chair of the Committee reports back to Plenary at each session.

Business Committee is responsible for the following:

- the approval of publication of the Business Plan and Corporate Plan and overseeing the Chief Executive's review and monitoring of performance against the Business and Corporate Plan Objectives;
- ensuring that Annual Report and Accounts are produced and adhere to the Accounts Direction issued by the TEO in accordance with Paragraph 7 of Schedule 2 of the Justice (Northern Ireland) Act 2002, as amended;
- the approval of the commencement of Appointment Schemes, use of Reserve Lists and outreach plans plus monitoring progress of Appointments. The membership of panels for Appointment Schemes, as proposed by the Chief Executive, will be shared with the Committee for comment, prior to consultation and final approval by the Chair of NIJAC;
- being consulted on budget allocation from sponsor department and intended annual budget allocation assigned by the Executive Team;
- overseeing and monitoring the budget and use of public funds;
- ensuring that procedures are in place for the identification and assessment of risk, and those risks impacting on the achievement of NIJAC's objectives are identified and reported on correctly in the Corporate Risk Register, and
- the approval of any Direct Award Contracts over £500.

Membership as at 31 March 2017

Mr Alastair Rankin, Solicitor, Legal Member (Chair)

Mr Brian Coulter OBE, Lay Member

Mr Paul Douglas, Lay Member

The Right Honourable Lord Justice Weatherup, Lord Justice of Appeal

Policy Committee

Policy Committee sits four times a year and consists of five members. The Chair of the Committee reports back to Plenary at each session.

Policy Committee is responsible for:

- directing a programme of work with a view to promoting the delivery of the Programme of Action aimed at ensuring, so far as is reasonably practicable, that a range of people reflective of the community is available for consideration for appointment on merit;
- directing a programme of work aiming to ensure effective assessment and selection methodologies and to support best practice approaches so as to select fairly on the basis of merit; and
- ensuring that the work of the Committee and its determination of priorities are supported and informed by NIJAC's scheme evaluations and diversity management information.

Membership as at 31 March 2017

The Honourable Mr Justice Stephens, High Court Judge (Chair)

Ms Marion Matchett CBE, Lay Member

Mr James McNulty QC, Legal Member

District Judge (Magistrates' Courts) Rosalie Prytherch

Professor Nichola Rooney, Lay Member

Attendance at Plenary and Committee Meetings

Members	Plenary (5 in 2016-17)	Audit & Risk Management Committee (4 in 2016-17)	Business Committee (4 in 2016-17)	Policy Committee (4 in 2016-17)
The Right Honourable Sir Declan Morgan (Chairman)	5	-	-	-
Mr Brian Coulter OBE	5	4	4	-
Mr Eoin Doyle QFSM	5	3	-	-
Mr Paul Douglas (from Oct 16)	3	-	1	-
Mrs Breidge Gadd (to Oct 16)	1	-	3	-
His Honour Judge Kinney (to Dec 16)	2	2	-	-
Mr James McNulty QC	5	-	-	3
Ms Marion Matchett CBE (from Oct 16)	3	-	-	3
District Judge (Magistrates' Courts) Rosalie Prytherch	5	-	-	4
Mr Alastair Rankin	5	1 *	4	-
Professor Nichola Rooney	5	-	-	4
The Honourable Mr Justice Stephens	5	-	-	4
Mr Lindsay Todd	4	3	-	-
The Right Honourable Lord Justice Weatherup	4	-	3	-

** appointed 14 March 2017*

At the beginning of each Plenary and Committee meeting, members are asked by the Chair to declare any conflicts or potential conflicts of interest. To prepare and consider any potential conflicts of interest members are provided with an agenda and all papers to be discussed, a reasonable period before the meeting. When a potential conflict of interest is declared by a member, the remaining members consider the potential conflict and a decision is made to whether the member should step out of the meeting when the agenda item is discussed.

Board's Performance and Effectiveness

Once the timetable of meetings for Plenary, the ARMC, the Business Committee and the Policy Committee are agreed it is then the responsibility of each Committee to plan its work for the year to allow sufficient time to discharge its responsibilities effectively. Assignment to Committees is made by assessing the member's expertise and strengths, and on which

Committee this could best be utilised, and, having consulted Commissioners, if possible based on any Committee preferences they may have.

Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed and papers relating thereto are forwarded to each Committee Member, and any person required to attend, a reasonable time before the meeting.

NIJAC staff provide secretarial support to Plenary, ARMC, Business Committee and Policy Committee. The staff have the appropriate skills and experience to provide the secretarial support required. Each Committee will have access to sufficient resources in order to carry out its duties, this includes the support of the appropriate team, who will be responsible for arranging meetings, drafting agendas in consultation with the Chair, providing and circulating papers, maintaining Committee records including taking minutes and undertaking any Committee business that may fall outside meetings. Plenary minutes are published on the NIJAC website.

The Commission regularly engages with others, including the Judicial Appointments Commission for England and Wales, the Public Appointments Service for Ireland, the Commissioner for Public Appointments for Northern Ireland, and the Judicial Appointments Board for Scotland, as a way of learning, benchmarking its performance against others and ensuring best practice.

Plenary assesses its performance, and that of its Committees, on an annual basis. Every Committee reports its progress to Plenary by way of a Committee Chair update at each meeting. Each Committee presents a report annually to Plenary, timed to support finalisation of the accounts and summarising its conclusions from the work it has done during the year. Work reviewing Standing Orders was concluded in June 2017.

On-going training is provided to keep members' skills and knowledge up-to-date and ensure Commissioners are fully functional on the Committees they have been assigned to, including Selection Committees. Two new Commissioners were appointed on 18th October 2016. A full induction process was provided, which included the allocation of 'buddies', shadowing existing Judicial Office Holders, Assessment and Selection skills training, the opportunity to observe courts and tribunals and attending in-house sessions

with the Executive Team. Commissioners also attended at the Public Accountability and Governance course for Board Members on 23 January 2017.

The Chairman of the Commission undertakes a performance review annually with each individual member. This assesses the member's role not only as a member of Plenary / Committees but also as a Selection Committee Member. All Commissioners complete a Board Effectiveness Questionnaire annually and the findings and planned actions are presented to Plenary after the year end to improve Plenary's effectiveness.

Quality of Data provided to Plenary / Committees

The Board is satisfied as to the quality of data and information provided which is always thoroughly reviewed. All papers are issued within a reasonable time before meetings to allow Commissioners to review and, where appropriate, to raise questions in advance. The timely provision of information is in a form and of a quality that enables Plenary / Committees to discharge its duties effectively. Plenary / Committees are content with the quality and content of the papers provided; the papers ensure Plenary / Committees are fully updated on issues under their remit as stated in their terms of reference, enabling them to make informed decisions.

All reports / papers conform to a standard layout to ensure the appropriate focus on key issues. Financial and performance data is extracted from the accounting and operational systems and is therefore subject to regular, planned internal quality assurance checks and independent audits. All statistical and financial information is provided or reviewed by a professionally qualified accountant.

Highlights

There have been no issues during the course of the year that suggest that NIJAC has been vulnerable in relation to its performance or stewardship of its resources. This is further endorsed through the performance reported against our Business Plan Objectives, which includes keeping within our budget allocation from TEO.

There were three data related incidents during the year referred to on page 26. ARMC, Business Committee and Plenary considered the cause and impact of those incidents and satisfied itself as to remedial action.

For 2016-17 Internal Audit gave an overall Satisfactory assurance rating to NIJAC. During 2016-17, Internal Audit carried out 3 reviews in accordance with the 2016-17 Internal Audit Plan.

The reviews and assurance ratings are as follows:

System	Assurance rating *
Income and Financial Management	Satisfactory
IT Security and Information Assurance	Satisfactory
Purchasing and Procurement	Satisfactory

**Satisfactory – Overall there is a satisfactory system of governance, risk management and control. While there may be some residual risk identified, this should not significantly impact on the achievement of system objectives.*

Additionally Internal Audit satisfactorily reviewed aspects of a Recruitment Scheme including the Chair's Checklist and the Quality Assurance Checklist.

Corporate Governance

NIJAC follows the DoF guidance *Corporate Governance in Central Government Departments: Code of Good Practice NI 2013*, as far as possible and in proportion to its capacity as a small arms-length body. As such, it does not comply with the code provisions relating to a Minister, nor have a separate professionally qualified finance director sitting on the Board. Risk Management is supported fully through the ARMC, which reports back to NIJAC's Board (Plenary).

The Board membership is set down in the Justice (Northern Ireland) Act 2002, as amended. The Chairs of each Committee reported to Plenary in June 2017 on the effectiveness of the Committee and their performance in 2016-17. Risk Management is supported fully through the ARMC, which reports back to the Board.

Otherwise, in accordance with this code, Plenary and its other Committees provide the necessary leadership, effectiveness, accountability and sustainability to ensure that NIJAC delivers on its objectives. As Accounting Officer, I also take seriously my responsibilities

on the use of public funds that have been provided to NIJAC, to ensure the most effective and efficient use of those funds.

NIJAC has a balanced Board in place, in accordance with the Justice (Northern Ireland) Act 2002, as amended, which consists of the Chairman and the Commissioners, who all have equal decision-making rights. As Chief Executive I attend Plenary meetings, together with the Director of Governance and Appointments, in a non-voting capacity.

Internal Control and Risk Management

NIJAC has appropriate procedures in place to ensure that it has identified its objectives and risks and determined a control strategy for its strategic risks. A corporate approach to risk, involving Commissioners and the Executive Team, is taken.

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives, it can therefore only provide reasonable and not absolute assurance of effectiveness.

A number of elements contribute to the system of internal control including:

- The Executive Team, which exercises authority at a corporate level within NIJAC and comprises the Accounting Officer, Director of Governance and Appointments and all the Assistant Directors;
- The Business Committee, which is chaired by a Lay Member, is presented with the Risk Register at each meeting for review, following a formal quarterly review and update by the Executive Team. The Committee met 4 times in 2016-17;
- The ARMC, chaired by a Lay Member, met 4 times in 2016-17. The Committee receives reports on internal control and provides oversight in ensuring that appropriate steps are being taken to manage and monitor risks, the Committee reviews the Risk Register at each meeting. The Committee approves Internal Audit plans and reviews reports from both Internal and External Auditors. The meetings are also attended by Internal and External Audit and minutes of the meetings are provided to Plenary, which comprises the full Commission;
- Plenary, chaired by the Lord Chief Justice in his role as Chairman of NIJAC, receives the Risk Register annually and an update is provided at each meeting by the Accounting Officer;

- The internal audit function, which is provided by ASM, operates to the Public Sector Internal Audit Standards. Internal Audit submits regular reports to the ARMC and to me as Accounting Officer. These include an independent opinion by the Head of Internal Audit on the adequacy, reliability and effectiveness of the Commission's system of risk management, control and governance, together with recommendations for improvement; and
- A quarterly Assurance Statement on Internal Control is produced by the Director of Governance and Appointments and sent to me as Accounting Officer. This provides me with assurance that risk management processes are effective and operating in line with NIJAC's risk management framework. As Accounting Officer, I submit quarterly Assurance Statements on Internal Control to NIJAC's sponsoring department, TEO, and the ARMC.

Risk assessment and management is an ongoing process in NIJAC. The key strategic risks are set out in the Risk Register. The Director of Governance and Appointments, is responsible for risk management within the two teams:

- Corporate Finance Team; and
- Judicial Appointments Team.

Risks to information are managed and controlled as part of the Risk Management Process. The Information Risk Policy supplements our corporate approach to risk management and encourages all staff to consider information as assets, supported by the compilation of Information Asset Registers. As Accounting Officer, I have assumed the role of Senior Information Risk Owner for NIJAC. There were three data breaches during the financial period, each of which was; appropriately handled, learning applied, reported to Commissioners and the ICO who determined that none met the criteria necessitating further action.

As part of the business planning process, at all levels, the identification and assessment of risk is required when setting Business Objectives; these risks are formally reported in the Risk Register. Risks are assessed in terms of their probability of occurrence and impact on the achievement of objectives, and scored and reported on accordingly.

NIJAC's Risk Management Handbook is used to manage risks that may affect the achievement of Business Objectives. It outlines the respective roles and responsibilities of the Accounting Officer, Internal Audit, the ARMC and all staff.

NIJAC has a low to medium risk appetite, that is, NIJAC is prepared to accept, tolerate or be exposed to a low to medium level of risk at any point in time. Plenary approved the continued use of a low to medium Risk Appetite for NIJAC on 1 June 2017 and plans a further review in the coming financial year.

NIJAC is operating within a constrained economic environment in the 2016-17 financial year. Plenary will continue to monitor and evaluate the risk various cost cutting measures may have on service delivery through the Business Committee.

Remuneration and Staff Report

The remuneration and staff report sets out NIJAC's remuneration policy for senior civil servants, reports on how the policy has been implemented and sets out the amounts awarded to senior civil servants.

Remuneration Policy

The Minister of Finance approves the pay remit for Senior Civil Service (SCS) staff. The SCS remuneration arrangements are based on a system of pay scales for each SCS grade containing a number of pay points from minima to maxima, allowing progression towards the maxima based on performance. In 2012, upon creation, there were 11 points on each scale. The minimum point has been removed in each year from 2014 to 2016 (the scales now have 8 pay points) to allow progression through the pay scales within a reasonable period of time.

Service Contracts

Civil service appointments are made in accordance with the Civil Service Commissioners' Recruitment Code, which requires appointment to be on merit on the basis of fair and open competition but also includes the circumstances when appointments may otherwise be made.

Unless otherwise stated below, the officials covered by this report hold appointments which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Further information about the work of the Civil Service Commissioners can be found at www.nicscommissioners.org.

Salary and pension entitlements (*Audited Information*)

The following sections provide details of the remuneration and pension interests of the Commissioners and the most senior management of NIJAC (the Acting Chief Executive).

Chief Executive

The position of Chief Executive throughout 2016-17 was held by Mandy Kilpatrick, an employee seconded from the DoJ.

The remuneration payable to the Chief Executive was as follows:

	2016-17					2015-16				
	Salary	Bonus Payments	Benefits in Kind	Pension Benefits*	Total	Salary	Bonus Payments	Benefits in Kind	Pension Benefits*	Total
Name	£'000	£'000	(to nearest £100)	(to nearest £1,000)	(£'000)	£'000	£'000	(to nearest £100)	(to nearest £1,000)	(£'000)
Mrs M Kilpatrick	60-65	-	-	11,000	70-75	60-65	-	-	9,000	70-75

**The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increases exclude increases due to inflation and any increase or decreases due to a transfer of pension rights.*

Commissioners

The remuneration payable to the Commissioners was as follows:

Name	2016-17		2015-16	
	Salary £000	Benefits in Kind (nearest £100)	Salary £000	Benefits in Kind (nearest £100)
The Right Honourable Sir Declan Morgan (Chair)**	-	-	-	-
The Right Honourable Lord Justice Weatherup**	-	-	-	-
The Honourable Mr Justice Stephens, High Court Judge**	-	-	-	-
His Honour Judge Kinney (resigned 9 December 2016)**	-	-	-	-
District Judge (Magistrates' Courts) Rosalie Prytherch**	-	-	-	-
Mr Brian Coulter OBE	10-15	-	5-10	-
Mr Paul Douglas (appointed 18 October 2016)	0-5	-	-	-
Mr Eoin Doyle QFSM	0-5	-	5-10	-
Mrs Briedge Gadd (tenure ended 2 October 2016)	0-5	-	5-10	-
Mrs Fiona Keenan (tenure ended 31 March 2016)	-	-	5-10	-
Ms Marion Matchett CBE (appointed 18 October 2016)	0-5	-	-	-
Mr James McNulty QC*	-	-	-	-
Mr Alastair Rankin	5-10	-	0-5	-
Professor Nichola Rooney	5-10	-	5-10	-
Mr Lindsay Todd	5-10	-	5-10	-

* Mr McNulty has foregone his right to claim fees and expenses.

** Salaried members of the judiciary are not remunerated by NIJAC for their work in accordance with current public sector policy.

Salary

'Salary' includes gross salary; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation and any gratia payments.

Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by HM Revenue and Customs as a taxable emolument.

Bonuses

Bonuses are based on performance levels attained and are made as part of the appraisal process. Bonuses relate to the performance in the year in which they become payable to the individual. No staff bonuses were awarded in 2016-17 (2015-16: NIL) and Commissioners do not receive bonus payments.

Pay Multiples (Audited Information)

Reporting bodies are required to disclose the relationship between the remuneration of the highest-paid director in their organisation and the median remuneration of the organisation's workforce.

The banded remuneration of the highest-paid director in the Commission in the financial year 2016-17 was £60,000-£65,000 (2015-16: £60,000-£65,000). This was 2.19 times (2015-16: 2.30 times) the median remuneration of the workforce, which was £28,500 (2015-16: £27,185).

	2016-17	2015-16
Band of Highest Paid Director's Total Remuneration	60-65	60 - 65
Median Total Remuneration	28,500	27,185
Ratio	2.19	2.30

Total remuneration includes salary, non-consolidated performance-related pay, benefits in kind as well as severance payments. It does not include employer pension contributions and the cash equivalent transfer value of pensions.

The movement in the ratio between 2016-17 and 2015-16 is due to the recruitment of new staff.

Pension Entitlements (*Audited Information*)

Commissioners

No pension contributions are made by NIJAC in respect of the Commissioners.

Chief Executive

	Accrued Pension at pension age as at 31/03/17 and related lump sum	Real increase/ (decrease) in pension and related lump sum at pension age	CETV at 31/03/17	*CETV at 31/03/16	Real increase/ (decrease) in CETV	Employer contribution to partnership pension account
Name and title	£'000	£'000	£'000	£'000	£'000	Nearest £100
Mrs M Kilpatrick Chief Executive	30-35 plus lump sum of 90-95	0-2.5 plus lump sum of 0-2.5	651	614	10	-

* The figure may be different from the closing figure in last year's accounts. This is due to the CETV factors being updated to comply with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2009.

Northern Ireland Civil Service (NICS) Pension Schemes

Pension benefits are provided through the NICS pension schemes which are administered by Civil Service Pensions (CSP). Staff in post prior to 30 July 2007 may be in one of three statutory based 'final salary' defined benefit arrangements (classic, premium and classic plus). These arrangements are unfunded with the cost of benefits met by monies voted by the Assembly each year. From April 2011 pension's payable under classic, premium, and classic plus are reviewed annually in line with changes in the cost of living. Prior to 2011, pensions were reviewed in line with changes in the Retail Prices Index (RPI). New entrants joining on or after 1 October 2002 and before 30 July 2007 could choose between membership of premium or joining a good quality 'money purchase' stakeholder arrangement with a significant employer contribution (partnership pension account). New entrants joining on or after 30 July 2007 were eligible for membership of the nuvos arrangement or they could have opted for a partnership pension account. Nuvos is a 'Career Average Revalued Earnings' (CARE) arrangement in which members accrue pension benefits at a percentage rate of annual pensionable earnings throughout the period of scheme membership. The current rate is 2.3%. CARE pension benefits are reviewed annually in line with changes in the cost of living.

A new pension scheme, alpha, was introduced for new entrants from 1 April 2015. The majority of existing members of the NICS pension arrangements have also moved to alpha from that date. Members who on 1 April 2012 were within 10 years of their normal pension age will not move to alpha and those who were within 13.5 years and 10 years of their normal pension age were given a choice between moving to alpha on 1 April 2015 or at a later date determined by their age. Alpha is also a 'Career Average Revalued Earnings' (CARE) arrangement in which members accrue pension benefits at a percentage rate of annual pensionable earnings throughout the period of scheme membership. The rate will be 2.32%. CARE pension benefits are reviewed annually in line with changes in the cost of living.

Increases to public service pensions are the responsibility of HM Treasury. Pensions are reviewed each year in line with the cost of living. Any applicable increases are applied from April and are determined by the Consumer Prices Index (CPI) figure for the preceding September. The CPI in September 2016 was 1% and HM Treasury has announced that public service pensions will be increased accordingly from April 2017.

Employee contribution rates for all members for the period covering 1 April 2017 – 31 March 2018 are as follows:

Scheme Year 1 April 2017 to 31 March 2018

Annualised Rate of Pensionable Earnings (Salary Bands)		Contribution rates – Classic members or classic members who have moved to alpha	Contribution rates – All other members
From	To	From 01 April 2017 to 31 March 2018	From 01 April 2017 to 31 March 2018
£0	£15,000.99	4.6%	4.6%
£15,001.00	£21,422.99	4.6%	4.6%
£21,423.00	£51,005.99	5.45%	5.45%
£51,006.00	£150,000.99	7.35%	7.35%
£150,001.00 and above		8.05%	8.05%

Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly as per classic.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are at or over pension age. Pension age is 60 for members of **classic**, **premium**, and **classic plus** and 65 for members of **nuvos**.

The normal pension age in alpha is linked to the member's State Pension Age but cannot be before age 65. Further details about the NICS pension schemes can be found at the website <https://www.finance-ni.gov.uk/topics/working-northern-ireland-civil-service/civil-service-pensions-ni>.

Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures, and from 2003-04 the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the NICS pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real increase in CETV

This reflects the increase in CETV effectively funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period. However, the real increase calculation uses common actuarial factors at the start and end of the period so that it disregards the effect of any changes in factors and focuses only on the increase that is funded by the employer.

Payments to Past Directors (Audited Information)

There were no payments paid to past Directors of the Commission during 2016-17 (2015-16: Nil).

Compensation for loss of Office (Audited Information)

There was no compensation paid for loss of office during 2016-17 (2015-16: Nil).

Off-payroll engagements

There were no 'off-payroll' engagements at a cost of over £58,200 per annum during 2016-17.

Staffing (*Audited Information*)

An optimum staffing structure, agreed at the end of 2013-14, reduced the complement from 18 to 12.5 full time equivalents (FTEs) with the proportion of direct recruits and seconded staff evenly balanced.

NIJAC is committed to staff development to ensure a quality and cost effective service is delivered. Direct recruits are employed on NICS terms and conditions and all NICS policies are appropriately applied, including the performance management system.

The average number of staff in post during 2016-17 can be found on page 53.

The gender split for the Board (Commissioners) and staff at 31 March 2017 (prior year comparison in brackets) is as follows:

	<u>Total</u>	<u>Male</u>	<u>Female</u>
The Board	12 (13)	9 (9)	3 (4)
Senior Managers	1 (1)	0 (0)	1 (1)
Employees	11 (10)	5 (5)	6 (5)

Staff costs comprise:

	Permanently employed staff £	Inward seconded staff * £	Agency staff £	Commissioners £	2016-17 Total £	2015-16 Total £
Wages and salaries	204,815	243,273	704	47,821	496,613	499,103
Social security costs	21,082	19,953	-	2,185	43,220	32,760
Other pension costs	46,470	44,220	-	-	90,690	85,218
Total costs	272,367	307,446	704	50,006	630,523	617,081

* Inward seconded staff wages and salaries cost includes £51,241 (2015-16: £48,446) relating to VAT.

The NICS pension schemes are unfunded multi-employer defined benefit schemes but NIJAC is unable to identify its share of the underlying assets and liabilities. The most up to date actuarial valuation was carried out as at 31 March 2012. This valuation is then reviewed by the Scheme Actuary and updated to reflect current conditions and rolled forward to the reporting date of the DoF Superannuation and Other Allowances Resource Accounts as at 31 March 2017.

For 2016-17, employers' contributions of £46,470 were payable to the NICS pension arrangements (2015-16: £43,705) at one of three rates in the range 20.8% to 26.3% of pensionable pay, based on salary bands. The scheme's Actuary reviews employer contributions every four years following a full scheme valuation. A new scheme funding valuation based on data as at 31 March 2012 was completed by the Actuary during 2014-15. This valuation was used to determine employer contribution rates for the introduction of alpha from April 2015. For 2017-18, the rates will range from 20.8% to 26.3%. The contribution rates are set to meet the cost of the benefits accruing during 2016-17 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employers' contributions of £Nil (2015-16 £Nil) were paid to one or more of the panel of three appointed stakeholder pension providers. Employer contributions are age-related and range from 8% to 14.75% (2015-16: 3% to 14.7%) of

pensionable pay. Employers also match employee contributions up to 3% of pensionable pay.

In addition, employer contributions of £Nil, 0.5% (2015-16: £Nil, 0.5%) of pensionable pay, were payable to the NICS Pension Schemes to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees.

Contributions due to the **partnership** pension providers at the reporting period date were £Nil. Contributions prepaid at that date were £Nil.

No persons (2015-16: 0 persons) retired early on ill-health grounds; the total additional accrued pension liabilities in the year amounted to £Nil (2015-16: £Nil).

Average number of persons employed (Audited Information)

The average number of whole-time equivalent persons employed (including senior management, but excluding Commissioners) during the year was as follows:

	Permanent staff	Seconded staff	Agency staff	2016-17 Number Total	2015-16 Number Total
Chief Executive	-	1.0	-	1.0	1.0
Corporate Finance Team	1.0	1.9	-	2.9	2.9
Judicial Appointments Team	4.8	3.0	-	7.8	7.6
Total	5.8	5.9	-	11.7	11.5

Reporting of Civil Service and other compensation schemes (Audited Information)

Exit Packages

There are no Civil Service or other compensation schemes exit packages to report in 2016-17 (2015-16: Nil).

Equal Opportunities and Diversity

There are policies in place to guard against discrimination, to ensure compliance with legal requirements and to ensure that there are no unfair or illegal discriminatory barriers to employment and advancement in NIJAC.

Generally the policies contained in the Civil Service Staff Handbook have been adopted by NIJAC and apply both to staff on secondment and those directly recruited.

All staff are currently managed under the NICS Equal Opportunities Policy, which guards against discrimination in employment and which values and respects all individuals.

Staff are currently covered by the Equality Scheme produced by the NICS, which seeks to ensure compliance with the public sector equality duty to have due regard for the promotion of equality of opportunity in respect of disability, gender, race, religion, political opinion and among those of different ages, marital status or sexual orientation or who have or have not dependants; and good relations between those of different religions, political opinions and races.

The sponsor department's Employment Equality Plan to protect all those groups from discrimination also applies. Employment and recommendation for promotion are based solely on merit. Where staff work reduced hours, they are assessed on the same basis as those working full time. A Dignity and Harmony at Work policy is in place to secure a positive working environment.

Employment of Disabled Persons

NIJAC adheres to the NICS Code of Practice on the Employment of Disabled People that aims to ensure that there is no discrimination on the grounds of disability and that access to employment and career advancement in NIJAC is based solely on ability, qualifications and suitability for the post.

NIJAC aims to ensure that people with disabilities have equality of opportunity and fair participation in all aspects of their employment, and that discrimination does not take place.

Employee Involvement

NIJAC encourages widespread consultation and exchange of information at all levels. This is achieved through senior staff briefings and the cascading of information to all staff. All staff are automatically invited to contribute during the consultation exercises issued in relation to staff policies.

Days lost due to absence

NIJAC encourages a culture where good attendance is expected and valued. However, it recognises that from time to time absences for medical reasons may be unavoidable. NIJAC aims to treat its staff who are ill, with sympathy and fairness, and where possible to provide them with support which will enable them to recover their health and attend work regularly.

In 2016-17 the percentage of working days lost was 0.61% (2015-16: 0.52%) or an average of 1.60 days (2015-16: 1.30) per annum per employee. There were no members of staff on long term sick leave during 2016-17 (2015-16: NIL).

Expenditure on Consultancy

In 2016-17, following a review of DoF guidance, expenditure on the annual IT Health Check was re-classified from Consultancy to Professional Services. Therefore no expenditure on consultancy was incurred in 2016-17.

Assembly Accountability and Audit Report

The Assembly accountability and audit report brings together the key Assembly accountability documents within the annual report and accounts.

Regularity of Expenditure (Audited Information)

As NIJAC's Accounting Officer I am content that the expenditure and income of the Commission has been applied to the purposes intended by the NI Assembly. Furthermore I am content that NIJAC's transactions are within the scope of the authorities that govern them, and that there are no material weaknesses in the design and implementation of NIJAC's internal controls to prevent and detect fraud.

Fees and Charges (Audited Information)

NIJAC does not charge for its services therefore there is no requirement to complete a Memorandum Trading Account (MTA) detailing forecast income and expenditure in support of the charging proposals for schemes / services.

The income figure reported in Note 3 consists of recharges for rent, rates, and other premises costs for the sharing of Headline Building.

Remote Contingent Liabilities (Audited Information)

NIJAC has no remote contingent liabilities as at 31 March 2017.

Losses and Special Payments (Audited Information)

Losses Statement

	31/03/17		31/03/16	
	Number	£	Number	£
Total Losses under £250,000	-	-	5	185
Total Losses over £250,000	-	-	-	-

Special Payments

There were no special payments made during the year.



Tonya McCormac
Accounting Officer
28 May 2021

The Certificate and Report of the Comptroller and Auditor General to the Northern Ireland Assembly

Opinion on financial statements

I certify that I have audited the financial statements of the Northern Ireland Judicial Appointments Commission for the year ended 31 March 2017 under the Justice (Northern Ireland) Act 2002 as amended. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows, Changes in Taxpayers' Equity; and the related notes, including significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Accountability Report that is described in that report as having been audited.

In my opinion the financial statements:

- give a true and fair view of the state of the Northern Ireland Judicial Appointments Commission's affairs as at 31 March 2017 and of the Northern Ireland Judicial Appointments Commission's net expenditure for the year then ended; and
- have been properly prepared in accordance with the Justice (Northern Ireland) Act 2002 as amended and The Executive Office directions issued thereunder.

Opinion on regularity

In my opinion, in all material respects the expenditure and income recorded in the financial statements have been applied to the purposes intended by the Assembly and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Basis of opinions

I conducted my audit in accordance with International Standards on Auditing (UK) (ISAs) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of this certificate. My staff and I are independent of the Northern Ireland Judicial Appointments Commission in accordance with the ethical requirements of the Financial Reporting Council's Revised Ethical Standard 2016, and have fulfilled our other ethical responsibilities in accordance with these requirements. I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my opinions.

Conclusions relating to going concern

I have nothing to report in respect of the following matters in relation to which the ISAs(UK) require me to report to you where:

- the Northern Ireland Judicial Appointments Commission's use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the Northern Ireland Judicial Appointments Commission has not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the Northern Ireland Judicial Appointments Commission's ability to continue to adopt the going concern basis.

Other Information

The Commissioners and the Accounting Officer are responsible for the other information included in the annual report. The other information comprises the information included in the annual report other than the financial statements, the parts of the Accountability Report described in the report as having been audited, and my audit certificate and report. My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

Opinion on other matters

In my opinion:

- the parts of the Accountability Report to be audited have been properly prepared in accordance with the Executive Office directions made under the Justice (Northern Ireland) Act 2002 as amended; and
- the information given in the Performance Report and Accountability Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

Responsibilities of the Commissioners and Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer Responsibilities, the Commissioners and the Accounting Officer are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

Auditor's responsibilities for the audit of the financial statements

My responsibility is to audit, certify and report on the financial statements in accordance with the Justice (Northern Ireland) Act 2002 as amended.

My objectives are to obtain evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are

considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of my responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website

www.frc.org.uk/auditorsresponsibilities. This description forms part of my certificate.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income recorded in the financial statements have been applied to the purposes intended by the Assembly and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Matters on which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept; or
- the financial statements and the parts of the Accountability Report to be audited are not in agreement with the accounting records; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with the Department of Finance's guidance.

Report

I have no observations to make on these financial statements.



*K J Donnelly
Comptroller and Auditor General
Northern Ireland Audit Office
106 University Street
Belfast
BT7 1EU*

10 June 2021

NORTHERN IRELAND JUDICIAL APPOINTMENTS COMMISSION

FINANCIAL STATEMENTS

2016-17

Statement of Comprehensive Net Expenditure for the year ended 31 March 2017

This account summarises the expenditure and income generated and consumed on an accruals basis. It also includes other comprehensive income and expenditure, which include changes to the values of non-current assets and other financial instruments that cannot yet be recognised as income or expenditure.

		2016-17 £	2015-16 £
	Note		
Other operating income	3	(149,087)	(130,897)
Total Operating Income		(149,087)	(130,897)
Staff Costs	4.1	630,523	617,081
Other Operating Expenditure	4.1	530,216	481,412
Depreciation, amortisation and revaluation	4.2	1,740	2,923
Total Operating Expenditure		1,162,479	1,101,416
Net expenditure for the year		1,013,392	970,519

All operations are continuing.

Other Comprehensive Net Expenditure

Items that will not be reclassified to net operating costs:

		2016-17 £	2015-16 £
	Note		
Net (gain) / loss on revaluation of Intangibles	6	(103)	(24)
Comprehensive net expenditure for the year		1,013,289	970,495

The notes on pages 66 to 78 form part of the accounts.

Statement of Financial Position as at 31 March 2017

This statement presents the financial position of the NI Judicial Appointments Commission. It comprises three main components: assets owned or controlled; liabilities owed to other bodies; and equity, the remaining value of the entity.

		2017 £	2016 £
	Note		
Non-current assets:			
Property, plant and equipment	5	1,454	2,204
Intangible assets	6	731	1,618
Total non-current assets		2,185	3,822
Current assets:			
Trade and other receivables	7	32,638	21,752
Cash and cash equivalents	8	62,927	11,280
Total current assets		95,565	33,032
Total assets		97,750	36,854
Current liabilities			
Trade and other payables	9	(175,120)	(121,934)
Total current liabilities		(175,120)	(121,934)
Total assets less current liabilities		(77,370)	(85,080)
Total assets less total liabilities		(77,370)	(85,080)
Taxpayers' equity and other reserves			
Revaluation reserve		1,514	1,420
General reserve		(78,884)	(86,500)
Total equity		(77,370)	(85,080)

The financial statements on pages 61 to 78 were approved by the Plenary on 28 May 2021 and were signed on its behalf by:



Tonya McCormac
Chief Executive / Accounting Officer
28 May 2021

The notes on pages 66 to 78 form part of the accounts.

Statement of Cash Flows for the year ended 31 March 2017

The Statement of Cash Flows shows the changes in cash and cash equivalents of NIJAC during the reporting period. The statement shows how NIJAC generates and uses cash and cash equivalents by classifying cash flows as operating, investing and financing activities. The amount of net cash flows arising from operating activities is a key indicator of service costs and the extent to which these operations are funded by way of income from the recipients of services provided by NIJAC. Investing activities represent the extent to which cash inflows and outflows have been made for resources which are intended to contribute to the NIJAC's future public service delivery.

		2016-17 £	2015-16 £
	Note		
Cash flows from operating activities			
Net Expenditure		(1,013,392)	(970,519)
Adjustments for non-cash transactions (Increase) / decrease in trade and other receivables	4.2	1,740	2,923
Increase / (decrease) in trade and other payables	7	(10,886)	43,661
	9	53,185	(39,741)
Net cash outflow from operating activities		(969,353)	(963,676)
Cash flows from investing activities			
Purchase of property, plant and equipment	5	-	-
Purchase of intangible assets	6	-	(780)
Net cash outflow from investing activities		-	(780)
Cash flows from financing activities			
Grants from sponsoring department		1,021,000	973,990
Net financing		1,021,000	973,990
Net increase / (decrease) in cash and cash equivalents in the period		51,647	9,534
Cash and cash equivalents at the beginning of the period	8	11,280	1,746
Cash and cash equivalents at the end of the period	8	62,927	11,280

The notes on pages 66 to 78 form part of the accounts.

Statement of Changes in Taxpayers' Equity for the year ended 31 March 2017

This statement shows the movement in the year on the different reserves held by NIJAC, analysed into 'general fund reserves' (i.e. those reserves that reflect a contribution from the Consolidated Fund). The Revaluation Reserve reflects the change in asset values that have not been recognised as income or expenditure. The General Fund represents the total assets less liabilities, to the extent that the total is not represented by other reserves and financing items.

	General Fund £	Revaluation Reserve £	Taxpayers' Equity £
Balance at 31 March 2015	(89,971)	1,396	(88,575)
Grants from Sponsoring Department	973,990	-	973,990
Comprehensive Net Expenditure for the year	(970,519)	-	(970,519)
Auditors Remuneration	-	-	-
Transfers between reserves	-	-	-
Gain on revaluation of intangibles	-	24	24
Balance at 31 March 2016	(86,500)	1,420	(85,080)
Grants from Sponsoring Department	1,021,000	-	1,021,000
Comprehensive Net Expenditure for the year	(1,013,392)	-	(1,013,392)
Auditors Remuneration	-	-	-
Transfers between reserves	8	(8)	-
Gain on revaluation of intangibles	-	102	102
Balance at 31 March 2017	(78,884)	1,514	(77,370)

The notes on pages 66 to 78 form part of the accounts.

Notes to the Financial Statements

1.0 Statement of Accounting Policies

These financial statements have been prepared in accordance with the 2016-17 *Government Financial Reporting Manual (FReM)* issued by the DoF. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of NIJAC for the purpose of giving a true and fair view has been selected. The particular policies adopted by NIJAC are described below. They have been applied consistently in dealing with items considered material to the accounts.

1.1 Accounting convention

These accounts have been prepared under the historical cost convention modified to account for the revaluation of assets and liabilities to fair value as determined by the relevant accounting standards, and subject to the interpretations and adaptations of those standards in FReM.

1.2 Property, Plant and Equipment

Property, plant and equipment comprises of plant and equipment, furniture and fittings, and information technology.

Expenditure on property, plant and equipment of £1,000 or more is capitalised. For furniture and fittings the individual assets are recorded on a pooled basis.

On initial recognition, assets are measured at cost, including any costs such as installation, directly attributable to bringing them into working condition.

All property, plant and equipment is reviewed annually for impairment. As permitted by the FReM, NIJAC has adopted the depreciated historical cost basis as a proxy for fair value where non-property operational assets are deemed to be short-life or low value assets.

All non-property operational assets are deemed to be short-life or low value assets and are therefore valued on the basis of depreciated historical cost as an approximation of fair value.

Under IFRS 13 Property, plant and equipment were not revalued as there is unlikely to be material difference between historical cost amounts and the revalued amounts due to the short expected useful life of the assets and their low values.

All expenditure on repairs and maintenance is charged to the Statement of Comprehensive Net Expenditure during the financial year in which it is incurred.

1.3 Intangible assets

Expenditure on intangible assets which includes software, software licences, and the associated costs of implementation is capitalised where the cost is £1,000 or more.

Intangible assets are reviewed annually for impairment, and restated to current value each year by reference to Office of National Statistics (ONS) indices. The indices were obtained from ONS MM22 Producer Price Indices as at March 2017. Assets are not indexed in the year of acquisition.

1.4 Depreciation and Amortisation

Property, plant, and equipment are depreciated at rates calculated to write them down to estimated residual value on a straight-line basis over their estimated useful lives. Depreciation is charged in the month of acquisition.

Intangible assets are amortised over the shorter of the term of the licence and the useful economic life.

Useful lives are normally in the following ranges:

Plant and Equipment	5-10 years
Furniture and Fittings	5-10 years
Information Technology	3 years
Intangible Assets	3 years

The residual values of assets are reviewed on an annual basis.

Additions to non-current assets will be depreciated from the month of acquisition where material. Disposals from non-current assets will not be depreciated in the month of disposal.

1.5 Financing

Grant-in-Aid funding received from TEO is treated as financing and is recorded in the accounts as a movement in the General Fund.

1.6 Income

Income consists of recharges for rent, rates, and other premises costs for the sharing of Headline Building with:

- The Office of the President of the Appeal Tribunals (OPAT) for the period 01 April 2016 to 31 March 2017; and
- The Appeals Service (TAS) for the period 01 August 2016 to 31 March 2017.

1.7 Operating leases

Leases where substantially all of the risks and rewards are held by the lessor are classified as operating leases. Rentals under operating leases are charged to the Statement of Comprehensive Net Expenditure on a straight-line basis over the term of the lease.

1.8 Pensions

Past and present employees are covered by the provisions of the Civil Service Pension Scheme (CSP) which are described in the Remuneration and Staff Report. The defined benefit schemes are unfunded. NIJAC recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from employees' services by payment to the CSP of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the CSP. In respect of the defined contribution elements of the schemes, NIJAC recognises the contributions payable for the year. A separate scheme statement is prepared for CSP as a whole.

1.9 Value Added Tax

NIJAC is ineligible to reclaim input Value Added Tax (VAT) on expenditure. Therefore, all expenditure is inclusive of VAT.

1.10 Contingent Liabilities

In addition to contingent liabilities disclosed in accordance with IAS 37, NIJAC discloses for Assembly reporting and accountability purposes certain statutory and non-statutory contingent liabilities where the likelihood of a transfer of economic benefit is remote, but which have been reported to the Assembly in accordance with the requirements of *MPMNI*.

Where the time value of money is material, contingent liabilities which are required to be disclosed under IAS 37 are stated at discounted amounts and the amount reported to the Assembly separately noted. Contingent liabilities that are not required to be disclosed by IAS 37 are stated at the amounts reported to the Assembly.

1.11 Financial Instruments

A financial instrument is defined as any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

As the cash requirements of NIJAC are met through Grant-in-Aid provided by TEO, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body. The majority of financial instruments relate to contracts to buy non-financial items in line with NIJAC's expected purchase and usage requirements and is therefore exposed to little credit, liquidity or market risk.

1.12 Employee Benefits

Under the requirements of IAS 19 *Employee Benefits*, staff costs must be recorded as an expense as soon as the organisation is obligated to pay them. This includes the cost of any annual and flexi leave entitlements that have been earned at the year-end but not yet taken. The cost of untaken annual and flexi leave has been determined by using actual salary costs and the data from staff leave returns at 31 March. It is not anticipated that the level of untaken leave will vary significantly from year to year.

1.13 Accounting standards, interpretations and amendments to published standards adopted in the year ended 31 March 2017

Additional or revised accounting standards and new (or amendments to) interpretations contained within FReM 2016-17 have been considered. The adoption of these standards has not had a significant impact on NIJAC's financial position or results.

1.14 Accounting standards, interpretations and amendments to published standards not yet effective

NIJAC has reviewed new accounting standards that have been issued but are not yet effective, nor adopted early for these accounts. NIJAC considers that these are unlikely to have a significant impact on the accounts in the period of initial application.

2. Statement of Operating Costs by Operating Segment

The organisation's operating structure has been reviewed to identify if there are any business activities which are unconnected and thus separate segments as defined by IFRS 8 *Operating Segments*. NIJAC does not generate any income streams; any income disclosed in the accounts relates to rechargeable expenses as a result of the shared occupancy of the building 2016-17: £149,087 (2015-16: £130,897).

NIJAC's expense generating activities are interlinked and cannot operate in isolation, therefore the Chief Executive Officer in her role as Accounting Officer and Chief Operating Decision Maker (CODM) does not consider there to be separate segments within the organisation.

Financial information is reported to the CODM, Plenary, the Business Committee, the ARMC and TEO, for the organisation as a whole, no part of the organisation is reported on separately. The budget is bid for, allocated and managed by NIJAC as a whole; there are no budget allocations to a specific area as a separate segment.

3. Income

	2016-17	2015-16
	£	£
Reimbursement of costs	149,087	130,897
Total Income	149,087	130,897

4. Expenditure

	2016-17	2015-16
	£	£
4.1 Operating costs		
Staff Costs ¹ :		
Wages and Salaries	496,613	499,103
Social Security Costs	43,220	32,760
Other Pension Costs	90,690	85,218
Accommodation Costs	232,240	226,739
Maintenance	63,502	20,391
Security Costs	61,818	57,989
Scheme Costs	46,857	45,279
IT Services	30,572	26,916
Heat & Light	22,742	23,988
Managed Service Fees	21,318	25,517
Other Costs	11,583	9,494
Other Accommodation Services	9,969	7,911
Staff Related Costs	9,434	13,807
Auditors' Remuneration ²	9,400	9,400
Commissioner Costs	5,663	6,257
Printing, Design and Stationery	4,198	3,204
Consultancy Services	-	3,600
Operating Leases	920	920
Total	1,160,739	1,098,493
4.2 Non-cash items		
Amortisation	990	1,067
Depreciation	750	1,856
Total	1,740	2,923

¹Further analysis of staff costs is located in the Staff Report on pages 51 and 52.

²During the year, NIJAC purchased no non-audit services from its auditor (NI Audit Office).

5. Property, plant and equipment

	Plant and Equipment £	Furniture and Fittings £	Information Technology £	Total £
Cost or valuation				
At 1 April 2016	10,784	5,000	17,716	33,500
Additions	-	-	-	-
Disposals	-	-	-	-
At 31 March 2017	10,784	5,000	17,716	33,500
Depreciation				
At 1 April 2016	10,066	3,514	17,716	31,296
Charged in year	479	271	-	750
Disposals	-	-	-	-
At 31 March 2017	10,545	3,785	17,716	32,046
Carrying amount at 31 March 2017	239	1,215	-	1,454
Carrying amount at 31 March 2016	718	1,486	-	2,204
Asset financing:				
Owned	239	1,215	-	1,454
Finance Leased	-	-	-	-
Carrying amount at 31 March 2017	239	1,215	-	1,454

	Plant and Equipment £	Furniture and Fittings £	Information Technology £	Total £
Cost or valuation				
At 1 April 2015	10,784	5,000	17,716	33,500
Additions	-	-	-	-
Disposals	-	-	-	-
At 31 March 2016	10,784	5,000	17,716	33,500
Depreciation				
At 1 April 2015	8,672	3,052	17,716	29,440
Charged in year	1,394	462	-	1,856
Disposals	-	-	-	-
At 31 March 2016	10,066	3,514	17,716	31,296
Carrying amount at 31 March 2016	718	1,486	-	2,204
Carrying amount at 31 March 2015	2,112	1,948	-	4,060
Asset financing:				
Owned	718	1,486	-	2,204
Finance Leased	-	-	-	-
Carrying amount at 31 March 2016	718	1,486	-	2,204

6. Intangible assets

Intangible assets comprise of software and associated implementation costs.

	Total £
Cost or valuation	
At 1 April 2016	34,268
Additions	-
Disposals	-
Revaluations	187
At 31 March 2017	34,455
Amortisation	
At 1 April 2016	32,650
Charged in year	990
Disposals	-
Revaluations	84
At 31 March 2017	33,724
Carrying amount at 31 March 2017	731
Carrying amount at 31 March 2016	1,618
Asset financing:	
Owned	731
Finance Leased	-
Carrying amount at 31 March 2017	731
	Total £
Cost or valuation	
At 1 April 2015	33,467
Additions	780
Disposals	-
Revaluations	21
At 31 March 2016	34,268
Amortisation	
At 1 April 2015	31,586
Charged in year	1,067
Disposals	-
Revaluations	(3)
At 31 March 2016	32,650
Carrying amount at 31 March 2016	1,618
Carrying amount at 31 March 2015	1,881
Asset financing:	
Owned	1,618
Finance Leased	-
Carrying amount at 31 March 2016	1,618

7. Trade receivables and other current assets

	2016-17	2015-16
	£	£
Amounts falling due within one year:		
Trade receivables	2,853	2,013
Other receivables	-	-
Prepayments and accrued income	29,785	19,739
Total	32,638	21,752

There are no trade receivables or other current asset amounts falling due after more than one year.

8. Cash and cash equivalents

	2016-17	2015-16
	£	£
Balance at 1 April	11,280	1,746
Net change in cash and cash equivalent balances	51,647	9,534
Balance at 31 March	62,927	11,280

The following balances at 31 March were held at:

Commercial banks and cash in hand	62,927	11,280
Balance at 31 March	62,927	11,280

9. Trade payables and other current liabilities

	2016-17	2015-16
	£	£
Amounts falling due within one year:		
Trade payables	132,750	32,343
Accruals and deferred income	42,370	89,591
Total	175,120	121,934

There are no trade payables or other current liabilities falling due after more than one year.

10. Commitments under leases

10.1 Operating leases

NIJAC make use of premises where the operating lease is held by TEO. NIJAC is invoiced directly by the lessor for the lease of the premises; NIJAC does not have any future commitments in respect of these leases.

The lease of Headline Building runs from 7 January 2012 for 15 years and was signed by the DoF on behalf of TEO.

NIJAC holds no operating leases in its own name.

11. Financial instruments

IFRS 7 *Financial Instruments: Disclosures* requires NIJAC to provide disclosure that enables evaluation of the significance of financial instruments for NIJAC's financial position and performance, and the nature and extent of risks arising from financial instruments to which NIJAC is exposed during the period and at the reporting date, and how NIJAC manages those risks. Due to the largely non-trading nature of NIJAC's activities and the way in which executive non-departmental bodies are financed, NIJAC is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which IFRS 7 mainly applies.

NIJAC has no powers to borrow or invest surplus funds and except for relatively insignificant purchases of foreign currency, financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing NIJAC in undertaking its activities.

11.1 Classification of financial instruments

NIJAC's financial assets are classified as trade receivables and other current assets (Note 7) and cash and cash equivalents (Note 8). NIJAC's financial liabilities are trade payables and other current liabilities (Note 9). The carrying value of these financial assets and liabilities, as disclosed in the notes to the accounts, approximates to fair value because of their short maturities. All financial instruments held by NIJAC are non-interest bearing.

12. Related-party transactions

NIJAC is a NDPB sponsored by TEO; NIJAC has had material transactions in the form of Grant in Aid with TEO.

NIJAC has had material transactions in the form of recharges for the sharing of Headline Building with The Appeals Service (TAS) and the Office of the President of the Appeal Tribunals (OPAT). The recharges are for rent, rates, and other premises costs.

NIJAC second staff from the Department of Justice (DoJ), Department of Agriculture, Environment and Rural Affairs (DAERA), the Department for Communities (DfC), the Department for the Economy (DfE), and the Department of Health (DoH).

NIJAC has had material transactions with the DoF in the form of services provided by Enterprise Shared Services (ESS) and Central Procurement Directorate (CPD).

TEO, OPAT, DoJ, DAERA, DfC, DfE, DoF and DoH are regarded as related parties.

None of the Commissioners, members of key management staff or other related parties has undertaken any material transactions with NIJAC during the year.

13. Events after the Reporting Period

The Acting Chief Executive and Accounting Officer, Mandy Kilpatrick, resigned on 19 January 2018 and Adeline Frew was appointed as Interim Chief Executive and Accounting Officer on 22 January 2018. Tonya McCormac was appointed Chief Executive and Accounting Officer on 22 August 2018.

There were no further material events post Statement of Financial Position for the year ended 31 March 2017.

Date of authorisation for issue

The Accounting Officer, Tonya McCormac, authorised the issue of these financial statements on 10 June 2021.

Contact NIJAC:

NI Judicial Appointments Commission
Headline Building
10-14 Victoria Street
Belfast BT1 3GG

Telephone: 028 90569100
Textphone: 028 90569124

Email: judicialappointments@nijac.gov.uk
Web: www.nijac.gov.uk