



NIJAC

*Northern Ireland Judicial
Appointments Commission*

Business Plan



2018-2019

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Introduction

The Northern Ireland Judicial Appointments Commission (NIJAC) is an independent public body established to bring about an open and transparent system for appointing members of the judiciary in Northern Ireland.

This Business Plan outlines our priorities for the period April 2018 to March 2019 and reflects the commitments set out in the Corporate Plan for the period 2017 to 2020.

Background

We are in our thirteenth year, having been established on 15 June 2005 under the Justice (Northern Ireland) Act, as amended. We are an independent executive Non-Departmental Public Body (NDPB) sponsored by The Executive Office.

The Northern Ireland Act 2009 , which devolved justice powers to the Northern Ireland Assembly, also extended our statutory duties as a recommending body (for listed judicial offices commonly known as Crown appointments) to also being an appointing body (for non-Crown appointments, which are primarily fee paid posts) thereby removing these functions from Government Ministers and the political process.

We were also given influence over the judicial complement, and determination over certain terms and conditions, in agreement with sponsoring departments who hold the relevant budgets for the payment of judicial office holders.

The Commission ordinarily comprises of 13 members drawn from the judiciary, legal profession and other backgrounds (Appendix A). Our executive decision making board is known as Plenary, the Chairman of which is the Lord Chief Justice of

Northern Ireland, Sir Declan Morgan. The five judicial members are nominated by the Lord Chief Justice and appointed by the First Minister and deputy First Minister acting jointly.

The Bar Council of Northern Ireland and Law Society of Northern Ireland nominate one member each to serve as legal members on the Commission, and the Commission's five 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 also appointed by the First Minister and deputy First Minister acting jointly.

All Commissioners have an equal say in our work and are of equal status.

Six Commissioner positions are currently vacant. Due to the absence of Ministers no new Commissioners can be appointed which has resulted in operating with a cohort of seven Commissioners since September 2017. To enable business continuity, that is the recruitment, assessment and selection of judicial office holders for Northern Ireland's courts and tribunals, we have adjusted our Standing Orders to reflect the lower numbers.

In addition to Plenary there are three standing committees which have been established to deliver our commitments:

- Policy Committee
- Business Committee
- Audit and Risk Management Committee

The Commissioners are supported by 12 staff, headed by a Chief Executive and Accounting Officer. The different responsibilities of Commissioners and staff are set out in our Standing Orders.

Primarily the Chief Executive must enable and assist Commissioners in the delivery of our statutory duties. To ensure we are managed effectively and within budget, staff will review and monitor the 2018/19 Business Plan objectives throughout the year and report progress against it through Business Committee to Plenary.

Our statutory responsibilities

1. To select and appoint and recommend for appointment, in respect of all listed judicial offices up to and including High Court Judge.
2. To recommend applicants for appointment solely on the basis of merit.
3. To engage in a Programme of Action to secure, so far as it is reasonably practicable to do so, that appointments to listed judicial offices are such that those holding judicial office are reflective of the community in Northern Ireland.
4. 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 whenever we are required to select a person to be appointed, or recommended for appointment, to a listed judicial office.
5. To publish an annual report setting out the activities and accounts for the past year.

Key Focus for 2018/19

The NIJAC Corporate Plan for 2017-20 is set around our key aim, to appoint and recommend for appointment solely on merit.

The diagram identifies four key work areas, each of which interact with the other and work towards our key aim.



The Corporate Plan sets out the context for our work. We contribute to the effectiveness of the justice system by appointment and recommendation for appointment of those determined most meritorious to Northern Ireland's courts and tribunals. Throughout 2018/19 we will strive to provide high quality public services and maintain high standards of governance in recruitment and selection for judicial office.

Our Continuous Improvement Plan (2017-20), particularly in the context of a difficult political and financial climate, will continue to consider alternative ways of working, including for example, online testing and telephone/video assessments for applicants and supporting Committees differently through e-working. We will also continue to benchmark elements of our services with comparable bodies to ensure their appropriateness.

Our core focus will be to design and manage appointment schemes to ensure the continued high standard of the judiciary and that sufficient judicial office holders are in place to meet the needs of the courts and tribunals. We will continue to work closely with the representatives of those involved to deliver on this commitment.

The Business Plan is supported by our Programme of Action which sets out how we promote our work and the opportunities to serve in judicial office. It also promotes understanding of the assessment and selection process and joint working to minimise real and perceived barriers to application.

While we recruit for non-legal appointments, the majority of our schemes during 2018/19 will be for legal appointments. Our engagement therefore within the Joint Liaison Committee, comprising the Bar Council and the Law Society, along with regular engagement with the Judges' Council will continue to be a priority.

Through our regular liaison with the Northern Ireland Courts and Tribunal Service we will be informed of any potential impact that Brexit may have on our work in the coming year.

Finance & Governance

It is expected that around 73% of our annual budget will be expended on our core business of running appointment schemes. Around 27% will be expended on corporate planning, resources and governance. The majority of expenditure relates to staff salaries, accommodation costs and support services received.

Our high standards of governance have been acknowledged by The Executive Office and we will strive to ensure we provide a continued high level of assurance.

We will also ensure all appropriate procurement and tendering guidance is adhered to, to ensure value for money is achieved and demonstrated.

The Head of the Civil Service is currently consulting to afford stakeholders an opportunity to consider the major issues which will need to be considered before a Budget for 2018-19 and beyond can be agreed. We anticipate additional financial challenge which is accentuated by the cost of accommodation. We will continue to work closely with colleagues in The Executive Office and Asset Management Unit aiming to manage that challenge and develop an effective solution that enables delivery of our statutory responsibilities within our allocated budget. In all our endeavours we will continue to look at ways to be more cost effective, ensuring value for money and safeguarding the public purse.

This Business Plan assumes the Commission will be at full strength and recognises that due to the political uncertainty this may not be the case, and the associated risk to governance.

Contact Details

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Business Plan Objectives 2018/19

| What Will We Do | How Will We Do It | Outcomes | Milestones/Targets |
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| <u>Recruitment & Selection</u> | | | |
| We will strive to meet our statutory duty to ensure a reflective judiciary which is appointed on merit. | 1. We will develop, implement and deliver a programme of action to attract applications from the widest possible pool. | <ul style="list-style-type: none"> Evidence based Programme of Action successfully delivered on time and within allocated budget. | <ul style="list-style-type: none"> All timescales met within the 2018/19 Programme of Action. Quarterly report to Policy Cte |
| | 2. We will deliver a programme of appointment schemes that meet business needs and supports continuity in Courts and Tribunals. | <ul style="list-style-type: none"> Timely Programme of Appointments Schemes agreed according to business need. Programme of Appointment Schemes delivered on time and within allocated budget. | <ul style="list-style-type: none"> 6 month Liaison Meetings completed May and October 2018. NIJAC will complete assessment within 90 working days of the advert date in line with KPIs. Lessons Learned report to be delivered within 30 working days of applicants being informed of outcome in line with KPIs. Quarterly performance report to Business Cte. |

| What Will We Do | How Will We Do It | Outcomes | Milestones/Targets |
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| | <p>3. We will review and benchmark what we do and implement an evidence based plan of action to deliver best practice in judicial appointments.</p> | <ul style="list-style-type: none"> • Evidence based Continuous Improvement Plan (CIP) delivered on time and within allocated budget. • All polices due for triennial review in 2018/19 approved on time e.g. Feedback Policy and Reserve List Policy. • Implement the 2018/19 Board Effectiveness Plan actions. | <ul style="list-style-type: none"> • All CIP timescales met within 2018/19 including review of the compatibility of assessment processes and refining Guiding Principles. • All timescales met within 2018/19 • All timescales met within 2018/19 |

| <u>Our People</u> | | | |
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| <p>We will fulfil our commitments through the efforts of skilled and engaged Commissioners, Co-opted Experts and Staff.</p> | <p>4. We will put in place a Programme of Development to ensure that all Commissioners and Co-Opted Members are clear and confident in their roles and responsibilities and supported to deliver on our commitments.</p> | <ul style="list-style-type: none"> • Trained and effective Commissioners and Co-opted Selection Committee members. | <ul style="list-style-type: none"> • All timescales within Commissioner Corporate Training Plan met during 2018/19. • All timescales for Co-opted training met within 2018/19 • Effectiveness of training assessed within agreed timescales. |
| | <p>5. We will promote an ethos of appreciating the value of diversity and encouraging continuous improvement.</p> | <ul style="list-style-type: none"> • Annual Performance Reviews for Commissioners and Staff successfully completed within agreed timeframes. | <ul style="list-style-type: none"> • Timescales for Performance Reviews met during 2018/19. |
| | <p>6. We will provide continuing professional development for our staff to ensure we provide a high quality public service across appointments and governance.</p> | <ul style="list-style-type: none"> • Trained and effective Staff. | <ul style="list-style-type: none"> • All timescales within Staff Corporate Training Plan met during 2018/19. • Effectiveness of training assessed within agreed timescales. |

| <u>Working with Others</u> | | | |
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| We will work closely with others to deliver our statutory duties and implement best practice. | 7. We will engage openly and constructively with key stakeholders. | <ul style="list-style-type: none"> Active and meaningful dialogue with the Law Society and Bar Council, as members of the Joint Liaison Cte; the Judges' Council and the Northern Ireland Judicial Appointments Ombudsman. | <ul style="list-style-type: none"> Targeted consultation on 2019 draft business plan completed by 28 February 2019 and agreed feedback incorporated by 29 March 2019. Targeted engagement on relevant aspects of the CIP within agreed timelines. |
| | 8. We will engage positively with the Northern Ireland Courts and Tribunals Service (NICTS) and Departmental representatives to ensure timely appointments. | <ul style="list-style-type: none"> Active and meaningful dialogue on departmental policy impacting on appointments. | <ul style="list-style-type: none"> Targeted engagement on relevant matters within agreed timelines. |

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| | <p>9. We will build on our relationship with Judicial Appointments Commission England & Wales, Judicial Appointments Board Scotland and develop a relationship with the new appointments body within the Republic of Ireland.</p> | <ul style="list-style-type: none">• Appointments Processes benchmarked against best practice. | <ul style="list-style-type: none">• Completed within CIP timescales. |
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| <u>Accountability</u> | | | |
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| We will make judicial appointments while safeguarding public money and making the best use of resources. | 10. We will manage our resources effectively through sound financial management and controls, while increasing our efficiency. | <ul style="list-style-type: none"> Operate within allocated budget avoiding overspend and managing under spend within tolerance level of 1.5%. An indication of an unqualified Certificate and Report of the Comptroller and Auditor General. | <ul style="list-style-type: none"> Ongoing throughout 2018/19. Key Performance Indicator met: 98% of supplier invoices paid within 10 working days. Completed by 30 September 2018. |
| | 11. We will protect all data held, safeguarding the confidentiality of applicants. | <ul style="list-style-type: none"> All data held and disposed of in accordance with the NIJAC Disposal of Documents Schedule. Annual Internal Audit Assurance Report with a satisfactory assurance rating. Deliver GDPR project to ensure compliance by May 2018 | <ul style="list-style-type: none"> Ongoing throughout 2018/19. Received by 31 March 2019. GDPR Project Timetable achieved by May 18. |

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| | <p>12. We will deliver an effective governance system that will ensure probity and the safeguarding of public funds and provide assurance to our sponsor The Executive Office (TEO).</p> | <ul style="list-style-type: none"> • Adherence to all sponsorship and corporate governance processes and practices as stated in the Arms' Length Body Sponsorship Manual and support the TEO Departmental Asset Management Plan. • Effective risk and fraud detection, monitoring and reporting systems delivered. | <ul style="list-style-type: none"> • Ongoing throughout 2018/19 and reported to Audit Risk & Management Cte. • Ongoing throughout 2018/19 and reported to Audit Risk & Management Cte. |
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Appendix A

Composition of the Commission as at x March 2018

Chairman: The Right Honourable Sir Declan Morgan, Lord Chief Justice of Northern Ireland

Members: Mr Brian Coulter, Lay Member
Mr Paul Douglas, Lay Member
Mr Eoin Doyle QFSM, Lay Magistrate
Ms Marion Matchett CBE, Lay Member
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Lindsay Todd, Lay Member

Vacant: Lord Justice of Appeal Nominee
High Court Judge Nominee
County Court Judge Nominee
Bar Council Nominee
Law Society Nominee
Lay Commissioner

All members are non-executive and independent.

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