



NIJAC

*Northern Ireland Judicial
Appointments Commission*

**Minutes of the Plenary Meeting
Held on Thursday 19 October 2017
Third Floor Board Room,
Headline Building, Victoria Street, Belfast**

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

Mr Brian Coulter

Mr Paul Douglas

Ms Marion Matchett CBE

District Judge (Magistrates' Courts) Rosalie Prytherch

Mr Lindsay Todd joined 11.45am

Observers:

The Honourable Mrs Justice Keegan

Mr Michael Robinson

The Rt. Hon. Lord Justice Stephens

In Attendance:

Mrs Mandy Kilpatrick (Chief Executive Officer (CEO))

Ms Adeline Frew

Mrs Julie Monahan (Secretary)

1. Apologies

1.1 Mr Eoin Doyle QFSM

2. Conflicts of Interest

2.1 No conflicts were declared.

3. Confidentiality

3.1 The importance of confidentiality was stressed. Observers signed a confidentiality statement. All attendees introduced themselves.

4. Minutes of meeting on 1 June 2017

4.1 The minutes of the meeting on 1 June 2017 were approved.

4.2 The Chairman noted that the majority of actions arising were either addressed or in the substantive agenda.

5. Chief Executive's Report

5.1 Mrs Kilpatrick presented her report to Plenary.

5.2 2017/18 Business Plan Objectives

5.2.1 Mrs Kilpatrick presented a verbal update on the detail provided on the Business Plan Objectives and advised that all objectives are on track for delivery, noting that Plenary is to consider an additional objective regarding delivery of General Data Protection Regulations' obligations.

5.3 2017/18 Risk Register

5.3.1 Plenary was updated and noted that the 2017/18 Risk Register had been reviewed by the Executive Team on 4 September 2017 and considered by Business Committee and Audit and Risk Management Committee (ARMC).

5.3.2 In the context of 'Delays to Appointments' Plenary approved the adjustment to the target date relating to the Northern Ireland (NI) Judicial Appointments Ombudsman (JAO) guidance to complainants as it is not yet complete. Mrs Kilpatrick confirmed the JAO had indicated their intention to include reference to consideration of an accelerated process on a case by case basis.

5.3.3 Mrs Kilpatrick requested Plenary note a new action added under the risk of 'Delays to Appointments' is "Consult and engage to address attracting meritorious applicants for specific schemes". The action reflects difficulties encountered in filling medical specialist and High Court posts.

5.3.4 It was agreed that, to add clarity to the Business Plan, under 'Programmes of Appointments' delivered on time and within allocated budget the qualification of 'in line with key performance indicators' should be added.

5.3.5 The other aspects of the Risk Register were reviewed and actions required and controls in place were noted and agreed by Plenary.

Action: Amend Risk Register regarding JAO target.

Action: Amend Business Plan to include qualification

5.4. 2017/18 Budget Position

5.4.1 Ms Kilpatrick confirmed that the budget allocation agreed with The Executive Office (TEO) for 2017/18 is £1.054m.

5.4.2 The budget for the second half of the year assumes costs for the induction and training of new Commissioners. The political uncertainty has made it difficult to forecast when or if this expenditure will occur in 2017-18.

5.4.3 Other risk areas within the budget include the potential need for agency staff to cover maternity leave and any implications arising from the examination of the accommodation business case. Discussions are ongoing with TEO on the potential for a monitoring round in November and at that point decisions regarding the re-allocation and/or surrender of funds within the context of the political and financial environment will be necessary. Business Committee have considered the issues arising and will review the position at an appropriate point.

5.5 Annual Report and Accounts 2017/2017 (AR&A)

5.5.1 Mrs Kilpatrick confirmed updates made to the AR&A and that the absence of a First Minister and Deputy First Minister (FMDFM) prevents the laying of the accounts before the Assembly. NIAO has indicated to NIJAC's ARMC that the audit certificate for the AR&A will be unqualified however they are not prepared to provide the certificate until confirmation of a date for the laying of the Accounts is provided.

5.6 Implementation of General Data Protection Regulations (GDPR)

5.6.1 Mrs Kilpatrick advised that Business Committee had approved the project plan for the implementation of the GDPR. This project plan will ensure NIJAC meets the target date in May 2018 for the implementation of the new legislative regulations. The key aspects of the plan and its purpose were outlined. Plenary agreed that NIJAC's 2017/18 Business Plan should be amended to reflect this statutory commitment.

Action: Add "Deliver GDPR project to ensure compliance by May 2018" under "Outcomes" and, under Milestones/targets, that "GDPR Project Timetable achieved within 2017/18" in the Business Plan.

5.7 Recruitment and Selection

5.7.1 Mrs Kilpatrick gave an update on eligibility of legal applicants to non-legal posts noting that as agreed the matter was brought to the attention of the Department of Justice (DOJ), who have policy responsibility.

Action: Executive Team to collate relevant statistical information to inform any future consideration by the Department.

6. Outreach and working With Others

6.1 Mrs Kilpatrick advised that NIJAC engaged with representatives from the Council of County Court Judges (10 October), the wider judiciary at a Judicial Studies Board event (17 October), and events were planned with the Law Society (25 October), the Judges' Council (25 October) and with the Bar Council (26 October) on anticipated schemes, the judicial selection processes and the enhanced Point of Contact/Job Shadowing initiative.

6.2 Additional outreach will occur to promote High Court, County Court, Industrial Tribunals/Fair Employment Tribunal (ITFET) and other schemes towards the start of December.

6.3 Mrs Kilpatrick met with the NI Commissioner for Public Appointments (CPANI) on 26 September to discuss the methodologies used in public and judicial appointment and use of the 'tipping point' legislation¹ within England and Wales.

7.1 Staffing

7.1.1 Mrs Kilpatrick confirmed that the Executive Team are keeping the staffing situation under review and working to ensure reasonable contingency measures are in place.

7.2 Commissioners

7.2.1 Mrs Kilpatrick confirmed that due to the political situation five new Commissioners are yet to be appointed. Mrs Kilpatrick confirmed that we are operating as the reviewed Standing Orders allow with reduced Committee membership, majority quorum, and thanked Commissioners for taking on additional Committees and responsibilities in the interim.

Plenary approved the appointment of District Judge (Magistrates' Courts) Rosalie Prytherch to the position of nominated Issues and Character Commissioner.

8.1 Judicial Appointments Board for Scotland (JABS): Annual Report for 2016-17.

8.1.1 Mrs Kilpatrick outlined the key points from the report and Plenary asked Policy Committee to consider the recommendations arising. Commissioners were particularly interested in how flexible working was advertised for Summary Sheriff positions and if there were any lessons to be learned.

Action: Policy Committee to consider JABS report.

Action: Executive Team to consult with JABS on their approaches to flexible working when launching schemes.

9. Open Data

9.1 Ms Adeline Frew attended training on this government initiative and will be working through the implications for NIJAC in due course.

¹ Constitutional Reform Act 2005 section 63(4) where two persons are of equal merit, one of them may be preferred over the other for the purpose of increasing diversity.

10. Selection Committees

10.1 Scheme updates were provided on:

10.1.1 Charity Tribunal for Northern Ireland Ordinary Member (x1)

Ms Matchett advised that the scheme advertised on 1 June 2017 with a closing date of 3 July 2017. Final assessment took place on 8 and 11 September. One successful applicant was identified and pre-appointment checks are ongoing.

10.1.2 Criminal Injuries Compensation Appeals Panel (CICAP) Adjudicator (Medical) (x3)

Ms Matchett advised that interviews scheduled took place on 28 September, 9 and 10 October. Three successful applicants were identified and pre-appointment checks are ongoing. After discussion it was agreed that the standardised approach for medical schemes should normally consist of an expression of interest.

10.1.3 Appeal Tribunals Medical Generalist Members (x11)

Mr Coulter advised interviews completed on 18 August 2017. The 11 successful applicants are currently going through pre-appointment checks.

10.1.4 Appeal Tribunals Medical Specialist Members (x5)

Mr Coulter advised that interviews completed on 18 August 2017. Three successful applicants were identified and pre-appointment checks are complete. Engagement is continuing with the Chief Medical Officer through the office of the President of Appeals Tribunals on how to attract applicants.

Action: Executive Team to review standardised approach to medical schemes for January 2018 Policy Committee.

11. Lessons Learned Reports

11.1 CICAP Adjudicator (Lay)

Mr Douglas advised that this scheme was efficiently run and was successful in attracting a strong field of applicants with one successful applicant being identified along with a reserve for any potential future vacancies that may arise.

11.2 Mental Health Review Tribunal (MHRT) Medical (Psychiatrist) Member

Mr Douglas advised that this scheme was successful in identifying a successful applicant. He emphasised the small number of applicants which is a known issue in medical schemes.

12. Audit and Risk Management Committee

12.1 Plenary noted the minutes of the ARMC meeting on 14 March 2017. Mr Todd provided a verbal update of the meeting on 19 September 2017; the majority of notable matters having been addressed within the Chief Executive update. Mr Todd noted that Ms Patricia O'Lynn had shadowed this committee and Business Committee as part of Queens University Belfast/Office for Public Appointments mentoring scheme.

13. Business Committee

13.1 Mr Coulter outlined the key aspects in the minutes and advised that at their meeting on 14 September 2017 the budget position had been considered. He stressed that the lack of progression in the appointment of new Commissioners was a budgetary concern. The minutes were noted by Plenary.

14. Policy Committee

14.1 The minutes of 12 September 2017 were noted by Plenary. Ms Matchett confirmed that the first draft of the Review of Effectiveness of NIJAC Appointment Processes would be presented to November Policy Committee. Ms Matchett presented two policies and work undertaken as part of the continuous improvement plan for review.

14.1.1 Character Policy

After discussion it was agreed further work would be completed on this policy.

Action: Further work to be completed on Character Policy for approval by Policy Cte and electronic approval by Plenary.

14.1.2 Conflict of Interest Policy

Approved

14.1.3 Guiding Principles for Interview

Commissioners agreed to include a line to reflect the role of the interview within the overall assessment process. Guiding Principles otherwise approved. Plenary discussed the methods used to record applicant performance against all methods of assessment and the stage at which it was carried out.

Action: Executive Team to update Guiding Principles

Action: Executive Team to review guidance to Selection Committees

14.1.4 Ratio of Appointments to Interview

Approved.

14.1.5 Evaluation of Schemes and Appointments Made (October 2016 – September 2017)

14.1.6 A Gender Overview: The NI Judiciary and Potential Legal Applicant Pools

14.1.7 NIJAC's Impact 2006 to 2017 (Judicial Appointments)

14.1.8 Ms Frew introduced the papers and Plenary agreed to deal with them as one discussion. The evaluation of schemes provided information and a statistical breakdown relating to all schemes over the preceding 12 month period. In addition the report also provided comment on outreach activities, website use, feedback from applicants and budget. The gender report provided the projected gender breakdown of all judicial offices as at 30 September 2017. The 'Impact' report, which was a companion piece to the two preceding papers, set out the statistical record of appointments and the applicant pools since NIJAC's inception. Plenary considered the reports provided; they noted the increased applications from women and solicitors and the reflectivity achieved in appointments. The attrition rate was noted as being less acute though still a matter of concern.

Action: Consider further analysis of NIJAC's Impact, including any changes in numbers of solicitor applicants from 2012.

15. Date and Agenda of next meeting

15.1 Thursday 7 December 2017 at 9:30am.

Signed

Declan Morgan

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

Dated

7 December 2017

ACTION POINT SUMMARY

Agenda Item	Action	Owner
5	<ul style="list-style-type: none">Amend Risk Register regarding JAO target.	Executive Team
5	<ul style="list-style-type: none">Amend Business Plan to include qualification under "Program of Appointments"	Executive Team
5	<ul style="list-style-type: none">Add "Deliver GDPR project to ensure compliance by May 2018" under "Outcomes" and, under Milestones/targets, that "GDPR Project Timetable achieved within 2017/18" in the Business Plan.	Executive Team
5	<ul style="list-style-type: none">Executive Team to collate relevant statistical information to inform any future consideration by the Department.	Executive Team
8	<ul style="list-style-type: none">Policy Committee to consider JABS report.	Policy Committee
8	<ul style="list-style-type: none">Executive Team to consult with JABS on their approaches to flexible working when launching schemes.	Executive Team
10	<ul style="list-style-type: none">Executive Team to review standardised approach to medical schemes for January 2018 Policy Committee.	Executive Team

14	<ul style="list-style-type: none"> • Further work to be completed on Character Policy for approval by Policy Cte and electronic approval by Plenary. 	Executive Team
14	<ul style="list-style-type: none"> • Executive Team to update Guiding Principles 	Executive Team
14	<ul style="list-style-type: none"> • Executive Team to review guidance to Selection Committees 	Executive Team