

**Minutes of the Plenary Meeting
Held on Thursday 8 October 2015
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 Eoin Doyle
Mrs Breidge Gadd
Mrs Fiona Keenan
His Honour Judge Kinney
Mr James McNulty QC
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Alastair Rankin
Professor Nichola Rooney
The Honourable Mr Justice Stephens
Mr Lindsay Todd
The Right Honourable Lord Justice Weatherup (Observer)

In Attendance: Mrs Mandy Kilpatrick (Chief Executive Officer (CEO))
Ms Catherine Hughes
Mrs Áine Maguire
Mr Andrew Millar
Miss Nicola Quinn (Secretary)
Mrs Cathy Shields

1. Apologies

Mr James McNulty QC joined the meeting at 10:00am. Mr Justice Stephens joined at 10:30am. Lord Justice Weatherup joined after lunch.

Apologies were received from Mrs Helen Anderson and Ms Adeline Frew.

2. Conflicts of Interest

No conflicts were identified.

3. Confidentiality

The importance of confidentiality was stressed.

4. Minutes of meeting on 4 June 2015

Changes to the wording on Page 3, Professor Rooney to be noted as member of the sub-committee for the Strategic Planning Session, Page 4, to reflect that only 1 post was being recruited to for the Charity Tribunal Legal Member scheme and on Page 6, qualification that the consultation relating to Consultees was only in relation to County Court Judge posts, were agreed.

Minutes of JAC & JABs teleconference on 4 June 2015

Minutes agreed.

Minutes of Special Plenary meeting on 11 August 2015

Minutes agreed.

Minutes of Plenary meeting on 17 September 2015

Typographical changes to wording under Agenda item 4 were agreed.

Once agreed amendments have been made, Chairman will sign as final agreed version.

5. Chief Executive's Report

Mrs Kilpatrick presented her report to Plenary.

2015/16 Business Plan Objectives

Mrs Kilpatrick provided an update on the Business Plan and advised that there were no areas of concern across NIJAC's four key performance areas. Subject to the agreed adjustment of the relevant sub-target within the Board Effectiveness Plan (see Para 13) all objectives are either achieved or on track for delivery. The planned actions and controls were discussed in relation to

the Risk Register, particularly in the context of the budget; Plenary noted the close monitoring arrangements in place.

The October monitoring round was launched on 7 August 2015 however the Department of Finance and Personnel (DFP) have not commissioned the October Monitoring Round officially as the June Monitoring Round is still not complete.

Plenary acknowledged the significant effort by the finance team in delivering the NIJAC Annual Report and Accounts 2014-15, which will be laid in the NI Assembly on 12 October 2015.

Mrs Kilpatrick advised that legislation in relation to the responsibilities of the Judicial Appointments Ombudsman transferring to the Northern Ireland Public Service Ombudsman's Office (NIPSO) is expected to be given Royal Assent in January 2016 with the legislation coming into effect from April 2016. A planning meeting is arranged with the NIPSO in November to establish key tasks, including communicating the change to stakeholders.

A scoping paper on the Stakeholder Engagement Strategy has been developed which reflects how it will support the Programme of Action. This will be discussed at Policy Committee in November 2015.

A key business objective is the work to enhance quality assurance arrangements and peer review within NIJAC, which is ongoing. This will complement the external peer review being considered between NIJAC, Judicial Appointments England and Wales (JAC) and the Judicial Appointments Board Scotland (JABS).

Recruitment & Selection

Competition updates will be discussed later in the agenda.

Legal advice has further clarified eligibility for posts which require a certain number of years standing. This is an addendum to previous advice received

regarding the interpretation of the words “*barrister*” and “*solicitor*” when used in Northern Ireland statute to define eligibility for appointment to a judicial office in Northern Ireland. Legal opinion is that ‘years standing in Northern Ireland’ does not give rise to discriminatory treatment. Copies of the legal advice along with the note provided by Mr Justice Stephens on behalf of the Issues and Character Committee (relating to a scheme specific matter) will be shared with Commissioners upon request.

Outreach and Working with Others

Mrs Kilpatrick referred to the Communications, Outreach and Working with Others update provided to Commissioners.

Consultation on the introduction of references for County Court Judge posts is ongoing and feedback from this will be shared with Plenary in December. The approach to use of References/Consultees for High Court posts will be initially considered by the Senior Appointments Review Team (SART) and then recommended to Plenary in due course.

ACTION

- Consultation feedback on the introduction of references for County Court Judge posts to be presented to Plenary in December; to inform consideration of approach to arrangements for High Court Judge posts.

Responsible for Information – Boards training

Mrs Shields shared the relevant information slides and took Plenary through the *Responsible for Information – Boards training*.

6. Selection Committees

- Lessons Learned Report: Mental Health Review Tribunal (MHRT) Experienced Members

Mrs Keenan presented the Lessons Learned Report for the recent MHRT Experienced Members scheme which was noted by Plenary.

Mrs Keenan advised that pre-appointment checks have been completed and an appointment report will be issued to Plenary in due course for consideration and approval.

- **Current Scheme Updates:**

High Court Judge

A draft Lessons Learned Report for the recent High Court Judge scheme was presented to Plenary by Mr Todd. Following discussion it was agreed that a review of this scheme should be tabled as the theme for the next meeting.

ACTION

- High Court Judge Lessons Learned Report to be tabled for consideration at the December Plenary meeting.

Charity Tribunal Legal Member

Mrs Gadd presented an update on the Charity Tribunal Legal Member scheme which Plenary noted. A successful applicant has been identified and pre-appointment checks are ongoing; a Lessons Learned Report is being developed.

Coroner

Mr McNulty QC provided an update on the Coroner scheme and advised that the scheme closed to applications on 5 October 2015. As fewer than 50 applications were received, no test will be used and panel are scheduled to complete shortlisting moderation on 20/10/15.

Charity Tribunal Ordinary Member

Professor Rooney provided an update on the Charity Tribunal Ordinary Member scheme which is currently open to applications with a closing date of 19/10/15.

Criminal Injuries Compensation Appeals Panel (CICAP) Adjudicator (Lay Member)

Mr Todd presented an update on the CICAP Adjudicator (Lay Member) scheme which is due to advertise on 29/10/15.

CICAP Adjudicator (Medical Member)

Mrs Keenan presented an update on the CICAP Adjudicator (Medical Member) scheme which is currently in the early planning stages.

7. Character Issues of Precedent

Mr Justice Stephens outlined two issues that had been referred to him as the Nominated Commissioner. Following consideration, both applicants were allowed to proceed through the application process.

8. Business Committee

Plenary was updated by the Chair of Business Committee on the core business including the current budget position and the work in hand on development of a Quality of Service Strategy and Stakeholder Engagement Strategy. Mr Rankin proposed an amendment to the wording of the Board Development Plan Objective 1 to read;

‘Board Members to use in house accommodation for meetings associated with NIJAC work responsibilities during 2015/16.’

Plenary approved this change in wording.

ACTION

- Board Development Plan Objective 1 to be amended.

Mr Rankin advised that at the meeting of the Audit and Risk Management Committee on 10 September 2015, Mr Lindsay Todd suggested a potential amendment to NIJAC Commission Members Fees Policy which Business Committee had considered. It was agreed that to ensure timely claims and

budget management a self addressed prepaid envelope would be provided when appropriate.

ACTION

- NIJAC Commission Members Fees Policy to be updated.

9. Audit & Risk Management Committee (ARMC)

Plenary was updated by the Chair of ARMC and key points from the minutes of the last meeting discussed. The 2014-15 Follow-up Internal Audit Review was positive and no significant issues raised, with 7 of the recommendations being implemented, 1 partially implemented and 1 unable to be implemented as there had been no relevant activity. Mr Todd thanked staff for the quality of work carried out.

Staff Engagement session took place over lunch.

10. Policy Committee

Plenary was updated by the Chair of Policy Committee in relation to the work undertaken by the Committee.

Mr Justice Stephens presented the proposed new Terms of Reference for Policy Committee which were approved by Plenary.

- NIJAC'S Impact 2006 to 2015
- Evaluation of Schemes and Appointments made between October 2014 – September 2015
- A Gender Overview: The NI Judiciary and Potential Legal Applicant Pool

Three papers were presented to Plenary as an overview of NIJAC's impact with regard to judicial appointments and to provide an update on the current judiciary within Northern Ireland. These were flagged as factual papers to inform policy making and should be reviewed collectively.

Discussion took place in relation to the detail in each of the papers and it was noted that judicial composition reflects a developing and improving position on

gender, and whilst the composition of the serving judiciary is currently reflective (based on local population in tertiary education) community background may over time not remain positively balanced.

ACTION

- Further analysis on the community background of applicants to be undertaken and presented to Policy Committee in November. Information to be sought from the Bar and Law Society on the community background of the current legal applicant pool.

- Review of Tests and Interviews

A report on the Review of Tests and Interviews which was developed as part of the Delivering Best Practice in Recruitment Project, was presented to Plenary with four main issues for consideration and discussion;

- Recording of interviews in NIJAC.
- Observations of interviews.
- Involvement of staff member at the moderation session to provide guidance and support.
- Enhanced quality assurance measures to validate legal tests.

The following actions were agreed:

ACTIONS

- A specific paper collating expressed views on recording interviews to be prepared for Policy Committee; to include option of a member of staff attending interviews as a note taker (substantive salaried posts only).
- Guidance on the role of the note taker to be developed and presented to Policy Committee.
- A staff member (Deputy Principal and above) to attend the moderation session at the end of the interviews to provide guidance and support.

- A legally qualified Commissioner (independent of Selection Committee) to also validate legal tests if requested by the Selection Committee.

- Conflicts of Interest Policy

Mr Justice Stephens presented the revised Conflicts of Interest Policy.

Following detailed discussion a number of amendments were agreed.

ACTION

- Agreed amendments to be made to Conflicts of Interest Policy and circulated to Policy Committee electronically for approval and then to Plenary for final approval.

13. Board Effectiveness Sub-Committee Update

An Annual Strategic Planning Session for Commissioners was scheduled to take place in the afternoon session of this meeting however it was proposed in advance of the meeting that additional time was required to facilitate detailed discussion on Policy Committee business; in addition adjusting the target date would enable an external facilitator to be sourced and briefed for this session. Plenary were content with the change of theme and the strategic planning session is now to be held at the meeting on 25 February 2016.

ACTION

- Annual Strategic Planning Session for Commissioners to be held at the Plenary meeting on 25 February 2016.

14. AOB

The Chairman updated Plenary on pressures in the Coroners Court and indicated NIJAC may be asked to facilitate appointments of judicial office holders as Coroners to increase flexibility in deployment.

The Chief Executive outlined a request from the Northern Ireland Courts and Tribunals Service (NICTS), relating to a Temporary Additional Statutory

Officer post. Following consideration of the papers Plenary agreed an appointment was appropriate.

ACTION

- Chief Executive to write to the Minister of Justice to seek his agreement to a Temporary Additional Statutory Officer appointment.

13. Date and Agenda of next meeting

Thursday 3 December 2015 at 9:30am.

Signed

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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

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