

**Minutes of the Plenary Meeting
Held on Monday 3 June 2019
Headline Building, Victoria Street, Belfast**

Present: The Rt. Hon Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)
Mr Eoin Doyle QFSM
The Hon Mrs Justice Keegan
Ms Noelle McGreenera QC
Ms Marion Matchett CBE
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Michael Robinson
The Rt. Hon. Lord Justice Stephens
Mr Lindsay Todd

In Attendance:

Mrs Adeline Frew
Mr Duncan Greer
Mrs Tonya McCormac
Mr Andrew Millar
Mrs Julie Monahan
Mrs Nicola Byrne (Secretary)

1. Apologies

Mr Paul Douglas.

2. Conflicts of Interest

No conflicts were declared.

3. Confidentiality

The importance of confidentiality was stressed.

4. Minutes of meetings

The minutes of the meeting on 7 March 2019 were approved.

Mrs McCormac provided an update on one of the actions arising from the meeting and confirmed that a draft narrative has been received from the Northern Ireland Judicial Appointments Ombudsman (NIJAO) to address 'out of time' complaints which will be shared with Business Committee.

All other actions have been completed.

ACTION: Mrs McCormac to circulate draft narrative from the NIJAO addressing 'out of time' complaints to Business Committee.

5. Chief Executive's Report

Mrs McCormac presented the Chief Executive's report to Plenary.

Business Plan 2019/20

Mrs McCormac advised that the Business Plan Key Performance Indicators have been reported to Business Committee which is reflective of the new way of reporting on the Business Plan.

Risk Register

Mrs McCormac advised that there are currently four risks on the Risk Register. She advised that the Commissioner vacancies risk will remain until the new appointees take up post (expected to be September).

Outreach and Working with Others

Mrs McCormac and the Chairman met with the Royal College of Psychiatrists to address NIJAC's concerns regarding the attraction of Psychiatrists to the Mental Health Review Tribunal. Discussions are ongoing with the Department of Justice (DoJ) to review the daily fee rate and give consideration to the introduction of an examination fee. It was agreed that Mrs McCormac and the Chairman would continue to monitor developments and liaise with the DoJ as appropriate.

Board Effectiveness

Plenary noted the findings from the Board Effectiveness questionnaire and noted that they will be involved in the outworking's of the Governance Review, primarily through the Chairs of Committees.

6. Selection Committees

Current Scheme Updates

- **High Court Judge 2019** – Mr Todd advised that the scheme is currently at the References, Assessment and Selection Stage. References have been received from the nominated Referees with interviews scheduled for 10 June 2019.
- **Northern Ireland Valuation Tribunal (NIVT) Valuation Member** – Mrs Monahan advised that interviews were held on 28 May 2019 with one applicant being deemed appointable. Pre-appointment checks have commenced. The Appointment Scheme Requirements Form was for two vacancies (plus a reserve list). The Northern Ireland Courts and Tribunals Service (NICTS) have confirmed that they do not anticipate that another scheme will be required in the short to medium term to address the shortfall.
- **Charity Tribunal Legal Member** - Ms Matchett advised that the scheme closed to applications on 13 May 2019. A shortlisting moderation meeting is scheduled for 4 June 2019 with interviews arranged for 17 & 18 June 2019.
- **Industrial Tribunals & Fair Employment Tribunal - Employment Judge** – Mr Robinson advised that the scheme is now open to applications with a closing date of 24 June 2019.

Lessons Learned Reports

- **Special Educational Needs and Disability Tribunal (SENDT) Legal Chairman** – Mrs Monahan advised that the scheme identified two successful applicants along with a reserve list of five.

- **County Court Judge** – Mr Doyle advised that the scheme identified one successful applicant, with swearing-in anticipated on 5 September 2019. The administrative support provided was excellent and the timetabling of the assessment days worked well.

Plenary considered both Lessons Learned Reports and confirmed that the issue of training on application processes for the potential applicant pool be raised at the next Joint Liaison Committee (JLC) meeting. It was agreed that whilst there is already training and guidance notes in place, further action is required regarding note taking by assessors and can be addressed through the RENAP project.

ACTION: *The issue of training on application processes for the potential applicant pool to be raised at the next JLC meeting.*

7. Issues and Character Committee Update

Commissioners noted the report presented by Lord Justice Stephens.

8. Policy Committee

The minutes of 28 May 2019 were noted by Plenary. Ms Matchett confirmed that following a review, no changes were recommended to the Feedback Policy, this was approved by Plenary.

Annual Review of the Effectiveness of the Committee 2018/19

Ms Matchett provided an update on the work of Policy Committee during 2018/19 and noted the extensive work undertaken by the Committee including oversight of the Continuous Improvement Plan and the recommendations emanating from the RENAP project along with a number of Policy reviews. The Committee has also conducted an internal review of how they work which has fed into the KPMG review. Ms Matchett confirmed that the Committee has delivered in line with the corporate and annual business plan.

Discussion after Assessment

Plenary had asked Policy Committee to review the practice of individual Selection Committees in respect of discussions after interview and before individual assessments and scoring have taken place. Ms Matchett advised that Policy Committee have reviewed practice within NIJAC and elsewhere including other public and private sector organisations. Plenary approved Policy Committee's recommendation that no discussion should take place prior to the completion of individual assessment, with discussion confined to that which takes place during moderation. It was agreed that an additional action should be added to the Chair's Checklist to ensure that all Selection Committees follow this procedure.

ACTION: *Chair's Checklist to be amended to reflect that no discussion should take place prior to the completion of individual assessment.*

RENAP Review of Assessment Methods

Mr Millar presented a number of recommendations arising from the RENAP project in respect of Assessment Methods which were approved by Plenary, namely:

- Optional questioning approaches to be adopted at interview
- Guidance on Probing at Interview for Assessors, and
- The list of potential schemes where either or both In-Tray exercises and Presentations may be appropriate assessment methods.

Plenary agreed that the recommendations pertaining to shortlisting testing should be subsumed into a separate piece of work and would be a priority in the new financial year 2020/21.

ACTION: *The relevant Standardised Approaches to be updated to reflect the recommendations approved by Plenary.*

Personal Profile Survey

Mr Millar presented a report to Plenary on the results of the Personal Profile survey which was conducted amongst potential applicants for judicial office. Plenary noted the results of the survey and approved the recommendations made, including:

- The current structure of the Personal Profile and Job Description for the role working in tandem to continue.
- The Guidance provided to applicants on the impact of individual Job Descriptions on the Personal Profile are to be reviewed.
- The potential for any advantage / disadvantage arising from the current Personal Profile to be assessed.
- The potential risks and benefits to be assessed of the provision of training to applicants by NIJAC in the process of self-assessment.

It was agreed that feedback from the Personal Profile survey would be added to the agenda for the next JLC meeting.

ACTION: *A meeting of the JLC to be arranged to discuss a number of areas including the Personal Profile survey outcomes.*

9 Business Committee

The minutes of 16 May 2019 were noted by Plenary.

Annual Review of the Effectiveness of the Committee 2018/19

Mr Doyle confirmed that the Committee has achieved much during 2018/19 and provided an update on the work which has included monitoring the 2018/19 Business Objectives, monitoring financial performance against budget to ensure the appropriate use of public funds, approving Business Cases for court and tribunal schemes and the associated Scheme Outreach Plans, monitoring the staffing structure and quality assurance.



Annual Report and Accounts

It was confirmed that it has been agreed that the TEO Permanent Secretary has the powers to lay NIJAC's accounts and therefore it is anticipated that the outstanding Annual Report and Accounts for 2016/17 and 2017/18 will be laid within the next 2-3 weeks.

Mr Doyle referred Plenary to the draft 2018/19 Annual Report and Accounts and asked that any comments be forwarded to Mrs McCormac by 17 June 2019. Plenary agreed that following this, they should be forwarded to the Audit Office.

Mrs McCormac advised that the stats included within the Annual Report and Accounts meet NIJAC's statutory obligation on reporting however further work is required in order to fully consider and analyse the stats that we produce.

ACTION: Comments on the Annual Report and Accounts to be forwarded to Mrs McCormac by 17 June 2019. Following this, the Annual Report and Accounts are to be forwarded to the Audit Office.

Strategic Performance Dashboard

Mr Doyle advised that all Key Performance Indicators are on track for delivery.

Finance Paper

Mr Greer advised that NIJAC came in slightly under budget last year (0.12%) which is in line with the TEO tolerance of a 1.5% underspend.

Mr Greer advised that the opening budget for 2019/20 represents a £83k shortfall in what we require. A bid has been submitted in the June monitoring round for additional monies which will allow us to deliver on our core work and we are awaiting confirmation as to whether or not this has been successful. Plenary acknowledged that over the last years NIJAC has been reliant on the in-year bid process in order to have the sufficient funds to deliver its statutory responsibilities. Plenary agreed that management should continue discussions with TEO on how a sustainable funding model can be put in place

for NIJAC. Plenary also agreed that a five year financial forecast in relation to sustainability be drafted.

Plenary noted the final financial position at 31 March 2019 and acknowledged the extensive work undertaken to ensure our budget is managed effectively and that we remain within the required level of tolerance.

ACTION: *Management to continue discussions with TEO on how a sustainable funding model can be put in place for NIJAC.*

ACTION: *A five year financial forecast in relation to sustainability to be drafted.*

Review of Staffing Structure

Mr Doyle advised that a Business Case has now been approved for a review of the staffing structure within NIJAC to ensure that it is fit for purpose. The Strategic Investment Board (SIB) will be carrying out this review which will be overseen by the Chief Executive and monitored through Business Committee.

ACTION: *Mrs McCormac and Mr Doyle to meet SIB to initiate the Staffing Structure Review.*

10 Audit and Risk Management Committee (ARMC)

The minutes of 22 May 2019 were noted by Plenary.

Annual Review of the Effectiveness of the Committee 2018/19

Mr Todd presented a report to Plenary on the effectiveness of the Committee in discharging its duties and advised that it is the view of the ARMC that NIJAC has effective governance, risk management and control processes in place that are adhered to. Mr Todd also noted the three satisfactory assurance ratings (the highest available) from Internal Audit that were achieved by NIJAC during the reporting period.

11 Any other business

Reserve Lists

At the Plenary meeting in October 2018, Policy Committee had recommended that consideration should be given to one Policy covering both fee paid and salaried posts and that a reserve list should be 'default' for all schemes. This had previously been endorsed by Business Committee in June 2018. Plenary requested that the Executive Team consult with the legal profession to gather their views on the use of Reserve Lists at all levels of judicial office and preliminary responses were fed back to Plenary in December 2018. Now that a number of schemes (including fee paid and salaried) have been run with Reserve Lists in place, Plenary agreed that the matter of Reserve Lists should be discussed at the meeting in September to confirm NIJAC's approach, having liaised further with the Bar Council in the interim.

ACTION: Ms Frew to liaise with the Bar Council on the matter of Reserve Lists.

ACTION: The matter of Reserve Lists to be discussed at the meeting in September to confirm NIJAC's approach.

Potential District Judge Scheme

The Chairman advised that consideration is currently being given to the potential requirements for a District Judge scheme and that the Office of the Lord Chief Justice will update NIJAC once a decision has been made.

Judicial Appointments Commission in England & Wales (JAC) Trilateral Meeting

Mrs McCormac advised that JAC have contacted her to propose that a yearly trilateral meeting is held between ourselves and JABS and have suggested that they host the first one in January 2020.

Queens Research Report

It was noted that the Professors would be attending the next Plenary meeting to present on their research findings. This will allow the Research Steering Group to meet to discuss the draft report in advance.

12 Date of next meeting

Thursday 26 September 2019.

Signed

.....*Declan Morgan*.....

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

Dated

...26 September 2019.....