

**Minutes of the Plenary Meeting
Held on Thursday 7 December 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 OBE
Mr Paul Douglas
Mr Eoin Doyle QFSM
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Lindsay Todd

Observer:
The Rt. Hon. Lord Justice Stephens

In Attendance:

Ms Adeline Frew
Mrs Julie Monahan
Mr Andrew Millar (Secretary)
Mrs Mandy Kilpatrick (Chief Executive Officer) from 11.45am

1. Apologies

1.1 Ms Marion Matchett CBE

2. Conflicts of Interest

2.1 No conflicts were declared.

3. Confidentiality

3.1 The importance of confidentiality was stressed. The Observer signed a confidentiality statement.



4. Minutes of meeting on 19 October 2017

4.1 The minutes of the meeting on 19 October 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 Ms Adeline Frew presented the Chief Executive's report to Plenary.

5.2 2017/18 Business Plan Objectives

5.2.1 Ms Frew presented a verbal update on the detail provided on the Business Plan objectives and advised that all objectives were on track for delivery, noting that the political situation continues to delay the laying of the 2016/17 Annual Report and Accounts.

5.3 2017/18 Risk Register

5.3.1 Plenary noted that the 2017/18 Risk Register had been reviewed by the Executive Team in November 2017 and that a formal quarterly review is planned ahead of January's Business Committee (Cte). Consideration will be given to the appointment of Commissioners, staffing and General Data Protection Regulations (GDRP) obligations.

5.3.2 Ms Frew advised that NIJAC has a low to medium risk appetite, that is, NIJAC are prepared to accept, tolerate or be exposed to a low to medium level of risk at any point in time. Plenary noted that it had undertaken to review their Risk Appetite once new Commissioners are in post. However given the political situation Plenary agreed not to delay and to review their Risk Appetite at the March 2018 meeting.

Action: Paper on Risk Appetite to be provided to March 2018 Plenary meeting.

5.4 Recruitment and Selection

5.4.1 Ms Frew confirmed that legal advice had been requested regarding eligibility for non-legally qualified roles where the statute is silent. Ms Frew also advised that

consultation on the need for a health check for salaried judicial offices is underway with the Department for Justice.

5.5. 2017/18 Budget Position

5.5.1 Ms Frew confirmed that The Executive Office (TEO) advised the Executive Team of a January monitoring round. The Executive Team consulted Business Cte who approved the surrender of £15.9K. Plenary were provided with a hard copy of the note issued to Business Cte and were content with the position adopted and that the surrender of monies was informed by, for example, savings related to governance training for the six vacant Commissioner posts.

5.6 Outreach and Working with Others

5.6.1 Ms Frew advised that NIJAC will be consulting, through the Joint Liaison Committee (JLC), with representatives of the Bar Council (Bar), the Law Society (LS) and the Judges' Council on the "Guidance to Applicants" documents early in the new-year.

5.6.2 It was proposed and agreed that the Executive Team make arrangements for consultation with the Bar and LS through the next JLC meeting with a view to circulating a survey on the barriers to applicants.

Action: Executive Team to place proposed barriers to applications survey on the agenda for the forthcoming JLC meeting.

5.7 Staffing

Ms Frew confirmed that the Executive Team are keeping the staffing situation under review and working to fill pending staff losses.

5.8 Commissioners

Ms Frew confirmed that due to the political situation five new Commissioners are yet to be appointed. It was agreed that those nominated as Commissioners for appointment by Ministers should be invited to Plenary, to ensure that, as far as possible, the views of the Bar, the Law Society and the judiciary are represented.

5.9 Event with Judicial Appointments Commission (E&W) (JAC) and Judicial Appointments Board for Scotland (JABS)

The meeting considered the potential for the planned joint event with JAC and JABS to take place before the end of the current financial year. Mr Todd advised that given commitments to the Supreme Court competition the JAC Chairman was unlikely to be available before the beginning of the new financial year and Plenary agreed that the event should proceed but with an adjusted timescale.

Action: Executive Team to engage with JAC and JABS to agree a date for the tripartite event.

5.10 Continuous Improvement

Commissioners determined that the potential for a training event on assessment methodology, supported by an external facilitator should proceed in March 2018. Staff and those nominated as Commissioners will also be invited to participate.

Action: Executive Team to make the necessary arrangements to identify a suitable facilitator and an event date and time.

6. Scheme Updates

6.1 Pensions Appeal Tribunals Deputy President

Mr Todd confirmed that the scheme had concluded and identified a successful applicant who had accepted the offer of appointment and was due to be sworn in by 13 December 2017.

6.2 High Court Judge (HCJ) (x3)

The Chairman advised that the scheme had now opened to applications following a short delay to advertisement. It was confirmed that the scheme was seeking to fill three vacant posts.

6.3 County Court Judge (CCJ) (x1)

Mr Doyle advised that the scheme preparations were ongoing. Lord Justice Stephens requested that the revised scoring framework developed for the HCJ scheme and approved by Plenary should be shared with the CCJ Selection Committee for their consideration.

Action: Executive Team to circulate HCJ scoring framework to CCJ scheme Selection Committee for their consideration.

7. Lessons Learned Reports

7.1 Charity Tribunal Ordinary Member 2017 (x1)

Mr Doyle summarised the progress of the scheme and confirmed that a successful applicant and a reserve list had been identified.

7.1.1 Further discussion took place in respect of eligibility for non-legally qualified roles. It was agreed that the afternoon session of the March Plenary should be used to consider this issue.

Action: Executive Team to schedule appropriate time for the discussion of this matter at the next meeting of Plenary (March 2018).

7.2 Criminal Injuries Compensation Appeals Panel (CICAP) (Medical) Adjudicator 2017

Mr Doyle advised that this scheme identified three successful applicants and a reserve list. Further discussion took place regarding the standardised approach for Medical schemes and it was agreed the Lessons Learned Report will inform its planned review at Policy Committee in January 2018.

7.3 Appeal Tribunals Generalist and Specialist Medical Members 2017

Mr Coulter noted the successful outcome in respect of the Generalist Member scheme and the partial success of the Specialist Member scheme. He advised that the Executive Team were progressing correspondence on aspects such as eligibility with the Office of the President of the Appeal Tribunals and the Department for

Communities in respect of the continuing challenges in recruiting to Specialist Medical Member roles.

8. Policy Committee

8.1 The draft minutes of 7 November 2017 were noted by Plenary.

8.2 Review of Lessons Learned Reports (LLR)

Mr Millar introduced the paper, noting that the LLRs were deemed to be a successful addition to the evaluation process. It was agreed that the LLRs be retained and amended as suggested by the review. Further discussion took place with regard to the inclusion of a 'Lessons Learned' debrief at the end of each Selection Committee meeting to help ensure that lessons were accumulated as a scheme progressed, This amendment was also agreed.

Action: Executive Team to implement the agreed LLR structure and to incorporate a 'lessons learned' debrief at the conclusion of each Selection Committee meeting.

8.3 Review of Compatibility of Interviews and Situational Judgement Exercises

This Review concluded that individually and collectively the two assessment methods have validity, are reliable, effective and fair. Plenary approved their continued use as a combined assessment approach.

9 Any Other Business

9.1 Scoring Framework for Selection Schemes

9.1.1 Mrs Monahan referred to the revised scoring framework for the HCJ scheme which had been discussed earlier in the meeting noting that Plenary had approved the following amendments:

- The introduction of a 0-100 range to allow the Selection Committee to differentiate as much as possible between applicants.

- Changes to the range of descriptions to reflect more positives within the area of the Personal Profile being assessed and, where necessary, to reflect areas for development.

9.1.2 Plenary agreed that Policy Committee revisit the 1-10 Framework (and its 1-20 derivative) in consideration of the agreed changes to the HCJ scoring framework and report back to March 2018 Plenary on when this work will be timetabled to take place.

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

Plenary noted the papers and discussed emerging themes. The Chairman recommended that interested parties (likely to include the legal profession, equality bodies and political representatives) be informed and consulted on the themes arising. It was agreed an amalgam of reports to date, plus a further examination of 'Age' should be prepared.

Action: The Executive Team to provide Plenary with a further report focussing on age, gender and community background with a retrospective view of 2012-17 and a prospective view toward the period 2017-22.

Action: Plenary to consider the further report at their March meeting to inform engagement with other interested parties on the issues which arise.

9.3 Criminal Injuries Compensation Appeals Panel (Medical) Adjudicator Appointment Report

Plenary was presented with the appointment report in respect of the recent CICAP (Medical) Adjudicator scheme and approved the appointment of three people.

9.4 Coroners Complement

Plenary was asked to consider coronial complement in the context of potentially enabling an appointee to the County Court bench to also be appointed as a Coroner. The Chairman advised Plenary that the business pressures which led to previous co-appointment of County Court Judges as Coroners are not apparent in the immediate

future. It was agreed that no further action in relation to coronial complement was required at this time.

9.5 Employment Judge Scheme

District Judge (Magistrates' Court) Prytherch advised Plenary of the potential for the Selection Committee to consider an interim papersift of applications and Mr Millar informed Plenary that if adopted the approach may require an amendment to the Applicant Information Booklet. Plenary agreed that if required further consideration could be given by Plenary following the Selection Committee's pre-scheme meeting on 12 December 2017.

10. Date and Time of next meeting

10.1 Thursday 8 March 2018 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

8 March 2018

ACTION POINT SUMMARY

Agenda Item	Action	Owner
	<ul style="list-style-type: none"> Paper on Risk Appetite to be provided to March 2018 Plenary meeting. 	Executive Team
	<ul style="list-style-type: none"> Executive Team to place proposed barriers to applications survey on the agenda for the forthcoming JLC meeting. 	Executive Team
	<ul style="list-style-type: none"> Executive Team to engage with JAC and JABS to agree a date for the tripartite event. 	Executive Team
	<ul style="list-style-type: none"> Continuous Improvement in Assessment - Executive Team to make the necessary arrangements to identify a suitable facilitator and an event date and time. 	Executive Team
	<ul style="list-style-type: none"> Executive Team to circulate HCJ scoring framework to CCJ scheme Selection Committee for their consideration. 	Executive Team
	<ul style="list-style-type: none"> Eligibility in Non-Legally Qualified Roles - Executive Team to schedule appropriate time for the discussion of this matter at the next meeting of Plenary (March 2018). 	Executive Team
	<ul style="list-style-type: none"> Executive Team to implement the agreed LLR structure and to incorporate a 'lessons learned' debrief at the conclusion of each Selection Committee meeting. 	Executive Team
	<ul style="list-style-type: none"> The Executive Team to provide Plenary with a further report focussing on age, gender and community background with a retrospective view of 2012-17 and a prospective view toward the period 2017-22. 	Executive Team
	<ul style="list-style-type: none"> Plenary to consider the further report (<i>above</i>) at their March meeting to inform engagement with other interested parties on the issues which arise. 	Plenary