

**NORTHERN IRELAND JUDICIAL APPOINTMENTS
COMMISSION**

BUSINESS PLAN 2007/08

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BACKGROUND

The Northern Ireland Judicial Appointments Commission

The Northern Ireland Judicial Appointments Commission (the Commission) was established on 15 June 2005 under the Justice (Northern Ireland) Acts 2002 and 2004. This legislation implements the recommendations of the Northern Ireland Criminal Justice Review.

The Commission is an independent Non-Departmental Public Body comprising 13 members appointed by the Lord Chancellor and drawn from the judiciary, the legal profession and members of the public who are not qualified lawyers (Appendix D). The Chairman is the Lord Chief Justice of Northern Ireland, Sir Brian Kerr.

The Commission is supported by a secretariat of 16 staff, headed up by Alan Hunter (Appendix E).

The Commission's roles and responsibilities

The Commission has five key roles:

1. To conduct the appointments process and make recommendations to the Lord Chancellor in respect of all listed judicial appointments up to and including High Court Judge.
2. To recommend candidates 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 such offices 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 by the Commission whenever it is 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.

Our work to date

Since being established we have concentrated on our very demanding programme of appointments and re-appointments and associated programme of action for each while carrying out an extensive review of our appointments policies and procedures and updating our scheme paperwork and processes accordingly. During this time we have also put in place controls and procedures to ensure strong corporate governance and demonstrate effectiveness and value for money, received a “clean audit” in our first annual audit by NIAO, had our first Annual Report approved by NIAO and published our first Corporate Plan for 2006-2009.

11 schemes were commenced by 31 March 2007, 654 application packs were issued, 294 applications had been received and assessed and 118 interviews have taken place since establishment.

Key Focus for 07/08

Our primary focus will be to meet the very demanding programme of appointments and re-appointments (schedules attached at Appendices A & B). In addition we shall concentrate on four related key areas:-

- To publish a Policies & Procedures handbook and Code of Practice following consultation and after a review of our procedures
- To produce and consider a report following the Equity monitoring of judiciary and to make recommendations
- To undertake research to identify barriers and perceived barriers to applying for judicial office and publish a report of findings
- To develop a communication strategy with interested parties including delivery of a presentation to the profession.
- to procure an IT system to support the work of the Commission that is fit for the purpose.

In order to take this work forward the Commission will bid for the required resources in relation to staffing and finance and will ensure that the committee structure and work processes are tailored to best facilitate the programme of work.

Staffing

The Commission carried out a staffing review which considered the resources required to enable the Commission to deliver its Corporate plan. The findings of the review recommended an increase of staffing by one Grade 6 and 2 Deputy Principals and a reduction of staffing (after completion of the Appointments Policy review and a further review of staffing at that stage) by one Staff Officer and one Administrative Officer. These recommendations are presently with the Court Service for consideration.

Finance

The Commission received a budget of £1.6m to carry out its programme of business for period 06-07. The budget required for 07-08 is c. £2m.

The Commission is committing itself to a very demanding programme of work in relation to schemes and in progressing its appointments policy review and research and equity monitoring work to inform and target its programmes of action. To progress aspects of the internal work carried out during 06-07 the Commission intends during 07-08 to procure consultancy advice in the areas of research, equity monitoring, appointments policy review and in the production of a Code of Practice and a Policies and Procedures booklet. It is essential therefore that the unused resources allocated for last year are carried forward to 07-08. Three schemes that were timetabled to run during 06-07 were postponed to 07-08 (Deputy Resident Magistrate, Plants Varieties & Seeds Tribunal and Special Educational Needs and Disability Tribunal) due to the need to run the unplanned NIVT schemes. The costs of these schemes will similarly be required to be carried forward to 07-08.

Efficiencies

While the Commission assesses all its work and expenditure in value for money terms it considers that efficiencies can be made by completing the appointments policy review to enable a core set of documents and policies and procedures to be settled. Selection Committees will of course have to continue to consider issues on a scheme by scheme basis (job specific competences, eligibility criteria and interview questions for example) but the core set of papers and policies and procedures will reduce the time and discussions required by assessment panels at most stages.

Committee Membership

(Under review)

Devolution

As we look forward to this busy year the Commission is mindful that devolution may occur during the period and that preparation for devolution will be very demanding. The implications for the Commission of having the Northern Ireland Court Service replaced as our sponsor department by the Office of the First Minister and Deputy First Minister will require detailed consideration as facts become clearer. Our corporate services are presently procured from Northern Ireland Court Service, who are likely to become an agency of the Department of Justice. Should the Commission have to procure its corporate services from another source, the work involved will be extensive and will certainly require a substantial increase in staff time to be devoted to that exercise which will have implications for resources and finance.

Contact details

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OBJECTIVES

This business plan sets out below how we will achieve the objectives set out in our Corporate Plan, under the four perspectives of Appointments Process, Diversity, Accountability and Interested Parties, and outlines the timetable they shall be delivered within.

Appointments Process

To recommend to the Lord Chancellor whom to appoint to listed judicial office by identifying the best candidate on merit.

1. To make recommendations to the Lord Chancellor for appointments and re-appointments to listed judicial offices in accordance with Appendix B & C.
2. To agree all scheme paperwork and records, for internal use, by March 2008.

Diversity

To engage in programmes of action to secure, so far as it is reasonably practicable to do so, a judiciary in Northern Ireland that is as reflective of our society as can be achieved consistent with the requirement of appointment on merit.

3. To carry out equity monitoring of appointment schemes and produce reports of the findings within two weeks of the completion of the interviews.

4. To complete a report following the equity monitoring exercise of the existing judiciary to identify areas of under representation by June 2007.
5. To develop and implement a research programme to assist in the identification of barriers and perceived barriers to applying or judicial posts and to publish a report containing recommendations by March 2008.

Accountability

To make effective and efficient use of our resources in order to achieve our objectives.

6. To publish the Annual Report and Accounts within the agreed timetable with NIAO.
7. By 31 March 2008 to secure from the NICtS the required level of resources to deliver the Commissions 2008/09 objectives.
8. To maintain financial and stewardship controls within the Commission, which meet central government guidelines.
9. To appoint a Grade 6 and two Deputy Principals to the Commission as recommended in the Staffing Review.
10. To demonstrate strong corporate governance at all times.
11. To agree a scheme of delegation.
12. To prepare the Commission for devolution.

Interested Parties

To communicate helpful information, advice and guidance to targeted audiences to stimulate interest and raise awareness; encourage applications from under-represented groups; improve understanding of the application process and what judicial office entails; demonstrate openness and transparency and that appointments are made solely on the basis of merit.

13. To agree for publication an Appointments Policies & Procedures Handbook and a Code of Practice by end of March 2008 following a consultation exercise.
14. To maintain a publication scheme as approved by the Information Commissioner's office and respond to all Freedom of Information Act and Data Protection Act queries within the set guidelines.
15. To develop a communication strategy with interested parties to include website development, a booklet about judicial careers and presentations to the profession, Judicial Studies Board and to the Institute of Professional Legal Studies throughout the period of this plan.

RISKS

In planning ahead for 07-08 the Commission has considered what events or actions, or indeed lack of action, might create a risk to the achievement of our programme of work. These risks will appear in our risk register and will be considered, monitored and invasive action taken as part of our risk management process. In summary they are:-

IT

- Delay in providing an IT system that is fit for the purpose

STAFF

- New staff will require a range of training, particularly in judicial appointments
- Reliance on a small number of staff provides the potential for absenteeism to have a devastating impact on our ability to continue our work programme

WORKLOAD

- The potential for the number of schemes to increase with very short notice, or the requirement to run a large scheme which requires a wider programme of action, could lead to reprioritisation and some programmes of work being deferred
- Reliance on information from third parties regarding re-appointments required could lead to re-appointments being missed
- A delay in agreeing scheme paperwork on time could lead to timetables slipping
- A generic set of papers, policies and procedures being agreed is a critical factor

COMPLAINTS

- The potential to receive a complaint or notice of legal action could lead to staff time and resources being diverted from planned programmes. There is potential for reputational damage to the Commission should such a complaint or legal action be successful.

FINANCE

- The programme of business being met will depend on receiving appropriate resource.

Appendix A

NORTHERN IRELAND JUDICIAL APPOINTMENTS COMMISSION

Programme of Appointments 1 April 2007 – Onwards

Sponsor Department	Judicial Office	Number of Posts	Permanent or Renewable	Commencement of Scheme
NICtS	Deputy Resident Magistrate	6	Renewable Fee Paid	Timetabling to be considered by plenary once application is confirmed by formal request to NIJAC
DARD Plant Varieties and Seeds Tribunal	Chairman	1	Renewable Fee Paid	Application to commence scheme considered scheme considered at 5 July plenary – timetabling to be reviewed at first plenary in 2007
Dept of Education Special Educational Needs and Disability Tribunal	Chairman	2	Renewable Fee Paid	Confirmation from SENT that the DoE is content with the Tribunal's proposal to appoint an additional chairman received 28 November 2006. Timetabling to be considered at first plenary in 2007
DEL Reserve Forces Reinstatement Committee	Member of the panel of chairmen	1	Renewable Fee Paid	Awaiting formalisation of request from DEL (requested 21 December 06)

HMT VAT and Duties Tribunal for NI (UK wide Tribunal – NI VAT and Excise cases dealt with in Manchester)	Chairmen	2	Renewable Fee Paid	Application to appoint 2 additional chairmen to deal with NI VAT and excise cases in Manchester – considered at plenary on 30 November – reconsidered when further information is available. Further info circulated by email 22 December
DFP Lands Tribunal	Legal Member	1	Type and number of appts to be confirmed by DFP	Application noted at Oct 2006 plenary – to be considered further when requirements confirmed by DFP
Charities Appeal Tribunal *	Legally Qualified Chairman	1		Commencement dependent on legislation
Charities Appeal Tribunal *	Legally Qualified members	2		Commencement dependent on legislation`
Charities Appeal Tribunal *	Lay Member	2		Commencement dependent on legislation

* Charities Tribunal – enabling legislation expected to be in place early 2007 –
legislative timetable to be confirmed

Appendix B

PROGRAMME OF REAPPOINTMENTS 1 APRIL 2007 – 31 MARCH 2008

(Consideration of the renewal of fee-paid judicial appointments – the reappointments process will be commenced in respect of the following offices during the period 1/4/07 – 31/03/08)

Sponsor Department	Judicial Office	Number of Posts
NICtS	Deputy Resident Magistrate	5 expire May (1), June (1) and Sept 07 (3) - work will commence Jan 07
Pensions Appeal Tribunal	Legal Members	3 expire June 07- work will commence Jan 07
Pensions Appeal Tribunal	Medical Members	1 expire June 07- work will commence Jan 07
Pensions Appeal Tribunal	Forces Member	1 expires June 07 - work will commence Jan 07
VAT and Duties Tribunal (NI)	Vice-President	1 Expires 30 June 07 – work to commence Jan
NICtS	Deputy County Court Judge	3 expire Sept 07(1) and Dec 07 (2)-work will commence March/June 07
DHSSPS Mental Health Review Tribunal	Legal Members	3 expire Dec 07-work will commence June 07
DHSSPS Mental Health Review Tribunal	Medical Member	1 expires Nov 07 - work will commence May 07

DEL IT/FET	P/T Legal Chairman	1 expires Dec 07- work will commence June 07
Special Educational Needs and Disability Tribunal	Legal Chairmen	3 Awaiting confirmation from NICTS
NICTS	Deputy Resident Magistrate	7 Expire 31 March 08 (4) Expire 31 Aug 08 (2) Expire 28 Sept 08 (1) Work will commence Sept 07
NICTS	Deputy District Judge	1 Expire 31 March 08 Work will commence Sept 07
DHSSPS Mental Heath Review Tribunal	Medical Member	4 Expire March 08 Work will commence Sept 07
DHSSPS Mental Heath Review Tribunal	Legal Member	2 Expire 31 March 08 Work will commence Sept 07
DHSSPS Mental Heath Review Tribunal	Lay member	3 Expire 31 March 08 Work will commence Sept 07
NICTS	Deputy County court Judge	13 Expire 17 May 08 (12) Expire 17 July 08 (1) Work will commence November 07
DEL IT/FET	IT Chairman	1 Expires 31 Aug 08 Work will commence March 08

Appendix C

Membership of the Commission

Chairman: The Right Honourable Sir Brian Kerr, Lord Chief Justice of Northern Ireland.

Members: Mrs Fiona Bagnall, Presiding Resident Magistrate
Mrs Sinead Burns, Lay Magistrate
The Right Honourable Lord Justice Campbell, Lord Justice of Appeal
Mr Peter Cush, Barrister
Mr John Gordon, Solicitor
Dame Joan Harbison CBE DBE, Lay Member
Mrs Ruth Laird, Lay Member
Her Honour Judge Loughran, County Court Judge
Mr Harry McConnell OBE, Lay Member
Professor John Morison, Lay Member
Dr Raymond Mullan OBE, Lay Member
The Honourable Mr Justice Weatherup, High Court Judge

Appendix D

Interim Staffing Structure Under Review

