



**NIJAC**

*Northern Ireland Judicial  
Appointments Commission*

**NORTHERN IRELAND JUDICIAL APPOINTMENTS COMMISSION**

**BUSINESS PLAN 2008-2009**

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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 A). The Chairman is the Lord Chief Justice of Northern Ireland, Sir Brian Kerr.

The Commission is supported by a secretariat of 17 staff, headed up by Edward Gorringe (Appendix B).

## **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 scheme outreach plan for each, while carrying out an extensive consultation and review of our appointments policies and procedures and updating our scheme paperwork and processes accordingly. We commissioned the Northern Ireland Statistical Research Agency to undertake comprehensive diversity research into judicial post holders and members of the legal profession and commenced stage two of this research exercise, which involves the collation of qualitative data through in depth interviews with judicial post holders and eligible lawyers as well as focus groups with law students and qualified solicitors and barristers. Queen's University has been commissioned to write a report that will consider stages one and two of the research and associated academic literature.

We have also put in place controls and procedures to ensure strong corporate governance and demonstrate effectiveness and value for money, received two "clean audits" in our first and second annual audits by Northern Ireland Audit Office and published our first Corporate Plan for 2006-2009.

19 schemes were commenced by 31 March 2008, 1224 application packs were issued, 455 applications had been received and assessed and 184 interviews have taken place since establishment.

During 2007-2008 we carried out an in-depth review into the Commission's structure and how we operate. This led to amalgamating the Appointments and Appointments Policy Committee and the Diversity Committee into one Policy Committee. With the exception of the Audit and Risk Management Committee, which meets three times a year, all Committees now meet every two months, as opposed to every month. A scheme of delegation was also approved during the year which delegated areas of responsibility to individual Committees and provided Committees with greater autonomy in their areas of work. Under the scheme further work was delegated to the Commission staff, thereby allowing Commissioners more time to focus on strategic issues. This review of our operations and governance has and will continue to deliver substantial efficiencies for the Commission.

### **Key Focus for 08/09**

Our primary focus will be to meet the very demanding programme of appointments and re-appointments. In addition we shall concentrate on four related key areas:-

- To carry out a strategic review of Appointments Policies and Procedures following a public consultation.
- To complete the stage 2 qualitative research into the identification of barriers and perceived barriers to applying for judicial posts and to publish the summary findings of the stage 1 and stage 2 research with our strategic response and develop and commence implementation of recommendations in the response.

- To implement the communication strategy to include further website development, a booklet on judicial careers, dissemination of results of research and of any new appointments policies and procedures and ongoing outreach with interested parties.
- To prepare the Commission for devolution, including preparation for transfer to another sponsor department, preparing draft service level agreements and framework documents and settling secondment arrangements for staff.

### **Finance**

The Commission has agreed, with the Court Service, a budget for 2008-2009 of £1.6m. It is expected that around 72% of our budget will be expended on Appointments and Appointments Policy and on Diversity and Communications work (core business) and around 28% will be expended on Governance and Accountability. The majority of expenditure is in relation to staff salaries, accommodation costs and support services received from our sponsorship department.

### **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 internally 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. The changes made following the review of the Commission's Committee structure and the introduction of the scheme of delegation will continue to deliver efficiencies.

The recruitment of specifically qualified senior staff has allowed the consultancy budget to remain low as more consultancy work is carried out in-house. The Commission continues to follow the Equality Commission's advice and advertises vacancies for judicial posts in the three main papers; a review of this expensive practice will be carried out. The Commission recognises that such advertising not only helps to attract the widest possible pool of applicants but also helps fulfil our communications role in promoting our work in the community.

### **Committee Structure**

The new committee structure will allow the Commission to meet its objectives effectively and efficiently, while maintaining a proper system of internal control.

### **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 of justice matters will be very demanding. The implications for the Commission of having the Northern Ireland Court Service replaced as our sponsor department (it is anticipated 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, which is 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. The implications for resources and finance were considered and fed into the 2008-2009 bid. Work in relation to sourcing IT systems for the Commission have been put on hold pending certainty regarding the impact of devolution of justice matters, as any such systems will require to be compatible with our new sponsorship department.

## **Contact details**

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## **OBJECTIVES.**

<b><u>OBJECTIVES</u></b>					
<b><u>This Business Plan sets out how we will achieve the objectives set out in our Corporate Plan and outlines how these objectives will be delivered and measured, and within what timetable, during 2008/2009</u></b>					
Corporate Plan objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets	Status
<b><u>Appointments Process</u></b>  <b>To recommend to the Lord Chancellor who to appoint to listed to judicial office by identifying the best candidate on merit.</b>	1. To make recommendations to the Lord Chancellor for appointments and re-appointments to listed judicial offices	Compliance with statutory responsibilities under Justice Act (Northern Ireland) 2002	The Commission's interim judicial appointments policies and procedures demonstrate best practice and are implemented and continue to underpin appointment on merit.	Meet and deliver recommendations for appointments and re-appointments, set out in the schedules attached	

	2. To carry out a strategic review of Appointments policies and procedures following a public consultation.	Compliance with statutory responsibilities under Justice Act (Northern Ireland) 2002 Equality legislation, statutory obligations and codes of practice	<ul style="list-style-type: none"> <li>• Production of an Appointments and Policy strategy</li> <li>• Production of a new suite of Appointments Policies and Procedures</li> <li>• Equality proofing any new or reviewed policies introduced by the Commission inline with Section 75 Northern Ireland Act 1998</li> <li>• Production and piloting of tailored competence framework</li> </ul>	<p>Commission is compliant with statutory obligations and codes of practice</p> <p>Commission can fulfil spirit of s75</p>	
	3. To implement a training programme for Commissioners	Compliance with HR and Diversity best practice and law.	<p>Arranging and/or delivering</p> <ul style="list-style-type: none"> <li>• To monitor recruitment training to ensure Commissioners are refreshed every 2 years</li> <li>• Recruitment and selection training including competency based development training</li> <li>• equality and diversity training</li> <li>• Commissioners (and staff) ensuring compliance with employment &amp; equality and legislation and HR/diversity best practice.</li> </ul>	To deliver training events to meet identified need and refresher training every two years	
<b><u>Diversity</u></b> <b>To engage in</b>	4. To carry out equity monitoring of appointment schemes and	Compliance with statutory	Collate and evaluate equity information for each scheme.	Produce reports within 14 days of completion of	

<p><b>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.</b></p>	<p>produce reports of the findings</p>	<p>responsibilities under Justice Act (Northern Ireland) 2002 and the Data Protection Act 1998.</p>	<p>Maintain and check equity information confidentially and in accordance with data protection principles.</p>	<p>interviews for each scheme</p>	
	<p>5. To carry out an annual equity monitoring exercise and to produce a report summarising the position regarding candidates for judicial appointments during the year, and the position regarding judicial office holders, compared with the applicant pool.</p>	<p>Compliance with statutory responsibilities under Justice Act (Northern Ireland) 2002</p>	<p>Complete in accordance with approved timetable.</p>	<p>Annual report from NISRA on serving judicial office holders to identify areas of under representation by June 08</p>	
	<p>6. To complete the qualitative stage (2) of identification of barriers and perceived barriers to applying for judicial posts and to publish a report by Autumn 2008.</p>	<p>Compliance with statutory responsibilities under Justice Act (Northern Ireland) 2002</p>	<p>Completion and publication of Stage 2 Research Report.</p>	<p>To allow the Commission to develop a strategic response to address a range of issues which prevent individuals from applying for judicial office.</p>	
	<p>7. To consider the findings of the Stage 1 and 2 research exercises and to prepare a strategic response to the findings, to</p>	<p>Compliance with statutory responsibilities under Justice Act (Northern</p>	<p>Consider findings and present to The September Policy Committee.  To deliver a strategic response to</p>	<p>To allow the Commission to develop a strategic response to address a range of issues which</p>	

	publish the summary findings and the strategic response and to develop and commence implementation of the recommendations of the response by Autumn 2008	Ireland) 2002, and Corporate Plan	the QUB research following consultation with the Commissioners.  Strategic Response detailing medium and long term objectives agreed.  Integrate agreed recommendations into Communications Implementation Plan	prevent individuals from applying for judicial office.  To commence a programme of action which will strategically address issues raised by the QUB research team by October 2008	
<b><u>Accountability</u></b>  <b>To make effective and efficient use of our resources in order to achieve our objectives</b>	8. To prepare the Commission for devolution including preparations for transfer to another sponsor dept, preparing draft SLAs and framework documents and settling secondment arrangements for staff	Statutory imperative	Constructive discussions to facilitate a seamless move on devolution.	The Commission's work progresses without interruption upon devolution. New roles and relationships are effectively handled.	
	9. To publish a Corporate Plan to cover activity during the remaining period of the Comprehensive Spending Review settlement (2009-2010 and 2010 – 2011)	Her Majesty's Treasury and Cabinet Office guidance	<ul style="list-style-type: none"> <li>• Consultation with interested parties on corporate Plan</li> <li>• Commission's 2-year objectives are agreed and published to inform interested parties and promote openness and accountability</li> </ul>	Corporate Plan to be published by 31 March 2009	
	10. To publish the Annual Report and Accounts for 2007-2008	Statutory imperative	Provide monitoring as necessary	Comply with timetable agreed with NIAO	

	11. By March 2009 to secure from the sponsor department the required level of resources to deliver the Commissions 2009-2010 objectives.	Comprehensive spending review	Timetable and process to be agreed with the Northern Ireland Court Service	To have sufficient resources to meet the Commission's 2009-2010 objectives	
	12. To maintain financial and stewardship controls within the Commission, which meet central government guidelines.	Her Majesty's Treasury and Cabinet Office guidance	Assurances and risks monitored at Audit and Risk Management Committee meetings <ul style="list-style-type: none"> <li>• Provision of agreed management information to the Commission:</li> <li>• financial summaries</li> <li>• reviews under audit plan</li> <li>• Audit and Risk Management Committee updates</li> </ul>	Provision of Statement of Internal Control from Accounting Officer and heads of teams by end of May 2009.	
	13. To demonstrate strong corporate governance at all times.	Her Majesty's Treasury and Cabinet Office guidance	Arrange meetings of Audit and Risk Management committee, review audit plan and respond to any audit recommendations made  Implement and update policies and procedures in respect of the Commission's human and other resources, throughout the year  Review and adhere to standing orders and terms of reference	Commission runs effectively while adhering to Government and HM Treasury guidance and best practice  Monitor sponsor department's progress	

			<p>Risk management policy adhered to and risk register monitored and agreed action implemented</p> <p>Required codes of conduct adhered to throughout year</p> <p>Relationship with sponsor department (Northern Ireland Court Service) formalised in agreed Management Statement and Financial Memorandum and in agreed SLAs is reviewed and maintained.</p> <p>Gifts and Hospitality Register maintained throughout year</p> <p>Fees policy adhered to throughout the year</p> <p>Assets Register updated and maintained throughout the year</p> <p>Code of Practice – adhered to throughout the year</p> <p>Maintain IT Risk Management Accreditation and Documentation Set</p> <p>IAS review of procurement policies and procedures</p>	<p>Annual update of document set by end March 2009</p>	
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	14.To review the scheme of delegation	Best practice	Review by Senior management Team and Commissioners	Commission business is appropriately and effectively carried out to assist the achievement of objectives	
<p><b><u>External Communications</u></b></p> <p><b>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.</b></p>	15. To implement the communication strategy to include website development and a booklet about judicial careers and to continue ongoing outreach with key interested parties to include the dissemination of the results of the research and of the new appointments policies and procedures handbook, as appropriate throughout the year.	Best practice	<p>NIJAC to produce during 08/09:</p> <ul style="list-style-type: none"> <li>• Relunched website</li> <li>• Guide to Judicial Careers</li> <li>• Awareness raising seminars</li> <li>• Increased awareness of the work of the Commission in external media.</li> </ul>	<p>By June 2008 By December 2008 A minimum of 4 seminars in 08/09 A minimum of 3 articles</p>	
	16. To maintain a publication scheme as approved by the Information Commissioner's	Freedom of Information Act	Appropriate information made available through website and responses to written queries	Targets contained in the guidelines are adhered to.	

	office and respond to all Freedom of Information Act and Data Protection Act queries within the set guidelines.				
	<p>Objectives as yet unknown</p> <ul style="list-style-type: none"> <li>• IT and E-Recruitment</li> <li>• Work flowing from research</li> </ul>	TBC			

## **RISKS**

In planning ahead for 08/09 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
- The piloting of new assessment frameworks is not yet finalised and may produce some degree of risk until concluded
- The re-writing of new policies and procedures is not yet complete and may produce some degree of risk until concluded

## **COMPLAINTS**

- The potential to receive a complaint or notice of legal action or failure to comply with statutory remit, requirements, policies and best practice 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 resources. Should unforeseen new schemes or work be required the Commission will consider re-prioritising its work and will consider making a supplementary bid to the sponsorship department.

## **DEVOLUTION**

- Managing a seamless move to a new sponsorship department - it is anticipated that this will be the Office of the First and Deputy First Minister (OFMDFM) - while ensuring all our support services requirements are met. The Commission continues to have regular meetings with OFMDFM in preparation for devolution.

**Membership of the Commission**

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

Members: Mrs Sinead Burns, Lay Magistrate  
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

\* The Right Honourable Lord Justice Campbell, Lord Justice of Appeal

\* Mrs Fiona Bagnall, Presiding District Judge (Magistrates' Court)

\* Mr Harry McConnell OBE, Lay Member

All Commission members were appointed by the Lord Chancellor for a period of three years on the Commission's establishment on 15 June 2005 (their initial period of appointment lapsed on 14 June 2008).

\* Three Commissioners did not seek to be re-appointed. Mr Donal Flanagan OBE was appointed as a lay member on 15 June 2008 to replace Mr Harry McConnell OBE. The replacements for Lord Justice Campbell and Mrs Fiona Bagnall will be announced in due course.

