



NIJAC

*Northern Ireland Judicial
Appointments Commission*

**NORTHERN IRELAND JUDICIAL APPOINTMENTS
COMMISSION**

BUSINESS PLAN 2009-2010

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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 and re-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 assess and 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. An extensive strategic review and consultation exercise of our appointments policies and procedures was conducted. The outcomes have led to the development of an Appointments Strategy with a number of key strands focusing on major areas of work which include competency development, job analysis, piloting and evaluation of additional assessment methods, review of consultation arrangements and streamlining of competition paperwork to improve communication and marketing to the potential applicant pool.

We also commissioned research into the barriers and disincentives to judicial office. This independent research was carried out by the School of Law, Queens University Belfast (QUB) and the Northern Ireland Statistics & Research Agency (NISRA) between April and June 2007 and was published in October 2008.

The main part of the research was conducted by survey and then complemented by follow-up discussions with a number of key informants and focus groups to explore more qualitatively the findings of the survey. Consultation occurred with the main interest groups (e.g. Bar Council, Law Society, representative bodies, a sample of tribunal chairs and legally qualified members, Northern Ireland members of the UK Association of Women Judges, staff and students in the Schools of Law of QUB, UUU and the Institute of Professional Legal Studies, the Council of Legal Education etc).

The survey, which consisted of a postal questionnaire, was sent to the serving judiciary, and the membership of the Bar Council and the Law Society of Northern Ireland.

In addition, QUB explored this further by conducting interviews and focus groups to elicit both information about career planning and choices, and attitudes to judicial appointments.

The research will be used to inform the Commission's future work.

We have also put in place controls and procedures to ensure strong corporate governance and demonstrate effectiveness and value for money, reviewed and restructured the Committees of the Commission and agreed a scheme of delegation, reviewed and filled our staff complement through both secondment from our sponsorship department and through directly recruiting specifically qualified senior staff, following open competitions, received three "clean audits" by NIAO, and published our second Corporate Plan, for 2009-2011.

We were very pleased to publish our "Guide to Judicial Careers in Northern Ireland", which we hope will raise awareness about opportunities for appointment to judicial office and inform readers on the process for applicants, as well as dispel some of the misconceptions and myths about judicial appointments.

Since our establishment on 15 June 2005, 24 schemes have been commenced, 1567 application packs have been issued, 517 applications have been received and assessed and 170 candidates have been recommended and appointed to office.

Key Focus for 09/10

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

- To continue to strategically review our policies and procedures following our public consultation. Specific focus will be on the implementation of the project plan for the work of our competency and consultation sub-groups. This will include further analysis of wider assessment methods, including increased piloting of appropriate wider methods such as role plays and case studies within a competition.
- To use the research findings into the identification of barriers and disincentives to applying for judicial posts, to help plan our future work and outreach.
- To continue implementation of the research review and associated action plan, through working in partnership with interested parties and through ongoing outreach.
- To prepare the Commission for devolution, including preparation for transfer to another sponsor department, securing corporate/support services, agreeing framework documents, settling terms and conditions for staff and preparing for the new roles and responsibilities included in the Northern Ireland Bill.

Finance

The Commission has agreed, with the Court Service, a budget for 2009-2010 of £1.6m. It is expected that around 70% of our budget will be expended on core business, i.e. Appointments, Diversity and Communications policy and delivery; and around 30% 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. It has been agreed with the Court Service that any additional funding required flowing from devolution will be the subject of separate discussions.

Efficiencies

The Commission assesses all its work and expenditure in value for money terms. Efficiencies have been made by carrying out a strategic review of appointments policies and procedures. The outworkings of this has already resulted in the development of a streamlined set of competition papers. As policies and procedures are developed and settled, it is envisaged that further efficiencies will be made, however, in some instances may be replaced by better quality and robust systems in line with employment legislation, best practice and sound risk management.

The recruitment of specifically qualified senior staff has allowed the consultancy budget to remain low as more consultancy work/training is carried out in-house. Examples of savings have included the cancellation of a tender (£20,000) to deliver selection and recruitment training in – house alongside in house consultancy services and advice on selection methodology. This will allow for the more effective dedication of resources to other projects, such as piloting role plays and development of wider assessment methods.

The Commission continues to benefit from its review of Committee structure and introduction of a scheme of delegation. The scheme was further reviewed during the year to ensure that levels of delegation are correct and that Commissioner time is appropriately focused on strategic, high level work.

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. Devolution of policing and justice will impact on the JAC in two main areas: the change in sponsorship department and the provision of our corporate/support services, and the new roles and responsibilities the Commission is to take on, under the Northern Ireland Bill. 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, 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. Initial meetings have taken place and further meetings have been arranged to discuss the provision of services in detail.

The Northern Ireland Bill, which was introduced to Parliament on 23 February 2009, amended the post-devolution provision made in the Justice (NI) Acts 2002 and 2004, to reflect the political agreement reached by the First Minister and Deputy First Minister. Under the Bill the Commission will take on new responsibilities in relation to both appointments to judicial office and removals from judicial office. The Bill also places a duty on the JAC to agree with the Department of Justice the maximum number of persons who may hold a listed judicial office at any time. Again the series of meetings will identify exactly the Commission's roles, quantify the extra resource required to meet the new roles and will secure the extra resource required.

Contact details

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OBJECTIVES

OBJECTIVES

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 2009/2010

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
<u>Appointments Process</u> 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.	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.	Meet and deliver recommendations for appointments and re-appointments.
	2. To implement an Appointments strategy following the strategic review and consultation of appointments policies and procedures.	Compliance with statutory responsibilities under Justice Act (Northern Ireland) 2002 and employment legislation.	<p>To continue and implement the project plan and work of the Competency Sub Group.</p> <p>To review and implement the outcomes of the strategic review of consultation.</p> <p>To continue to develop a revised set of appointments policies and</p>	<p>Commission can fulfil statutory duties such as spirit of s75 legislation, Employment legislation and governing statutes such as the Justice Act.</p> <p>Commission fulfils its Appointments Strategy</p>

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
			<p>procedures.</p> <p>To carry out further research into wider assessment methods that are appropriate for judicial office.</p> <p>To carry out small scale pilots of additional assessment methods to assist in developing an appropriate bank of wider assessment tools.</p> <p>To work in partnership with the Diversity Team to put in place the foundations for the development of an on line recruitment system to improve internal appointment systems and external communication with the applicant pool.</p> <p>Equality proofing any new or reviewed policies introduced by the Commission inline with Section 75 Northern Ireland Act 1998.</p>	

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
	3. To implement a training programme for Commissioners and staff.	Compliance with HR and Diversity best practice and law.	Arranging and/or delivering <ul style="list-style-type: none"> • Recruitment and selection training. • Equality and diversity training. • Commissioners (and staff) ensuring compliance with employment & equality and legislation and HR/diversity best practice. • Court observations for staff. 	To host training events for Commissioners and staff.
<p><u>Diversity</u></p> <p>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</p>	4. To carry out equality monitoring of appointment schemes and produce reports of the findings.	Compliance with statutory responsibilities under Justice Act (Northern Ireland) 2002 and the Data Protection Act 1998.	Collate and evaluate equality information for each scheme. Maintain and check equity information confidentially and in accordance with data protection principles.	Produce reports within 14 days of completion of interviews for each scheme.

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
<p>can be achieved consistent with the requirement of appointment on merit.</p>	<p>5. To carry out an annual equality 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 2009.</p> <p>Additional report on 3 year base line equity monitoring.</p>
	<p>6. Having now completed the NISRA/QUB research, continue implementation of the Research Review and associated action plan.</p>	<p>Compliance with statutory responsibilities under Justice Act (Northern Ireland) 2002.</p>	<p>Review Communications Strategy and devise combined Communications and Diversity Strategy.</p> <p>Collaboration with the professional bodies.</p> <p>Collaboration with the employing authorities e.g. NICTS.</p> <p>Conduct outreach to the</p>	<p>For approval by Policy Committee by September 2009.</p> <p>4 meetings.</p> <p>2 meetings.</p> <p>8 events/seminars.</p>

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
			profession and law student population Desk based research into the barriers to judicial appointment for non-legal posts.	Once approved by Policy Committee share findings with Tribunal Service and devise action by September 2009.
<u>Accountability</u> To make effective and efficient use of our resources in order to achieve our objectives.	8. To prepare the Commission for devolution including preparations for transfer to another sponsor dept, preparing draft SLAs and settling secondment arrangements for staff.	Statutory imperative.	Constructive discussion with OFMDFM and NICtS to facilitate a seamless move to devolution.	The Commission's work progresses without interruption upon devolution. New roles and relationships are effectively handled.
	9. To ensure that the Commission demonstrates the highest levels of information assurance.	Hannigan Review, Her Majesty's Treasury, and Cabinet Office Guidance.	Commission's assets are handled, stored and shared in accordance with best practice.	Achieve ISO 27001 compliance by May 2009 and certification by December 2009.
	10. To publish the Annual	Statutory	To receive an unqualified audit	To publish Annual Report

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
	Report and Accounts 2008/2009.	imperative.	opinion from National Audit Office.	and Accounts within timetable agreed with NIAO.
	11. To be IFRS compliant for 2009/10.	Statutory imperative.	To receive an unqualified audit opinion from National Audit Office and meet Her Majesty's Treasury deadlines for implementation.	To publish 2009/10 IFRS compliant Annual Report and Accounts.
	12. By March 2010 to secure from the sponsorship department the required level of resources to deliver the Commissions 2010/11 objectives.	Comprehensive spending review.	Timetable and processes to be agreed with the sponsorship department.	To have sufficient resources to meet the Commission's 2010/2011 objectives.
	13. To maintain internal 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"> • Provision of agreed management information to the Commission. 	Statement of Internal Control signed by Accounting Officer following Stewardship Statements signed by Business Managers.

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
			<ul style="list-style-type: none"> • Financial summaries • Reviews under audit plan • Audit and Risk Management Committee updates 	
	14. To demonstrate strong corporate governance at all times.	Her Majesty's Treasury and Cabinet Office guidance.	<p>Arrange meetings of Audit and Risk Management Committee, review audit plan and respond to any audit recommendations made.</p> <p>Implement and update policies and procedures in respect of the Commission's human and other resources, throughout the year.</p> <p>Review and adhere to standing orders and terms of reference.</p> <p>Risk management policy adhered to and risk register monitored and agreed action implemented.</p>	<p>Commission runs effectively while adhering to Government and HM Treasury guidance and best practice.</p> <p>Monitor sponsor department's provision of services.</p>

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
			<p>Required codes of conduct adhered to throughout year.</p> <p>Relationship with sponsor department, 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>	

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
<p><u>External Communications</u></p> <p>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.</p>	<p>15. To implement the communication/diversity strategy to include continued website development, including online applications, circulation of the judicial careers booklet.</p> <p>Based upon 3 year equity monitoring analysis tailor further ongoing outreach with key interested parties in the profession and civic society.</p>	<p>Best practice.</p>	<ul style="list-style-type: none"> • Increased awareness of Commission in external press. • Produce leaflets on Appointments Process and Guidance to applicants. • Further specifically targeted outreach. 	<p>A minimum of 3 articles.</p> <p>By September 2009.</p> <p>By September 2009.</p>

Corporate Plan Objectives	Strategic Objectives	Driver Measures	Outcome Measures	Targets
	16. 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.	Freedom of Information Act.	Appropriate information made available through website and responses to written queries.	Targets contained in the guidelines are adhered to.

RISKS

In planning ahead for 2009/2010 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. 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:-

WORKLOAD

- The potential for the number of schemes to increase with very short notice 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 receipt of job descriptions and terms and conditions could impact on planning.
- Damage to Headline Building caused by construction next door could lead to business disruption.

INFORMATION ASSURANCE

- Failure to comply with statutory remit, Cabinet Office requirements, policies and best practice could lead to adverse publicity for the Commission. There is potential for reputational damage to the Commission should policies or best practices be breached.

FINANCE

- Meeting the programme of business 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

- The Commission continues to have regular meetings with the Office of the First Minister and Deputy First Minister in preparation for devolution, to discuss the areas of sponsorship, support services and new roles and responsibilities. The new roles and responsibilities for the Commission, as envisaged by the Northern Ireland Bill, and the extra resource that will be required to carry out these new roles, are being considered and quantified.

Membership of the Commission

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

Members: Mrs Sinead Burns, Lay Magistrate
The Right Honourable Lord Justice Coghlin, Lord Justice of Appeal
Mr Peter Cush, Barrister at Law
Mr Donal Flanagan OBE, Lay Member
Mr John Gordon, Solicitor
District Judge (Magistrate's Court) Henderson, District Judge
Mrs Ruth Laird, Lay Member
Her Honour Judge Loughran, County Court Judge
Professor John Morison, Lay Member
Dr Raymond Mullan OBE, Lay Member
Dr Nichola Rooney, Lay Member
The Honourable Mr Justice Weatherup, High Court Judge

The judicial members have been re-appointed for a period of 5 years, the lay members have been re-appointed for 4 years and the legal members for a period of 3 years.

Profiles of all Commissioners can be found on our website under 'Who we are'.

