



# NIJAC

*Northern Ireland Judicial  
Appointments Commission*

## Business Plan



2014-2015

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## **Introduction**

The Northern Ireland Judicial Appointments Commission (NIJAC) is an independent public body which was established to bring about a new system for appointing members of the judiciary in Northern Ireland.

This Business Plan outlines the NIJAC's priorities for the period April 2014 to March 2015 and reflects the commitments set out in the Corporate Plan for the period 2014/15 to 2016/17.

## **Background**

NIJAC was established on 15 June 2005 under the Justice (Northern Ireland) Acts 2002 and 2004. It is an independent executive Non-Departmental Public Body (NDPB) sponsored by the Office of the First Minister and Deputy First Minister (OFMDFM).

As a consequence of the Northern Ireland Act 2009 policing and justice powers were devolved to the Northern Ireland Assembly on 12 April 2010.

The 2009 Act also extended NIJAC's statutory duties as not only a recommending body (for listed judicial offices commonly known as Crown appointments, generally substantive posts) but also an appointing body (for non Crown appointments, which are primarily fee paid posts) which removed this function from Government Ministers and the political process.

NIJAC also has influence over the judicial complement, and determination over certain terms and conditions in agreement with sponsoring departments who hold the budgets for judicial offices.

The Commission comprises of 13 members drawn from the judiciary, legal profession and other professional backgrounds (Appendix A). The Chairman is the Lord Chief Justice of Northern Ireland, Sir Declan Morgan. The 12 other members are appointed by the First Minister and Deputy First Minister acting jointly. The five judicial members are nominated by the Lord Chief Justice with each judicial tier represented.

The Bar Council of Northern Ireland and Law Society of Northern Ireland nominate 1 member each to serve as legal members on the Commission, and the Commission's 5 lay members who do not hold (or have never held) a protected judicial office and are not (and have never been) a barrister or solicitor are appointed by the First Minister and Deputy First Minister acting jointly and in accordance.

Three sub committees have been established to deliver on NIJAC's commitments:

- Policy Committee
- Business Committee
- Audit and Risk Management Committee

The Commission is supported by 13 staff headed by Mandy Kilpatrick, Chief Executive, who is responsible for the day to day management of the Commission.

The Senior Management Team will review progress against the 2014-15 Business Plan throughout the year and report through Business Committee to Plenary.

The Commissioners and staff have very different responsibilities. The Commissioners are responsible for the strategic direction and overseeing all appointments and outreach activities. They are effectively the Management Board to whom the staff report.

Commissioners have an equal say in the work of NIJAC and are of equal status.

## **Our statutory responsibilities**

1. To select and appoint and recommend for appointment, in respect of all listed judicial offices up to and including High Court Judge.
2. To recommend applicants 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 NIJAC 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.

## Key Focus for 2014-15

The NIJAC Corporate Plan for 2014-17 is set around NIJAC's key aim, to appoint and recommend for appointment solely on merit.

As you can see from the diagram below, it identifies four key work areas, each of which interact with the other and work towards our key aim.



The Corporate Plan sets out the context for our work in 2014/15 and in particular our commitment to benchmark what we do and implement an evidence based plan of action to deliver best practice in judicial appointments.

While our primary focus will continue to be running the very demanding programme of appointment schemes we intend to use the 2014/15 schemes to assess our approach and inform the development of standard design principles. Those principles will then be consistently reflected throughout our documentation.

To ensure our approach attracts applicants from the widest possible pool and is reflective of our community we will work closely with others and, in particular, with the Law Society and Bar Council.

OFMDFM, as NIJAC's Sponsor Department, commissioned a Staffing Review to ensure the continued effectiveness of NIJAC's internal support structures. This was followed up during 2013-14 with an internal review of the staffing structure. As a result an optimum staffing structure, which allows NIJAC to meet its statutory obligations and business objectives, was agreed with OFMDFM. A number of recommendations have been implemented and a plan to implement the remaining aspects of the agreed structure will be developed during 2014-15.

Given the level of change, and recognising the importance of staff and their contribution, a number of work streams have been identified for 2014-15 that will establish a framework that encourages staff engagement and enhanced performance.



## **Finance & Governance**

NIJAC has been provided by OFMDFM with a draft opening budget for 2014-15 of £1,257,000 Resource and £1,257,000 Grant in Aid.

It is expected that around 77% of our budget will be expended on core business, i.e. running appointment schemes and the associated Programme of Action and around 23% will be expended on corporate planning, resources and governance. The majority of expenditure relates to staff salaries, accommodation costs and support services received.

The high standards of governance in NIJAC have been acknowledged by OFMDFM and we will strive to ensure we provide a continued high level of assurance.

We will ensure all appropriate procurement and tendering guidance is adhered to, to ensure value for money is achieved and demonstrated.

As we enter the period of this plan we are mindful of our need to make efficiencies to meet the Assembly's challenging financial objectives. Opportunities to contribute include, for example, our commitment to the effective management of our property assets through involvement in the preparation and monitoring of the Departmental Asset Management Plan.

We will continually review our processes, procedures and priorities and communicate closely with OFMDFM to ensure that our objectives are met in an efficient and effective manner while ensuring that a continued high level of service is maintained.

## Contact details

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## Business Plan Objectives 2014/15

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
<b><u>Recruitment &amp; Selection</u></b>			
<b>We will strive to meet our statutory duty to ensure a reflective judiciary which is appointed on merit.</b>	1. We will develop, implement and deliver a programme of action to attract applications from the widest possible pool.	<ul style="list-style-type: none"> <li>• Evidence based Programme of Action<sup>1</sup> successfully delivered on time and to budget.</li> </ul>	<ul style="list-style-type: none"> <li>• All timescales met within the 2014/15 Programme of Action<sup>1</sup>.</li> </ul>
	2. We will deliver a programme of appointments and renewals that meets business needs and ensures continuity in Courts and Tribunals.	<ul style="list-style-type: none"> <li>• Timetables and commitments for each scheme delivered successfully and within budget.</li> <li>• Continuity of judicial appointments within Courts and Tribunals.</li> </ul>	<ul style="list-style-type: none"> <li>• All timetables and commitments for each scheme met throughout 2014/15.</li> </ul>

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<sup>1</sup> The Programme of Action is available online.

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
	<p>3. We will review and benchmark what we do and implement an evidence based plan of action to deliver best practice in judicial appointments.</p>	<ul style="list-style-type: none"> <li>• Design Principles established, benchmarking undertaken and Plan of Action developed that is capable of delivering best practice in judicial appointments.</li> <li>• Successful implementation of recommendations from Plan of Action to include: <ul style="list-style-type: none"> <li>➤ Delivery of post scheme “Lessons Learned Reports” within 6 weeks of applicants being informed of a scheme outcome.</li> <li>➤ Plenary approval of a standardised Applicant Information Booklet for each scheme initiated in 2014/15.</li> <li>➤ Plenary approval of standardised Personal Profiles for each scheme initiated in 2014/15.</li> </ul> </li> <li>• All policies due for triennial review in 2014/15 assessed and revised if appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Plan of Action produced and agreed by 31 October 2014.</li> <li>• Recommendations implemented during 2014/15 in line with the defined timetable.</li> <li>• Completed by 31 March 2015.</li> </ul>

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
<b><u>Our People</u></b>			
<p><b>We will fulfil our commitments through the efforts of skilled and engaged Commissioners, Co-opted Experts and Staff.</b></p>	<p>4. We will put in place a Programme of Development to ensure that all Commissioners and Co-Opted Experts are clear and confident in their roles and responsibilities and supported to deliver on our commitments.</p>	<ul style="list-style-type: none"> <li>• Concordat between Commissioners and staff defined and agreed.</li> <li>• New high quality induction training pack designed and implemented for Co-opted Selection Panel Members.</li> <li>• Feedback Form for Co-opted Selection Panel Members designed and successfully piloted.</li> <li>• Training programme developed and delivered for designated Commissioners on: <ul style="list-style-type: none"> <li>➤ Feedback Skills;</li> <li>➤ Complaints Investigation;</li> <li>➤ Professional Interviewing Skills; and</li> <li>➤ Recruitment and Selection.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Concordat produced and agreed by 31 March 2015.</li> <li>• Induction training pack developed and quality assured by 31 October 2014.</li> <li>• Feedback Form produced and piloted by 31 March 2015.</li> <li>• Training Programme for designated Commissioners completed by 31 March 2015.</li> </ul>

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
	<p>5. We will promote an ethos of appreciating the value of diversity and encouraging continuous improvement.</p>	<ul style="list-style-type: none"> <li>• Plan of Action developed and implemented that addresses the findings from the Board Evaluation Questionnaire.</li> <li>• Revised Scheme of Delegation reviewed and agreed.</li> <li>• Annual Performance Reviews for Commissioners and Staff successfully completed within agreed timeframes.</li> <li>• Equality and Diversity Training provided to all staff in line with the Northern Ireland Civil Service Handbook.</li> </ul>	<ul style="list-style-type: none"> <li>• Plan of Action fully implemented by March 2015.</li> <li>• Scheme of Delegation reviewed and agreed by 30 September 2014.</li> <li>• Timescales for Performance Reviews all met by 30<sup>th</sup> June 2014.</li> <li>• Training completed by 31 March 2015.</li> </ul>

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
	<p>6. We will value the contribution of staff and develop mechanisms to enhance their engagement and performance.</p>	<ul style="list-style-type: none"> <li>• Workforce Implementation Plan for the new staffing structure developed and agreed with the Office of the First and Deputy First Minister.</li> <li>• Staff Satisfaction Survey conducted and benchmarks established.</li> <li>• Plan of Action developed that addresses findings from Staff Satisfaction Survey.</li> <li>• Team Job Skills Profile and Training Strategy developed.</li> <li>• Structured individual and team communication arrangements implemented in partnership with staff utilising LEAN methodology.</li> <li>• Shadow Performance Indicators defined and Team performance measures initiated.</li> </ul>	<ul style="list-style-type: none"> <li>• Plan developed and agreed by 31 March 2015.</li> <li>• Survey completed by 31 December 2014.</li> <li>• Plan of action and evaluation strategy completed by 31 March 2015.</li> <li>• Training Strategy produced by 31 December 2014.</li> <li>• Communication arrangements implemented by March 2015.</li> <li>• Performance indicators defined and Performance Measures initiated by 31 December 2014.</li> </ul>

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
<b><u>Working with Others</u></b>			
<p><b>We will work closely with others to deliver our statutory duties and implement best practice.</b></p>	<p>7. We will actively strengthen our consultative processes with the Bar Council and Law Society to ensure we deliver on expectations.</p>	<ul style="list-style-type: none"> <li>• Ongoing consultation and active and meaningful dialogue with the Law Society and Bar Council.</li> <li>• The development of generic scheme documentation in conjunction with the Joint Liaison Committee designed to encourage the widest potential applicant pool and enhance confidence in the judicial appointment process.</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted consultation on 2015/16 draft business plan completed by 28 February 2015 and agreed feedback implemented by 31 March 2015.</li> <li>• Ongoing throughout 2014-15.</li> </ul>
	<p>8. We will build upon our relationships with the Department of Justice (DoJ) and the Northern Ireland Courts and Tribunals Service (NICTS) to review responsibilities and implement an enhanced Memorandum of Understanding.</p>	<ul style="list-style-type: none"> <li>• Audit of Terms and Conditions completed, through consultation with DoJ and NICTS.</li> <li>• Memorandum of Understanding revised with the DoJ and NICTS to include key performance indicators.</li> </ul>	<ul style="list-style-type: none"> <li>• Completed by 31 March 2015.</li> <li>• Completed by 31 March 2015.</li> </ul>



What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
	<p>9. We will build upon our relationships with the Department for Social Development (DSD), the Department for Employment and Learning (DEL) and the Judicial Appointments Ombudsman to review responsibilities and implement a Memorandum of Understanding.</p>	<ul style="list-style-type: none"> <li>• Develop an agreed Memorandum of Understanding with DSD and DEL, to include key performance indicators by 31 March 2015.</li> </ul>	<ul style="list-style-type: none"> <li>• Completed by 31 March 2015.</li> </ul>

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
<u>Accountability</u>			
<p><b>We will make judicial appointments while safeguarding public money and making the best use of resources.</b></p>	<p>10. We will manage our resources effectively through sound financial management and controls, while increasing our efficiency.</p>	<ul style="list-style-type: none"> <li>• Operate within allocated budget avoiding overspend and managing under spend within tolerance level of 0.5%.</li> <li>• A cumulative 3% efficiency saving delivered.</li> <li>• An unqualified Certificate and Report of the Comptroller and Auditor General to the Northern Ireland Assembly.</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing throughout 2014-15.</li> <li>• Completed by 31 March 2015.</li> <li>• Completed by 30 September 2014.</li> </ul>
	<p>11. We will protect all data held safeguarding the confidentiality of applicants.</p>	<ul style="list-style-type: none"> <li>• Training provided to all Commissioners, Co-opted Selection Panel Members and Staff in Information Security.</li> <li>• All data held and disposed of in accordance with the NIJAC Disposal of Documents Schedule.</li> </ul>	<ul style="list-style-type: none"> <li>• Training completed by 31 March 2015.</li> <li>• Ongoing throughout 2014-15.</li> </ul>

What Will We Do	How Will We Do It	Indicators of Success	Milestones/Targets
	<p>12. We will deliver an effective governance system that will ensure probity and the safeguarding of public funds and provide assurance to our sponsor the Office of the First and Deputy First Minister (OFMDFM).</p>	<ul style="list-style-type: none"> <li>• Adherence to all sponsorship and corporate governance processes and practices as stated in the Arms' Length Body Sponsorship Manual and support the OFMDFM Departmental Asset Management Plan.</li> <li>• Effective risk and fraud detection, monitoring and reporting systems delivered.</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing throughout 2014-15.</li> <li>• Ongoing throughout 2014-15.</li> </ul>

## **Appendix A**

### **Composition of the Commission**

Chairman: The Right Honourable Sir Declan Morgan, Lord Chief Justice of Northern Ireland

Members: The Right Honourable Lord Justice Coghlin, Lord Justice of Appeal  
Mr Brian Coulter  
Mr Eoin Doyle, Lay Magistrate  
Mrs Breidge Gadd, Lay Member  
Mrs Fiona Keenan, Lay Member  
His Honour Judge Kinney, County Court Judge  
Mr James McNulty QC, Legal Member  
District Judge (Magistrates' Courts) Rosalie Prytherch  
Mr Alastair Rankin, Solicitor, Legal Member  
Professor Nichola Rooney, Lay Member  
The Honourable Mr Justice Stephens, High Court Judge  
Mr Lindsay Todd, Lay Member

At the end of their first term judicial members are re-appointed for a period of 5 years, the lay members are re-appointed for 4 years and the legal members for a period of 3 years.

All members are non-executive and independent.

Pen pictures of all Commission members can be found on our website [www.nijac.gov.uk](http://www.nijac.gov.uk)