

**Minutes of the Plenary Meeting
Held on Thursday 04 June 2015
Third Floor Board Room,
Headline Building, Victoria Street, Belfast**

Present: The Right Honourable Sir Declan Morgan, the Lord Chief
Justice of Northern Ireland (Chairman)
The Right Honourable Lord Justice Coghlin
Mr Brian Coulter
Mr Eoin Doyle
Mrs Breidge Gadd
Mrs Fiona Keenan
His Honour Judge Kinney
Mr James McNulty QC
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Alastair Rankin
Professor Nichola Rooney
The Honourable Mr Justice Stephens
Mr Lindsay Todd

In Attendance: Mrs Mandy Kilpatrick (Chief Executive Officer (CEO))
Mrs Helen Anderson
Miss Karen Chambers
Ms Adeline Frew
Mr Andrew Millar
Miss Nicola Quinn
Miss Cathy Woods

1. Apologies

The Chairman sent apologies for the morning session of the meeting and joined the meeting after lunch, in his absence the meeting was chaired by Lord Justice Coghlin.

Mrs Keenan, Mr Doyle, Judge Prytherch and Miss Chambers sent apologies for the morning session and joined the meeting after lunch.

Mr Rankin joined the meeting at 11am.

2. Conflicts of Interest

No conflicts were identified.

3. Confidentiality

The importance of confidentiality was stressed.

4. Minutes of meeting of 23 April 2015

Mrs Gadd suggested a slight amendment to the minutes of the Special Plenary Meeting on 23 April 2015. These amendments were agreed and both minutes were signed by the Chairman.

5. Chief Executive's Report

Mrs Kilpatrick presented her report to Plenary.

2015/16 Business Plan Objectives

Performance against Business Plan objectives was discussed.

Agreement of the new staffing structure has been received from OFMDFM and the agreed date for implementation is 22 June 2015. Two new Staff Officers are in post and recruitment for an Executive Officer in the Corporate Planning, Resources and Governance Team is now complete.

The Flexible Working Group has been established, reflecting various interested parties and is scheduled to meet on 15 June 2015. Draft Terms of Reference are to be agreed.

Interview training for Commissioners has been deferred to enable the review of interviews under the DBPR project to be completed.

One of the recommendations from the Board Development Plan is to hold an Annual Strategic Planning Session for Commissioners and it was agreed that Mr Coulter, Mrs Keenan, Professor Rooney and Mr Todd would take this work forward for delivery at the October Plenary meeting.

No areas of concern across NIJAC's four key performance areas were identified.

Risk Register

The Risk Register was discussed with 6 risks currently being flagged (1 short term) and action required for each has been identified. Plenary noted that issues relating to the risk of delay to appointments are to be addressed through a telephone conference with Judicial Appointments Commission, England and Wales (JAC) and the Judicial Appointments Board, Scotland (JABS) later in the meeting.

ACTION

- Wording to be changed in last column of Risk Register to read 'Action required'.

2014/15 Annual Report and Accounts

The draft figures in the 2014/15 Annual Report and Accounts, being presented later in the meeting, show a 1.08% under spend against budget. There are still £10k of estimates in the Accounts for reactive maintenance which may change the figures before they are presented to the Northern Ireland Audit Office (NIAO) in July.

Board Effectiveness

The 2014/15 Board Effectiveness Questionnaires have been completed and a report detailing anonymous responses was presented and discussed.

Discussion took place in relation to the strategic and operational roles of Commissioners. Mrs Mandy Kilpatrick advised that the Strategic Planning Session at the next Plenary meeting in October 2015 was to include a

teamwork session on defining and creating a shared understanding of the purpose, role and responsibilities of Commissioners, which should provide an opportunity to clarify this matter for individuals.

It was noted that generally improvement has been identified for those areas requiring development, for example enhanced engagement with stakeholders, being addressed. It was agreed that sufficient work was already in hand through the Business Plan Objectives to improve on these areas and that a new committee does not need to be set up to further progress or review the results of the questionnaire.

Skills Audit & Buddy System

A Skills Audit questionnaire was issued to all Commissioners with two responses currently outstanding. A paper will be issued via email by the end of June 15 detailing any underlying themes and the arrangements for the new Buddy System.

Recruitment & Selection

Two schemes are currently underway, Mental Health Review Tribunal (MHRT) Experienced Members and Charity Tribunal Legal Member. Further schemes for Charity Tribunal Ordinary Member; Criminal Injuries Compensation Appeals Panel (CICAP) Adjudicator (Medical Member) and CICAP Adjudicator (Lay Member) are planned for the autumn.

At a liaison meeting with the Northern Ireland Courts & Tribunals Service (NICTS) on 11 May 2015, they identified that a Lay Magistrates scheme will be required for appointments in April 2018 (launching in 2017). NIJAC will work with them to ensure that a proportionate business case is received to justify the additional expenditure required for this high volume scheme.

A business case for a Lands Tribunal President Scheme is anticipated. NIJAC understands that the Business Case from NICTS may recommend the advertising of an internal recruitment opportunity as the level of business is not considered significant and therefore it could be incorporated in an existing

judicial office holder's role. A paper will be presented to Business Committee for consideration and approval.

6. Business Committee

Plenary was updated by the Chair of Business Committee. The key points from minutes of the last meeting were discussed and in particular performance against the Board Development Plan in regard to engagement with stakeholders & reinforcing the importance of confidentiality.

ACTION

- Confidentiality to be raised at the Joint Liaison Committee and as part of the planned consultation on the use of Consultees. Consultation with judiciary through the Judges Council/Judicial Studies Board, as appropriate, is also to be included.

ACTION

- Paper to be developed on the consideration of the merits of engaging with the media and if there is a need for specialist assistance.

ACTION

- Research to be revisited regarding % of Institute of Professional Legal Services (IPLS) students with existing family ties to the legal profession.

In other business, a Fee's Policy for co-opted members has now been approved.

7. Audit & Risk Management Committee

Plenary was updated by the Chair of Audit and Risk Management Committee on the Governance Statement and Accounts which are contained in the 2014/15 Annual Report and Accounts. It is the responsibility of the Plenary to approve the full 2014/15 Annual Report and Accounts for release to the NIAO in July. Internal Audit has carried out 3 reviews in which NIJAC has attained

two substantial ratings and one satisfactory. A follow up review also showed that all recommendations for the previous year had been carried out.

Mr Rankin recommended some slight amendments to Appendix 2 - Diversity Statistics in the report which were accepted and agreed by Plenary.

Plenary approved the Annual Report and Accounts for 2014-15 for release and acknowledged that slight amendments may be required to the figures prior to the Northern Ireland Audit Office (NIAO) audit in July due to estimates contained in the Accounts being realised when then the invoices are received. The Annual Report and Accounts are re-circulated to the Plenary in September following the NIAO audit for final approval before being signed by Mrs Kilpatrick, as the NIJAC Accounting Officer, and the NIAO.

ACTION

- Amendments recommended by Mr Rankin to Appendix 2 - Diversity Statistics be made and 2014/15 Annual Report & Accounts approved by Plenary for release to the NIAO for their audit in July.

ACTION

- To continue the practice of issuing Commissioners copies of the internal Audit Reports.

8. Policy Committee.

Plenary was updated by the Chair of Policy Committee in relation to the work undertaken by the Committee.

A paper on Consultee Policy Options for judicial offices up to (but not including) High Court was presented to Plenary and discussed in detail. Plenary agreed the following approach and recommended the consultation on references for County Court Judge Level should be taken forward with the relevant legal profession bodies through the Joint Liaison Committee (JLC) and the Judges Council/Judicial Studies Board (JSB);

- Discontinue use of Consultees.
- Consultation on introduction of references at County Court Judge level; two to be sought once applicants have been shortlisted, prior to interview. Consideration to be given to whether a list of appropriate referees will be fixed by the Selection Committee.

ACTION

- Consultation on the above approach to commence regarding County Court via the JLC, JSB and the Judges Council.

Mr Millar provided an update on the Delivering Best Practice in Recruitment (DBPR) project and advised that all elements scheduled for the 14/15 financial year were successfully completed on time. As this is a three year project work remains ongoing and will continue to be reported on through the relevant Committees. The Guidance for Applicants for Lay Appointments was approved.

9. Request for Post Retirement Appointment

A request from the Office of the Lord Chief justice for a post retirement appointment will be considered at a later date once further information has been gathered.

10. Update: Outreach and Working with Others

An update on Communication, Outreach and Working with Others was noted by Plenary.

11. Selection Committees

Current schemes:

Lessons Learnt Report; High Court Judge: Plenary was advised that a report was being developed and would be issued to them at the October meeting.

MHRT Experienced Members: Plenary noted that the paper sift was ongoing.

12. Delays in Appointment

To aid discussion Professor Rooney outlined the paper on Delays in Appointments and made a presentation to Plenary on her recent experience interviewing for the posts of United Kingdom Judge of the General Court of the European Union and Senior President of Tribunals. Professor Rooney outlined the limited tenure for appointment; the processes used, including use of Job Descriptions to inform the development of questions, the condensed timeframe to incorporate feedback and the inclusion of training in unconscious bias.

Separate conference calls were conducted with JAC and JABS. Experiences shared included the use of observers, scribes and independent assessors, the recording of interviews, the nature and handling of complaints.

It was agreed that a one agenda item meeting would be arranged to develop the themes and consider which aspects could be helpful in NIJAC's practices.

ACTION

- Meeting to be arranged for September to discuss delays in appointment.

13. AOB

14. Fee for non-NIJAC Schemes

The importance of funding Commissioners work for other appointment schemes was noted. However Mrs Kilpatrick advised that it is not within NIJAC's remit to pay for work undertaken by a Commissioner on behalf of another organisation. JAC have agreed that it is their responsibility where a NIJAC Commissioner undertakes work on their behalf and the relevant process should now be in place.

15. Request for reserve list – Charity Legal

Following consideration, Plenary did not accept the request for a reserve list in respect of the current scheme to recruit a legal member.

The Commission considers that a reasonable prospect of appointment is required to approve a reserve list and if the current number of members is not sufficient to accommodate unplanned departures from the tribunal or an increase in work then the complement of members should be addressed in the first instance. Such a request would require Ministerial agreement before NIJAC could approve the increase to complement. It was re-iterated that the life of a reserve list begins from the date of the first appointment.

16. The Right Honourable Lord Justice Coghlin

With Lord Justice Coghlin retiring, the Chairman thanked him for his contributions, advice and guidance to NIJAC throughout his time as a Commissioner and wished him all the best in his retirement.

13. Date and Agenda of next meeting

Thursday 8 October 2015 at 9:30am.

Signed

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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

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