

**Minutes of the Plenary Meeting
Held on Thursday 23 April 2015
Ground 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
The Honourable Mr Justice Stephens
His Honour Judge Kinney
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Brian Coulter
Mr Eoin Doyle
Mrs Breidge Gadd
Mrs Fiona Keenan
Mr James McNulty QC
Mr Alastair Rankin
Professor Nichola Rooney
Mr Lindsay Todd

In Attendance: Mrs Mandy Kilpatrick (Chief Executive Officer (CEO))
Ms Adeline Frew
Miss Cathy Woods
Mr Andrew Millar
Mrs Helen Anderson
Mrs Catriona Burns

1. Apologies

The Chairman apologised as he will be leaving the meeting at 12:15, in his absence the meeting will be chaired by Lord Justice Coghlin. Mrs Fiona Keenan sent apologies that she would join the meeting after lunch.

2. Conflicts of Interest

The HCJ Scheme was mentioned: there was discussion as a number of Commissioners were involved in different aspects. If a conflict were to arise the Commissioner can recuse themselves from that part of the meeting.

3. Confidentiality

The importance of confidentiality was stressed.

4. Minutes of meeting

The minutes of the **26 February** meeting were agreed and signed by the Chairman. All action points addressed.

The minutes of the meeting which the Chair and Deputy Chair of the Justice Committee joined on **12 March** were agreed and signed by the Chairman. One action arising was clarification on the change of sponsorship from the Office of the First and Deputy First Minister (OFMDFM) Central Management Unit to the North South Ministerial Council (NSMC) Division, with effect from 1 April 2015. The CEO confirmed discussion with OFMDFM sponsorship team clarified that members of the NSMC Division would carry out their sponsorship responsibilities in their role as OFMDFM officials and not as joint secretariat to the Council. The change was to ensure better use of OFMDFM resources. All other action points addressed.

5. Chief Executive's Report

The CEO presented her report to Plenary.

Performance against Business Plan objectives for 2014/15 was discussed. Two adjustments had been made and agreed by both Office of the First and Deputy First Minister (OFMDFM) and Plenary.

The Workforce Implementation Plan has been partially completed with the exception of the Principal Officer role, it was agreed that this would be marked amber/green; the remaining actions will be taken forward by Business Committee. Two new Staff Officer's will start on 5 May 2015 and with agreement from OFMDFM and the sponsoring Department the Deputy Principal (DP) Accountant secondment has been extended for a further 12 months. An agency Administrative Officer has been secured for the Corporate Planning, Resources and Governance Team pending the direct recruitment of an Executive Officer. All other objectives successfully achieved.

The Risk Register was discussed. With regards to Recruitment and Selection, a timetable has been developed with sponsoring departments to satisfy timely appointments however the impact of complaints can be severely detrimental to the process, especially for senior appointments. Some issues regarding complaints were briefly discussed with delay in appointments being identified as a risk. The CEO advised Commissioners of a recent data protection issue with the initial registration stage for a recruitment scheme. The matter had been investigated and reported to relevant parties as appropriate; resulting actions have been captured through the risk management process.

Action Point-; The risk of delay in appointments is to be captured by Business Committee in the 2015/16 Risk Register and, as noted later, the issues arising are to be considered by Policy Committee.

It was noted the Business Plan had received responses from NICTS and OFMDFM and is now ready to be published on NIJAC's website.

The 2015/2016 budget was discussed and a budget plan to meet the 12.8% reduction has been developed. It was confirmed that if additional funding was required for unanticipated costs, such as legal fees, this would require a separate bid.

The 'Whistleblowing in the Public Sector' good practice guide issued by the United Kingdom (UK) audit authorities was brought to Commissioners attention. NIJAC's CEO pointed to NIJAC's Whistleblowing Policy and confirmed this applied to both NIJAC staff and Commissioners; the Policy will be reviewed in light of the guide. NIJAC's Conflict of Interest (Col) Policy is also to be reviewed in light of the Col Guidance from Northern Ireland Audit Office (NIAO).

Action Point- Review of Whistleblowing Policy to be progressed through Business Committee.

Policy Committee to review NIJACs Col Policy.

In relation to Recruitment and Selection the Mental Health Review Tribunal (MHRT) Experienced Member scheme has now commenced and preparation is getting underway for 1 Legal and 2 Ordinary (Lay) Members for the Charity Tribunal, and 1 Medical and 1 Lay Member for Criminal Injuries Compensation Appeals Panel (CICAP). A requirement for a Coroner scheme is yet to be confirmed.

It was requested by the CEO that any outstanding written input is sent prior to the Commissioners annual appraisals taking place on 29 and 30 April 2015, and 6 May.

Mr Jim McNulty and Professor Nichola Rooney joined the meeting.

Commissioners were encouraged to complete the Board Effectiveness Questionnaire on which an anonymous report would be compiled for Plenary.

The Chairman excused himself from the meeting at 12:20 and Lord Justice Coghlin took over as Chairperson.

Mrs Keenan joined the meeting at 13:00.

6. Committee Business

The Board Effectiveness Implementation Plan was presented and approved, with each committee tasked with taking forward their respective actions. Themes for upcoming Plenary meetings discussed. The meeting on 4 June 2015 will now concentrate on actions to address the risks of Delay in the Recruitment Process, taking into account experiences in other jurisdictions. It was agreed a sub-committee of Policy Committee is to be established to lead on this theme. The 31 October 2015 meeting, led by Policy Committee, will deal with developing a shared understanding and facilitate a strategic planning session.

Action Point- Risk of Delay in the Recruitment Process to be added to Policy Committee agenda on 5th May as AOB.

Plenary was updated by the Chair of Business Committee; the main issue remains the tight financial position 2015/16. It was confirmed the purchase of the teleconferencing unit was progressing. The Chair also confirmed her positive review of the effectiveness of Business Committee, and that all objectives set out in the Terms of Reference (ToR) have been achieved in 2014/2015.

Plenary was updated by the Chair of Policy Committee as to the effectiveness of Policy Cte and confirmed that objectives set out in the ToR have been achieved in 2014/2015. Several agenda items have been agreed for discussion with the Joint Liaison Committee (JLC), which is to be arranged before the end of term. It was agreed that at the next JLC meeting pre-arranged dates would be agreed for the year as with the other committees. It was also agreed the membership and ToR would be revisited. The documentation relating to Consultee Comments is being discussed at the Policy meeting on 5 May 2015 and the Confidentiality Policy is to be reviewed by Policy Committee.

A Lessons Learned reports paper was introduced and an explanation of its use given. Approval given.

Shortlisting tests over 2013-2014 and 2015-2016 are going to be analysed with a report prepared for Policy Committee in September 2015 and presented to Plenary in February 2016. The ToR for this review was agreed by Plenary.

Plenary were asked to, and confirmed their approval of:

- Character Policy
- Eligibility Policy
- Late Applications Policy
- Terms of Reference (ToR) for Issues and Character Committee
- Annual Review of Core Elements of Program of Action

Action Point- JLC meeting to be arranged; revisit membership and ToR, and aim to pre-arrange meetings for the year.

Action Point- Policy Committee to revisit Confidentiality Policy and consult with JLC.

The Chair of Audit and Risk Management Committee provided an overview of the report on performance provided in the papers. A review of the strategic processes for risk, control and governance had been completed as had a review of the committee's effectiveness. Preparation of the Annual Report was discussed and it was noted it would reflect positive assurances from both internal and external audit.

7. Selection Committees

Completed Scheme Update

Care Tribunal

Mr Rankin (Chairman of the Selection Committee(SC)) confirmed pre-appointment checks on the successful applicant are progressing.

MHRT and CICAP Chairs (Closed by legislation to serving members)

Mr Rankin (Chairman of the SC) informed Plenary both schemes had concluded with successful applicants identified for both. CICAP Chair was sworn in on 2 April 2015 and it is likely the MHRT Chair will be sworn in late April 2015/ early May 2015.

Current Schemes

MHRT Experienced (Lay) Members

Mrs Keenan (Chairman of the Selection Committee) confirmed this scheme was advertised on 09 April 2015 and the closing date is 06 May 2015.

11. Date and Agenda of next meeting

04 June 2015 @ 09:30

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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