

**Minutes of the Plenary Meeting held on Thursday 7 June 2012, Ground
Floor Boardroom, Headline Building, Victoria Street, Belfast.**

Present: The Right Honourable Sir Declan Morgan, the Lord Chief
Justice of Northern Ireland (Chairman)
Mrs Sinead Burns
District Judge (Magistrates' Courts) Amanda Henderson
Mrs Ruth Laird
Her Honour Judge Loughran
Mr James McNulty QC
Professor John Morison
Dr Raymond Mullan OBE
Mr Alastair Rankin
Professor Nichola Rooney
The Honourable Mr Justice Weatherup
The Right Honourable Lord Justice Coghlin

In Attendance: Mr Edward Gorringe (Chief Executive)
Mrs Helen Anderson
Ms Adeline Frew
Mr Conor Curran
Mr Andy Millar

Minutes of the Last Meeting

1. The minutes of the meeting held on 19 April 2012 were agreed by the Commissioners, signed by the Chairman and returned to the Executive Team.
2. The Chairman asked for any conflicts of interest.
Mrs Burns and Mr Rankin declared that they are fee paid Judicial Office Holders should there be any perception of a conflict of interest when discussing paper C18-12 .

Update on points in last minutes

3. Updates from Chairs of Committees

Mr Mullan provided Plenary with an update report on the work of the Business Committee.

Lord Justice Coghlin provided Plenary with an update report on the work of the Policy Committee and thanked the Policy Committee Members for their contribution to the papers presented at Plenary and introduced agenda items 4-6 (see below).

4. Renewals Sub Committee Report

Lord Justice Coghlin introduced the Renewals Sub Committee Report providing Plenary with an overview and structure of the paper.

Justice Weatherup and Mrs Laird spoke to the contents of the Renewals Report in detail which dealt with the Renewal of Appointment for Fee Paid Judicial Office holders.

Any removal from judicial office remains the responsibility of the Office of the Lord Chief Justice.

Action

The Executive Team will:

1. consult with JAC England and Wales regarding the progress of the issue of three terms and any equality impact assessment / available analysis /legal advice and outcome;

The CEO and HOAP with Mr Justice Weatherup will:

2. agree the detail of the format of the consultation process regarding grounds for non-renewal with the Northern Ireland Courts and Tribunals in Autumn 2012.

5. Professional Development and Mentoring Paper

This paper was presented by Judge Loughran in response to Neuberger Recommendation 46.

Judge Loughran clarified the purpose of her paper which concentrates on the “professional development and mentoring” of judicial office holders.

Judge Loughran stated that this paper was principally for information purposes and recognises that NIJAC does not have a role in either a) recommending whether or not judicial performance should be assessed or b) in recommending what intervention there should be in respect of a judge who is underperforming or against whom there are complaints.

The recommendation was accepted by Plenary and is to be adopted as policy.

Action

- **“Professional development and mentoring” will be an agenda item for the Joint Liaison Committee.**

6. Flexible Working Paper

Lord Justice Coghlin introduced the Flexible Working Paper and asked Plenary to consider and agree upon how best this work could be taken forward.

Support was expressed for the recommendations that flexible working should be developed, and to explore where new working practices could be successfully introduced to appropriate courts and tribunals.

The Executive Team will, at the appropriate time, give consideration to presenting Presiding Judges (for example) with “a package of workable options” which meet their business needs.

Actions:

- **The Executive Team to take forward this piece of work.**
- **Judge Loughran to distribute the Flexible Working Paper to the Council of County Court Judges for review.**

7. Consultee Policy

High Court

In relation to the consultee arrangements for the office of High Court Judge Commissioners debated the value and standard of consultee comments, how some consultees respond while others do not, the accessibility of the High Court Bench to the entire profession, fairness and perceptions of inequalities with the current system based on feedback received from applicants.

It was agreed that there were issues around the quality and consistency of consultee comments received and that the Commission would need to give some thought as to how best communicate these issues to consultees.

Mitigation arrangements were discussed for the office of High Court Judge.

It was agreed that written evidence from individual applicants should not be sought. This decision was made at previous Plenary meetings.

It was agreed that the Commission should continue to require that a wide range of information is made available to it from different sources during the assessment and selection process, when determining if someone is fit for judicial office.

It was agreed that the judiciary are uniquely placed to give views on the qualities of applicants coming forward for High Court appointments..

Commissioners were then asked to make a decision regarding the consultee arrangements for the office of High Court Judge.

Commissioners discussed three options:

- a)** No automatic consultees;
- b)** Retain use of automatic consultees but limit to six Nominated Consultees; or

- c) Retain current use of automatic consultees and invite views from all eligible High Court Judges.

Option b) was agreed.

Action: Future High Court recruitment to reflect this decision.

All recruitment:

Consultee Comments used as Confirmatory or Supplementary evidence

Commissioners discussed the methodology of assessing consultees for senior and junior tiers of office – and whether consultee comments should be used as supplementary or confirmatory evidence. .

Commissioners agreed that Consultee comments are to used as “supplementary” evidence which will include “confirmatory” evidence, therefore allowing for the occasion when information comes to the fore, which had not been previously disclosed.

It was agreed that application forms (self assessment) should be made available to the Consultees by applicants to reflect the process of supplementary evidence.

Action: NIJAC’s Consultee Policy should continue to reflect the above. The policy of six nominated Consultees from the HCJ bench for the office of HCJ will be implemented using the approved guidance from the most recent HCJ schemes. ..

Non-occupational consultees

Following discussion regarding non-occupational consultees it was agreed to remove the reference from the current policy as Applicant Nominated Consultees capture the type of consultees that NIJAC is seeking.

Action: remove reference to non-occupational consultees on Policy and associated papers. Applicant Nominated Consultees will be retained.

Codes of practice requirements

Commissioners noted the attached papers and code of practice requirements regarding equality of opportunity.

Audit responses

The scheme audit responses were reviewed and noted.

8. Complaints Policy

Mrs Anderson and Professor Rooney spoke to the Complaints Policy Paper and provided Commissioners with an overview of the current process, the review of that process and the proposed changes to current policy and procedure.

The paper presented Commissioners with a number of recommendations to consider.

These included a new 3 step approach for the handling, investigating, communicating and resolving of formal complaints.

The new policy also creates roles of a “Complaints Commissioner” and a “Complaints Co-ordinator”, setting out their specific responsibilities.

Mrs Anderson and Professor Rooney explained that the purpose of the new policy is to ensure that formal complaints are addressed and dealt with quickly by people at the appropriate levels while also providing a quick and effective mechanism for dealing with informal complaints.

Mrs Anderson presented Commissioners with a user friendly version of the proposed “Complaints Charter” to demonstrate how accessible and understandable the information had been made.

Mrs Anderson also confirmed that the Executive Team will develop training for those involved in the new process and a transparent auditing process to record all complaints which are made to the Commission.

The paper and recommendations were approved.

Actions

- **The Executive Team to develop and publish a new Complaints Policy and Customer Services Charter.**
- **The Executive Team to consider splitting the roles of Chief Executive and Complaints Commissioner and changing the reference from “3 days” to “5 days”.**
- **The Executive Team to develop internal guidance and training on the new Complaints Policy for those who will be involved in the process.**
- **The Executive Team to develop an effective system for recording, auditing and reporting complaints to Plenary.**
- **NIJAC to look at the separate issue of reviewing and updating the Service Level Agreement with the Northern Ireland Judicial Ombudsman.**

9. Away Day Task List

Noted and accepted that these actions had been covered by previous papers.

10. Review of Post Retirement Policy

Ms Frew spoke to the First Year Review of Post Retirement Policy noting is working well.

Paper approved.

11. Annual Report and Accounts 2011-2012

Mr Gorringe presented the Annual Report and Accounts and asked permission for it to be sent to external Auditors for review and approval.

Paper approved and permission granted subject to the Executive Team carrying out a final review for grammatical and typographical inconsistencies.

12. Annual Risk Register

Mr Mullan presented the Commission's Annual Risk Register to Plenary for approval.

Paper approved.

13. New Committee Structure

Judge Loughran asked that the Commission reviewed the Business Committee and Audit & Risk Management Sub Committee terms of reference as there appeared to be overlap.

Action: Mr Gorringe agreed to do so and will circulate proposals on the new Committee Structure, Membership and Terms of Reference to Commissioners for review and comments in due course.

To Note

14. Government Response to the House of Lords Constitution Committee

Paper noted.

15. Report to the Business Committee

Paper noted.

16. Updates, signed minutes from Committees and Appointments and Reappointment Schedules

Minutes signed and returned.

17. Any Other Business

The Chairman expressed his gratitude to the outgoing Commissioners Mrs Laird, Professor Morison and Mr Mullan for their personal and valuable contributions made during the term of office.

Mr Gorrington presented the outgoing Commissioners with a small token of the Commission's appreciation.

18. Date of next meeting

The date of the next Plenary is Thursday 11 October 2012.

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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