

**Minutes of the Plenary Meeting held on Thursday 14 April 2011, Ground
Floor Boardroom, 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 Donal Flanagan OBE
Mr John Gordon
District Judge (Magistrates' Courts) Amanda Henderson
Mrs Ruth Laird
Her Honour Judge Loughran
Professor John Morison
Professor Nichola Rooney
The Honourable Mr Justice Weatherup

In Attendance: Mr Edward Gorringe (Chief Executive)
Mrs Helen Anderson
Ms Adeline Frew
Mr Tim Horgan
Mr Andrew Millar
Mr Keith Stewart

Apologies

Mrs Sinead Burns, Mr Peter Cush and Dr Raymond Mullan OBE.

Minutes of the Last Meeting

1. The minutes of the meeting held on 24 February 2011 were agreed by the Commissioners.
2. The Commission confirmed there were no conflicts of interest before proceeding with the meeting.

Register of Interests and Gifts and Hospitality Register

3. The Commissioners discussed the paper at C/9/11 and asked under what circumstances would the detail provided in the registers be made publically available? The Commission's Management Statement and Financial Memorandum (MSFM) refers to a "requirement for a comprehensive and publicly available register of Commission Members' interests" (paragraph 3.5.5).
4. The Commissioners agreed that this sentence should be interpreted as meaning the register of interests will be kept by the Chief Executive in Headline Building, and availability to the public considered if so requested under a Freedom of Information request. The Chief Executive will write to OFMDFM to confirm this interpretation.

Action: The Chief Executive to write to OFMDFM to confirm interpretation of paragraph 3.5.5 of MSFM.

5. Register of Interests and Gifts and Hospitality Registers will be raised at the next Plenary meeting.

Review of Governance and Accounting

6. The Commissioners agreed to refer oversight of the review into Governance and Accounting to the Business Committee, which will in turn report back to Plenary

7. Professor Morison updated the Commission on his attendance at the meeting of chairs of OFMDFM ALB Audit Committees, chaired by Noel Lavery (Director of Resources, OFMDFM). According to *Managing Public Money*, if public money is being spent then high levels of control should be in place. The Commission queried if the current levels of control were disproportionate and delivering value for money.

Management Statement and Financial Memorandum

8. The Business Committee's review into Governance and Accounting will include a review of the MSFM. The Commission will await the findings of the Business Committee before approving the MSFM. In the meantime the Commission will continue to operate under the MSFM in place with the NICTS.

Judicial Appointments Ombudsman's recommendation: consideration of timeline for each competition

9. The Commissioners considered the paper at C/12/11. As part of his report into the most recent High Court competition complaint the JAO made the following recommendation:

"I recommend that the Commission introduces a commitment to complete all future competitions without any undue delay and also considers whether it should set a specified time frame of its own choosing in each competition."

10. The Commissioners discussed the principles for using time frames. The following points were discussed:
 - Do start and end point of time frame need to be pre-determined.

- There may be valid reasons for extending time frames (for example, complaints may be lodged within 28 days of a Selection Committee's decision).
- Consideration needs to be given to imposing competition specific time frames.
- Information is required on current NIJAC time frames for competitions.
- Information is required on current time frames for competitions in other jurisdictions, for example Scotland and England and Wales.
- It would be useful to benchmark against appointments processing in other fields.
- The public need to see the Commission making expeditious decisions and candidates must not be put off by a lengthy process.
- The Commission should only publish time limits for those processes over which it has control.
- It might be useful to publish timelines rather than time limits.
- Good practice is to give an indicative time scale.
- Bad practice is to hold merit lists for a long period.
- There is a distinction between a candidate being in a position to appoint, but who wishes to defer appointment; and a candidate who is not in a position to appoint, and the decision to appoint is deferred.
- Information is required on applicant feedback regarding time frames.

The Commissioners agreed to revisit this issue at the next Plenary meeting.

Action: The Executive Team (Appointments) to collate information on current NIJAC time frames for competitions, and on current time frames for competitions in other jurisdictions, for example Scotland and England and Wales.

Action: The Executive Team (Diversity and Communications) to collate information on applicant feedback regarding time frames.

To Note

Report to the Business Committee

11. The report which had been before the Business Committee on 22 March 2011 was considered and approved by the Commissioners.

Updates, Signed Minutes from Committees and Appointments and Reappointments Schedules

12. Discussed and duly noted by the Commissioners. The Chairmen of the Business Committee, Audit and Risk Management Committee and the Policy Committee provided Commissioners with oral updates from the meetings.

Contact between Selection Committee (SC) members and candidates during competitions

13. The Policy Committee reported back to Plenary on the issue on contact between SC members and candidates during competitions. Mr Justice Weatherup highlighted a recent incident where a co-opted SC member had submitted a letter to be forwarded to an applicant. It was agreed that during the currency of a competition there should be no contact whatsoever between any individual SC member and an applicant. Guidance given to SC members will be amended to reflect this.

Action: The Executive Team (Appointments) to update the guidance issued to SC members to state that **during the currency of a competition there should be no contact whatsoever between any individual SC member and an applicant.**

Any Other Business

Headline Building

14. The Chairman apprised Commissioners about the accommodation position. Headline Building lease expires in January 2012 and work is underway to secure accommodation for NIJAC. Various options are being explored as part of the decision making process. Staff have visited alternative premises within the Government Estate. It was agreed that if NIJAC is moved to a more expensive location, to suit the bigger OFMdFM picture, we should not be responsible for the increased costs nor should the NIJAC budget reflect the increased costs.

Staff

15. The Chairman apprised Commissioners on the staffing position and advised that NICTS have given 3 months notice of their withdrawal of HR support and advice and payroll and pension administration to direct recruits. NIJAC will have to replace these services. A full discussion regarding NIJAC staff followed. The Chairman undertook to make some enquiries.

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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