

**Minutes of the Plenary Meeting held on Thursday 20 February 2014,
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
Mrs Breidge Gadd
Judge Patrick Kinney
Mr James McNulty QC
Mr Alastair Rankin
Professor Nichola Rooney
Mr Justice Stephens
Mr Lindsay Todd
- In Attendance:** Mrs Mandy Kilpatrick
Mrs Helen Anderson
Ms Adeline Frew
Miss Catherine Woods
Mr Andrew Millar
- Apologies:** Mr Eoin Doyle
Mrs Fiona Keenan
District Judge (Magistrates' Courts) Rosalie Prytherch

Minutes of the Last Meeting

1. The minutes of the meeting held on 5 December 2013 were agreed by the Commissioners following a note to be inserted that it was a Strategy Planning Day and not a Strategy Day.
2. Mr Rankin's conflict with Agenda Item 9 'Complaints Committee Report' was noted and decided that he need not step out of the meeting. All other Commissioners confirmed that there were no conflicts of interest before proceeding with the meeting.

Action Point Update from Last Meeting

3. **Action:** The Senior Management Team (SMT) to ensure all necessary actions are completed and formal confirmation of Indemnity to be recorded for co-opted members.

Update: Mrs Kilpatrick presented the Chief Executive Officer (CEO) Update. Appendix 2 to the report contains details on the Indemnity for Personal Liabilities provided by the Office of the First Minister and Deputy First Minister (OFMDFM) to Commissioners and Co-opted members.

4. **Action:** Commissioners to complete the Protecting Information e-Learning Course.

Update: The Chairman reminded all Commissioners to complete the online course, if they had not already done so.

5. **Action:** Mrs Gadd, as Chair of the Business Committee, to consult the Chairs of the other Committees on the draft Corporate and Business Plans.

Update: Mrs Gadd conducted a consultation meeting with the Audit & Risk Management Committee (Mr Todd) and Policy Committee (Mrs Keenan) Chairs/Representatives on 15 January. The Corporate and Business Plans are discussed later in the CEO's update.

6. **Action:** The Audit and Risk Management Committee (ARMC) to consider the Board Effectiveness Questionnaires and make recommendations to Plenary.

Update: Mr Todd, Chair of the ARMC, included an update at Agenda Item 10 'Verbal Updates from Chairs of Committees'. The ARMC are meeting on the 24 February to discuss the Board Effectiveness Questionnaires.

7. **Action:** Ms Frew to issue papers to the Joint Liaison Committee (JLC) and request their feedback on Deputy District Judge (Magistrates' Courts) documents.

Update: Papers issued. An update on the last meeting of the JLC was discussed at Agenda Item 8.

Chief Executive's Update

8. Mrs Kilpatrick presented the Chief Executive's Update at Paper C23/14. The new proposed staffing structure will be discussed at the end of the meeting.

9. ***Lay Magistrates Scheme***

The Lay Magistrates Scheme Project Board, lead by Mr Todd, has been set up and a plan developed to commence the scheme initially in 2013/14 with outreach activities, with an aim to advertise in April 2014. This timetable was developed to allow NIJAC to meet the Northern Ireland Courts and Tribunals Service (NICTS) requirement to have new appointments by April 2015.

However, on 5 February 2014, NIJAC was advised by the Department of Justice (DoJ) that, as ten years had elapsed since the Lay Magistrates (Eligibility) (Northern Ireland) Order 2004, it would have to consider the appropriateness of the regulations, given that a number of new bodies had been created in the meantime.

DoJ have acknowledged that this may impact upon the timescale for the appointments, which at this stage could mean a minimum 6 month delay. Any amendment to the Order would be subject to the draft affirmative process.

Budget for Outreach activities was included in the 2013/14 budget; as this spend is now delayed into 2014/15 NIJAC will now suffer an under spend in the 2013/14 budget. This has been brought to the attention of our Sponsorship Department, OFMDFM.

10. Responsibility of Terms and Conditions in relation to all posts was discussed. A paper was presented a few years ago about identifying the authorities and various stakeholders relevant to T&Cs. The Policy Committee to review the Terms and Conditions of posts when the requirement for the post arises.

Action: Policy Committee to take forward a piece of work on the responsibility of Terms and Conditions of all posts.

11. Outreach was discussed in relation to the recent focus groups. Have these focus groups been evaluated to ascertain if they encouraged people to apply for posts that would not have previously considered applying.

Action: Evaluation of the focus groups in relation to their ability to widen the pool of appointable applicants.

12. ***Lay Commission Member Update***

The Lay Commission Member vacancy has been carried since June 2013. A letter from the Chairman was sent to OFMDFM in December regarding the appointment of the Lay Commission Member and again this was highlighted to OFMDFM at the recent quarterly Sponsorship Liaison meeting.

The impact of Lay Commission Member vacancies on schemes was discussed, particularly in relation to the recent County Court Judge Scheme. If there are several schemes and/or pieces of work taking place which require a Lay Commission Member and there are vacancies in that area, it puts strain on NIJAC. Also, if a Lay Commission Member is unavailable due to sickness, NIJAC will be unable to cover with its current number of Lay Commission Members.

Action: NIJAC to write to OFMDFM pointing out that we did not have an NIJAC Lay Commission Member on a recent panel (a co-opted person was used), and we have no cover if any additional Lay Commission Members vacancies arise due to sickness, etc.

The procedures in the Judicial Appointments Commission England & Wales (JAC E&W) were discussed. The JAC E&W use external people on their selection panels and their Commissioners are used for setting policy.

Action: Policy Committee to look at the requirement of Lay Commission representation on Schemes and the procedures for the selection of Lay Commissioner Representatives.

Corporate Plan 2014-17 and Business Plan 2014-15

13. Mrs Kilpatrick gave a presentation on the Corporate and Business Plans. The Plans are being shared with Plenary before targeted consultation with other bodies/stakeholders takes place.
14. Mrs Gadd conducted a consultation meeting between Business Committee, Audit & Risk Management Committee (Mr Todd) and Policy Committee (Mrs Keenan) Chairs/Representatives on 15 January.

15. Mrs Gadd suggested that each Committee looks at their year's programme of work in relation to the Business Plan Objectives and the Chairs of the Committee's report to the Plenary quarterly on meeting these objectives.

Action: Each Committee Chair to present a quarterly update to Plenary on meeting their Business Plan Objectives.

16. The following changes were suggested:
- 'Engagement between Commissioners and Staff' should be included in the Business Plan.
 - Corporate Plan, Our Future Directions, Page 11 – suggestions made for first paragraph.
 - The 'Appointments & Diversity' quadrant – suggested name change.
 - Include our success at being ahead of the benchmark in appointments in certain tiers reflecting the pool.
 - Business Plan, Page 12 – change 'all schemes' to 'each scheme'.

Justice Committee

17. The Commissioners noted the recent correspondence between the Chairman, NIJAC and the Justice Committee.

Updates from Chairs of the Selection Committees

District Judge Civil Scheme Evaluation Report

18. Mr James McNulty QC, as Chair of the District Judge Civil Scheme, presented the evaluation report at paper C23/16. The successful applicant has been identified and an appointment is expected at the start of April. The evaluation report made a number of recommendations, which link into the work that NIJAC have planned on developing a standardised approach across documentation, including the scoring matrix.
19. Notification of applicants was discussed. All applicants to be notified by the same media i.e. all by email or post, at the same time.
20. Co-opted selection panel members to have a standardised training/instruction pack developed. This is included in the 2014-15 Business Plan.
21. Correlation between the top 7 in the interviews and the top 7 in the test was discussed.

Action: Policy Committee to look at the correlation between the top 7 in the interviews and the top 7 to assess the testing method.

22. Standardisation of the number of applicants to be interviewed across schemes was discussed.

Action: Policy Committee to look at the possibility of having a set number/percentage/ratio of applicants to get through to interview stage across all schemes.

23. An additional selection method was discussed; that of questioning the applicant after the role-play on their role-play. This would approximately add an hour onto each applicant's assessment.

Action: Policy Committee to evaluate the benefits of introducing a questioning session after each role-play to the selection process.

Appeals Tribunal Medical Scheme Evaluation Report

24. Mrs Breidge Gadd, as Chair of the Appeals Tribunal Medical Scheme, presented the evaluation report at paper C23/17. There was one successful applicant for the specialist appointment, although the request had been for two, and 40 general medical appointments. Given the numbers involved there was an arrangement between NIJAC and the President to link the offer of appointment with both swearing in and training. There were recommendations around shortlisting arrangements and use of the Expression of Interest versus the full application form contained in the evaluation.
25. Suggestions were made to move towards batch processing for posts such as medical, where large numbers are required over several tribunals.

26. It was noted that younger, urban applicants were doing better in the selection process. This is a point to be highlighted at future outreach events.

Senior Appointments Review Team (SART)

27. A Senior Appointments Review Team (SART) has been established to look at the processes required for judicial appointment schemes. The SART members are Professor Nicola Rooney (Chair), The Lord Chief Justice, Lord Justice Coghlin and Mr Lindsay Todd. The team has met on a number of dates and is designing documentation for judicial roles taking into consideration information from the Judicial Appointments Commission England & Wales (JAC E&W) and Judicial Appointments Board Scotland (JAB).
28. We have mentioned our commitment to standardise our processes and documentation; a key document is the personal profile and the SART have concentrated their efforts on its development. It is hoped that once agreed the approach can be replicated across the judicial tiers including County Court Judge, District Judge and Master.
29. Professor Rooney gave a presentation of the work of SART to date. A consistent profile with the same headings but different emphasis on each using the explanation under each heading e.g. 'high level', 'awareness' or 'sound level' of knowledge, was discussed. Also the different routes and approvals Business Cases, Job Descriptions, etc. take through departments were discussed.
30. Discussions followed on the use of descriptors and the usefulness of a Career Summary.
31. The Plenary approved the direction of the work the SART was taking and agreed its continuation.

Joint Liaison Committee (JLC) Update

- 32.** Ms Frew presented paper C23/18. The JLC met on 16 January. Members had been provided with a range of papers including comprehensive papers and data on the Deputy District Judge (Magistrates' Courts) recruitment, the report on the December Focus Groups which examined various Personal Profiles, and an overview of how each strand of the profession had fared in the 2013 schemes.
- 33.** While the level of response was somewhat disappointing we can be reassured as the JLC members found no unintended barriers, nor unconscious bias. They welcomed how the Personal Profiles are evolving, particularly the more succinct version which reflected the weighting of knowledge/experience, skills and personal qualities. We advised the members that we were developing a standardised approach and would be involving them in the development of the documentation going forward.
- 34.** The JLC initiatives such as Interface, Women in Law lecture series and the mentoring scheme are all working well.
- 35.** Discussions followed on ways to improve the work of the JLC to ensure their continued engagement.

Report from Complaints Committee

36. Judge Kinney, as Chair of the Complaints Committee, informed the Plenary of the outcome of the Committee in relation to the recent complaint. The Committee did not uphold the complaint.
37. A letter will be sent to all applicants who made it through to the final stage of the selection process, informing them that we will be in touch in 28 days to update them on the scheme.

Updates from Chairs of the Committees

Policy Committee

38. Lord Justice Coghlin, as Chair of the Policy Committee, gave a brief overview of the last Policy Committee meeting. The Character Policy was approved at the last meeting. A revised Complaints Policy was considered and it will be helpful to take into consideration the experience of this most recent complaint before finalising this policy.

Audit & Risk Management Committee

39. Mr Lindsay Todd, as Chair of the Audit & Risk Management Committee (ARMC) gave a brief overview of the last ARMC meeting as follows:
 - The Department's Quarterly Corporate Performance Report for the quarter ended 31 December 2013 was sent to Mr Todd, as Chair of the ARMC, by OFMDFM. Mr Todd was concerned at the 'vocabulary' used and will address it with OFMDFM at the next ARMC meeting.

- The committee have discussed arrangements around payment of Tax & National Insurance Contributions on Fee Paid Commissioners travel being met by the employer i.e. NIJAC. As the appointing body and budget provider this is subject to agreement by OFMDFM, who are considering the matter.
 - NIJAC received satisfactory internal audit reports.
 - A member of the ARMC to sit on the Internal Audit Services tender panel.
40. The Committee members will meet on 24 February to discuss the Board Effectiveness Questionnaires. It was agreed that the 2013-14 Board Effectiveness Questionnaires, due to be issued in April, should be put back until the 2012-13 Questionnaires have been reviewed by the ARMC.
41. The ARMC members present today, agreed to reschedule the next meeting due to take place on 27 February due to other commitments.

Business Committee

42. Mrs Breidge Gadd, as Chair of the Business Committee, gave a brief overview of the last Business Committee meeting as follows:
- A new risk register is to be developed to link in with the Corporate and Business Plans.
 - The Committee has been working with the Senior Management Team on the Corporate and Business Plans presented earlier in the meeting.

- As discussed earlier, the delay in the Lay Magistrate Scheme will cause an under spend of the 2013/14 budget. This will have an adverse effect on the 2014/15 budget as we have been informed that the 2014-15 budget will be set taking into account the actual spend in 2013/14.

Mrs Anderson, Ms Frew, Mr Millar and Miss Woods stepped out of the meeting.

Proposed Optimum Staffing Structure

43. Mrs Kilpatrick presented the Optimum Staffing Structure paper. The Plenary agreed the new staffing structure as being adequate to meet the needs of NIJAC allowing objectives to be met.

Mrs Kilpatrick stepped out of the meeting.

Determination on the appropriate grade for the post of Chief Executive

44. The Plenary agreed the recommendations set out in the Chief Executive Officer Position paper.

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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