



NIJAC

*Northern Ireland Judicial
Appointments Commission*

Minutes of the Plenary Meeting held on Tuesday 26 February 2013, 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
Her Honour Judge Loughran
Mr James McNulty QC
Mr Alastair Rankin
Professor Nichola Rooney
The Honourable Mr Justice Weatherup
The Right Honourable Lord Justice Coghlin
Mr Lindsay Todd
Mrs Breidge Gadd
Mrs Fiona Keenan

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

Apologies: None

Minutes of the Last Meeting

1. Subject to minor amendments being made the minutes of the meeting held on 11 October 2012 were agreed by the Commissioners.
2. The Commissioners confirmed that there were no conflicts of interest before proceeding with the meeting.

Update on points in last minutes

3. **Updates from the Chairs of the Committees (Audit & Risk Management Committee; Business Committee and Policy Committee)**

Mr Todd provided an update on the work of the Audit and Risk Management Committee informing that meetings had taken place with Mr Noel Lavery and Mr Alan Maitland (OFMDFM) regarding staffing and secondment issues.

The Commission used these meeting to express their dissatisfaction with OFMDFM's handling of this situation. Mr Gorringer confirmed that further to those meetings, a Draft Report on Staffing¹ had been received from the Consultants², was being considered and would be provided to Business Committee ahead of their meeting of 19 March 2013.

Action: The Draft Report on Staffing to be placed on the agenda for the forthcoming Business Committee so that a formal response can be formulated.

¹ Review Reference DF11/4/11: Draft Report: "A Review of the Organisational Structure of the Northern Ireland Judicial Appointments Commission"

² Business Consultancy Service, Department of Finance and Personnel.

Mrs Gadd provided an update on the work of the Business Committee.

This included:

- (i) lease at Headline Building;
- (ii) Business Planning;
- (iii) the Commission's expenditure (which was currently within the 0.5% variance permitted by OFMDFM);
- (iv) the low rate of staff absence;
- (v) Commissioners' induction and attendance at outreach events; and
- (vi) the consideration of Confidentiality Agreements for Commissioners.

Lord Justice Coghlin provided an update on the work of the Policy Committee and advised that he had requested referral of two policy issues to Plenary.

This included:

- (i) the Conflicts of Interest Policy; and
- (ii) Merit Criteria for senior judicial office.

4. Updates from Chairs of Selection Committees

Chairman of the Industrial Tribunals and Fair Employment Tribunal (IT/FET)

Professor Rooney provided a brief update on the scheme to appoint a Chairman of the Industrial Tribunals and Fair Employment Tribunal.

There was a general discussion around the short listing test used for this scheme. It was agreed that NIJAC would further examine the validation and piloting of shortlisting tests as a future general action. Plenary were advised that the successful applicant has now been sworn in.

Action: The Executive Team to provide the Chairman with statistics on the gender profile of applicants for this scheme.

Criminal Injuries Compensation Appeals Panel Northern Ireland (CICAPNI)

Professor Rooney provided an update on the scheme to appoint two adjudicators (one Consultant Psychiatrist and one Consultant Clinical Psychologist) to CICAPNI.

Plenary was informed that the outreach on this scheme had been successful and that the Selection Committee was pleased with both the quality of applicants and the appointed individuals.

Deputy Statutory Officers (Taxation; Bankruptcy; Chancery/Property)

Judge Loughran provided an update on the schemes to appoint Deputy Statutory Officers (Chancery/Property; Bankruptcy and Taxation).

Judge Loughran briefed the Commission regarding the status of the scheme and the standard in the Bankruptcy and Taxation tests.

The Head / Deputy Head of Appointments were directed to take forward the final decision regarding assessment of both the application form and the shortlisting test with the selection committee.

Action: For the DDJ scheme, it was agreed that the top third would be shortlisted and the DSO would be examined regarding the application of the same principle. The appointments team were directed to implement the decision.

Pensions Appeal Tribunal (Services) Member

Mrs Burns provided an update on the above scheme informing them that an unexpectedly high number of applications was received and that three appointments had been made.

County Court Judge

Mr Justice Weatherup informed Plenary that the planned County Court Judge scheme had been postponed by four weeks to facilitate capturing a number of confirmed and potential vacancies in 2013/2014.

It was decided to hold a reserve list for one year to accommodate current and future needs. This would operate from the day the merit list is compiled at the end of the assessment centres.

Action: The Executive Team to actively promote this scheme before it is advertised.

5. High Court Judge: Merit Criteria in Personal Profiles and Job Analysis

Paper C1/13 was presented by Mrs Anderson at the direction of Lord Justice Coghlin.

Mrs Anderson summarised the paper advising that it:

- (a) requests that plenary committee examine and review the merit criteria set out in the personal profile for the office of High Court Judge;
- (b) review the personal profile in the context of the discussions at the away day regarding the merit criteria in the personal profiles and experience;

(c) review information contained in the policy paper 29-12 which provides an overview of High Court Judge Schemes (2011 & 2012) of gender, professional background and potential knowledge/experience/skills gaps, and

(d) consider job analysis as a tool to review merit criteria in personal profiles and assess whether a particular judicial office is capable of flexible working.

There was a general discussion around the use of job analysis and whether it would assist NIJAC to better analyse the knowledge, skills, experience and personal qualities for roles under recruitment and at the same time capture whether a post was capable of flexible working.

Mrs Anderson spoke to the benefits of job analysis and how it would provide a more detailed and objective view of what knowledge was required for any particular role but advised that it was an expensive exercise. Mrs Anderson explained the process was a deep and objective exercise aimed to draw out the correct merit criteria.

Mrs Keenan also confirmed that she had only positive experiences of Job Analysis as a way to provide independent validation of the knowledge, experience, skills and competence required for any specific role.

The Chairman picked up the second issue of flexible working presented in the in paper C1/13.

There followed a discussion around flexible working and the difficulties around making flexible working patterns fit with the requirements of particular judicial roles.

Mrs Anderson advised that the Commission had adopted a flexible working policy, therefore a strategy for taking this forward would be the next implementation step.

The Chairman indicated looking at the Flexible Working question may be important in increasing the diversity of the judiciary and encourage applications to judicial office from women.

Mr Gorringe agreed and confirmed that this is an area which the Executive Team is committed to exploring further.

Action:

- (i) The Appointments team to check the scores in paper C1/13 and amend the paper as appropriate.**
- (ii) A follow-on paper is required to examine a flexible working strategy from the Head of Appointments.**
- (iii) The Appointments Team was asked to provide Commissioners with a paper which examines how other jurisdictions assess and weight the skills required for judicial office.**

6. Strategy Away Day Action Plan

Paper noted.

7. Conflicts of Interest

A paper was presented to Plenary on Conflicts of Interest. Commissioners were asked to approve a definition of conflicts of interest and the amended Conflicts of Interest Policy.

The paper considered:

- (i) markers anonymously assessing shortlisting tests without a process, to allow the opportunity to identify their conflicts of interest at an early stage.
- (ii) three options of a definition with a rationale for each. Commissioners were asked to select their preferred definition.

Commissioners approved the paper and the Conflicts of Interest Policy and procedure. The definition at Option 3 was agreed. The second paragraph was preferred and should also be adopted.

Action: The Executive Team to provide the Chairman with the legislation which set out the caveats regarding the disclosure of confidential information.

8. Dates of Meetings 2013 - 2014

The paper listing the dates of 2013 - 2014 Plenary meetings was noted.

9. Diversity and Communications Update

Paper noted.

10. Date of next meeting

The date of the next Plenary – To be Confirmed.

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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