

**Minutes of the Plenary Meeting
Held on Thursday 7 June 2018
Headline Building, Victoria Street, Belfast**

Present: The Right Honourable Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)
Mr Brian Coulter OBE
Mr Eoin Doyle QFSM
District Judge (Magistrates' Courts) Rosalie Prytherch

Observers:

The Rt. Hon. Lord Justice Stephens *from 11:00am*
Mr Michael Robinson
The Rt Hon Mrs Justice Keegan *from 10:40*
Tonya McCormac (NIJAC Chief Executive elect)

In Attendance:

Ms Adeline Frew
Mrs Julie Monahan
Mr Andrew Millar
Mr Duncan Greer
Mr Sean O'Mara (Secretary)

1. Apologies

- 1.1** Mr Lindsay Todd, Mr Paul Douglas, Ms Marion Matchett CBE and Ms Noelle McGreenera QC. The Chairman noted that if one more Commissioner had not been able to attend then Plenary would not be Quorate. Given the numbers present the need for caution in making decisions on any contentious issues was also noted. It was confirmed that this would be the last meeting for two present members unless their appointments were renewed.

2. Conflicts of Interest

- 2.1** No conflicts were declared.

3. Confidentiality

- 3.1 The importance of confidentiality was stressed. The Observers signed a confidentiality statement.

4. Minutes of meetings

- 4.1 The minutes of the meeting on 8 March 2018, 30 March 2018 and 8 May 2018 were discussed. The minutes of 30 March 2018 and 8 May 2018 were approved. The Chairman noted the absence of a reference to the use of reserve lists within the minutes of the 8 March 2018. Plenary agreed that it had been discussed and an amendment to the minutes of 8 March 2018 was agreed and inserted.

Action: Executive Team to amend minutes of 8 March 2018 and send to chair for approval.

- 4.3 The Chairman noted that the actions arising were either complete or addressed in the substantive agenda.

5. Chief Executive's Report

- 5.1 Ms Adeline Frew presented the Chief Executive's report to Plenary.

5.2 General Data Protection Regulations Implementation Plan (GDPR)

Mr Millar gave a verbal update on GDPR and advised that the implementation deadline had been met. The Committee noted the continuance of the exemption from the subject access provisions and reiterated their desire to be transparent with applicants.

5.3 Business Plan 2018/19

- 5.3.1 Ms Frew presented a verbal update on the detail provided on the Business Plan objectives and advised that all objectives were on track for full or partial delivery; the political situation continues to delay the laying of the 2016/17 and 2017/18 Annual Report and Accounts and the "Programme of Appointments

delivered on time and within allocated budget” is partially met as there remain vacant offices in the High Court.

5.4 Risk Register

5.4.1 Plenary noted that the 2017/18 Risk Register had been formally reviewed by the Executive Team in May 2018. The loss of Commissioners and staffing levels were considered and new actions were added to reflect the impact on the business. The recommended changes were considered and approved for removal while a lack of confidence in the recruitment process, revealed by the recent QC survey, was referred to Business Committee for further consideration.

The reply dated 4 June 2018 from the Head of the Civil Service to the Chairman’s letter of 17 May 2018 was shared. Commissioners noted that the Head of the Civil Service was hopeful of a resolution to the lack of Commissioner appointments and reappointments.

Action: Executive Team to re-examine confidence in the recruitment process within the Risk Register and present it to the Business Committee.

5.5 Budget Update 2018/19

5.5.1 Ms Frew updated the Committee on the position on the 2018/19 budget and noted the provisional income from temporary co-tenants.

5.5.2 Commissioners noted that the letter from The Executive Office Accounting Officer (Mark Browne) indicated that 2019-20 financial outlook remains challenging and agreed that Business Committee should consider potential scenarios. The Chief Executive (elect) to be involved in this work over the summer months.

Action: Business Committee to consider potential scenarios in respect of the 2019-2020 budget with input from the Chief Executive elect.

5.6 Draft Annual Report and Accounts

- 5.6.1** The draft Annual Report and Accounts was approved, subject to minor amendments to be sent to Mr Greer and Ms Frew. Plenary to approve final draft electronically should any substantial changes be made.

Action: Ms Frew and Mr Greer to make amendments to Annual report and Accounts and seek electronic approval should any substantive amendments be made.

5.7 Board Effectiveness

- 5.7.1** The report was noted and deferred to Business Committee to consider on 13 June 2018.

5.8 Non-Commission Complaint

- 5.8.1** Ms Frew gave an update on a non-Commission complaint. The individual had referred the complaint to the Northern Ireland Public Service Ombudsman (NIPSO). It appears that NIJAC is not covered by NIPSO's jurisdiction. Advice has been sought on the best way to ensure that there is a review process for external decisions.

5.8 Think People Précis

- 5.8.1** The report was noted and referred to Policy Committee for consideration following the tri-partite meeting with Judicial Appointments Commission (JAC) and Judicial Appointments Board Scotland (JABS)

Action: Policy Committee to consider report along with any other recommendations following meeting with JAC and JABS.

5.9 Outreach and Working with Others

- 5.9.1** Ms Frew advised of the various initiatives undertaken since the last meeting of Plenary.

Ms Frew confirmed that Commissioners had attended a development event on 30 March 2018 to consider current and emerging assessment methods in recruitment and selection.

NIJAC have contributed the submissions to Senior Salaries Review Body (SSRB) through the Office of the Lord Chief Justice and will be working with the Department of Justice Judicial Salaries Group in June 2018.

6. Selection Committees

6.1 Current Scheme Updates

- **District Judge (Magistrates' Court)** – Mr Doyle confirmed that the Selection Committee had adopted papersift as the means of shortlisting and that this was to proceed later in June 2018. It was confirmed that scheme interview dates had been rearranged and that all applicants had been notified of the changes.
- **Mental Health Review Tribunal (MHRT)** – Scheme progress noted by the Committee.

Lessons Learned Reports

- **High Court Judge 2017**– The Chairman confirmed that the scheme was successful in recommending two applicants for appointment. The Chairman updated Plenary noting that one vacancy remained unfilled and that a further scheme would be required. It was confirmed that the Senior Appointments Review Team will be reconvened in June 2018 to consider the appropriate arrangements for a further scheme.
- **Employment Judge 2018** – District Judge (Magistrates' Court) Prytherch updated Plenary that the scheme had recommended two people for appointment and that there is no reserve list applicant.
- **County Court Judge 2018** – Lord Justice Stephens confirmed the scheme was successful in proposing one person for appointment and the recommendation report is currently with the Lord Chancellor.

A conversation took place about moderation at paper sift and interview. It was agreed that Policy Committee should consider options for shortlisting and interview moderation concurrent with the work arising from the Review of the Effectiveness of NIJACs Appointments Processes. It was agreed that a holistic approach should be used for all schemes.

7. Policy Committee

7.1 The Draft minutes of 8 May 2018 were noted by Plenary.

7.2 Guiding Principles and Structural Guideline for Test Design

7.2.1 Plenary approved the proposed Guiding Principles and Structural Guidance for Test Design noting that the use of generic tests required Plenary approval.

7.3 Review of the Effectiveness of NIJAC's Appointments Processes (RENAP)

7.3.1 Commissioners noted the report and approved the implementation plan.

7.4 Standardised Approach to Legal Schemes

7.4.1 Plenary approved the revised standardised approach to legal schemes, subject to clarity amendments to be made by the Executive Team.

Action: Executive Team to make clarity amendments to the Standardised Approach to Legal Schemes.

7.5 Proposal on Feedback Policy

7.5.1 Plenary approved the revised Feedback Policy. Reference to the Data Protection Act 1998 will be changed once any new legislation is in place.

7.6 Character Policy

7.6.1 Plenary approved the proposed change to the Character Policy and Guidance to Applicants.

7.7 Scoring Framework

7.7.1 Commissioners noted the report and referred it to the Senior Appointments Review Team (SART) to make recommendations to Plenary in October 2018.

It was agreed that SART would consist of the Lord Chief Justice, Lord Justice Stephens, Ms Marion Matchett and Mr Lindsay Todd.

Action: SART to consider the scoring framework and report to Plenary in October 2018.

7.8 Annual Report – Verbal Update

7.8.1 Judge Prytherch, in the absence of the Policy Committee chair, presented Plenary with a verbal update on the Committee's work for the year.

8. Business Committee

8.1 The draft minutes of 12 April 2018 were noted by Plenary.

8.2 Annual Report – Verbal Update

8.2.1 Mr Coulter presented Plenary with a verbal update on the Committee's work for the year and commended NIJAC staff for their work.

8.3 Plenary agreed to revisit eligibility for Appeal Tribunal Medical specialist posts when there is an indication from the Appeals Tribunal they want to run a further scheme.

9 Audit and Risk Management Committee

9.1 The draft minutes of 17 May 2018 were noted by Plenary.

9.2. Annual Report – Verbal Update

9.2.1 Mr Doyle, in the absence of the Chair, presented a verbal update on the work of the Committee for the year.

10 Any other business

10.1 Draft Political Engagement Plan/ NIJAC's Impact Presentation

10.1.1 Commissioners noted the Draft Political Engagement Plan and Presentation and agreed that a meeting with the main Political Parties should be arranged for December 2018. Commissioners sought further refinement of draft Political Engagement Plan and Presentation..

Action: Executive Team to further refine the draft Political Engagement Plan and Impact Presentation.

10.2 Office of the Lord Chief Justice (OLCJ) QC Survey of Views

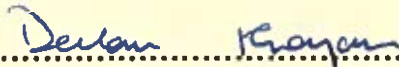
10.2.1 Commissioners noted the results of the survey carried out by the Office of the Lord Chief Justice. They asked if it is possible to see anonymised raw data in order to analyse further and inform outreach events, particularly in respect of the High Court. The Chairman agreed to enquire if this is possible.

Action: Executive Team to liaise with the OLCJ regarding the sharing of anonymised raw data. Analysis of data to be shared with Policy Committee.

11 Date of next meeting

11.1 Thursday 18 October 2018, possibly combined with ARMC.

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

.....18 October 2018.....