

Minutes of the Plenary Meeting
Held on Wednesday 12 December 2018
Headline Building, Victoria Street, Belfast

Present: The Right Honourable Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)
Mr Paul Douglas
Mr Eoin Doyle QFSM
The Rt Hon Mrs Justice Keegan
Ms Marion Matchett CBE
Ms Noelle McGreenera QC – Joined at 11:15am
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Michael Robinson
The Rt. Hon. Lord Justice Stephens
Mr Lindsay Todd

In Attendance:

Ms Adeline Frew
Mr Duncan Greer
Mrs Tonya McCormac
Mr Andrew Millar
Mrs Julie Monahan
Mrs Nicola Byrne (Secretary)

1. Apologies

None received.

The Chairman welcomed the appointments of the nominated Judicial and Legal Commissioners. Two Lay Commissioner positions and one County Court Judge Nominee remain unfilled and it is anticipated that a Lay Commissioner recruitment will begin in the New Year.

2. Conflicts of Interest

No conflicts were declared.



3. Confidentiality

The importance of confidentiality was stressed.

4. Minutes of meetings

The minutes of the meeting on 18 October 2018 were approved.

5. Chief Executive's Report

Mrs McCormac presented the Chief Executive's report to Plenary.

Business Plan 2018/19

Mrs McCormac advised that all objectives are on track for delivery.

Risk Register

Mrs McCormac advised that the Executive Team reviewed the Risk Register on 10 December and a number of matters are proposed for consideration by Plenary:

- Removal of the risk under 'Our People' – Loss of Commissioners and representation of the legal profession.
- New risk under 'Our People' to reflect the two Lay Commissioner vacancies and one County Court Judge nominee.
- New risk under 'Accountability' – Uncertainty of NIJAO jurisdiction.

The proposals were approved by Plenary.

Budget Update 2018/19

Ms McCormac updated Plenary on the 2018/19 budget position and advised that the Executive Team have been meeting regularly to plan expenditure and monitor the budget. Three capital projects have been approved to include video-conferencing equipment, work required as a result of a recent Fire Inspection and fitting of a new automatic basement garage door.

The year to date financial position as at 31 October 2018 shows a small under-spend which is primarily due to expenditure happening later in the year.

Annual Report and Accounts 2017/18

The 2016/17 and 2017/18 Annual Report and Accounts are both pending Ministerial Approval and therefore have not been published. Given the requirement for NIJAC to publish our Annual Report and Accounts the Northern Ireland Audit Office (NIAO) have been contacted to ascertain if draft accounts could be published or a statement issued on the website to advise of the situation.

Outreach and Working with Others

Mrs McCormac advised of the various initiatives undertaken since the last meeting of Plenary some of which include:

- Mrs McCormac met with representatives from the Judicial Advisory Board in Dublin to learn about the current approach in Ireland in terms of judicial appointments and the on-going situation around setting up an independent Commission similar to NIJAC.
- Mrs McCormac and the Chairman travelled to England and Scotland in November to meet with representatives from JAC and JABS which they both deemed to be very worthwhile and useful in gaining an insight into their processes and specifically their use of Information Technology. Both JAC and JABS are keen to continue ongoing engagement and arrangements are being made for some Commissioners and members of the Executive Team to travel to JAC and JABS in the New Year.
- Mrs McCormac and Ms Frew met with the Northern Ireland Public Service Ombudsman (NIPSO) and the Northern Ireland Judicial Appointments Ombudsman (NIJAO) to discuss the working arrangements and progress clarity on the jurisdiction of NIPSO and NIJAO in regards to NIJAC. Mrs McCormac referred Commissioners to the draft 'Operational Arrangements' between NIJAC and the NIJAO. Commissioners emphasised the importance of establishing a fast track process in respect of NIJAC complaints and it was agreed that Commissioners would provide

any comments on the draft 'Operational Arrangements' directly to Mrs McCormac.

- **ACTION:** Commissioners to provide any comments on the draft 'Operational Arrangements' directly to Mrs McCormac.
- Mrs McCormac and Ms Frew met with representatives from the Bar Council to discuss the use of Reserve Lists, key informants for the Queens University Research and as part of the Continuous Improvement Plan, the Personal Profile and Guidance to Applicants. The Bar Council and Law Society have been consulted on the use of Reserve Lists and have provided NIJAC with provisional responses. It was agreed that NIJAC would seek unqualified responses from the Bar Council and the Law Society.
- **ACTION:** NIJAC to seek unqualified responses from the Bar Council and Law Society on the use of Reserve Lists to inform policy.

6. Selection Committees

Current Scheme Updates

- **MHRT Medical Member** – Ms Matchett advised that following final assessment one successful applicant has been identified. Pre-appointment checks are ongoing and an appointment report will be issued to Plenary shortly for their consideration and approval. A Lessons Learned report will be presented to Plenary in March.
- **MHRT Experienced Member** – Mr Douglas advised that following final assessment one successful applicant has been identified along with a reserve list. Pre-appointment checks are ongoing and an appointment report will be issued to Plenary shortly for their consideration and approval. A Lessons Learned report will be presented to Plenary in March.

- **Special Educational Needs and Disability Tribunal (SENDT) Legal Chairman** – Mr Douglas advised that the scheme closed to applications on 19 November. Following receipt of applications Conflicts of Interest were declared by both co-opted members who were recused and new Selection Committee Members appointed. An additional pre scheme meeting has been arranged for 13 December 2018 to agree new dates and provide new Selection Committee members with an overview of the agreed process.
- **High Court Judge 2018**– Mr Todd advised that this scheme is due to advertise in March and the Selection Committee are meeting on 28 January 2019 to finalise the assessment methods for shortlisting and final assessment.

Lessons Learned Reports

- **District Judge (Magistrates' Court)** – Mr Todd confirmed the scheme was successful in identifying three successful applicants. Following discussion it was agreed that Policy Committee would take forward a number of key actions arising from the Lessons Learned Report such as Coaching and Feedback.
- ***ACTION: Policy Committee to consider matters arising from Lessons Learned Report.***
- **Mental Health Review Tribunal (MHRT) Legal Member** – Mr Douglas advised this was a well-run scheme which was successful in identifying three successful applicants along with a reserve list. A number of matters of note were discussed and it was agreed that NIJAC staff would investigate the possibility of sound proofing the interview room.

Plenary had previously agreed that an applicant's Application Form should be provided to them at interview should they wish to refer to it at any stage. It was agreed that Policy Committee would review this practice for all schemes.

- ***ACTION: NIJAC Staff to investigate the possibility of soundproofing the interview room.***

- **ACTION:** *Policy Committee to consider whether the practice of providing an applicant's Application Form at interview is appropriate for all schemes.*

7. Issues and Character Committee Update

Commissioners noted the report.

8. Policy Committee

The minutes of 6 November 2018 were noted by Plenary.

Ms Matchett advised that Plenary had previously approved an amendment to the Personal Profile for High Court Judge under Communication Skills to include reference to the use of IT. Plenary confirmed that this amendment to the Personal Profile should be adopted for all schemes.

- **ACTION:** *Personal Profile for all schemes to be amended to include reference to the use of IT under Communication Skills.*

Guiding Principles and Structured Guidelines for the Design of Role Plays

These were approved by Plenary.

Telephone and video interviews

Mr Millar advised that Policy Committee have identified some potential for the future use of both telephone and video interviewing. It has been specifically agreed that it would not be appropriate as a substitute for a face-to face interview at the final assessment stage and that either method should not be used to revisit the option of reduced panel membership. Plenary approval would be sought should any Selection Committee seek to use telephone or video interviewing.

Plenary agreed that telephone and video interviews could be piloted in a future scheme under the conditions outlined.

Change in Trigger Point for use of Tests

Policy Committee have considered the current trigger point for the use of tests (currently being 50 applications) and following consideration have proposed that this be amended to 36 applications. This was approved by Plenary.

Use of Career History at Shortlisting

The use of Career History within the papersift of self-assessments has been considered as part of the Review of the Effectiveness of NIJAC's Appointments Processes (RENAP) and Policy Committee are recommending that this be removed from the sight of assessors at papersift. Plenary approved this recommendation.

- ***ACTION:*** Selection Committees to not to be provided Career History when paper shortlisting.

Example Self-Assessment

Mr Millar advised that Policy Committee considered the use of an example self-assessment which could be published as an additional applicant guide however following consideration it was deemed that this was not appropriate.

9 Audit and Risk Management Committee

The minutes of 18 October 2018 were noted by Plenary.

11 Any other business

Post Retirement Appointment

Plenary approved the post retirement appointment of a Fee Paid Industrial Tribunal and Fair Employment Tribunal Judge.

Standing Committees

Following the appointment of new Commissioners Mrs McCormac circulated the proposed Committee Membership which was approved by Plenary. Mrs McCormac thanked those Commissioners who have agreed to sit on additional Committees until new Commissioners are appointed.

Mr Douglas has been appointed as Complaints Commissioner and Mrs Justice Keegan as Issues and Character Committee from 12 November 2018.

Plenary agreed that the contingency arrangements agreed in May 2018 are no longer required.

12 Date of next meeting

Thursday 7 March 2019.

Signed

Declan Morgan

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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

7 March 2019

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ACTION POINT SUMMARY

Agenda Item	Action	Owner
5	<ul style="list-style-type: none"> Commissioners to provide any comments on the draft 'Operational Arrangements' directly to Mrs McCormac. 	Commissioners
5	<ul style="list-style-type: none"> NIJAC to seek unqualified responses from the Bar Council and Law Society on the use of Reserve Lists to inform policy. 	NIJAC Staff
6	<ul style="list-style-type: none"> Policy Committee to consider Tied Scores, Feedback, Coaching and the procedure to be followed in the event of complaints or ombudsman referrals during a live competition. 	Policy Committee
6	<ul style="list-style-type: none"> NIJAC Staff to investigate the possibility of soundproofing the interview room. 	NIJAC Staff
6	<ul style="list-style-type: none"> Policy Committee to consider whether the practice of providing an applicant's Application Form at interview is appropriate for all schemes. 	Policy Committee
8	<ul style="list-style-type: none"> Personal Profile for all schemes to be amended to include reference to the use of IT under Communication Skills. 	NIJAC Staff
8	<ul style="list-style-type: none"> Selection Committees not to be provided Career History when paper shortlisting. 	NIJAC Staff

