

## Chairman of the Industrial Tribunals and Fair Employment Tribunal



*This interview took place prior to Mr Kinney being elevated to the office of County Court Judge.*

Patrick Kinney is a full time Chairman of the Industrial Tribunals and Fair Employment Tribunal, independent judicial bodies which hear and determine certain claims in the employment field. These would commonly include claims relating to discrimination on the grounds of, amongst others, sex, race religion, disability, part-time working and sexual orientation. The claims also include victimisation, harassment, unfair dismissal, redundancy and breach of contract.

Previously managing partner of a solicitors based in Newry, he was also, up to the time of his appointment, a member of the Council of the Law Society of Northern Ireland.

### **Why did you leave private practice for this position?**

I was the managing partner of a growing solicitor's practice for almost 20 years and the main core of my work was in the commercial arena. When I started out in practice I would not have felt that a judicial role would have been open to someone from a solicitor's background particularly if the main area of expertise fell outside litigation.

I had been considering judicial appointment as a career prospect in the back of my mind for some time as something I might enjoy. I had a desire to be more involved with the community in a broader and more immediate way in my work and hopefully also make some small difference in people's lives.

The opportunity came up as a part-time Chairman of Industrial Tribunals and Fair Employment Tribunal in 2004. I decided to apply and was appointed in 2005. Two years later I applied and was appointed as a Full Time Chairman.

I believe my appointment demonstrates an openness in the judicial appointment process to a wide range of experience and acknowledgement of skills across the legal profession.

### **Did you know much about the role before you applied for it?**

Yes. Although I did not practise primarily in the employment law field I had previous experience as a part-time Chairman. Due to the pressures of work in my practice I was not able to sit as frequently as I would have wished - but it certainly whetted my appetite for sitting in a judicial capacity.

There was a challenge in the new career path but it was a challenge I embraced. I loved the chance to expand my thinking and learning. Adapting to

this new way of life was a very big adjustment at first but I had great support from my judicial colleagues who gave marvellous assistance in settling in and learning the ropes.

### **What does the Chairman actually do?**

In terms of what I do, I think that the title our colleagues in England have recently been given of “Employment Judge” is a simpler handle on the functions of the post.

The main activities of a Chairman are to chair hearings of the tribunals with two other panel members, conduct certain types of hearing on his or her own, conduct case management discussions, reviews of decisions, and case manage multiple claimant cases, which can range from a few cases to up to 6000 claimants.



In most instances a written decision containing full reasons for the decision will be required. A Chairman is also required to carry out any other duties as directed by the President or Vice-President.

### **Is the job living up to your expectations?**

The role is quite varied – much more so than I originally anticipated.

Most lawyers have their own fairly well developed idea of judicial function. Some will have judicial experience already, and many will have spent a substantial part of their working lives observing how the judicial function works.

I regard it as a great honour to be a Chairman of the Industrial Tribunals and Fair Employment Tribunal. I enjoy the interaction with lawyers and others in the Tribunals. I like the intellectual challenge that the role poses. I also like the sense that at the end of the day I have done my best to do something really important and satisfying. I value the impartiality and the independence of the role and the opportunity it gives to help resolve disputes. Our decisions have a significant impact on people’s lives and we must ensure a fair hearing and a just disposal of the issues in each case.

### **Do you have a typical day?**

It is difficult to summarise a typical day. Sitting at hearing and writing up cases comprise the major part of the work but there are a wide range of other duties. These include making certain decisions and directions that do not require a hearing and also advising administrative staff on practice and procedure in respect of tribunals.

It is also very important to stay up to date in this complex and dynamic area of the law. The variety of the work contributes to job satisfaction. It is a constant source of learning and never boring.

### **What is the most challenging part of your work?**

One of the most challenging aspects of conducting hearings is in dealing with the diversity of those appearing in tribunal, in particular self represented litigants. Often they will be faced with professional representatives up to and including Queen's Counsel. It is important that such personal litigants are able to participate fully in the proceedings.

The explanation of complex legal concepts and the fair management of proceedings require a full range of communication and analytical skills.

### **What would you say to someone considering applying for a position in the Tribunal Service?**

My advice to potential applicants, particularly those from a non-traditional background is to see the advantages that your experience brings. However that does not mean you should not familiarise yourself with the jurisdiction and do your research. I would suggest that those in judicial posts are the best source of information and this can be arranged through the Tribunal offices.

If you haven't had access to the judiciary through your practice you may be nervous of such a step but my experience has been that any member of the judiciary I have spoken to has been very generous and helpful in the giving of their time and their advice.

### **Finally, is this role conducive to a good work/life balance?**

Yes. The role is stimulating and at times challenging. I've found this personally very satisfying and fulfilling. The shape of my working day has changed, with more emphasis now on a structured day of hearings. Whilst this structure is less flexible than my previous work, it is more predictable. This change of approach has facilitated a greater balance between my work and home life. I have been able to organise and shape my work in such a way as to maximise the quality of time that I spend with family and friends.

Further information on the work of the Office of Industrial Tribunals and Fair Employment Tribunal can be found at [www.employmenttribunalsni.co.uk](http://www.employmenttribunalsni.co.uk)