



Late Applications Policy and Procedure

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“Selecting the best applicant and promoting diversity”

Policy Statement

1 Introduction

- 1.1 Disputes can arise over date and time of receipt of applications therefore it is necessary to develop a clear and transparent Policy and Procedure to implement handling arrangements for late applications to appointment schemes.

2. Policy Objectives

- 2.1 NIJAC is committed to:

2.1.1 implementing a fair and transparent process regarding the handling of late applications where disputes arise,

2.1.2 applying this policy and procedure fairly and consistently to ensure no advantage to any one applicant,

2.1.3 outlining the key roles, responsibilities and procedures for those involved in the consideration of late applications to ensure fairness at this initial stage.

3. Scope

- 3.1 This policy and procedure will apply to all applicants for judicial office and:

- Commissioners,
- Committees (ad hoc or otherwise),
- NIJAC staff,
- Co-opted Selection Committee members

4. Key Principles

- 4.1 It is the policy of NIJAC that **late applications will only be considered in exceptional circumstances**. The on-line system, E-recruit does not have the facility to accept late applications. However, to encourage the submission of applications from the widest possible pool, the system will automatically remind applicants a number of days prior to the closing date. Applicants will

be advised they must contact NIJAC with an explanation to initiate consideration of a late application.

4.2 NIJAC's email is set to Greenwich Mean Time/British Summer Time (GMT/BST Time Zones). It is recommended that those submitting applications via e-mail use the appropriate GMT/BST setting on their computers. This will be the measure for deciding whether or not an application is late.

5. Roles and Responsibilities

5.1 It is entirely the responsibility of the applicant to ensure their application is received on time via post, hand delivery, e-mail or on-line. NIJAC will ensure that all applicants have access to an Applicant Information Booklet providing guidance regarding competition timeframes and the closing date for competitions.

5.2 It is also the responsibility of the applicant to make a request for a late application to be considered with a clear explanation of the exceptional circumstances of their case. Applicants should also explain what steps they made to meet the closing date. Reasons of poor planning and organisation are not considered exceptional.

5.3 NIJAC staff will carry out an initial administrative screening process to identify late applications. This administrative screening process will include record keeping and verification of the date and time of receipt of each application form by NIJAC whether a hard copy is posted, hand delivered, e mailed or submitted via e-Recruit.

5.4 Any additional information supplied by the applicant will be included in a report to the Issues and Character Committee (ICC).

5.5 NIJAC will ensure that where applicants request that a late application is considered, they will have an opportunity to have the exceptional reasons for their late submission and their supporting evidence considered by NIJAC.

- 5.6 The ICC will deal with issues and disputes regarding late applications.
- 5.7 The ICC will normally comprise one Nominated Commissioner. The Nominated Commissioner will be a Commissioner who is neither the Chairperson nor a member of the Selection Committee. If this is the case a different Nominated Commissioner will be appointed by the Chairman of the Commission. The ICC will be expanded to include a Lay Commissioner when it is likely to reach a determination to exclude an application.
- 5.8 Staff will support the ICC independently of the Selection Committee. This arrangement will ensure that the Selection Committee is neither aware of, nor tainted by, late applications and will work independently focusing on assessing applicants in the selection process. The Chief Executive and/or Chairman may be consulted if required.
- 5.9 NIJAC staff will provide administrative support to the ICC and the Deputy Principal in the provision of reports containing factual information and supporting evidence received by NIJAC from individuals who submit late applications. NIJAC staff do not have any decision making role. Advice on good practice and selection and previous precedents can be sought from NIJAC staff.
- 5.10 In line with our principle of transparency, NIJAC will also ensure that applicants concerned are informed of the decisions of NIJAC regarding late applications and the reasons for the decision. All decisions and their rationale will be documented. A number of precedents exist within NIJAC to guide the ICC in its decision-making.
- 5.11 In line with our core principle of fairness and accountability, the Selection Committee shall not be informed at any stage of the assessment and selection process of the details that a dispute was considered regarding a late application if a decision is made to admit the application.

5.12 In relation to any conflict of interest which arises the Chairman of NIJAC may nominate another judicial member of NIJAC (“an Appropriate Person”) to make the final determination and decide the appropriate action to be taken.

6. Monitoring and Review

6.1 NIJAC will establish and maintain appropriate information and monitoring systems to assist the effective implementation of the Late Applications Policy and Procedure. This will include an oversight arm to ensure that policies are being applied and adhered to within the organisation. If there is a circumstance whereby a policy is not to be followed, prior approval must be gained from the Chief Executive and an official record of the reasoning maintained.

6.2 The Late Applications Policy and Procedure will be reviewed in three years from the date of approval by Plenary or as required due to relevant legislative changes or in light of new learning.

7. Variation to Policy

7.1 This policy, or the arrangements under it, may be varied, amended or adjusted at any time.

8. Complaints

8.1 All complaints relating to this policy will be considered, dealt with or investigated promptly and confidentially, in accordance with NIJAC’s Complaints Policy and Procedure which is available at www.nijac.gov.uk

8.2 Complaints may be escalated to the Northern Ireland Judicial Appointments Ombudsman's office

Northern Ireland Judicial Appointments Ombudsman
c/o Northern Ireland Public Service Ombudsman
Progressive House
33 Wellington Place
Belfast
BT1 6HN

Email: nipso@nipso.org.uk

9. Procedure

- 9.1 Where there are late applications for a competition, staff will submit a report to the Issues and Character Committee. (ICC)) The ICC will consider all issues and supporting evidence arising from late applications after the closing date of the competition; please refer to Appendix 1 detailing a flowchart of the procedure.
- 9.2 In line with our principle of fairness, the ICC shall consider (on an anonymous basis) the known exceptional circumstances, supporting evidence and any precedents in relation to the late submission of the application. This will include consideration of the exceptional reasons for the late submission and determine, on the individual merits of the particular circumstances, whether or not to admit the late application. It is expected that the applicant provide information as to why their circumstances are exceptional in this instance and what steps they made to submit their application on time. Where required, further information will be sought from the relevant IT service provider, to provide evidence to assist the ICC to reach a decision fairly and in an accountable way.
- 9.3 The ICC will document their decision with regard to the late application and the specific reasons for it. NIJAC staff will communicate the determination to the applicant.
- 9.4 If the ICC takes the view that the late application should be admitted to the competition then the application will be permitted to progress through the assessment and selection process.

Appendix 1: Flow Chart for Late Applications

