

Plenary Minutes
Wednesday 3 June 2020

1. Apologies & Introductions

Apologies received from Paul Douglas, Lay Commissioner and Duncan Greer, Finance Director. The Chairman warmly welcomed the new Lay Commissioners Maureen Eccles, Colm Donaghy and Brian McTeggart, who took it turn to share a little about themselves.

2. Conflicts of Interest

No conflicts of interest were declared regarding any of the items included on the agenda.

3. Confidentiality

The Chairman reiterated to all the need for confidentiality to be maintained.

4. Minutes of meeting of 5 March 2020

4.1 The minutes were approved, and it was confirmed that all actions points arising had been completed.

5. Chief Executive's Report

5.1 Mrs McCormac delivered her report, with particular emphasis on the contingency and risk assessments undertaken due to Covid-19; also referencing finance, risk, and staffing. Commissioners were thanked for their part in managing Standing and Selection Ctes remotely, and the exceptional commitment and flexibility demonstrated by staff was highlighted, which has enabled near normal levels of work though working from home.

5.2 Of note is the under-spend for the 2019-20 year of £21K which represents 2.0% of the total budget for the year. NIJAC was expected to be within the 1.5% permitted tolerance however, due to Covid-19 certain work was unable to be undertaken. TEO have indicated their understanding and are content.

Any delay in finalising the decision on the £66K accruals/provision may impact the plan to lay four years' of approved Accounts before the Assembly by end of Sept 20 / start of Oct 20.

TEO has not yet confirmed the budget for 2020-21 although indications are that an increase of 2.5% on the opening allocation for 2019-20 will be confirmed. TEO requested a June monitoring round return based on this assumed allocation. NIJAC submitted a bid for £78.8k.

5.3 There was some discussion on the Staffing Structure Review currently underway by BCS. The review is to ensure the organisation is fit for purpose for the next five years, to identify skill gaps and not about efficiencies. Commissioners were thanked for completing BCS's survey. The Chairman has met with BCS, as has the Chair of Business Cte. It is hoped that the BCS recommendation may help inform TEO and contribute toward securing sustained, recurring funding.

5.4 There remains a lack of agreement on funding and a designated Department for the Victims Payment Board. NIJAC is responsible for making appointments to the Board. It is the Board members who will make determinations regarding the levels of pension payable. NIJAC is very aware of the high level of media, political and public interest.

5.5 Induction for the new Lay Commissioners is underway, with meetings having already occurred with the Chairman and the Executive Team. The programme will be ongoing over the summer months, and includes buddying/shadowing other Commissioners. Hopefully in the autumn the programme will extend to observations in the courts and tribunals, plus a scheme from start to finish. The Chairman stated that he would follow up again with the Recorder regarding a County Court nominee to serve as a Commissioner.

Action Arising: Chairman to follow up with the Recorder of Belfast regarding nomination of a County Court judge to serve as a NIJAC Commissioner.

6. Selection Committee Scheme updates

6.1 Ms McGreenera updated Plenary on the Review Tribunal (RT) Legal Member scheme and associated Lessons Learned Report. The success of the Interviews online was highlighted, however it was noted that some applicants' environment was not ideal, and there was the occasional technical difficulty. It was agreed that a 'How to Guide' reflecting our learning and observations should be drafted and shared online. Staff were commended on their professionalism and exceptional support provided to both Commissioners and applicants.

6.2 The scheme was successful in identifying the required number of appointments (10 plus reserve list) however it was disappointing that a number of potentially good quality applicants did not complete their application form to a sufficient standard. It was agreed that further support needs to be provided, should that be by the professional legal bodies, and by e.g. a NIJAC webinar or podcast – perhaps done in partnership.

Action Arising: Draft 'How To' Guide for applicants re online Interviews.

Action Arising: Ms McGreenera and Mr Robinson to raise with the Bar Council (BC) and Law Society (LS) how best to provide insight and training for their members.

Action Arising: Executive Team to consider feasibility of further guidance being developed e.g. hosting a webinar for the legal profession and/or a more general purpose podcast.

6.3 Mr Millar updated Plenary regarding the Care Tribunal Legal Chairman. Due to Covid-19 there is a delay in getting interviews organised, however expected to proceed shortly using the online format.

6.4 Mrs Justice Keegan updated Plenary on the Coroner scheme. As expected there is a large volume of applicants, and it was not possible to design and validate a shortlisting test. Depending on PHA and Government advice the interviews may be able to be conducted in Headline, allowing for social distancing.

6.5 Mr Doyle updated Plenary regarding the Criminal Injuries Compensation Appeals Panel (CICAP) Adjudicator (Medical) which proceeded online earlier in the week; Pre Appointment Checks are underway.

6.6. Mr Lindsay Todd updated Plenary on the High Court Judge which is due to launch on Friday 5 June. As with Coroner, depending on the guidance at the time, interviews may be done from Headline, with retention of the option of online interviews should that be required.

7. Policy Committee

7.1 Mr Robinson provided the Annual Review of Effectiveness of the Cte, highlighting its many achievements and challenges met during 2019/20.

7.2 The draft Minutes of 28 April 2020 were presented.

7.3 Policy Cte recommendations to Plenary regarding the QUB Report were accepted, subject to minor amendment.

7.4 The Diversity Reports were acknowledged as overwhelmingly positive and a number of actions arose:

Action Arising: NIJAC to engage with professional bodies' Disability/Equality Ctes to ensure knowledge of any issues that may be inhibiting applications from people with a disability.

Action Arising: It was acknowledged that the under-representation of women in senior roles within the legal profession is a matter for the professional bodies. NIJAC can assist in raising the profile of the issue and will explore how this can be usefully done with the BC and LS.

7.5 The Rating Scale Review was presented by Mr Robinson and approved subject to minor amendment.

8. Business Committee

8.1 Mr Doyle presented the draft Minutes of 30 April 2020, with emphasis on risk, finance and staffing. Mr Doyle also presented the Annual Review of Effectiveness of the Cte highlighting its many achievements and challenges, particularly relating to funding and staffing.

9. Audit and Risk Assurance Committee

9.1 Mr Todd presented the draft Minutes of 21 May 2020, noting that minutes relating to the Confidential Section had been shared with established Commissioners.

9.2 Mr Todd's second term of appointment comes to an end in October 2020, however the term as Chair of ARAC ends in August 2020. For continuity it was agreed that Mr Todd's term as ARAC Chair be extended. This will allow for his successor to shadow for a time.

Action Arising: Mr Todd's term as ARAC Chair to be extended to his finish date, 2 October 2020. To be confirmed by letter.

10. Any other business

10.1 The Dept. of Justice wrote requesting that Plenary consider an increase to the High Court complement from 10 to 15. This is ahead of any business case being put together to appoint additional High Court judges. This is necessitated due to the demands being made on the existing cohort by e.g. HIA. The increase to complement could also potentially facilitate flexible working which is currently limited within the statutory maximum of 10. Approval was given.

Action Arising: DOJ to be advised of Plenary's approval.

10.2 Commissioners noted the People Strategy 2020-2025 which Business Cte had led on, and which complements the Corporate Plan.

10.3 Tonya advised that TEO and NIJAC are working on finalising the Partnership Agreement which will supersede the Management Statement & Financial Memorandum between NIJAC and TEO. This will be provided at October's Plenary.

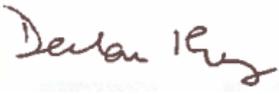
10.4 As this was Mr Todd's last NIJAC Plenary the Chairman thanked him for all that he has brought to the Commission, including Chairing ARAC, remarking that Mr Todd has also been key to appointments to the Supreme and European courts.

10.5 Staff and new Commissioners left the meeting at 12.30.

12. Date of next meeting

Wednesday 8 Oct 2020.

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

8-10-20
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ACTION POINT SUMMARY

Agenda Item	Action	Owner
5	Chairman to follow up with the Recorder of Belfast regarding nomination of a County Court judge to serve as a NIJAC Commissioner	Chairman
6	Draft 'How To' Guide for applicants re online Interviews	Exec Team
6	Ms McGrenera and Mr Robinson to raise with the Bar Council (BC) and Law Society (LS) how best to provide insight and training for their members.	Ms McGrenera and Mr Robinson

6	Executive Team to consider feasibility of further guidance being developed e.g. hosting a webinar for the legal profession and/or a more general purpose podcast.	Exec Team
7	NIJAC to engage with professional bodies' Disability/Equality Ctes to ensure knowledge of any issues that may be inhibiting applications from people with a disability.	Exec Team
7	It was acknowledged that the under-representation of women in senior roles within the legal profession is a matter for the professional bodies. NIJAC can assist in raising the profile of the issue and will explore how this can be usefully done with the BC and LS.	Exec Team
9	Mr Todd's term as ARAC Chair to be extended to his finish date, 2 October 2020. To be confirmed by letter	CEO
10	DOJ to be advised of Plenary's approval of increase to HCJ complement.	Exec Team