

Plenary Minutes
3 December 2020 at 9.30 am
Online

Present: Mr Eoin Doyle QFSM (Chair)
Mr Colm Donaghy
Mr Paul Douglas
Ms Maureen Eccles
Ms Noelle McGreenera QC
Mr Brian McTeggart
Judge Miller QC
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Michael Robinson

In Attendance:
Ms Adeline Frew
Mr Duncan Greer
Mrs Tonya McCormac
Mr Andrew Millar

Special Plenary 09.30am to 10am regarding staffing matters, staff joined meeting at 10am.

Apologies

The Rt. Hon Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)
The Hon Mrs Justice Keegan

1. Conflicts of Interest

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

2. Confidentiality

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

3. Minutes of meeting of 3 October 2020

3.1 The minutes were approved, and it was confirmed that all actions points arising had been completed or were work in progress.

4. Chief Executive's Report

4.1 Mrs McCormac delivered her report.

4.2 Updates were provided on

- NIJAC has been advised the October monitoring round bid has been successful. Mrs McCormac and Mr Greer discussed the various impacts this may have, and all agreed that spending must remain within the 1.5% tolerance of underspend, acknowledging overspend is not permitted.
- The Risk Register remains unchanged. While acknowledging that one of the staffing matters is resolved, the other is not hence no change to assessed risk. The Chief Executive is keeping under review any risk relating to the securing of technology to ensure robust, cyber secure shortlisting tests, with inbuilt invigilation in line with procurement rules.
- Commissioners are asked to comment to Mrs McCormac on the BCS report and recommendations by 12 December. Mrs McCormac outlined possible next steps depending on feedback received from Plenary
- Commissioners are also asked to provide any final comments on the Partnership Agreement to Mrs McCormac by 12 December.

4.3 Mrs McCormac appraised Plenary of reduction in current Staffing complement

- Low Staffing levels are reaching a critical point in terms of a potential impact on the delivery of core business. The Full time equivalent (FTE) staff complement is currently significantly reduced due to a number of factors. Implementing the outcome of the structural review as quickly as possible will be key to achieving complement and giving stability to the core team.

Commissioners are very supportive of staff and acknowledge the delivery of the BCS recommendations will assist in elevating pressures, however those roles are unlikely to be filled before April 2021.

4.4 The two further Commissioner appointments remain pending, as does Induction of Judge Miller QC.

Actions Arising

- Commissioners are asked to comment to Mrs McCormac on the BCS report and recommendations by 12 December.
- Commissioners are also asked to provide any final comments on the Partnership Agreement to Mrs McCormac by 12 December.

5. Selection Committee Scheme updates

5.1 Ms McGreenera updated Plenary on the District Judge competition. First stage shortlisting has completed, second stage will complete 11 December, with those through to the final stage being invited to a Situational Judgement Test on 18 December and interview on either the 5 or 6 January 2021.

5.2 Ms Frew updated Plenary on the three Victims' Payments Board (VPB) short term contract appointments (3 x 10). Applications were sought from serving tribunal members: 39 applied for the legal roles so shortlisting will be undertaken, 21 applied for the ordinary member and interviews will take place 15, 16, and 17 December. While 8 applications were received for the medical practitioners it is likely 6 will be invited to interview. DOJ are content to proceed with 6 interviews. Ms Frew also passed on thanks to Commissioners and staff relayed from the DOJ VPB Project Board, and the TEO/DOJ Oversight group. Peter May, DOJ Perm Sec has also written to Mrs McCormac thanking the Commission for all the work undertaken in securing timely appointments to the VPB.

6 Policy Committee

6.1 The draft Minutes of 3 November 2020 were presented.

6.2 The work of the Cte is progressing successfully, notably the work around Shortlisting Test and an undertaking was given that this will be progressed. It is too early to confirm date of introduction of the online testing technology as scoping of options is to be completed, as is procurement, training and testing. It was agreed that there would be reputational damage if the technology were to be introduced too early without full testing completed, as happened in JAC England and Wales.

6.3 Mr Robinson updated Commissioners on the successful Law Society / NIJAC webinar. Over 60 solicitors registered, and the evaluation was strong with all responses scoring the event either 4/5 or 5/5. Unfortunately the Law Society did not ensure the anonymity of participants and they are considering how this happened. The value of the webinar being recorded and hosted on the members' area of the Law Society is that multiple lawyers can view on an anonymised basis. The Bar Council and NIJAC are developing a webinar for January 2021. The topics of future webinars will be consider, likely to include a dedicated webinar on assessment methods.

6.4 It was agreed that under 'Digitalisation' NIJAC will consider e.g. the use of Microsoft Teams and the purchase of dedicated webinar software.

7. Business Committee

7.1 Mr Doyle presented the draft Minutes of 5 November 2020, with an emphasis on risk, finance and staffing. Mr Doyle also reiterated the need for all Board members to return their responses on the draft BCS report to Mrs McCormac. Mr Doyle directed Commissioners to the financial report completed by the Director of Finance for Business Cte in November as part of a reforecasting exercise for further information of financial position and in year efficiencies.

8. Audit and Risk Assurance Committee

8.1 There has not been an A&RAC since 10 September 2020 as the planned date for the next one is x January 2021 however Mr McTeggart provided an update on:

- Any change to the draft AR&As for 2017-18 to 2019-20 inclusive will be agreed with the ARAC and the Board will be requested to finally approve all reports before final sign-off.
- Staffing matters, and
- The Approval by Ministers of Annual Report and Accounts (AR&A) for 2016-17 to 2019-20 inclusive

9. Senior Salary Review Board (SSRB) recommendations

9.1 Commissioners noted the range of SSRB recommendations. The report is a little dated with regard to NIJAC's ability to recommend for appointment High Court judges; this remains a challenge for JAC. Commissioners agreed they will not be moving to accept CVs instead of application forms, and will continue to benchmark with JAC and JABS to ensure the capture of any learning.

10. CPANI position on Over Boarding

10.1 Commissioners noted the position of CPANI.

11. Dec 2019 Plenary minutes re assessment of legal skills

11.1 Plenary noted the minutes and look forward to hearing from Policy Cte on the matter in March 2021.

Date of next meeting: 9.30 Thursday 11 March 2021

Signed



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**Mr Eoin Doyle QFSM, Judicial Member, Lay Magistrate of the Northern
Ireland Judicial Appointments Commission.**

Dated

11-03-21
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