

**Plenary Minutes**  
**8 October 2020 at 1.30 pm**  
**By Zoom**

**Present:** The Rt. Hon Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)  
Mr Colm Donaghy  
Mr Paul Douglas  
Mr Eoin Doyle QFSM  
Ms Maureen Eccles  
The Hon Mrs Justice Keegan  
Ms Noelle McGreenera QC  
Mr Brian McTeggart  
Judge Millar QC joined c3.30  
District Judge (Magistrates' Courts) Rosalie Prytherch  
Mr Michael Robinson  
Mr Lindsay Todd

**In Attendance:**

Ms Adeline Frew  
Mrs Tonya McCormac

**1. Apologies**

Mr Greer and Mr Miller

**1. Conflicts of Interest**

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

**2. Confidentiality**

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

**3. Minutes of meeting of 3 June 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. Of note is the postponement, due to Covid 19, of a number of events. Engagement will continue to be progressed digitally, including with a meeting with the Justice spokespeople of the 5 main political parties.

4.2 The Commission's approach to risk will be further augmented by the introduction of Issue Logs for when matters need to be considered beyond the Corporate Risk Register. A pertinent example is the Victims' Payment Board recruitment due to the high level of political, media and public interest that is anticipated.

4.3 There remains no word on the success or otherwise of the October bid monitoring round. There was discussion on any saving related to Covid and e.g. working from home and Commissioner travel time. A piece of work will be done on this and reported to Business Cte in due course however there have been some nominal savings however most of NIJAC's costs are fixed (rent and salaries).

**Action Arising:** Business Cte to be provided with a breakdown of any savings made due to Covid 19 and working from home.

4.4 Commissioners considered the draft Partnership Agreement and timetable for completion. There is interest in how different the Partnership Agreement will be in practice in comparison to the existing MFMS. Views were invited on the draft.

**Action Arising:** Commissioners to provide feedback on Partnership Agreement to Mrs McCormac.

4.5 BCS report and recommendations are pending, having presented to Business Cte. It was queried if BCS will reflect the impact of Covid 19 on working in their report. It was agreed that BCS will present their report and recommendations to Plenary, seeking their agreement.

4.6 Mrs McCormac wanted it placed on record her thanks to staff and Commissioners for their concerted efforts and continued delivery of NIJAC business without any diminution in quality or pace.

4.7 There a two further Commissioner appointments pending; the Lord Justice of Appeal nominee and a Lay Commissioner to replace Mr Todd.

## **5. Selection Committee Scheme updates**

5.1 Ms McGreenera updated Plenary on the District Judge competition which will launch on 9 October. High interest is anticipated and the use of a shortlisting test expected. Judge Brownlie had kindly recorded two videos to aid promotion.

## **6. Lesson Learned Reports**

### **6.1 High Court Judge scheme**

A most successful scheme with the largest applicant pool for some time. Four appointable applicants were identified, two appointments are pending.

Due to the particularly complex nature of the work at the High Court it had been agreed that the examination of Legal Skills be led by the judicial colleagues on the Selection Cte. This proved very successful, particularly in the consideration of voluminous written pieces of work which had been submitted.

**Action Arising:** Policy Cte to consider if Judicial Commissioners should lead on the examination of legal skills in any other schemes, with reference to Plenary's earlier direction on this matter December 2019.

General discussion ensued on how to engage with various types of practitioner, should that be those with a family or commercial background. It was notable and disappointing that no women were deemed appointable at this time. Continual engagement is required to highlight the need to widen experience and complexity.

**Action Arising:** For NIJAC to ensure constructive engagement and resources, including e.g. a video explaining Situational Judgement Exercises, plus ask the OLCJ if consideration could be given to running a temporary High Court judge scheme.

### **6.2 Care Tribunal**

Another successful competition resulting in securing an appointment and a reserve list of three. The prior consideration of what to do if applicants tied has now been reflected in the Chair's Checklist for forthcoming schemes.

There was a debate, though not applicable to this scheme, of individuals holding multiple offices – judicial and others. The Public Appointments Commissioner refers to

this as 'Overboarding' and recommends against. It was established that merit overrides all other considerations however enquiries will be made from CPANI.

**Action Arising:** clarification will be sought on CIPANI's position regarding 'Overboarding'.

### 6.3 Coroner

A successful competition resulting in an appointment and a reserve list. It was notable that the initial applications did not appear that strong, however the outcome of the assessment identified a number of very strong applicants.

### 6.4 CICAP Medical member

This scheme was conducted by Zoom successfully, with a strong (though small) field of applicants.

## 7 Policy Committee

7.1 The draft Minutes of 8 September 2020 were presented.

7.2 The work of the Cte is progressing successfully, notably the work around Shortlisting Test and policy review.

7.3 Mr Robinson discussed the webinar that NIJAC and the Law Society are doing in partnership in response to NIJAC's request to further engage with the profession. It is scheduled to happen 26 November 2020 and work is ongoing to finalise contributors and content. The Bar Council are also pursuing what can be done in partnership for their membership.

## 8. Business Committee

8.1 Mr Doyle presented the draft Minutes of 17 September 2020, with an emphasis on risk, finance and staffing.

**Action Arising:** EIS to be contacted to explore further Digitalisation of NIJAC's processes, subject to a cost benefit analysis.

**Action Arising:** Consideration to be being given to adopting MS Teams should it have additional security and value over existing solution.

## 9. Audit and Risk Assurance Committee

9.1 Mr McTeggart presented the minutes of the 10 September 2020.

Plenary approval was given for 6.1. in relation to the financial treatment of two outstanding legacy matters. A provision would be made for the first and a note in terms of a contingent liability on the second issue. These would have to be kept under review until the Annual Report and Accounts are laid.

## **10. Victims' Payment Board**

10.1 Ms Frew presented an updated paper on the proposed approach to the recruitment of Board members for the Victims' Payment Board (VPB).

Plenary are broadly supportive of the approach however will not approve at this time. NIJAC have yet to be formally approached to make these appointments. It is understood that there is much work in progress and that other approvals that lie with TEO and DOJ are still pending. NIJAC has a full programme of appointments and budget allocated. The approval of the VPB will be considered again upon receipt of a formal request and clarity regarding funding for same.

**Action Arising:** DOJ and TEO to be advised of NIJAC's position.

## **11. Staffing Matters**

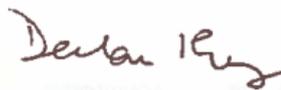
11.1 Ms Frew and Mrs McCormac left the meeting, Mr Donnelly joined to take a minute.

There were no other matters arising.

## **12. Date of next meeting**

**Date of next meeting:** 9.30 Thursday 3 December 2020 by Zoom

**Signed**



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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

03 – 12 - 20

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## ACTION POINT SUMMARY

Agenda Item	Action	Owner
4	<b>Action Arising:</b> Business Cte to be provided with a breakdown of any savings made due to Covid 19 and working from home.	
4	<b>Action Arising:</b> Commissioners to provide feedback on Partnership Agreement to Mrs McCormac.	
6	<b>Action Arising:</b> Policy Cte to consider if Judicial Commission should lead on the examination of legal skills in any other schemes, with reference to Plenary's earlier direction on this matter December 2019.	
6	<b>Action Arising:</b> For NIJAC to ensure constructive engagement and resources, including e.g. a video explaining Situational Judgement Exercises, plus ask the OLCJ if consideration could be given to running a temporary High Court judge scheme.	
6	<b>Action Arising:</b> clarification will be sought on CIPANI's position regarding 'Overboarding'.	
8	<b>Action Arising:</b> EIS to be contacted to explore further Digitalisation of NIJAC's processes, subject to a cost benefit analysis.	

<b>8</b>	<b>Action Arising:</b> Consideration to be being given to adopting MS Teams should it have additional security and value over existing solution.	
<b>10</b>	<b>Action Arising:</b> DOJ and TEO to be advised of NIJAC's position.	