

**Minutes of the Plenary Meeting
Held on Thursday 9 October 2014,
Ground Floor Boardroom, Headline Building, Victoria Street, Belfast.**

Present: The Right Honourable Sir Declan Morgan, the Lord Chief
Justice of Northern Ireland (Chairman)
The Right Honourable Lord Justice Coghlin
Mr Eoin Doyle
Mrs Breidge Gadd
Mrs Fiona Keenan
His Honour Judge Kinney
Mr James McNulty QC
District Judge (Magistrates' Courts) Rosalie Prytherch
Mr Alastair Rankin
Professor Nichola Rooney
Mr Lindsay Todd

In Attendance: Mrs Mandy Kilpatrick
Ms Adeline Frew
Mr Andrew Millar
Miss Hannah Whitall

1. Apologies

1.1 The Honourable Mr Justice Stephens was unable to attend due to court commitments.

2. Conflicts of Interest

2.1 No conflicts were identified.

3. Confidentiality

3.1 The Chairman stressed the importance of confidentiality.

4. Minutes of meeting of 5 June 2014

4.1 Paragraph 19 – refers to year “2104”; should be “2015”.

4.2 Paragraph 25 – remove “related”.

5. Chief Executive's Report

- 5.1 In the context of the Review of the Standing Orders and Terms of Reference, which was to be discussed as a substantive item, it was proposed that the detail of Plenary and committee minutes would be reduced going forward; all were content with this approach.
- 5.2 The current financial budget pressures and efficiencies were detailed. The committee noted performance against business objectives and that those due for completion by October 2014 had been achieved. Plenary were advised that other targets may be subject to review in the context of the budget pressures and staff shortages. It was confirmed that the new staff structure should still be in place by the end of the financial year, despite current long term absences. The Chief Executive (CE) assured Plenary that scheme commitments would remain the priority.
- 5.3 The policies for approval later in the agenda were noted and the plan to develop a standardised format agreed; zip file to issue to all Commissioners
- 5.4 Plenary noted the Judicial Appointment Ombudsman had agreed to endeavour reach a determination of any complaint within 8 weeks (captured in the Memorandum of Understanding).
- 5.5 Commissioners were asked to confirm when they had completed the Data Protection Training (issued by DVD at the previous meeting). They were also advised of the planned Information Assurance DVD training (Government Security Classifications and Responsible for Information), which will be issued in the next few weeks. They are also to email when they have completed the upcoming online learning courses.

6. Selection Committees

6.1 *Master (Chancery) – Evaluation*

- 6.1.1 It was noted point 3 of the evaluation report set out the questions posed and answered by this selection committee, which they would recommend as good practice. Discussion took place surrounding the thresholds for shortlisting tests and the standardised approach was welcomed.

6.2 *Mental Health Review Tribunal (Medical) – Evaluation*

- 6.2.1 Discussion took place surrounding encouraging more applications from psychiatrists given the low number of applicants in this scheme. It was advised that Consultant contracts make it difficult for practicing psychiatrists to take on other work. It was suggested that NIJAC engage further with the new chair of the Royal Society for Psychiatrists (RSP). It was agreed responsibility for the review of all interview related paperwork fell to the executive.

Action Point: Ms Frew to contact Chair of RSP

6.3 Mental Health Review Tribunal (Legal) – Evaluation

6.3.1 The shortlisting test was considered successful and the interview the most useful determining suitability at assessment. The 10 point scoring scale was proposed as the best and simplest methodology. Attention was drawn to the fact that low numbers of applicants indicated that they found the advert in printed press.

6.4 Criminal Injuries Compensation Appeal Panel (Medical) – Evaluation

6.4.1 It was suggested that documentation to applicants be sent in PDF format as well as Word; PDF is more likely to be opened in all operating systems. The evaluation noted the importance of early dissemination of documentation in advance of assessment.

6.4.2 It was agreed that overall the schemes had progressed well; some administrative errors were noted within the papers which the CE undertook to address.

6.5 High Court Judge – Update

6.5.1 Plenary noted the revised constitution for the Selection Committee and that Mr Todd was now acting as the Chair. The note is to be amended to include reference to knowledge and expertise being tested at short-listing.

6.5.2 It was agreed that should a Complaints Committee be required current and former members of the Selection Committee would be conflicted.

6.6 Appeal Tribunals President – Update

6.6.1 Up-to-date figures were given in respect of applications received and downloaded. It is unlikely that a shortlisting test will be necessary.

6.7 Traffic Penalty Tribunal – Update

6.7.1 Up-to-date figures were given in respect of applications received and downloaded. It is likely that a shortlisting test will be necessary.

7. Committee Business

7.1 Senior Appointments Review Team (SART)

7.1.1 Consultation on the Personal Profile was discussed. It was decided that NIJAC would continue to pursue the development of the Personal Profile and in particular weighting, and maintain consultation with outside bodies. It was noted that the inclusion of “Fairness” as an element was particularly welcomed. It was decided that additional discussion would take place at Plenary in December.

Action Point: Personal Profiles and Weighting to be an agenda item for December Plenary.

7.2 Audit & Risk Management Committee (ARMC) 11 September 2014

7.2.1 Mr Todd highlighted the role of ARMC and the Annual Report and Accounts in providing assurance to Plenary. The positive findings of the audit were highlighted. A response is still required from sponsor in OFMDFM in regards to Lay Commissioner recruitment.

7.3 Business Committee 18 September 2014

7.3.1 The Scheme of Delegation and Terms of Reference for each committee are under review. Main changes include:

- Reduction in number of meetings for Business Committee to bring in line with financial quarters.
- Reduction in the quorum required for ARMC and Policy Committee
- Main duties of Business Committee have been streamlined

7.3.2 It was agreed the CE would determine the Selection Committee membership for schemes in line with current policy and send to Business Committee for comment before consultation and approval by the Chairman.

7.3.3 Discussion took place regarding ratification via electronic communication. Where Plenary's electronic approval was required it was decided that the CE will exercise judgement and highlight those matters where a written response is required. Should any sensitive comments be necessary in a response these are to be attached in a password protected document. If an urgent matter requires attention it was agreed the CE could act and then seek immediate ratification from the Chairman.

7.3.4 It was also decided that a copy of the Risk Register should be included in the CE report for future meetings; Business Cte minutes would continue to note consideration of risks.

7.3.5 It was reiterated that minutes for future meetings would be more condensed. Challenges will be noted.

7.3.6 Updated Policy Committee responsibilities were distributed and agreed by attendees.

7.3.7 Business Committee Terms of Reference to be amended to remove a requirement for financial skills.

7.4 Policy Committee 23 September 2014

- 7.4.1 Discussion took place in regards to the gender balance of applicants across schemes; the work in hand to encourage applications and the years of standing required at certain tiers.
- 7.4.2 It was noted that trends in relation to religion also continue to be tracked and monitored.
- 7.4.3 Plenary were content to adopt the recommended standardised approach to assessment and selection. There followed a discussion on the passmark and ratios adopted during the shortlisting stages. It was agreed that the pass mark of 60% need not always apply; adherence to the use of a passmark in relation to lower volume schemes may be set aside bearing in mind NIJAC's diversity responsibilities. There was agreement with the general use of a minimum 1:3 ratio of vacancies to interviewees and agreement that it would be acceptable to alter that ratio depending upon the number of offices to be filled.
- 7.4.4 It was agreed Policy Committee should consider whether a separate Conflict of Interest (Col) committee would be appropriate or if the Issues and Character Committee can be utilised to consider such matters. This committee would decide if a Col was such that it required a selection committee member to step down. The constitution of such a committee was also discussed.

Action Point: Policy Committee to consider.

7.5 Board Effectiveness Report

- 7.5.1 The Board Effectiveness Committee presented their report and it was agreed they would facilitate Plenary in development of Board Development Plan based on engagement, communication and teamwork.
- 7.5.2 Plenary agreed this matter would be the main Theme for the December meeting.
- 7.5.3 It was suggested that future Plenary themes would include the input of occupational psychologists with Judicial Appointments Commission England & Wales colleagues and the experiences of Judicial Appointments Board colleagues.

7.6 Complaints (verbal update)

- 7.6.1 Current complaints' reports are due to complete within appropriate timelines.
- 7.6.2 As a result of a complaint, the Confidentiality Policy now includes the need for co-opted members, as well as Commissioners, to sign a confidentiality agreement.

7.6.3 It was agreed that should a matter come to light, which may be a concern for a regulatory body this must be reported to the Chief Executive.

8. Policies to be ratified

8.1 The following policies were ratified by Plenary:

- Confidentiality Policy
- Late Applications
- Employment Checks Standards
- Equal Opportunity Policy
- Reasonable Adjustments Policy

8.2 The policy in relation to Consultees was raised. It was decided that more consultation to garner opinions from applicants, Consultees and Commissioners was necessary before a decision was made.

9. Any Other Business

9.1 Date & Agenda of next meeting Wednesday 3 December 2014 at 9:30.

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

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