

Plenary Minutes
15 December 2022 at 9.30 am

Present: The Rt. Hon Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland (Chair)
Mr Eoin Doyle QFSM
Mr Colm Donaghy
Mr Paul Douglas
Mrs Maureen Eccles
Mr Brian McTeggart
Judge Miller KC
Lord Justice Treacy

Observers: Mr Michael Robinson
Mr Bernard Brady KC

In Attendance: Mrs Tonya McCormac
Ms Adeline Frew
Mr Raymond Donnelly
Mr Andrew Millar
Miss Caitríona Roberts

1. Apologies and Introductions

1.1 Apologies were received from District Judge (Magistrates' Courts) Rosalie Prytherch

1.2 The Chair welcomed everyone to the meeting.

1.3 The Chair further welcomed Mr Michael Robinson (Law Society Nominee) and Mr Bernard Brady KC (Bar of NI Nominee) who are attending today's meeting as observers pending their re-appointment and appointment to the NIJAC board. The Chair confirmed that the nominated Judicial member is Mr Justice Humphreys.

The Chair advised that the delay in appointing the three members was due to the absence of an executive, as the appointments require ministerial approval. The Northern Ireland Executive Formation Act 2022, will permit the Lord Chancellor to make appointments to NIJAC's board and the Chair expressed her hopes for these appointment to be completed soon.

2. Conflicts of Interest

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

3. Confidentiality

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

4. Minutes of meeting of 29 September 2022

4.1 The minutes were approved. It was confirmed that all actions points arising had been completed or would be covered in today's Agenda.

5. Chief Executive's Report

5.1 Mrs McCormac reported on overall organisational performance against targets referring to the Strategic performance dashboard and report to Business Committee 29 November. It was noted that all areas were on target to be met, however the politicians event has been removed as a NI Assembly has not been formed and was not anticipated to happen in the current financial year. Mrs McCormac confirmed that Business Planning workshops would be carried out in February with the Business Committee and March of 2023 with the Board, to draft the 2023-2024 Business Plan. Mr McTeggart highlighted a typo in the Dashboard, Miss Roberts noted this and confirmed it would be corrected.

5.2 An update was provided on the ongoing delay by the Landlord in getting contractors on site to replace the heating system and the resultant legal proceedings now initiated by TEO. Mrs McCormac confirmed that as of 14 December 2022 NIJAC have been advised by TEO to withhold rent until further advised. Mrs McCormac referred to current Business Continuity planning and confirmed that the temporarily relax to the

hybrid working model was still in effect, which allows staff to work from home 3 days a week if required and to use existing heating space/rooms in the building flexibly.

5.3 Mrs McCormac updated on NIJAC's finances, and noted that the re-forecast shows a potential overspend of 0.53% and confirmed NIJAC are not permitted to overspend and must remain within a 1.5% underspend tolerance. Mrs McCormac confirmed that schemes could be re-examined to push some expenditure into 2023-2024 to ensure NIJAC is within tolerance and advised that the new NI Formation Act will see the return of in year monitoring bids which could help NIJAC in quarter 4. The Chair thanked Mrs McCormac for her update and expressed her concerns of the impact NIJAC's financial sustainability will have on the quality of NIJAC's services. Mrs McCormac advised that financial sustainability is formally noted and monitored and is a recurring agenda item at sponsorship meetings. Mrs McCormac confirmed that she will write to TEO to highlight the Board's concerns.

Action Arising: Mrs McCormac to write to NIJAC's sponsorship department (TEO) to highlight the concerns of the Board in light of the finance update.

5.4 Mrs McCormac updated on an on-going investigation by Northern Ireland Judicial Appointments Ombudsman (NIJAO).

Action Arising: Mrs McCormac to advise Plenary of NIJAO outcome when received.

5.5 Mrs McCormac highlighted key dates in quarter 4 and confirmed that the dates of standing committees and plenary for the 2023-2024 year will be shared via email next week. Plenary noted this.

Action Arising: Miss Roberts to share committee dates for 2023-2024 with Plenary.

6. Possible Additions to Schedule 1

6.1 Ms Frew advised that correspondence has been received from the Department of Justice (DOJ) which outlines their intention to transfer responsibility of recruitment of previously deemed non judicial office Tribunals, to NIJAC. Ms Frew led discussion on the matter and issues regarding justification/rationale and additional budgetary requirements were raised. Plenary noted the correspondence on possible additions to Schedule 1 and confirmed they are not satisfied that they have received adequate justification on why NIJAC is being asked to take on these extra duties.

Mrs McCormac noted that she will reply to the correspondence outlining Plenary's position.

Action Arising: Mrs McCormac to respond to DOJ's correspondence in relation to possible additions to Schedule 1.

7. Selection Committee updates

7.1 An update paper for each scheme was presented.

7.2 Mr Douglas provided an update on the Review Tribunal Medical Member (Consultant Psych)2022 Scheme, reporting an application had been received and the applicant is scheduled to be interviewed in January 2023.

7.3 Mr Doyle provided an update on the Review Tribunal Legal Member 2022 Scheme, reporting that shortlisting was underway. Mr Doyle noted the shortlisting test for this scheme was set aside due to an error and confirmed that the Selection Committee will be shortlisting applicants through an interim paper sift. Interviews for this scheme are scheduled for January 2023.

7.4 Mr Donaghy provided an update on the Deputy County Court Judge 2022 Scheme, reporting that the scheme is currently open to applications.

7.5 Mrs Eccles provided an update on the Appeal Tribunals Legal Member; Fixed Term Contract 2022 Scheme, reporting that a pre-scheme meeting was successfully held. Mrs Eccles requested that Plenary consider approving the use of a Statement

of Suitability (SoS) for the scheme, as high numbers of applications are expected, and the Selection Committee believe that a SoS would help demonstrate essential criteria for the role. Plenary approved Mrs Eccles request.

8. Advisory Committee

8.1 Mr Douglas presented the draft Minutes of the meeting on 1 December 2022.

8.2 Mr Robinson commented on the significant improvement in communications activity and the value of the dedicated resource in this area that allowed the Commission to more precisely target its communication and outreach activities.

8.3 Mr Millar presented on the review of the Personal Profile which had been unanimously adopted by Plenary at the September 2022 meeting. Mr Millar confirmed consultation will be arranged with the Law Society and Bar of Northern Ireland regarding the new Judicial Profile (formerly PP) and advised that communications regarding the new profile will begin 4 weeks prior to the advertisement stage of the first scheme it is used in. Outreach on the new Judicial Profile is part of the implementation plan and Mr Millar queried if Plenary were content for him and Ms Matchett to devote time and resources to the planned outreach and overall roll out of the new Judicial Profile. Plenary approved this. Mr Millar further requested that the sub-committee continue to meet on this issue until all consultation has been carried out and that Plenary are content to sign off on the updated Judicial Profile electronically once consultation is completed. Plenary confirmed they are content with this. The Chair thanked Mr Millar and the Staff team for their work on this review.

Action arising: Mr Millar to seek final approval of Judicial Profile once consultation has been completed.

8.4 Ms Frew presented Lessons Learned Reports. Plenary noted the update.

8.5 Ms Frew provided an update on the review of Medical Schemes. Plenary noted this update.

9. Business Committee

9.1 Mr Doyle presented the draft Minutes of the meeting on 29 November 2022 and highlighted the need for Commissioners to return their claim forms in a timely manner to aid budget forecasting.

9.2 Mr Doyle provided an update on the premises issue and confirmed that ongoing meetings are being held with NIJAC's sponsorship department (TEO) and the landlord to rectify the ongoing heating issue at Headline. Mr Doyle confirmed that the Headline Building had been sold at auction and that legal proceedings initiated by TEO were ongoing. Mr Doyle added that staff welfare and the impact on NIJAC's core business is being closely monitored by the Business Committee.

10. Audit and Risk Assurance Committee

10.1 Mr McTeggart presented the draft minutes of the meeting of 6 December 2022 and guided members through the document.

10.2 Mr McTeggart reported that the procurement exercise in relation to internal audit was on target.

10.3 Mr McTeggart presented the Report to those charged with Governance (2020-2021) and Report to those charged with Governance (2021-2022). Mr McTeggart confirmed that both set of accounts have been cleared with an unqualified opinion, however advised that in the absence of an Executive NIJAC are unable to have their Annual Report and Accounts for 2020-2021 and 2021-2022 laid. Mrs McCormac advised that NIJAC has faced this issue before and confirmed that a statement would be put on NIJAC's website confirming that we are unable lay our Accounts. Plenary noted the Report to those charged with Governance (2020-2021) and Report to those charged with Governance (2021-2022).

Action Arising: Miss Roberts to update NIJAC website to confirm that NIJAC are unable to have Annual Report and Accounts for 2020-2021 and 2021-2022 laid.

10.4 Mr McTeggart presented the NIJAC Audit Strategy (2021-2022). Plenary noted this.

11. AOB

11.1 The Chair confirmed a review of membership of standing committees was to be undertaken and noted the review will be completed in January 2023. Memberships of committee's will be circulated at the end of January/early February, along with proposed committee dates for the 2023/2024 year.

Action Arising: Miss Roberts to share new standing committee membership.

11.2 Miss Roberts circulated declaration of interests and Gifts and Hospitality Register forms for Plenary to complete and return.

Date of next meeting: 30 March 2023 at 9.30am

Signed: 

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The Right Honourable Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland, Chair of the Northern Ireland Judicial Appointments Commission

Dated: 30-03-23

