

Plenary Minutes
21 September 2023 at 9.30 am.
(Hybrid Meeting)

Present: The Rt. Hon Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland (Chair)
Mr Eoin Doyle QFSM
Mr Paul Douglas
Mrs Maureen Eccles
Mr Michael Robinson
Judge Geoffrey Miller KC
Lord Justice Seamus Treacy
Mr Bernard Brady KC
Judge Michael Humphreys
Mr Colm Donaghy (virtually)
Mr Brian McTeggart (virtually)
Judge Rosalie Prytherch (virtually)

In Attendance: Mrs Tonya McCormac
Ms Adeline Frew
Mr Duncan Greer
Mr Andrew Millar
Miss Caitriona Roberts (secretary)

1. Apologies and Introductions

- 1.1 No apologies were received.
- 1.2 The Chair welcomed everyone to the meeting.

2. Conflicts of Interest

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

3. Confidentiality

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

4. Minutes of meeting of 22 June 2023

4.1 Judge Miller noted that his name appears twice in the minutes. Ms Roberts confirmed that the minutes would be amended. The minutes were approved. It was confirmed that action points arising had either been completed or would be covered in today's Agenda.

Action: Amend minutes to reflect Judge Miller's name duplication.

5. Chief Executive's Report

The Report having been circulated in advance, members were asked to raise any matters for discussion at the meeting. Mrs McCormac advised a number of matters would also be covered by the Chair of Business Committee and Chair of ARAC.

5.1 Judge Prytherch noted that she believed the absence of an exclusion period, for NIJAC Commissioners applying for judicial office, could be perceived by the applicant pool as being unfair, she recalled a discussion in the past by the Commission on this matter. Mrs McCormac confirmed that there was nothing in writing within the Commission or held by TEO which determines a set exclusionary period. The requirement for those Commissioners wishing to apply for a role of which NIJAC are responsible is laid out in the Commissioner Code of Conduct. The Chair thanked Judge Prytherch for her comments and confirmed that this is something which Plenary may explore further in the future.

5.2 Mrs McCormac updated on the position of NIJAC's Annual Report and accounts 2022/23, advising that the accounts have now been completed. The Northern Ireland Audit Office have given NIJAC a clean set of accounts. The 2022/23 Annual Report and Accounts require to be signed off by the First and Deputy First Minister before being laid. Plenary should note that NIJAC now has 3 years AR&As, as in 2020-2021 and 2021-2022 and 2022-2023, outstanding awaiting the return of the Assembly.

5.3 Commission members sought clarification on any further update from the Office of the Judicial Ombudsman on a complaint raised by a person with the Ombudsman

in early 2022. As the complaint is currently open, Commissioners requested that a letter is sent from NIJAC to the Judicial Ombudsman, seeking an update on timescales for release of the draft report to the Commission.

Action: NIJAC to write to the NIJAO.

5.4 Mrs McCormac advised of the current financial position and the impact of the planned efficiencies on core business activity.

5.5 Miss Roberts confirmed that a refresher session on cyber security had been held virtually on 13th September 2023, a recording of this training will be made available to all staff and Commissioners via the new knowledge portal. Mr Millar advised that NIJAC now have the available funds to progress the purchasing of devices, to move all un-networked commissioners on to networked devices. Mr Millar further advised that this provides further assurance.

6. Selection Committee updates

6.1 An update paper for each scheme was presented.

6.2 Appeals Tribunal Medical Member 2023

Mr Paul Douglas, Chair of the selection committee, provided an update, advising that NIJAC is seeking to appoint 38 Fee Paid Generalist Medical Members to the Appeal Tribunals and 9 Fee Paid Specialist Medical Members to the Appeal Tribunals for Northern Ireland. Mr Douglas confirmed that a number of outreach activities have been carried out in relation to these posts and applicants can apply using an expression of interest between the 8th September 2023 to the 2nd October 2023.

6.3 Deputy Statutory Officer

Mr Brian McTeggart, Chair of the selection committee, provided an update, advising that the 9 successful applicants were sworn in on Friday 15th September 2023. Mr McTeggart confirmed that 8 people remain on the reserve list. Mr McTeggart noted that he would find it helpful attending a swearing-in, to see the recruitment process to completion, Commissioners agreed with this. The Chair confirmed that all Commissioners are more than welcome to attend.

6.4 Victims' Payment Board/Review Tribunal Medical Members

Mrs Maureen Eccles, Chair of the selection committee, reported that the Swearing in of 12 Fee Paid Medical Members to the Victims' Payment Board (VPB) will take place on the 12th and 26th September 2023. The Swearing in for the 6 Fee Paid Medical Members to the Review Tribunal will take place on 2nd October 2023. Mrs Eccles noted that this was the first scheme of its kind, where applicants could apply for either or both roles and the selection committee believe it was a great success.

6.5 ITFET 2023

Mr Colm Donaghy, Chair of the selection committee, provided a verbal update, reporting that a pre-scheme meeting to recruit 6 fee paid employment judges to the ITFET, would be held on the 5th October 2023.

7. Advisory Committee

7.1 Judge Geoffrey Miller presented his Chair's report to Plenary, confirming that the September meeting of the Advisory Committee had not met due to the reduction in the number of committee meetings for budgetary purposes.

7.2 Judge Miller confirmed that a new Recruitment Manager, has joined the staff team and her induction is ongoing. Judge Miller further advised that recruitment for the vacant Communications Manager and Recruitment Officer posts was underway.

7.3 Members discussed the publication of diversity information and Ms Frew confirmed that a summary report has been added to the NIJAC website. Mr Millar reported that the availability of the 2021 census data, has highlighted the underrepresentation of women at the High Court level. Mr Robinson noted that this issue of underrepresentation was mirrored in the EU and confirmed that he would share a report on the European statistics.

Action: Mr Robinson to share report on EU diversity statistics.

7.4 The former Chair of the Advisory Committee, Mr Michael Robinson, presented the Advisory Committee's Annual Performance Report and thanked the Committee and Ms Frew for all their hard work over the 2022-2023 period.

8. Business Committee

8.1 Mrs McCormac asked Miss Roberts and Ms Frew to leave the meeting at this point, due to a conflict of interest as NIPSA union members with an item listed for discussion by the Chair of Business Committee.

8.2 Mr Colm Donaghy presented his Chair's report to Plenary, confirming that the September meeting of the Business Committee had not met, due to the reduction in committees for budgetary purposes. Mr Donaghy confirmed, however that the report had been previously shared with members of Business Committee before Plenary, for input.

8.3 Mr Donaghy advised that the Standing Committee meetings will resume as normal for Q3 and Q4.

8.4 Members discussed NIJAC's current financial position and the unexpected savings from an additional staff leaver and reduction in electricity. This shift in position means that for the remaining 7 months to 31 March 2024 of the planned £48.2k needed there are newly identified savings of £16.8k now available as a contribution to this and this provides an opportunity to review the savings action plan and utilise this additional £16.8k.

8.5 Members discussed and approved the SLT's amendments to the Action Plan agreed at the June 2023 Plenary meeting.

8.6 Members discussed the situation regarding a claim received by NIPSA against NIJAC on the implementation of the Public Sector Pension Reform 2015.

9. Audit and Risk Assurance Committee

9.1 Mr Paul Douglas presented the draft minutes of the meeting of 12 September 2023 and guided members through the document.

9.2 Mr Douglas confirmed that the Heating issue has now been removed from the risk register. Members noted their delight that the issue has now been resolved.

9.3 Mr Douglas presented the Report to Those Charged with Governance 2022-2023 and confirmed that it was a very positive outcome.

9.4 Mr Douglas reported on the risk register and confirmed that staff turnover had been added to the risk register. Members discussed, patterns in the Commission and mitigations in place to ensure business continuity.

9.5 Mr Douglas reported on Internal Audit and asked members to consider any potential areas for the 2023-24 Internal Audit Plan.

Action: Members to email NIJAC with any potential areas for the 2023-24 Internal Audit Plan

10. Conflict of Interest Policy

10.1 Mr Duncan Greer presented the updated conflict of interest policy and asked members to approve it. Members discussed the updates and approved the updated COI policy.

11. Any Other Business

11.1 The Chair updated that the process was in progress for appointing two replacement Judicial Commissioners. Mrs McCormac confirmed that a submission would be made to the Lord Chancellor by TEO once nominations have been made by the Office of the Lady Chief Justice.

11.2 The Chair noted that there was no further update on discussions on some Departmental appointments. Mrs McCormac will continue to attend working groups on the matter and will keep Plenary apprised of the situation.

11.3 The Chair advised that this would be the last Plenary meeting Mr Doyle and Judge Prytherch would attend, as their second term as Judicial Members comes to an end in November 2023. The Chair and Members thanked Mr Doyle and Judge Prytherch for their work and commitment over the last 10 years and wished them luck in their future endeavours. Mrs McCormac thanked Mr Doyle and Judge Prytherch on behalf of the SLT and staff team. Judge Prytherch thanked everyone for their kind words, and thanked staff and Commissioners for their work and collaboration during her two terms as a Judicial Commissioner at NIJAC. Mr Doyle thanked everyone in attendance for their kind words and thanked staff and Commissioners for their work and collaboration during his two terms at NIJAC.

Date of next meeting: 14 December 2023 at 9.30am

The meeting concluded at 11.00am

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: 14-12-2023