

**Plenary Minutes**  
**28 June 2022 at 9.30 am**

**Present:** The Rt. Hon Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland (Chairperson)  
Mr Eoin Doyle QFSM  
Mr Colm Donaghy  
Mr Paul Douglas  
Mrs Maureen Eccles  
Ms Noelle McGreenera QC  
Mr Brian McTeggart  
Judge Miller QC  
District Judge (Magistrates' Courts) Rosalie Prytherch

**In Attendance:**

Mrs Tonya McCormac  
Mr Raymond Donnelly  
Ms Adeline Frew  
Mr Duncan Greer  
Mr Andrew Millar  
Ms April Matchett (for Item 7)

**1. Apologies and Introductions**

1.1 Apologies were received from Lord Justice Treacy, Mr Justice Horner and Mr Robinson.

1.2 The Chair welcomed everyone to the meeting

**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 3 March 2022**

4.1 The minutes were approved, subject to the correction of a small typo at 5.2. 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. She requested members to note that the 2022/2023 dashboard has been updated to incorporate NIJAC's agreed outcomes, and at this early stage of the year a copy of the new look dashboard had been included in papers for illustration purposes. Mrs McCormac added that the populated working document will be shared at the next Plenary meeting in September 2022.

5.2 Mrs McCormac then made reference to the End of Year summary report for 2021/2022 which had been presented to Business Committee on 7 June 2022. The format of this report is somewhat different in approach and while it summaries the successes, achievements and key issues for the Commission during 2021/2022 the approach helps tell our story capturing the essence of how the organisation works. It is planned that this report will form part of the Business Planning process within NIJAC.

5.3 Mrs McCormac updated members on the heating issue in Headline Building. Independent legal advice received by the Commission (and included in papers) is very clear on NIJAC's legal position on this and that resolution is a matter between the lessee (TEO) and the lessor (landlord). TEO and its legal advisors (DSO) have been engaging with the landlord and their agents and the landlord has accepted responsibility for the heating system. A meeting will now be arranged with TEO/NIJAC and the Agent/Contractors to discuss detailed plans including confirmation that the proposed solution will provide an adequate heating/ventilation system that will operate until the end of the lease in January 2027. Confirmation will also be sought on the

detailed timetable and to what extent the building will be inaccessible by NIJAC/HIA during renovations. We would also expect the building to be reinstated to the current level of decorative order since there has been recent investment by NIJAC in this area. A Business Continuity Plan (tracked by the Business Committee) for this specific project will be compiled to minimise the risk in relation to schemes and day-to-day NIJAC business. An Issues Log is being maintained and reviewed.

**Action Arising:** A Business Continuity Plan that covers contingency arrangements for any potential business interruption due to the heating issue for the period September 2022 to March 2023 be prepared and considered by Business Committee at their September 2022 meeting.

5.4 Mrs McCormac updated members on a potential data breach that occurred on the 16 May 2022. This has been reported to the Executive Office and the ICO as required in line with policy. All remedial actions have been taken as required, a formal internal investigation is underway and members will be informed of the outcome of this investigation.

5.5 Mrs McCormac advised Plenary that the Northern Ireland Judicial Appointments Ombudsman (NIJAO) had received an appeal in March 2022 from the complainant of the DJ(MC) 2021 scheme, and an investigating lead was assigned May 2022.

**Action Arising:** Mrs McCormac to advise Plenary of NIJAO outcome

## **6. Personal Profile Review 2022**

6.1 Mr Millar gave a short presentation on the Terms of Reference of the proposed sub-Committee of the Advisory Committee to be established to examine the Personal Profile for Judicial Office. The sub-Committee will be chaired by NIJAC's Chair. Mr Millar outlined that this review is an element of the transformation of our business and the drive to achieve continuous improvement of what we do, and how we work. Extensive consultation will be integral to the work and it is envisaged this will include client Departments, the relevant professions, JAC/JABS and applicant pools.

6.2 He clarified for members that neither Commissioners nor applicants had raised any fundamental concerns regarding the current Personal Profile. It is the intention at the outset of this review to state that the core substance of the current profile has significant merit. Therefore, it is deemed likely that the resulting profile/framework will retain many aspects and that it will remain recognisable in many respects to the viewer who is familiar with the current profile.

6.3 He outlined a draft timetable for the review with any suggested changes to the current profile to be considered by Plenary in March 2023.

6.4 The Chair welcomed this review and extended her appreciation to the Commissioners who would serve on the group. She reiterated that the current approach was sound but that the aim would be to ensure Appointment panels had a profile that offered both consistency and flexibility for the different schemes run by NIJAC.

6.5 Plenary was requested to note these proposals that had been previously agreed by the Advisory Committee.

## **7. Power BI**

7.1 The Chair welcomed Ms April Matchett, NIJAC Communications and Diversity Manager, to the meeting.

7.2 Ms Matchett outlined the software MS Power BI that she and other staff had been recently trialling. This software could offer NIJAC an efficient and effective bridge between the extensive raw data it collects and the presentation of this for decision making and external reporting.

7.3. In particular Ms Matchett demonstrated the use of PowerBI in presenting diversity data in an easily understood and highly visual way. The tool provides a drill down facility to interrogate the detail behind the data and there is also a refresh aspect to allow prompt, dynamic updating as data is added and future information requests are received.

7.4 Members welcomed the continued trial of this potential tool which could enhance good decision making and be used to demonstrate internally and externally the achievement of Business Outcomes.

7.5 The Chair thanked Ms Matchett for a valuable presentation.

## **8. Selection Committee updates**

8.1 An update paper for each scheme was presented.

8.2 Ms McGreenera provided an update on the Master (QB) 2022 Scheme.

8.3 Mrs Eccles provided an update on the SENDT President 2022 Scheme.

8.4 Mr Donaghy provided an update on the ITFET (Vice President) 2022 Scheme.

8.5 Mr Doyle provided an update on the CCJ 2022 Scheme.

## **9. Advisory Committee**

9.1 Mrs Eccles presented draft Minutes of the meeting on the 09 June 2022.

9.2 Ms Frew directed members to the Lessons Learnt update on the November 2021 Recommendations and the paper on Lessons Learnt: Emerging Themes and Recommendations.

9.3 The Chair noted that it was proving very valuable to draw all Lessons Learnt together into a composite paper and this facilitated discussions of members' experiences on schemes at Plenary.

9.4 Members discussed the complaint lodged with the Complaints Commission and Judge Prytherch shared that she had some further notes in relation to the DJ(MC) 2021 complaint and agreed to meet with Adeline Frew to discuss this. Mr Doyle noted that the findings of this complaint would be a valuable learning experience for NIJAC.

**Action Arising:** Judge Prytherch to meet with A.Frew to share further notes in relation to the DJ (MC) 2021 complaint.

9.5 Members noted a briefing from Ms Frew on Sitting in Retirement (SIR).

## **10. Business Committee**

10.1 Mr Doyle presented the draft Minutes of the meeting on the 08 June 2022.

10.2 He stated that the heating issue in Headline remained a high priority for the Committee particularly in relation to staff welfare and the potential impact on the business of NIJAC. As discussed earlier in the meeting Mr Doyle asked members to note that the Business Committee would consider the draft Business Continuity Plan (BCP) being prepared to assess the contingency arrangements in place for potential business interruption arising from this issue.

10.3 He referred members to the draft minutes in relation to the financial position at the year end 31 March 2022 and the budget requirements for the year end 31 March 2023. He advised members that the Chief Executive and Director of Finance and Corporate Services had been in discussions with TEO on proposals to ensure the core requirements of NIJAC could be met via the opening budget allocation from the Department and thus reduce NIJAC's reliance on the success of the in year bid mechanisms. The Committee were closely monitoring the outcome of these discussions.

10.4 Mr Millar presented a paper entitled - Approval of Medium and Long Term Outcomes. The Annex to this paper outlined the proposed Long and Medium Term Outcomes for NIJAC arising from the introduction of Outcomes Based Accountability (OBA) for the 2022-23 reporting year and beyond. Mr Millar clarified that the medium term outcomes are modelled on the five strategic themes identified in the Corporate Plan 2020-25 and the long-term outcomes are based on the fundamental duties of NIJAC as per its statutory basis and duty as a public body.

10.5 Plenary gave approval to the proposed outcomes and to the publication of these in due course.

10.6 Mr Millar also presented a paper entitled Review of Corporate Plan 2020-25. This paper outlined the review of the NIJAC Corporate Plan for the period 2020-2025 at this mid point of the plan. He confirmed that there have been no fundamental changes made to the strategic context, themes, outcomes or priorities from the original 2020-2025 Corporate Plan. However minor updates had been made in relation to the move to OBA including the incorporation of the Medium and Long Term Outcomes discussed at the last item.

10.7 Plenary gave approval to the changes and for publication of these in due course.

## **11. Audit and Risk Assurance Committee**

11.1 Mr McTeggart presented the draft minutes of the meeting of 14 June 2022.

11.2 In terms of the Risk Register he noted that the risks in the Corporate Risk Register on the heating issue in Headline and the Financial sustainability had been discussed earlier in the meeting and ARAC will continue to monitor these. The third risk on the Corporate Risk Register is Cyber Security and this is now a Standing Item on the ARAC Agenda. He emphasised that regular communication to staff and Commissioners of this risk and of the cyber security measures to be taken is a key action in mitigating the risk. He informed members that Caitriona Roberts – Governance and Business Planning Manager- would give a ‘bite-size’ zoom update to Members on Cyber Security on 25 July 2022. This would be recorded and made available to Commissioners and Staff to watch at any point in time. Further updates and advice would be disseminated in the future.

11.3 Mr McTeggart referred members to the minutes in relation to the external audit by NIAO of the 2020-21 Annual Report and Accounts (AR&A). NIAO had reported at the ARAC meeting that all field work for the 2020-21 AR&A had now been completed and that there were two outstanding issues being followed up with Management. Mr McTeggart indicated that he was working with the Chief Executive and Director of

Finance and Corporate Services in trying to agree the outstanding issues with NIAO, however on a positive note, NIAO had confirmed that it would provide an unqualified Audit Opinion for 2020-21. The Chair requested that members be kept informed by the Chair of ARAC on the progress to agree these issues and advise members of any consequential delay in closing both the 2020-21 and the 2021-22 AR&A.

**Action Arising:** Mr McTeggart to keep members informed on the progress to agree the outstanding issues raised by NIAO in relation to the 2020-21 Annual Report and Accounts (AR&A) and advise members of any consequential delay in closing both the 2020-21 and the 2021-22 AR&A.

11.4 Mr McTeggart then referred members to the ARAC 2021-22 Annual Report to the Board. As required by the ARAC Terms of Reference this report summarises the work of ARAC during the year and incorporates the Committee's assessment of its own performance. Mr McTeggart confirmed that ARAC had reviewed its own effectiveness at its June 2022 meeting using a questionnaire to facilitate the assessment and that the Committee had concluded it had been an effective committee in 2021-22.

11.5 Finally Mr McTeggart referred to the 2021-22 Internal Audit Programme which included an examination of the NIJAC Risk Management Process. The audit opinion on this assignment was Satisfactory although the report contained a number of recommendations. Based on these recommendations a review of the current processes has been carried out and the proposed revised processes will be outlined separately at item 12 of the Agenda.

## **12. Review of Risk Management**

12.1 Mr Greer summarised for members the proposed amendments to the Risk Management process that emanated from the recent review which followed the KPMG Internal Audit assignment. He confirmed these proposals had now been considered and agreed by both the Business Committee and ARAC.

12.2 Based on KPMG's recommendations the following areas were reviewed:

- (a) the role of each Committee in reviewing and approving the Risk Register.



- (b) the Risk Appetite Statement.
- (c) mitigating controls and target dates for mitigating actions for appropriateness in reducing inherent risk levels.
- (d) the Risk Register template.
- (e) Risk Management training.

12.3 Mr Greer indicated that the proposed changes coming from the review should provide better tools for members when discussing and assessing risks including revised risk templates. The revised Risk Appetite Statement should provide more granularity when determining an acceptable level of risk depending on the area of the business being considered. Clarity on the respective responsibilities of the Business Committee, ARAC and Plenary should also enhance the process.

12.4 Plenary approved:

- The revised Terms of Reference of the Business Committee and ARAC that will then be incorporated in the NIJAC Standing Orders.
- The revised NIJAC Risk Appetite Statement.

12.5 Mr Greer stated that further training for Commissioners and staff on the Risk Management process will be carried out.

## **13. AOB**

### **13.1 Draft NIJAC Disability Action Plan 2021-2026.**

Ms McCormac referred members to the draft Plan. The narrative in the plan indicates that under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006), public authorities are required when carrying out their functions to have due regard to the need to:

- Promote positive attitudes towards disabled people; and
- Encourage participation by disabled people in public life ('the disability duties').

Under Section 49B of the DDA 1995 public authorities are required to submit to the Equality Commission a Disability Action Plan showing how it proposes to fulfil these duties in relation to its functions. Although NIJAC is not designated under Section 75 of the Northern Ireland Act 1998, it does wish to act within the spirit of the legislation and has therefore produced a draft Disability Action Plan. The Commission has drawn on Equality Commission guidance in developing this Plan.

Mrs McCormac requested members to send her any feedback electronically on this draft for incorporation in a final document.

The Chair encouraged all members to examine and comment on this adding that this was a good opportunity to re-focus on this important area and the final draft would provide a structured action plan for the organisation for the next number of years.

**Action Arising:** Members to send any comments on the draft Disability Plan to the Chief Executive.

### **13.2 QUB School of Law**

Ms Frew updated the meeting on an email from QUB School of Law in relation to the recently published results of the Research Excellence Framework. The Law School was placed 8<sup>th</sup> out of a field of 69 and the Impact Case Studies (which included the School's work with NIJAC) were all given a perfect 4\* rating. The email extended the Law School's gratitude to NIJAC for the valuable evidence provided that contributed to the high rating awarded.

**Date of next meeting:** 29 September 2022 at 9.30 am

**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: 29-09-22**