

Plenary Minutes
19 September 2024 at 9.30am

Present: The Rt. Hon Dame Siobhan Keegan, the Lady Chief Justice of Northern Ireland (Chair)
Lord Justice Seamus Treacy
Mr Bernard Brady KC
Mr Colm Donaghy
Mrs Maureen Eccles
Mr Justice Michael Humphreys
District Judge (MC) Anne Marshall
Judge Geoffrey Miller KC
Mr Brian McTeggart
Mr Michael Robinson
Ms Patricia Mac Bride

In Attendance: Mrs Tonya McCormac
Mr Duncan Greer
Mr Andrew Millar
Mrs Rebecca Mayes (Secretary)

1. Apologies and Introductions

1.1 Apologies were noted from Mr Paul Douglas and Mr Raymond Donnelly.

1.2 The Chair welcomed everyone to the meeting, in particular Ms Mac Bride our new Lay Magistrate Commissioner.

2. Conflicts of Interest

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

3. Confidentiality

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

4. Minutes of Board meeting of 20 June 2024

4.1 The Chair requested Members to approve the minutes of 20 June 2024 which had been circulated in advance of the meeting. Members approved.

4.2 The Chair asked for updates on actions arising from the previous meeting:

4.3 Mr Millar confirmed that there has been no outcome on the JAC case however Mr Millar will keep Plenary updated.

4.4 Mr Brady KC updated Plenary on the dissemination of information by the Bar Council regarding Judicial roles and recruitment. Mr Brady confirmed that the Bar Council are keen on further engagement with NIJAC through a webinar event.

4.5 Mr Robinson echoed what Mr Brady said in regard to the Law Society, who are also keen to have further engagement with NIJAC.

4.6 All other actions were confirmed as completed.

5. Chief Executive's Report

5.1 The Report had been circulated in advance of the meeting. Mrs McCormac asked the Board to note the following:

5.2 The development of the Corporate Plan is ongoing and NIJAC are currently liaising with stakeholders and have a number of dates organised to progress this, Plenary are asked to note the dates of their involvement in the process and make themselves available for these if possible.

5.3 Mrs McCormac asked Plenary to note that the Diversity Mark accreditation which was applied for has just been confirmed as successful and NIJAC have been awarded the bronze accreditation.

5.4 Mrs McCormac updated Plenary on the recruitment process of Lay Commissioners. As current terms of office come to an end NIJAC will have five

vacancies for Lay Commissioners arising in the next two years. The appointment of Commissioners is a First and Deputy First Minister process and is run by The Executive Office (TEO). The plan is that the advert will launch from The Executive Office in January 2025 with the first appointment from this being made in May 2025 and a reserve list to be held for a period of 12-18 months.

- 5.5** The Board had a discussion around the Lay Commissioner recruitment process which is conducted in line with guidance from the Commissioner for Public Appointments for Northern Ireland (CPANI). The Board noted that, unlike the ranked order of merit list that arises from NIJAC recruitment processes, the CPANI process will result in an unranked list of appointable candidates being submitted to Ministers. The Board agreed that a letter be sent to TEO seeking clarity on this process. It was also suggested that CPANI be approached to share information on the Public Appointments process to increase Members understanding of this.

Action Point:

Mrs McCormac, to draft a letter on behalf of the Board to TEO seeking clarity on the process to recruit Lay Members.

Action Point:

Mrs McCormac to consider inviting CPANI to attend a future Board meeting to share information on Public Appointments process.

- 5.6** Mrs McCormac handed over to Mr Millar to give an update on the Performance Dashboard. Mr Millar brought to the Board's attention that the Stakeholder Satisfaction Surveys have now been completed and the satisfaction rate is up to 100%. Mr Millar confirmed that the Stakeholder Survey report will be circulated to the Board in the coming weeks.

Action Point:

Mr Millar to circulate Stakeholder Survey Report.

5.7 Mrs McCormac concluded her remarks by advising that several matters would also be covered by the Chairs of the Standing Committees later in the Agenda.

6. Selection Committee updates

6.1 An update paper for each scheme was presented.

6.2 District Judge (Magistrates Court)

Mrs Eccles, Chair of the Selection Committee, provided an update. She advised that the reserve list for this scheme has been activated and the applicant has been informed and is currently going through the pre-appointment check. This was noted by Plenary

6.3 ITFET President 2024

Judge Marshall, Selection Committee member, provided an update. This was noted by Plenary.

6.4 Master (Taxation and Enforcements of Judgments) 2023

Mr Brady KC, Selection Committee member, provided an update. This was noted by Plenary.

6.5 NIVT Ordinary Member 2024

Mr McTeggart, Chair of the selection committee, provided an update. This was noted by Plenary.

6.6 SENDT Legal (Chair) 2024

Mrs Eccles, Chair of the Selection Committee, provided an update. This was noted by Plenary.

6.7 High Court Judge

Mrs Eccles, in the absence of Mr Paul Douglas (Selection Committee Chair) provided an update. This was noted by Plenary.

7. Business Committee – 3 September 2024

- 7.1** Mr Donaghy referred Members to the Minutes of the Business Committee held on 3 September 2024. He directed members to the accompanying Finance paper prepared by Mr Greer and he emphasised this is the primary focus of the Committee at this time.
- 7.2** Mr Donaghy informed the Board that NIJAC are currently operating on a significant shortfall in budget for the year 2024-25. He outlined the proposals by Management, and recommended by the Business Committee, for contingency cost reduction measures in the event that NIJAC do not receive sufficient additional monies in the October monitoring round. The paper also highlighted the very serious shortfall forecast for 2025-26 if, as for 2024-25, TEO allocate funds at the level of the 2023-24 Opening Budget.
- 7.3** Plenary had a lengthy discussion on NIJACs current precarious financial position with concerns raised by Members on the impact on service delivery to Courts and Tribunals and on the fulfilment of NIJAC's Statutory responsibilities. Mrs McCormac informed Members that revenue raising opportunities were being pursued in conjunction with TEO but even if these prove feasible time will be needed to implement them.
- 7.4** Plenary agreed to the proposals for contingency cost reduction measures that were recommended by Business Committee and to revisit the situation after the results of the October 2024 monitoring round.
- 7.5** The Board also agreed that urgent written communication should be sent to TEO setting out the serious concerns that the Board have on the 2024-25 and 2025-26 forecast financial positions. The letter should highlight the potential impact on the work of Courts and Tribunals, the urgent need to agree an annual opening budget for NIJAC that will allow it each year to meet its agreed Outcomes & Statutory responsibilities and that will allow it to make a positive contribution to the draft Programme for Government.

Action Point:

Mrs McCormac, in conjunction with Mr Donaghy, to draft urgent written communication to TEO setting out the serious concerns that the Board have on the 2024-25 and 2025-26 forecast financial positions for NIJAC. The letter should highlight the potential impact on the work of Courts and Tribunals, the urgent need to agree an annual opening budget for NIJAC that will allow it each year to meet its agreed Outcomes & Statutory responsibilities and that will allow NIJAC to make a positive contribution to the draft Programme for Government.

8. Advisory Committee – 28 August 2024

8.1 Judge Miller KC referred members to the Minutes of the Advisory Committee held on 28 August 2024 and guided them through the main highlights.

8.2 He requested Members to approve a pilot of the revised approach to the documentation for candidates when an Assessment Test is being employed on a scheme. This was agreed by Plenary.

8.3 Judge Miller KC commended Mr Millar on the new format of the Directorate for Appointments and Engagement report that goes to Advisory Committee which is more visually appealing and better informs the Committee on data analysis and trends.

9. Audit and Risk Assurance Committee – 10 September 2024

9.1 In the absence of Mr Douglas, Mrs Eccles referred Members to the Minutes of the Audit and Risk Assurance Committee held on 10 September 2024 and highlighted the following.

9.2 Cyber Security and Recovery paper was presented to the Committee and will be added to the Business Continuity Plan.

9.3 NIJAC received a Satisfactory rating for 2023-24 from Internal Audit (the highest rating achievable).

9.4 The Internal Auditors were examining the programme for 2024-25 and Mrs Eccles asked Plenary to pass any suggestions for inclusion in this to Mr Greer.

9.5 Mr Greer informed the Board that the Conflicts of Interest Policy had undergone an annual review, and no changes were required at this time. He indicated to Plenary the importance of this policy and he requested Members to re-familiarise themselves with this by using the Commissioner’s Handbook on the Huddle system.

10. Any Other Business

10.1 There will be a Reasonable Adjustments Training Session following the meeting led by Mr Millar.

Date and Time of next meeting: Thursday 12 December 2024 at 9.30am

The Chair thanked the NIJAC Board.

The meeting concluded at 11.30am.



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: 12.12.24