

**Minutes of the Plenary Meeting**  
**Held on Thursday 26 September 2019**  
**Headline Building, Victoria Street, Belfast**

**Present:** The Rt. Hon Sir Declan Morgan, the Lord Chief Justice of Northern Ireland (Chairman)  
Mr Paul Douglas  
Mr Eoin Doyle QFSM  
The Hon Mrs Justice Keegan  
Ms Noelle McGreenera QC – left at 11am  
District Judge (Magistrates' Courts) Rosalie Prytherch  
Mr Michael Robinson – left at 1:30pm  
The Rt. Hon. Lord Justice Stephens

**In Attendance:**

Mrs Adeline Frew  
Mr Duncan Greer  
Mrs Tonya McCormac  
Mr Andrew Millar  
Mrs Julie Monahan  
Mrs Nicola Byrne (Secretary)

**1. Apologies**

Ms Marion Matchett CBE and Mr Lindsay Todd.

The Chairman advised that as only one Lay Commissioner was present the meeting was not quorate and therefore no decisions could be made. The meeting proceeded as a discussion forum and it was agreed that should any be decisions required, the matter would either be circulated electronically or brought to the December meeting.

**2. Conflicts of Interest**

No conflicts were declared.



### 3. Confidentiality

The importance of confidentiality was stressed.

### 4. Minutes of meetings

The minutes of the meeting on 3 June 2019 were approved.

The Chairman updated on the actions arising, the majority of which are either complete or addressed on the substantive agenda. Three actions are work in progress and will be reported upon in due course.

#### Reserve Lists

Ms Frew advised that she has met with representatives from the Bar Council and provided an update on the discussions in respect of Reserve Lists. Ms Frew and Ms McGreenera QC advised that feedback from the Bar Council is that concerns remain around confidentiality and the potential negative impact of the use of Reserve Lists for senior appointments, particularly High Court.

It was agreed that the matter of Reserve Lists would be deferred to the December Plenary meeting when a decision will be made to confirm NIJAC's approach. In order to help inform decision making at this meeting, the Chairman asked that Plenary be provided with information on the number of occasions within the last five years, for salaried schemes, where a Reserve List could have utilised if it had existed.

Mr Robinson advised that given the passage of time since the Law Society's view was sought on the issue, he would clarify this and feed back to Plenary in December.

Mr Doyle confirmed that Business Committee endorsed Policy Committee's original recommendation in October 2018 that consideration should be given to one Policy covering both fee paid and salaried posts and that a Reserve List should be default for all schemes. Lord Justice Stephens requested that the matter of Reserve Lists be considered further at Policy Committee at their meeting in November.

***ACTION:*** The matter of Reserve Lists to be deferred to the December Plenary when a decision will be made to confirm NIJAC's approach.

***ACTION:*** Mr Robinson to clarify the Law Society's stance on the matter of Reserve Lists for senior appointments and feedback to Policy Committee in November.

***ACTION:*** Policy Committee to confirm their position in respect of Reserve Lists at their meeting in November.

## **5. Chair's Brief**

### **Commissioner for Public Appointments (CPANI) Mentoring Scheme**

The Chairman advised that CPANI have written to NIJAC to ask if they would be willing to participate in a mentoring scheme involving members of public Boards and post graduate students from Queens University and the University of Ulster. The Chairman confirmed that NIJAC participated in the pilot mentoring scheme in 2017. The Mentee observed Business Committee and Audit & Risk Management Committee and had a number of meetings with Mr Doyle, her Mentor. Following discussion the Chairman confirmed that NIJAC would respond to CPANI to advise that they would be content to participate again in the mentoring scheme.

***ACTION:*** Response to be sent to CPANI to confirm that NIJAC will participate in the Mentoring Scheme.

### **Chairs' Meetings**

Following discussion it was agreed that in the absence of two of the three Committee Chairs, this matter would be referred to December Plenary for further consideration. In the meantime, each Committee will discuss the matter at their next meeting and feed back to Plenary in December.

***ACTION:*** Matter of Chairs Meeting to be raised at December Plenary.

***ACTION:*** Each Committee to discuss the matter at their next meeting and feed back to Plenary in December.

## **6. Chief Executive's Report**

Mrs McCormac presented the Chief Executive's report to Plenary.

### Business Plan 2019/20

Mrs McCormac advised that the Business Plan Key Performance Indicators have been reported to Business Committee which is reflective of the new way of reporting on the Business Plan.

### Corporate Planning Process

Mrs McCormac referred Commissioners to the Corporate Planning Schedule which outlines the process of engagement to ensure that a comprehensive document is developed which captures and sets the strategic direction of the organisation for the future.

### Risk Register

Mrs McCormac advised that Business Committee considered the Risk Register at their meeting in September. The Commissioner vacancies risk will remain until the new appointees take up post (expected to be early October with induction in November). Mrs McCormac advised that two new risks had been added and that the Chair of Business Committee would update Plenary in the afternoon session.

### Budget

Mrs McCormac advised that the budget position continues to be the greatest risk to NIJAC as there is a reliance on in-year bids to make up the shortfall in funding. Mrs McCormac advised that she is meeting with Mark Browne, Accounting Officer for The Executive Office on 1 October 2019 to discuss the sustainability of NIJAC's budget.

### Outreach and Working with Others

Mrs McCormac advised that of the various outreach and communications work undertaken, the most significant targeted engagement is regarding the Review Tribunal which has been promoted with the Royal College of Psychiatrists, and at the Bar Council and Law Society events in partnership with the Department of Health and the Department of Justice. Work remains ongoing to address NIJAC's concerns regarding the attraction of Psychiatrists to the Mental Health Review Tribunal with options such as cross-departmental working to be considered more fully. Following discussion it was agreed that NIJAC would write to the Chief Medical Officer to request a meeting to initiate discussions around this. Lord Justice Stephens requested that he be in attendance at this meeting. It was acknowledged that this a matter for the Dept. of Health and Dept. of Justice in partnership, and that NIJAC may have a facilitation role.

***ACTION:** NIJAC to write to the Chief Medical Officer to request a meeting to initiate discussions around cross-departmental working to assist in attracting Psychiatrists to judicial office. Lord Justice Stephens to be invited to the meeting.*

### Staffing

Mrs McCormac advised that the review of the Staffing Structure is on hold.

## 7. Selection Committees

### Current Scheme Updates

- **Industrial Tribunals & Fair Employment Tribunal - Employment Judge –**  
Mr Robinson advised that the scheme is at the Assessment, interview and Selection Stage with interviews scheduled for 3, 4 & 7 October 2019.
- **Review Tribunal (Consultant Psychiatrist) Medical Member - Mr Douglas**  
advised that the closing date for the scheme was extended by two weeks due to the low number of Expressions of Interest that had been received.

Interviews were held on 12 and 18 September following which pre appointment checks are ongoing for two successful applicants.

- **Review Tribunal (Generalist) Medical Member** - Mr Douglas advised the scheme closed to applications on 19 August 2019. Interviews are taking place over a number of dates with the final interview scheduled for 9 October 2019.
- **Temporary High Court Judge** – The Chairman advised that the scheme advertised on 6 September 2019 and is due to close to Expressions of Interest on 30 September 2019.
- **Review Tribunal Experienced Members** – In the absence of Ms Matchett, Mrs Monahan advised that a pre scheme meeting is arranged for 30 September 2019 to discuss and agree the plan for the scheme.
- **Review Tribunal Legal Members** – Mr Douglas advised that a pre scheme meeting is arranged for 17 October 2019 to discuss and agree the plan for the scheme.

#### Lessons Learned Reports

- **Charity Tribunal Legal Member** - Mr Douglas advised that the scheme identified one successful applicant along with a reserve list of one. The Selection Committee noted the low volume of applications received despite a good outreach plan for the scheme.
- **Northern Ireland Valuation Tribunal (NIVT) Valuation Member** – Mr Douglas advised that the scheme identified one successful applicant. Selection Committee members noted the low volume of application forms received and recommended that additional outreach measures should be considered for the next scheme along with consideration of an Expression of interest or guaranteed interview given the low number of applications.

#### 8. Issues and Character Committee Update

Commissioners noted the report presented by Mrs Justice Keegan.



## 9. Policy Committee

In the absence of Ms Matchett, Ms Frew provided an update on the discussions at the meeting on 10 September 2019 and the draft minutes were noted by Plenary.

## 10. Business Committee

The draft minutes of 19 September 2019 were noted by Plenary.

### Digitalisation of Committee Papers

Mr Doyle confirmed that the plan for the digitalisation of Committee papers is progressing with two potential systems identified. Arrangements are being made to pilot these systems at the November meetings of Policy and Business Committee.

### Provision of Legal Advice from CPD Framework

Mr Doyle advised that this matter was referred to Business Committee by Audit & Risk Management Committee and that following consideration, the Committee approved the use of the CPD Framework for legal advice in addition to the Crown Solicitors Office.

## 11. Audit and Risk Management Committee (ARMC)

The draft minutes of 17 September 2019 were noted by Plenary. In the absence of Mr Todd, Mr Doyle provided an update on the discussions at the meeting which proceeded as a discussion forum as due to unforeseen circumstances the minimum numbers of members were not present to constitute a quorum.

Ms McGreenera QC left the meeting

## 12. Governance Review

Ms Frew presented the report provided by NIJAC's Internal Auditors, KPMG, on the Review of Corporate Governance. Following detailed discussion it was agreed that the Executive Team would seek clarification from KPMG on what the areas of duplication are in respect of Committee work. The report will then

be considered by the individual Committees who will then report back to Plenary in December.

***ACTION:** Executive Team to seek clarification from KPMG on what the areas of duplication are in respect of Committee work.*

***ACTION:** KPMG Report on the Review of Corporate Governance to be considered by the individual Committees who will then report back to Plenary.*

13. **AOB**

None raised.

14. **QUB Professors Morison and Dickson Research**

Professor Morison and Professor Dickson joined the meeting to provide a presentation to Plenary on their findings following their research into the Barriers to High Court Appointments in Northern Ireland.

Following this presentation, Plenary agreed that the Executive Team would consider the report and outline the issues for NIJAC and which subcommittee they should be referred to for further consideration. This will then be considered further at Plenary in December.

***ACTION:** Executive Team to consider the QUB report, outline the issues for NIJAC and which subcommittee they should be referred to for further consideration. This is then to be considered further at Plenary in December.*

15. **Date of next meeting**

Wednesday 4 December 2019.



**Signed**



.....  
**The Right Honourable Sir Declan Morgan, the Lord Chief Justice of  
Northern Ireland, Chairman of the Northern Ireland Judicial Appointments  
Commission**

**Dated**

.....**4 December 2019**.....