



NIJAC

*Northern Ireland Judicial  
Appointments Commission*

ANNUAL REPORT  
AND ACCOUNTS  
2008-2009





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2008-2009

FOR THE PERIOD ENDED  
31 MARCH 2009

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of State for Justice pursuant to Schedule 2 paragraph 5 to the  
Justice (Northern Ireland) Act 2002

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## Our Goal is:

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To provide the community, so far as it is reasonably practicable to do so, with a judiciary that reflects the Northern Ireland community. The Northern Ireland Judicial Appointments Commission, “the Commission”, aims to do this by:

- taking steps to ensure that a diverse group of eligible applicants put themselves forward for each judicial post it advertises; and
- selecting the best applicants through a fair, rigorous and transparent appointment process that is grounded in merit.

## Our Values are:

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- **independence:** we are independent of Government. We make our decisions on whom to recommend for appointment and work to achieve a reflective judiciary free from any outside influence;
- **appointment on merit:** we will recommend applicants for appointment solely on the basis of merit;
- **diversity:** we will implement programmes of action to support our aim to produce a judiciary that is reflective of our society;
- **fairness:** we will be fair in our decision making;
- **transparency:** we will be open about our policies, procedures and activities;
- **accountability:** we will explain our activities and where appropriate provide reasons for our decisions; and
- **partnerships:** we will work closely with interested parties to share learning and to inform our work.

# Chairman's Foreword

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This report covers the period 1 April 2008 to 31 March 2009. It is the fourth report on the work of the Commission, which was established on 15 June 2005.

I am pleased to report that this has been a very demanding and successful year in terms of our appointments and appointments policy work, our diversity and outreach work and our internal governance and accountability. Three recommendations for court appointments, 22 recommendations for tribunal appointments and 32 recommendations for re-appointments were accepted by the Lord Chancellor. Work also commenced on five other schemes during the period.

Following our Public Review and Consultation of the Appointments Policies and Procedures we commissioned an independent critique which found that substantial progress had already been made since our establishment and identified a number of strategic and practical areas for improvement. In response, sub groups have been established to review our competency framework, consider additional assessment methods and review the use of consultee comments. Application forms and scheme documentation have also been streamlined to reduce complexity and length.

In October 2008 we published both the Northern Ireland Statistics and Research Agency (NISRA) and Queens University Belfast (QUB) research into the barriers and disincentives into applying for judicial office. Almost 1,200 men and women working in the Northern Ireland legal profession participated in the research.

The research findings highlighted many cross cutting issues such as visibility, barriers to depth and breadth of experience, misconceptions and lack of awareness about judicial office, communication and outreach which, to varying degrees, are matters for both the Commission and the local legal profession.

In response, our work has focussed upon what it is the Commission can change or closely influence e.g. by way of policy review, communications, outreach, including presentations to the profession and study bodies, raising awareness of the appointments process and dispelling myths and misconceptions about judicial office.

We continued to equity monitor all applicants and appointments for each scheme, which has assisted with individual scheme outreach plans and has helped evidence our medium and long term diversity and outreach strategies. During the year new and innovative ways of advertising our schemes were introduced and software was purchased to allow us to review web traffic and downloads in relation to each scheme. During 2008-09 the Commission website had on average 750 individual visitors per month.

We were delighted to publish the first ever Guide to Judicial Careers in Northern Ireland. This excellent guide, which was produced as a response to the NISRA and QUB research, features interviews and profiles with 13 different judicial office holders, with insights into their working style and working week.

The year saw continued high levels of corporate governance demonstrated, with much work being committed to our obligations in the area of Information Assurance. The Commission has achieved ISO 27001 compliance, the international standard on information security, and is on target to achieve full certification by March 2010. This important standard demonstrates our ability and commitment to securely and appropriately handling, storing and sharing all our information and records.

I must pay special tribute to the immense contribution made by the Right Honourable Lord Justice Campbell, Dame Joan Harbison, Mrs Fiona Bagnall Presiding District Judge (Magistrates' Courts) and Mr Harry McConnell OBE whose terms of office as Commissioners came to an end during the year. I was also delighted to welcome our new Commissioners the Right Honourable Lord Justice Coghlin, District Judge (Magistrates' Courts) Amanda Henderson, Mr Donal Flanagan OBE and Dr Nichola Rooney.

Having stood down as Lord Chief Justice of Northern Ireland and consequently Chairman of the Commission in June 2009 I would like to express my great appreciation to each Commissioner and to the Commission staff for their hard work and commitment. It is only through their dedicated work that the Commission has achieved so much since its establishment and is able to confidently face the challenging year ahead.

**LORD KERR,**

**former Lord Chief Justice of Northern Ireland and Chairman  
of the Northern Ireland Judicial Appointments Commission.**

# Director's Report

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## HISTORY AND BACKGROUND

The Commission is a Non Departmental Public Body (NDPB) and was established on 15 June 2005 under the Justice (Northern Ireland) Acts 2002 & 2004.

The Commission was established to enhance an independent process for the appointment of judicial officer holders to courts and tribunals. It recommends applicants for appointment thereby removing this function from Government Ministers and the political process.

It is funded by its Sponsor Department, the Northern Ireland Court Service (the Court Service), which is a department of the Lord Chancellor and Secretary of State for Justice.

## Vision

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THE COMMISSION'S VISION IS:

Selecting the best applicants and promoting diversity.

## Purpose

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The Commission is committed to appointing the best possible judicial office holders for Northern Ireland through fair, open and transparent selection and appointment processes. It recognises and values diversity and seeks to promote equality while ensuring that merit remains the principle for recommending applicants for appointment. It is working to encourage all eligible applicants – regardless of gender, ethnic background, marital status, sexual orientation, political opinion, geographical location, religion, disability, age and whether or not they have dependents – to consider applying for judicial office. The Commission undertakes to ensure that those who apply will undergo a selection process that assesses their abilities and personal qualities fairly and openly. In this way the Commission is confident that the best individuals will be appointed.

# Composition of the Commission

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The Right Honourable Sir Brian Kerr (Chairman), the Lord Chief Justice of Northern Ireland;

Mrs Fiona Bagnall, Presiding District Judge (Magistrates' Courts) (appointment expired 14 June 2008);

Mrs Sinéad Burns, Lay Magistrate;

The Right Honourable Lord Justice Campbell, Lord Justice of Appeal (appointment expired 14 June 2008);

The Right Honourable Lord Justice Coghlin, Lord Justice of Appeal (appointed 13 October 2008);

Mr Peter Cush, Barrister at Law, Legal Member;

Mr Donal Flanagan OBE, Lay Member (appointed 15 June 2008);

Mr John G Gordon, Solicitor, Legal Member;

Dame Joan Harbison CBE DBE, Lay Member (resigned 31 January 2009);

District Judge (Magistrates' Courts) Amanda Henderson (appointed 2 February 2009);

Mrs Ruth Laird, Lay Member;

Her Honour Judge Loughran, County Court Judge;

Mr Harry McConnell OBE, Lay Member (appointment expired 14 June 2008);

Professor John Morison, Lay Member;

Dr Raymond Mullan OBE, Lay Member;

Dr Nichola Rooney, Lay Member (appointed 2 February 2009); and

The Honourable Mr Justice Weatherup, High Court Judge.

All members of the Commission were appointed for an initial period of three years which expired on 14 June 2008. Three Commissioners, Lord Justice Campbell, Mrs Fiona Bagnall and Mr Harry McConnell OBE, did not seek re-appointment.

The judicial members have been re-appointed for a period of 5 years, the lay members have been re-appointed for 4 years and the legal members for a period of 3 years.

Mr Donal Flanagan OBE replaced Mr Harry McConnell OBE as a lay member and took up post on 15 June 2008. Dame Joan Harbison resigned on 31 January 2009 and Dr Nichola Rooney took up appointment on 2 February 2009. Lord Justice Coghlin replaced Lord Justice Campbell, who did not seek reappointment, and was appointed on 13 October 2008. District Judge (Magistrates' Courts) Amanda Henderson replaced Mrs Fiona Bagnall, Presiding District Judge (Magistrates' Courts) and was appointed on 2 February 2009.

The Right Honourable Sir Brian Kerr, the Lord Chief Justice of Northern Ireland, and Chairman of the Northern Ireland Judicial Appointments Commission stood down as Chairman at the end of June 2009 following his appointment to the Appellate Committee of the House of Lords. Sir Declan Morgan became the new Lord Chief Justice of Northern Ireland and Chairman of the Commission. Mr Justice Morgan was sworn in as Lord Chief Justice on 3 July 2009.

All members are non-executive and independent.

Pen Pictures of all Commission members can be found on the Northern Ireland Judicial Appointments Commission website at [www.nijac.org](http://www.nijac.org).

## COMMISSION MEMBERS' INTERESTS

None of the Commission Members held interests or directorships during the year which would conflict with their responsibilities as members of the Commission.

## RESPONSIBILITIES

### Our statutory responsibilities are to:

- conduct the appointments process and make recommendations to the Lord Chancellor in respect of all listed judicial offices up to and including High Court Judge;
- recommend applicants solely on the basis of merit;
- engage in a programme of action to secure, so far as it is reasonably practicable to do so, that appointments to listed judicial offices are such that those holding such offices are reflective of the community in Northern Ireland;
- engage in a programme of action to secure, so far as it is reasonably practicable to do so, that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission whenever it is required to select a person to be appointed, or recommended for appointment, to a listed judicial office; and
- publish an annual report setting out the activities and accounts for the past year.

# Governance

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## CHIEF EXECUTIVE

Edward Gorringe is the Chief Executive and was appointed on 11 February 2008.

## SALARY AND PENSION ENTITLEMENTS

Details of the remuneration and pension interests of the Chief Executive and remuneration details of Commission members are detailed in the Remuneration Report.

## EQUAL OPPORTUNITIES AND DIVERSITY

During the reporting year eleven members of staff in the Commission were on secondment from the Court Service and five members of staff were directly recruited by the Commission. The directly recruited staff includes the Chief Executive, two at Grade 7 level and two at Deputy Principal level. There are policies in place to guard against discrimination, to ensure compliance with legal requirements and to ensure that there are no unfair or illegal discriminatory barriers to employment and advancement in the Commission. Generally Court Service Policies (contained in the Court Service Staff Handbook) have been adopted by the Commission and apply both to staff on secondment and those directly recruited. Some policies have been amended to facilitate the Commission's particular structure, as necessary.

All staff are currently managed under the Court Service Equal Opportunities Policy which guards against discrimination in employment and which values and respects all individuals. Staff are currently covered by the Equality Scheme produced by the Court Service which seeks to ensure compliance with the public sector equality duty to have due regard for the promotion of equality of opportunity in respect of disability, gender, race, religion, political opinion and amongst those of different ages, marital status or sexual orientation or who have or have not dependents and good relations between those of different religions, political opinions and races. The Sponsor Department's Employment Equality Plan to protect all those groups from discrimination also applies. Employment and promotion are based solely on merit. Those among the staff who work reduced hours are assessed on exactly the same basis as those working full time. A Dignity and Harmony at Work policy is in place to secure a positive working environment.

## EMPLOYMENT OF DISABLED PERSONS

The Commission adheres to the Civil Service Code of Practice on the Employment of Disabled People that aims to ensure that there is no discrimination on the grounds of disability and that access to employment and career advancement in the Commission is based solely on ability, qualifications and suitability for the post.

The Commission aims to ensure that people with disabilities have equality of opportunity and fair participation in all aspects of their employment, and that discrimination does not take place.

## EMPLOYEE INVOLVEMENT

The Commission encourages widespread consultation and exchange of information at all levels. This is achieved through senior staff briefings and the cascade of information to all staff. All staff are also automatically invited to contribute during the consultation exercises issued by the Court Service in relation to staff policies.

## PAYMENT OF SUPPLIERS

Through the Sponsor Department, the Court Service, the Commission is committed to the prompt payment of suppliers. The Court Service has signed up to the Government's Prompt Payment Charter. The Commission does not itself pay suppliers directly but processes invoices through the Court Service. Unless otherwise stated, payment is made within 30 days of the receipt of goods or services on presentation of a valid invoice or similar demand, whichever is later.

A prompt payment survey for the financial year 2008-09 shows that 93.05% (2007-08: 90.00 %) of invoices were paid in accordance with the terms of the Charter.

The Prime Minister's statement of 8 October 2008 set a challenge to Government Departments to pay suppliers as soon as possible, with the aim of bringing forward all payments to within 10 days. Following the guidance issued by Sir Gus O'Donnell on 17 November 2008, the Commission is in process of revising internal timescales for the processing and payment of invoices.

## ACCOUNTING RESPONSIBILITIES

The Commission's financial statements have been prepared in accordance with paragraph 7 of Schedule 2 to the Justice (Northern Ireland) Act 2002 as amended.

## AUDITORS

The financial statements are audited by the Comptroller and Auditor General (C&AG). He and his staff are wholly independent of the Commission.

The audit of the financial statements for 2008-09 resulted in an audit fee of £12,040 (2007-08: £11,250). An additional fee of £2,000 was charged for the audit of the 1 April 2008 restated balance sheet prepared under International Financial Reporting Standards. The C&AG did not provide any non-audit services during the year. I, as Chief Executive, have taken appropriate steps to make myself aware of relevant audit information and to establish that the C&AG is aware of that information. To my knowledge, there is no relevant audit information of which the C&AG is unaware.

# Management Commentary

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## Operating Review

### APPOINTMENTS

In this reporting year the Commission has made 25 recommendations for appointments to the Lord Chancellor and 32 recommendations for re-appointment. The Commission has used new wider assessment methods, additional to the interview, to select for appointment to judicial office. The majority of competitions will include wider tools such as case studies additional to the interview process.

The Public Consultation and Review of Appointments Policies and Procedures has been completed in this reporting period and has informed our future Appointments Strategy. This has led to the development of a new Judicial Selection Framework for Judicial Office for legal vacancies and a strategic review of consultation arrangements.

There were no complaints made to the Judicial Ombudsman.

### DIVERSITY

The Commission has further developed its communication and outreach, engaging beyond the legal profession, into civic society. We are pleased to have produced new literature and web content, of note being our Guide to Judicial Careers. Recruitment campaigns are planned and effective, using many new advertising avenues, many of which are of little or nominal cost.

Evaluations of recruitment schemes are informing us that changes made are welcome, and that generally applicants are happier with the service the Commission provides, but that there are still improvements to be made.

We have continued to task NISRA with the analysis of our equity monitoring data on applications and appointments. The Commission has dedicated significant Commissioner and staff time to the analysis of the NISRA and QUB research findings, and is content that progress is being made to eliminate barriers to securing judicial office, and to correct myths and misconceptions. However, the solutions do not all reside with the Commission.

## FINANCIAL REVIEW

As an NDPB the Commission is subject to the relevant Government and accounting deadlines. The Commission is financed by grant-in-aid through the Court Service and does not normally obtain additional funding from any other source.

Deficit transferred to reserves for the year totalled £1,482,386 (2007-08: £1,446,530). The main areas of expenditure were staff costs £691,002 (2007-08: £635,554) which accounted for 47% (2007-08: 44%) of the total expenditure, and services provided by the Court Service under separate service level agreements £213,746 (2007-08: £237,106) accounting for 14% (2007-08: 16%) of the total expenditure. Receipts for the year totalled £NIL resulting in net expenditure of £1,483,961 (2007-08: £1,448,997).

The total grant drawn down from the Court Service was £1,471,777 (2007-08: £1,406,143) which was £68,223 less than the budgeted allocation of £1.54M. The Commission made savings by running interview training for scheme panel members and other training in-house rather than using external consultants. Other under spends were due to staff vacancies throughout the year.

Capital expenditure during the year amounted to £2,992 (2007-08: £546). At the year end, the assets owned by the Commission had a net book value of £4,514 (2007-08: £2,965). In addition to these assets, the Commission also makes use of various assets that belong to the Court Service. An annual charge is made by the Court Service for the use of these assets.

An announcement by the Chancellor in the 2008 Budget Report confirmed that International Financial Reporting Standards (IFRS) will be adopted by the Commission and other departments from 2009-10. A project team has been set up to ensure that next year's accounts are IFRS compliant. HM Treasury set out a 'trigger point' process for Departments and Non Departmental Public Bodies to manage the transition from FRS based accounts to IFRS accounts:

- Trigger point 1, 30 September 2008, the Commission prepared an IFRS restated Balance Sheet as at 31 March 2008 and submitted it to the Northern Ireland Audit Office (NIAO);
- Trigger point 2, 31 December 2008, marked the completion of the NIAO's dry-run audit of the 31 March 2008 balance sheet restatement. There were no specific recommendations arising from the audit;
- Trigger point 3, 10 September 2009, the Commission will have completed their 2008-09 'shadow' IFRS financial statements and submitted to the NIAO; and
- Trigger point 4, 31 December 2009, the NIAO will have completed its dry-run audit of the 2008-09 'shadow' IFRS financial statements.

## The Future

### APPOINTMENTS AND RE-APPOINTMENTS STRATEGY

The Commission is faced with a challenging year ahead. The implementation of the Appointments and Re-Appointments Strategy following the Public Consultation and Review of Appointments Policies and Procedures and research will lead our operational activities and policy development. There is a continual commitment to continuous improvement by adopting best practice approaches to selection and assessment of applicants for judicial vacancies based solely on the merit principle. Further research and piloting of wider additional assessment methods for selection and assessment will be examined in the next reporting year, for example, work sample methods and role plays. The next step regarding the Judicial Selection Framework is to concentrate on developing a framework suitable for medical and lay offices and publish supporting guidance. The work of the Consultation Sub Group should be available to report on its findings and recommendations. All of these activities will enable the Commission to continually improve its Appointments and Re-Appointments Strategy and business function efficiently and effectively in pursuit of its statutory duty.

### STAFFING

The Commission's full complement is 17 staff, which includes five directly recruited senior staff and 12 staff seconded from the Northern Ireland Court Service. Over the past two years the Commission has specifically sourced senior staff with extensive experience in the areas of appointments policy, diversity and governance. The Commission is committed to staff development and continues to identify and address development needs through the performance management system. The number and skill base of staff required will be reviewed when the extent of the additional roles and responsibilities to be placed on the Commission, under the Northern Ireland Bill 2009, is known.

### DAYS LOST DUE TO ABSENCE

The Commission encourages a culture where good attendance is expected and valued. However, it recognises that from time to time absences for medical reasons may be unavoidable. The Commission aims to treat its staff who are ill with sympathy and fairness and where possible to provide them with support which will enable them to recover their health and attend work regularly.

In 2008-09, the percentage of working days lost was 3% or an average of 7 days per annum per employee.

### DIVERSITY AND COMMUNICATION

The Commission published and has closely examined the NISRA and QUB research, and it has informed current and future work, much of which is reflected in the operational objectives contained within the Commission's Research Action Plan and our Diversity and Communications Statement.

In the forthcoming year NISRA will provide the Commission with analysis of 3 year equity monitoring data, and this will further inform and underpin our work plans.

Outreach to the legal and medical professions, and to the general public will gain pace as the sub groups working on the appointment policies conclude.

### DEVOLUTION

A project group, which reports to the Business Committee, has been set up to prepare the Commission for a seamless change of Sponsorship Department upon devolution of policing and justice to the Northern Ireland Executive. The project group is considering how best to procure the Commission's support/ corporate services upon devolution and what impact the new roles and responsibilities, contained in the Northern Ireland Bill 2009, will have on the Commission and importantly what additional resource we will require to meet this

new work. At present there is great uncertainty surrounding many fundamental decisions, which are yet to be made, such as what services will be available in the new devolved environment both throughout the Northern Ireland Civil Service and within the new Department of Justice and the Office of the First Minister and Deputy First Minister. These decisions, which are out of the Commission's control, will impact directly on the Commission's options and choices.

## SUCCESSION PLANNING

The appointment of each member of the Commission expired on 14 June 2008. In preparation for this the Chairman sought an expression of interest from each Commission member asking them to indicate their intention to seek renewal of appointment or to stand down. As stated previously three Commissioners did not seek re-appointment. To assist with succession planning it was agreed that the period of all the new appointments and re-appointments will be staggered. Judicial members are to be appointed for five years; lay members are to be appointed for four years and legal members are to be appointed for three years.

## SUSTAINABLE DEVELOPMENT

The Commission continues to demonstrate its active support to the objectives of the UK Sustainable Development Strategy, which is founded on five overarching principles which seek to address environmental, social and economic issues.

The UK Sustainable Development Strategy can be found at [www.defra.gov.uk/sustainable/government/publications/uk-strategy/index.htm](http://www.defra.gov.uk/sustainable/government/publications/uk-strategy/index.htm)

The Commission is working towards sustainable development and seeks to demonstrate its commitment to reducing environmental impacts wherever possible.

The Commission's aims are:

- **Climate change and energy efficiency.** To reduce energy consumption as far as reasonably and economically practicable;
- **Waste management and recycling.** To reduce waste, increase the proportion of waste that is recycled and eliminate our use of landfill sites for general office waste;
- **Procurement.** To promote a purchasing policy which will give preference, as far as practical, to those products and services which cause the least harm to the environment;
- **People.** To seek to embed the principle of sustainable development through increasing awareness of sustainability responsibilities among staff and for all who work with us.

The Commission currently recycles all office waste and encourages electronic communication to reduce the generation of excess paper. The circulation of corporate publications is confined to a succinct audience and the Commission ensures that corporate documents are printed on paper derived from sustainable sources. The Commission ensures that all printed publications are carbon neutral. The use of the Commission's website is used to promote circulation of corporate information to the wider audience.

## INFORMATION MANAGEMENT

The Commission aims to ensure that all information is safeguarded and kept securely.

The Commission has agreed an information strategy, setting out our vision of managing our information more efficiently and intelligently. One aspect of this is ensuring that the Commission manage information risk by following the requirements of the mandatory Cabinet Office 'data handling procedures in government' document and the Security Policy Framework. We have reviewed compliance with this policy and are ensuring that the importance of information security is embedded within the Commission.

The Commission achieved compliance with ISO 27001, the international standard on information security, and is on target to achieve full certification by March 2010.

## PERSONAL DATA RELATED INCIDENTS

There were no recorded loss of data incidents during the 2008-09 financial year.

# Strategic Objectives

## APPOINTMENTS PROCESS

- To recommend to the Lord Chancellor who to appoint to listed judicial office by identifying the best applicant on merit.

## DIVERSITY AND COMMUNICATIONS

- To engage in programmes of action to secure, so far as it is reasonably practicable to do so, a judiciary in Northern Ireland that is as reflective of our society as can be achieved consistent with the requirement of appointment on merit.
- Communicate helpful information, advice and guidance to targeted audiences to stimulate interest and raise awareness; encourage applications from under-represented groups; improve understanding of the application process and what judicial office entails; demonstrate openness and transparency and that appointments are made solely on the basis of merit.

## ACCOUNTABILITY

- To make effective and efficient use of resources in order to achieve objectives.

# PROGRAMME OF BUSINESS

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# Chapter 1

## Appointments and Re-Appointments Strategy and Operational Activity

### CORPORATE OBJECTIVE – APPOINTMENTS

To recommend to the Lord Chancellor whom to appoint to listed judicial office by identifying the best applicant on merit.

The Commission is responsible for the recommendation (to the Lord Chancellor) of persons to be appointed, or recommended for appointment, to judicial offices up to and including High Court Judge.

The Commissioners uphold the belief that the operation of the merit principle is central to ensuring any recommendation for judicial appointment is fit for purpose. Appointment on merit is fundamentally a fair and just approach resulting in the selection of applicants for judicial office through fair and open competition. All processes and selection decisions will operate in a fair, transparent, consistent and non-biased manner in the pursuit of selecting the best applicant(s) for judicial office. All selection decisions will be based on recruitment methods and assessment against role-related criteria that assist applicants to demonstrate that they possess what is necessary to undertake the responsibilities of judicial office. The selection and assessment process for judicial appointment is described in Appendix 1.

### OPERATIONAL ACTIVITY – APPOINTMENTS AND RE-APPOINTMENTS

This year has seen a busy schedule of appointments and re-appointments. There have been 3 recommendations for Court appointments, 22 recommendations for Tribunal appointments and 32 re-appointments during the reporting period. Table 1 provides an overview of the breakdown of operational activity for 25 vacancies. The Deputy President of the Pensions Appeal Tribunal appointment did not involve a scheme as the office of the Deputy President falls within the remit of the Social Security Commissioner and Child Support Commissioner.

**Appointments Table 1**

	Vacancies	Info Packs issued	Applications received	Interviews	Recommended
TOTAL	25	741	175	81	25

## RE-APPOINTMENTS

The Commission is also responsible for recommending to the Lord Chancellor whether or not he should renew the appointment of those appointed to deputy posts and those appointed to fee-paid posts. In 2008-09 we made 32 recommendations for re-appointment. The following table shows the number and judicial office for each re-appointment made during the period of this report.

Deputy County Court Judge	21
Deputy District Judges (Magistrates' Courts)	3
Part-Time Chairman of the Fair Employment Tribunal	1
Deputy District Judge	1
Deputy Social Security Commissioner and Child Support Commissioner	1
Lay Member of the Mental Health Review Tribunals	4
Medical Member of the Appeal Tribunals	1
<b>TOTAL</b>	<b>32</b>

We have considered, in each case, the Lord Chancellor's policy in respect of renewal, which gives fee-paid office holders and deputy office holders security of tenure through automatic re-appointment, subject to the individual office holder's agreement, the upper age limit not being exceeded, the individual satisfying the conditions for re-appointment and there being no grounds for non renewal.

The grounds for non renewal are limited to:

- misbehaviour;
- incapacity;
- persistent failure to comply with existing requirements;
- failure to comply with training requirements;
- sustained failure to observe the standards reasonably expected from a holder of such office;
- a reduction in numbers because of changes in operational requirements; or
- part of a structural change to enable recruitment of new part-time judicial office holders.

## SELECTION AND ASSESSMENT TRAINING

During 2008-09 a number of selection and assessment training events were held for Commission members, staff and experts co-opted onto Selection Committees. The following table confirms the range and numbers trained.

Training Date	Training Event	Commission Member/ Staff	Co-opted Member
April 2008 (6 days)	Level A and B (BPS) Certificate in Occupational Testing/Certificate – Bar on Emotional Quotient Inventory (EQI)	1	
9 April 2008	Employment Legislation Conference	1	
14 May 2008	Reasonable Adjustments / Disability Awareness	2	
21 May 2008	Selection and Assessment Techniques / Equality Legislation	2	
30 May 2008	Age Legislation Update	2	
17 June 2008	Data Protection Conference	5	
25 June 2008	Data Protection Training	10	
21 August 2008	Reasonable Adjustments / Disability Awareness	2	
27 August 2008	Selection and Assessment Techniques / Equality Legislation	4	2
12 September 2008	Selection and Assessment Techniques / Equality Legislation	2	1
24 September 2008	Equality Law in Northern Ireland	2	
21 August 2008	Disability Awareness	11	
8 November 2008	Competency Development and Review	6	
18 November 2008	Selection and Assessment Techniques / Equality Legislation	2	1
5 February 2009	Selection and Assessment Techniques / Equality Legislation	1	
17 February 2009	Equality Legislation	11	
9 March 2009	Reasonable Adjustments / Disability Awareness	2	
18 March 2009	Selection and Assessment Techniques / Equality Legislation	1	
March 2009 (4 days)	Level A and B (BPS) Certificate in Occupational Testing	1	
31 March 2009	Selection and Assessment Techniques / Equality Legislation		2
<b>Total No. of events</b>	<b>20</b>	<b>68</b>	<b>6</b>

## APPOINTMENTS STRATEGY

This year has seen the follow on work associated with the Public Review and Consultation on the Appointments Policies and Procedures initiated in autumn 2007. We commissioned an independent critique and review of the existing policy arrangements which provided recommendations for development and this was concluded during 2008-09. Constructive feedback was provided through the consultation process that was carefully considered by the Commission. The independent critique made four high level statements. Firstly, their review demonstrated a clear corporate commitment within the Commission to selection on merit and seeking the best appointment on the principle of merit. Secondly, the external consultants cited clear corporate commitment to policies and practices that aimed to promote equality of opportunity. Thirdly, they evidenced a positive engagement with the diversity agenda and fourthly saw a spirit of continuous improvement. The critique highlighted the research which found that the roots of any under representation are complex and parts of the solution fall outside the recruitment and selection process. However, it cited that recruitment and selection does have a role to play. The consultants reported that although substantial progress already has been made, and as a relatively young organisation, there was scope for refinement and re-wiring to continually commit to a culture of continuous improvement. Short, medium and long term strategies have been examined. A number of strategic and practical areas for improvement were identified including the provision of better guidance particularly in the area of competency-based approaches to selection and streamlining of the documentation and application forms to reduce the complexity and length.

The majority of respondents supported changes to the arrangements for using Consultees which would broaden their base to assist in increasing access and supported other types of assessment that would further develop the aim of a fair process for selection and assessment. Following analysis of the recommendations, the Commission has implemented strategic reviews in a number of key areas regarding Appointments. As part of its Appointments Strategy, the Commission has established a number of Sub Groups to review their Competency Framework, assessment methods and Consultee arrangements and has developed new policies in different areas which are now available on the website.

## STRATEGIC REVIEW OF THE COMPETENCY FRAMEWORK FOR JUDICIAL OFFICE

A wide range of detailed information gathering and research was conducted into the development of a new Judicial Selection Framework. A Sub Group (The Project Team) comprised trained Commission members from the judiciary, legal and lay members in Competency Review and Development with the support of an Occupational Psychologist and a HR Specialist.

**Phase 1** of the project involved court and tribunal observations and interviews with judicial office holders. An Occupational psychologist and HR Specialist were involved in this stage to carry out job analysis of different roles at different levels. Consultation was also carried out across the different tiers of the judiciary.

**Phase 2** of the project involved training from an Occupational Psychologist and HR Specialist in Competency Development and Review.

**Phase 3** of the project involved carrying out five focus groups across the legal profession which involved interviews with 42 barristers and solicitors. The Law Society and the Bar kindly assisted the Commission in communicating the focus groups to their members.

The Commission would like to thank all those who gave up their valuable time to make a contribution and would advise that this assisted in providing a rich source of data to inform its work on the new Judicial Selection Framework. Other sources of information included scheme evaluations and research by the Commission. Phase 3 also involved benchmarking with other Competency Frameworks from other professions and jurisdictions.

The Commission is in the final stages of analysis and are piloting the new Judicial Selection Framework, and further guidance is being developed.

Wider assessment methods are being increasingly used, as a proven method of selecting the best applicant on merit. This year has seen the piloting of oral presentation questions, and work sample techniques such as case studies and scenarios. Those involved in administering assessments and quality assuring design are trained to Levels A and B in Occupational Testing with the British Psychological Society. Recent focus groups have indicated contentment with wider assessment methodology, however, they would like to see more individual assessment than group assessment and a different range of assessment methods utilised. This work is one of ongoing research and evaluation. The next stage of the work of the Sub Committee will examine legal and lay offices in the future.

## STRATEGIC REVIEW OF CONSULTATION ARRANGEMENTS (USE OF CONSULTEES)

A strategic review on Consultation arrangements covering some 800 offices is currently being conducted. A Sub Group (Project Team) has been established which is representative of the judiciary, legal and lay Commissioners with support from HR specialists and employment law specialists from the legal profession. The work of the Consultee Sub Group is substantial in the issues it must consider and is ongoing. The Commission has to ensure its key principle is to select on merit and to ensure that both rigorous and robust systems are put in place to select for these positions of trust. However, a number of outcomes of this group have already seen changes put in place in pilot form.

All lay and medical judicial offices request three Consultees, two of which are best placed to speak to their work and one occupational or non occupational Consultee. This widens the base of Consultees and focuses on those well placed to comment on the applicant's abilities and experience. These are to be requested post short listing. The requirements for Fee Paid Legal Offices have seen a substantial change to assist in the removal of barriers to access for those who are less visible in the Court or Tribunal setting. Being a judicial office holder is no longer a desirable requirement. Two legally qualified Consultees who can best speak to the applicant's work are sought with a third who may be occupational or non occupational.

The Consultee Sub Group continues their work to now examine higher tier judicial offices. A pilot scheme has been introduced in the County Court competition which has seen the Automatic process replaced in the interim with a nominated system for Consultees. This includes both Commission Nominated and Applicant Nominated Consultees. The Commission Nominated Consultee arrangements have widened their base to include both the High Court Bench and the County Court Bench of which there has been a substantial reduction in the numbers of Consultees required from 15 to 3. Applicants who again are not visible in the Court/Tribunal setting have an opportunity to nominate three further Consultees who can best speak to their work. Additional to this overall reduction, applicants have been advised that where they are unable to provide Commission Nominated Consultees that mitigation arrangements will be put in place to ensure no disadvantage takes place, and, they will have the opportunity to put forward their nominations for agreement by the Commission.

## POLICY DEVELOPMENT

The Commission has produced three new policies namely an Equal Opportunities Policy, a Reasonable Adjustments Policy and a Feedback Policy. The Commission has supported its Reasonable Adjustments Policy by training two Reasonable Adjustments Officers. Applicants requiring reasonable adjustments this year have stated their satisfaction with the arrangements made. The Reasonable Adjustments Officers work in partnership with the applicant(s) to reduce any barriers in the selection and assessment process and are available for any advice and support on a confidential basis.

Work has been ongoing to reduce the paperwork and documentation associated with the application process. The guidance documentation has been reviewed to include guidance on the competency based selection process, but has been substantially reduced in size. There is always a balance between information that is needed to process an application fairly and adequate provision of guidance to applicants.

## COMPLAINTS

During the year of this report no complaints have been made to the Northern Ireland Judicial Appointments Ombudsman.

# Chapter 2

## Diversity and Communications

### CORPORATE OBJECTIVE – DIVERSITY

It is our statutory obligation to engage in a programme of action to secure, so far as it is reasonably practicable to do so, a judiciary in Northern Ireland that is reflective of the society it serves, consistent with the requirement of appointment on merit.

The Commission continues to work to create a reflective judiciary by ensuring that those who are appointed to judicial office holder are attracted from the widest possible pool of eligible applicants.

During the reporting period, the Diversity & Communications Team has, and continues to:

- a) Promote and stimulate interest in judicial service and take measures to ensure that career opportunities are understood and appeal to a broad spectrum of eligible applicants;
- b) Encourage applications for a judicial career from applicants from a wide range of backgrounds;
- c) Promote diversity through fair and open processes for selection to judicial office, which are based solely on merit, and consider and address potential adverse impact issues in advance of schemes;
- d) Conduct a programme of consultation with interested parties and analyse their responses to inform programmes of action;
- e) Conduct appropriate and timely research to inform and support programmes of action;
- f) Identify factors that may discourage applications and seek to eliminate them; and
- g) Publish in the annual report anonymised information about the diversity of those recommended by the Commission as suitable for appointment.

## EQUITY MONITORING

The Commission is also responsible for the collation of equity monitoring data for applicants and appointments to judicial office.

All equity information is collected anonymously and is used to assist the Commission in complying with its statutory requirement for inclusion in the Annual Report. The equity data relates to applicants for judicial office and those subsequently recommended for appointment, subject to the requirement that no person is identified or information is included that allows identification of an individual to occur.

The equity data assists the Commission in the development of its Scheme Outreach Plans for judicial vacancies. It also allows the Commission to compare data and assists in monitoring any change in the profile of judicial applicants and appointments over time.

## RESEARCH

The research was commissioned as a direct response to needs identified by the Commission's Chairman, the Right Honourable Sir Brian Kerr, that there was a need for the Commission to *"identify disincentives, speak to those eligible to apply, to those who will do so in the future and to those who are interested in securing a robust and reflective judiciary."*

In October 2008, research by both the NISRA and QUB into the barriers and disincentives to judicial office was published by the Commission. The research can be viewed online at [www.nijac.org](http://www.nijac.org)

Our thanks are extended to Dr John Mallon and his team at NISRA, and to the team from the Law School at QUB led by Professor Philip Leith and including: Professor Brice Dickson, Ms Lisa Glennon, Professor Philip Leith, Ms Marie Lynch and Professor Sally Wheeler.

The research conducted by NISRA was by way of a postal survey completed by 31% of the local legal profession, including solicitors, barristers and serving judiciary. The survey findings were complemented by follow-up discussions with over 70 key informants through interviews and focus groups by the QUB team. In short, almost 1,200 men and women working in the NI legal profession participated in the research.

Consultation also occurred with the main interest groups (e.g. Bar Council, Law Society, other representative bodies, a sample of tribunal chairs and legally qualified members, Northern Ireland members of the UK Association of Women Judges, staff and students in the Schools of Law of QUB, UUJ and the Institute of Professional Legal Studies, the Council of Legal Education etc).

The QUB team explored more qualitatively the findings of the survey to elicit both information about career planning and choices, and perceived barriers and attitudes to judicial appointments.

In this way the research sought to elicit biographical and career information and explore a range of opinions held, as well as a number of other factors pertaining to career decisions in relation to judicial appointment.

The research findings highlighted many cross cutting issues such as visibility, barriers to depth and breadth of experience, misconceptions and lack of awareness about judicial office, communication and outreach which, to varying degrees, are matters for both the Commission and the local legal profession.

Other issues which arose in the research included the need to address aspects of judicial office that do not appeal to applicants e.g. the isolated nature of the role, security considerations for self and family, increased public scrutiny, judicial culture, disruption to family life, the

need to address the fact that solicitors are either unaware of judicial roles or perceive them to be unattractive, and the need to address the lack of substantive part time posts across the judicial tiers.

In response, our work has focussed upon what it is the Commission can change or closely influence e.g. by way of policy review, communications, outreach, including presentations to the profession and study bodies, raising awareness of the appointments process, and dispelling myths and misconceptions about judicial office.

Furthermore, the changes to the application and appointments process, including assessment and selection methods, will clearly reflect how the Commission has been influenced by the research findings, with the aim of eliminating or reducing barriers to judicial appointment.

There were however, a wide range of issues identified in the research, which were outside the Commission's authority, responsibility and area of influence.

Issues such as the lack of substantive part time posts across the judicial tiers, and the legal profession generally; the lack of a proportionate number of women represented at senior roles, should that be at Partner or QC level; gendered briefing practices, including gender preferences being driven by clients resulting in gender imbalances in experience gained across the different strands of the profession; a lack of knowledge of how panel work (public and private sector organisations' lists of approved individuals to supply legal services) is recruited for and distributed; and the perception of a high casualty rate at the Bar and the shifting nature of the solicitor role resulting in making it difficult for young barristers to find work. These perceptions require closer scrutiny, but they are not matters for the Commission, but, in the main, for the professional bodies.

## DISTRIBUTION OF THE RESEARCH

The Commission ensured that the research findings were widely distributed and all the research documents have been (and continue to be) hosted online ([www.nijac.org](http://www.nijac.org)) since October 2008.

In addition, 125 bound copies of the research report were issued to interested parties throughout Northern Ireland. Recipients included the professional bodies, 35 local Solicitor and Bar Associations, Government Departments, Judicial Appointments Board for Scotland, UK Association of Women Judges, Law Societies in England/Wales, Scotland and the Republic of Ireland, The District Judges' Association (NI), The Society of Masters (NI), The Council of HM County Court Judges (NI), NI District Judges (Magistrates' Courts) Association and many other statutory, academic, voluntary, and legal associations and bodies.

Meetings in response to the research were held from November 2008 onwards with the professional bodies, the President of the Industrial and Fair Employment Tribunals Northern Ireland, the Head of the Tribunals Service (NI) and the Northern Ireland Court Service.

Around the same time, the Diversity and Communications Team developed a Research Review Action Plan ("the Action Plan") which co-ordinated the Commission's strategic approach to addressing issues raised in the research.

The Action Plan identified short, medium and long term actions. During the reporting period, work in this area concentrated on a number of specific issues which emanated from the research e.g. discussions with Commissioners and the Lord Chief Justice's Office regarding flexible and part time working in judicial posts; discussions with the Law Society, Bar Council and JAC England and Wales regarding the distribution of

work load and briefs/cases to women; discussions with the Equality Commission for Northern Ireland regarding diversity initiatives; and working closely with Commission colleagues on the new Judicial Selection Framework, ensuring it was equality proofed against the risk of potential adverse impact on any potential applicants.

The fulfilment of these (and further) actions remains an ongoing objective for the Diversity and Communications Team.

## APPOINTMENT SCHEMES

In line with its statutory responsibilities, the Commission has also continued to develop, tailor and refine its individual programmes of action for each recruitment scheme (otherwise known as “Scheme Outreach Plans”).

Scheme Outreach Plans are designed on a vacancy-by-vacancy basis to attract the widest possible pool of eligible applicants. This typically involved advertising judicial vacancies in the three main local newspapers (Belfast Telegraph, Irish News and News Letter), the Law Society in-house magazine (The Writ) and on the Bar Council, Northern Ireland Court Service, Legal Island and the Commission websites.

However, during the last 12 months, the Commission has continued to identify, scope, cost and introduce new and innovative ways to advertise judicial vacancies to ensure they are communicated to the widest and most diverse pool of applicants.

For example, in addition to the usual professional bodies’ networks the Commission has advertised non-legal vacancies online through new networks such as Northern Ireland Community and Voluntary Association ([www.nicva.org.uk](http://www.nicva.org.uk)), Northern Ireland Local Government Association ([www.nilga.org.uk](http://www.nilga.org.uk)) and Job Centre Plus.

It has also advertised medical and valuation judicial vacancies online with e.g. British Medical Journal and IAVI, and accessed a number of new email networks.

In addition, during the last 12 months, the Commission has also advertised a further 15 judicial vacancies online on behalf of the Judicial Appointments Commission in England and Wales for which NI lawyers were eligible to apply.

We are committed to keeping its recruitment and appointments processes under review and modifying them where necessary. In this context, the Diversity and Communications Team undertook a detailed evaluation of each recruitment scheme. This included an analysis of web traffic and downloads, advertising costs, applications requested and submitted, and seeking the views of those who chose not to apply, and those who did. This work continues to help to identify barriers for those applying and to help assess the effectiveness of each Scheme Outreach Plan.

## OUTREACH

Outreach and engagement with the legal profession and general public is critically important to ensuring the Commission fulfils its statutory duties.

Our approach to outreach during the last twelve months has been multi-faceted, deploying differing methods, and has assisted in addressing many of the research findings such as: lack of knowledge about judicial posts and the work of the Commission, the application and appointments process and the day-to-day work of the judicial post holders.

This engagement also enables us to be informed directly by the legal profession and others. Outreach gives the opportunity to influence and gain insight to issues which impact upon the meeting of our remit; but which can be beyond its influence or control.

In June 2008 the Commission hosted a summer reception, at which the new website and a number of new policies were officially launched by the Commission's Chairman, the Lord Chief Justice, Sir Brian Kerr. The event was attended by approximately 30 senior representatives from the local legal profession including judicial post holders, local solicitors, barristers, academics and Chairs of local professional associations.

However, the Commission has also been proactive in its engagement with local representatives from the statutory and voluntary sectors. We have met with the Equality Commission for Northern Ireland (on five separate occasions), the Labour Relations Agency (twice), the Local Government Staff Commission, the Institute of Governance at QUB, and the Public Appointments Service in Dublin.

Commissioners and Staff participated in the "Judiciary in the 21st Century" conference in London on 11 March 2009 hosted by the Right Honourable Lord Chief Justice of England and Wales and Head of Criminal Justice, Lord Judge.

During the reporting period, we have also met with the Bar Council twice and Law Society three times on a range of topics and issues specifically emanating from the NISRA/QUB research. The Commission has also arranged and held a number of follow up meetings regarding the research with interested parties.

General outreach has included meetings with representatives of the Judicial Studies Board and the Judicial Services Group of the Court Service and the Chief Executive gave a presentation, on the issue of reappointments to judicial posts, to the Lay Magistrates.

## RAISING AWARENESS

During the reporting period, we have also been consistently pro-active in ensuring that we publish items of interest online and in the local legal press.

As a result, the Diversity and Communications Team have drafted and published approximately 20 news items on the Commission website; 4 articles on the work of the Commission have been published in *The Writ*; 4 articles have appeared in *Open Court* (NI Court Service magazine); and 3 articles (in addition to scheme adverts) have been circulated to many NI solicitors via *Einformer*.

We have also been pro-active in establishing new relationships with and using the services of third party websites where members of the public can link to or read more information on the work of the Commission. Sites which now link to the Commission include: [www.nidirect.gov.uk](http://www.nidirect.gov.uk), [www.legal-island.com](http://www.legal-island.com), [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk) and [www.courtsni.gov.uk](http://www.courtsni.gov.uk).

We also designed and distributed throughout Northern Ireland 1,000 information leaflets on the work, composition and structure of the Commission. These were initially distributed to approximately 200 organisations and individuals across the legal profession - but latterly, are included in all requests for Application Forms for judicial office. Display stands containing the leaflets also now appear in the Bar Library, Law Society House and Headline Building.

During Criminal Justice Week in March 2009 the leaflets were distributed at key outreach events including the Key Note Address at Hillsborough Castle on 2 March 2009 and during various secondary and grammar school visits to court buildings.

At the 41st session of the Committee on the Elimination of Discrimination Against Women (CEDAW) in July 2008, the Northern Ireland Office shared with the committee that the research project was underway, that a number of new policies were being launched, the gender composition of the serving judiciary, and CEDAW were of the view that the *“The Commission has achieved a great deal in the three years it has been in operation and is vigorously addressing the issue of diversity in the Northern Ireland judiciary.”*

## GUIDE TO JUDICIAL CAREERS

In March 2009, we published the first ever Guide to Judicial Careers in Northern Ireland.

The Guide was produced in direct response to the NISRA and QUB research which stated that there was a lack of knowledge about the role of the Commission, how judicial appointments were made and the day-to-day work of judicial office holders.

In an attempt to dispel some myths and misconceptions about judicial office, the Guide features interviews and profiles of thirteen different judicial post holders in Northern Ireland with insights as to their working style and working week. The profiles focus on their views on work/life balance and the various challenges of working in judicial office.

These profiles also appear on [www.nijac.org](http://www.nijac.org) independently of the Guide to Judicial Careers and web traffic figures illustrate that the profiles are very popular with visitors to the site.

There is also information on the range of legal and non legal posts that the Commission recruits, and the religious and gender composition across courts and tribunals, and sources of careers information.

The Guide was produced in collaboration with the judicial officers profiled, and colleagues at the Department of Innovation, Design and Delivery within the Department of Finance and Personnel.

## WEBSITE

Our website ([www.nijac.org](http://www.nijac.org)) is now the primary source of information and guidance on the Appointments Process, the work of the Commission, Commissioner and staff profiles and is continually updated with policies, news and information on events, appointments and current, recent and forthcoming vacancies.

Our website was completely re-designed and officially launched in June 2008, and features many new functions and features.

It allows greater accessibility for all users – and in particular those with a disability. The website features Browse Aloud software and Text Size Scale for those with visual impairments. As a result, the website has received both Bobby (national) and W3C Level AA (international) accreditation for its disability access.

Users of the website can also access and download Application Forms and Information Packs containing terms and conditions, role insights, pension details etc relating to each advertised judicial vacancy.

In addition to these technological improvements, we have begun a scoping exercise on the possibility of developing an online application process for judicial posts.

New web monitoring software has provided rich quantitative data on web traffic and downloads. This information is important in allowing us to evaluate the effectiveness of our advertising spend and provides indications of the effectiveness of new approaches to communications and outreach.

During 2008-09, the Commission website has had an average of 750 individual visitors per month.

## DISABILITY ACTION PLAN

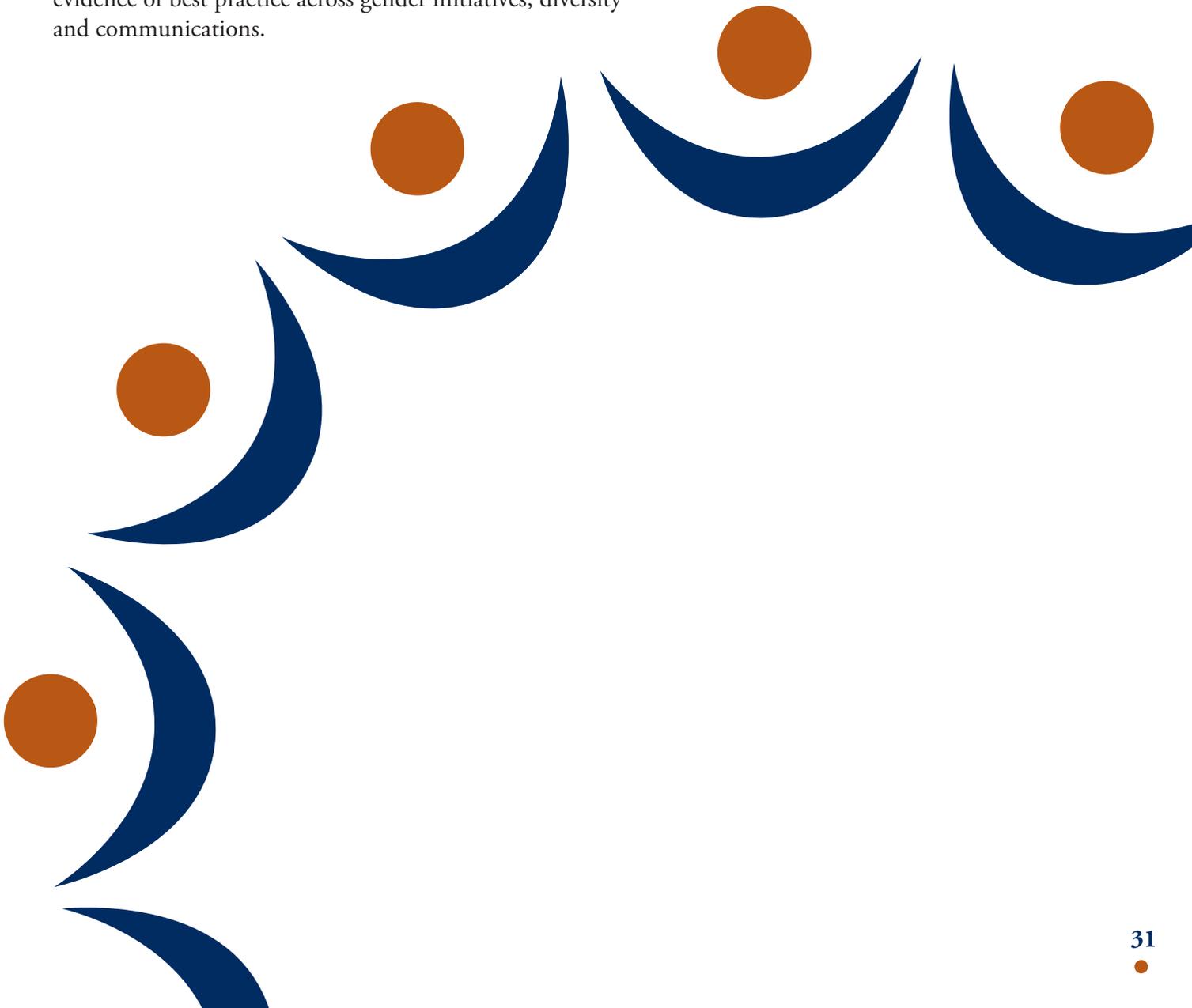
The Commission fulfilled all the objectives under its Disability Action Plan ahead of time.

The Plan was consulted upon with the Equality Commission for Northern Ireland and its implementation (from July 2008 onwards) involved many specific actions including a training session for all Commission staff and the production of, in partnership with Disability Action, 'A Guide to Working with People with Disabilities'.

## BENCHMARKING AND SCOPING

The Commission has continually scoped for learning from elsewhere, and have looked to the work of a range of organisations, such as the Law Society in Scotland and the Public Appointments Commissions.

This work has focussed on benchmarking against areas and evidence of best practice across gender initiatives, diversity and communications.



# Chapter 3

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## Planning our Business

### CORPORATE OBJECTIVE – ACCOUNTABILITY

To make effective and efficient use of our resources in order to achieve objectives.

During the period the Commission operated within a strict financial budgeting regime which enabled it to meet its identified objectives within budget.

The Commission reviewed and approved its Committee structure, membership and chairmanship. The scheme of delegation which was introduced in 2007, which delegated areas of responsibility to individual Committees and provided Committees with greater autonomy in their areas of work, was also reviewed and approved. Under the scheme further administrative work was delegated to the Commission staff, thereby allowing Commissioners more time to focus on strategic issues. Internal auditors from Court Service's Risk and Assurance Branch (RAB) conducted formal reviews of: compliance with our procurement policy, processing of payments by the Commission and processing of payroll by the Commission including payment of Commissioners' expenses. Each of the three reviews reported that adequate assurances were in place. In response to the many information assurance obligations placed upon the Commission, and in recognition of the sensitive material that we process, we directed considerable resource and effort into becoming compliant with ISO 27001, the international standard on information security, and are on course to meet our timetable to be awarded with the ISO 27001 certificate by March 2010.

Our Risk Management Accreditation Document Set (RMADS) which provides assurance in relation to the Commission's Information Technology was also reviewed and updated during the year.

## STAFFING

The Commission was provided, by the Court Service, with funding for a staff structure of 17. During the year the Commission internally reviewed its staffing complement and agreed three changes with the Sponsorship Department: the Grade 6 post was filled by a Grade 7 Head of Corporate Planning, Resources and Governance, an Administrative Officer was replaced by an Executive Officer to better meet the supervisory requirements of the Appointments Team and the Governance Deputy Principal post was filled by a qualified accountant. These changes were made to better address management's needs and will greatly assist the Commission in preparing for and working in a devolved environment. The complement of 17 will be reviewed during the preparation for devolution as the extent of the additional roles and responsibilities for the Commission, included in the Northern Ireland Bill 2009, becomes known.

## CORPORATE PLAN

The Commission published its second Corporate Plan. The Plan sets out the aims and objectives of the Commission for the period 2009-10 to 2010-11. This timeframe brings the Commission's Corporate Plan into line with the Government's Comprehensive Spending Review.

## PROCUREMENT POLICY

The Commission has developed a comprehensive procurement policy to regulate the purchase of all its goods, services and training. All staff received training on the content of the policy and on its application. During the year internal auditors reviewed our compliance with the policy and provided the Commission with an adequate assurance.

## LIAISON MEETINGS

The Commission continues to meet with the Sponsor Department every two months. Key business issues are addressed in this forum. The Commission also meets regularly with the Sponsorship Department to discuss finances and our expenditure against our forecasts and achievement of our objectives. In this way any concerns can be identified, highlighted and addressed at an early stage.

# Chapter 4

## Internal Working Arrangements

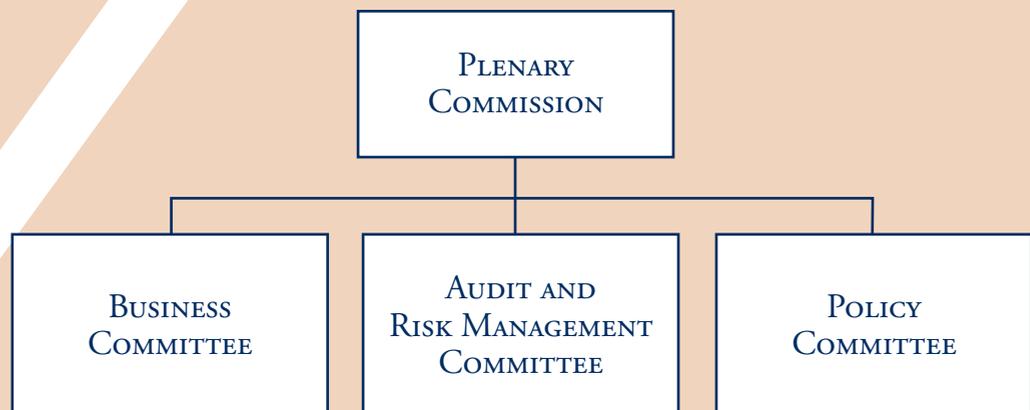
### STRUCTURE OF COMMITTEES

The Commission reviewed and approved its committee structure, membership and Chairmanship in December 2008. During the year four sub groups were established to consider: our competency framework, our use of consultee comments, additional assessment methods and preparation for devolution. Each of the sub groups reports to one of the Committees.

### MEETINGS OF THE COMMISSION

The plenary session of the Commission normally meets every two months, although exceptional meetings are convened as required. The Chairman of the Commission and the Chief Executive determine the programme of meetings and business each year, both for the plenary Commission and its Committees. Approved minutes of Commission meetings are published on the Commission's website.

### COMMITTEE STRUCTURE APRIL 2008 – MARCH 2009



# Membership of Committees

APRIL 2008 - MARCH 2009

Membership of the standing Committees from April 2008 until March 2009 was as follows:

## AUDIT AND RISK MANAGEMENT COMMITTEE;

### Membership

- Professor John Morison, Lay Member (Chairman)
- Mrs Sinéad Burns, Lay Member
- Mr Peter Cush, Barrister at Law
- Mrs Ruth Laird, Lay Member
- Her Honour Judge Loughran, County Court Judge

## BUSINESS COMMITTEE;

### Membership

- Mr John Gordon, Solicitor (Chairman)
- Mr Donal Flanagan OBE, Lay Member (appointed 15 June 2008)
- Dame Joan Harbison CBE DBE, Lay Member (appointment expired 31 January 2009)
- District Judge (Magistrates' Courts) Amanda Henderson (appointed 2 February 2009)
- Dr Raymond Mullan OBE, Lay Member
- Dr Nichola Rooney, Lay Member (appointed 2 February 2009)
- The Honourable Mr Justice Weatherup, High Court Judge

## POLICY COMMITTEE;

### Membership

- The Right Honourable Lord Justice Campbell, Lord Justice of Appeal (Chairman) (appointment expired 14 June 2008)
- The Right Honourable Lord Justice Coghlin, Lord Justice of Appeal (Chairman) (appointed 13 October 2008)
- Mrs Sinéad Burns, Lay Member
- Mr Peter Cush, Barrister at Law
- Mr John Gordon, Solicitor
- Dame Joan Harbison, CBE DBE, Lay Member (appointment expired 31 January 2009)
- District Judge (Magistrates' Courts) Amanda Henderson (appointed 2 February 2009)
- Mrs Ruth Laird, Lay Member
- Her Honour Judge Loughran, County Court Judge
- Professor John Morison, Lay Member
- Dr Nichola Rooney, Lay Member (appointed 2 February 2009)
- The Honourable Mr Justice Weatherup, High Court Judge

## The Audit and Risk Management Committee

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The Commission has an Audit and Risk Management Committee (ARMC) to support it in its responsibilities for issues of risk, control and governance and associated assurance. The Committee has five members. It meets three times per year. Additional meetings may be convened to discuss particular issues at the request of the Accounting Officer, the Chairman of the ARMC or the Chairman and a member of the Audit and Risk Management Committee.

The meetings are normally attended by a representative from the Court Service's Risk and Assurance Branch (RAB) and members of External Audit. The Committee may also ask any other officials of the organisation to attend to assist it with its discussions in any particular matter. The ARMC is an advisory body with no executive powers. However, it is authorised by the Commission to investigate any activity within its terms of reference, and to seek any information it requires from staff, who are requested to co-operate with the Committee in the conduct of its enquiries. Requests for work and reports received from Internal Audit will be channelled through the Accounting Officer, to whom the Head of Internal Audit reports. The ARMC is authorised to obtain independent professional advice if it considers it necessary.

## REMIT OF COMMITTEES

### **The Audit and Risk Management Committee will advise the Commission on:**

- The strategic process for risk (monitored through our risk register), control and governance and the Statement on Internal Control;
- The accounting policies, the accounts, the process of reviewing accounts prior to submission for audit, levels of error identified, and the management's letter of representation to the external auditors;
- The planned activity and results of both the External and Internal Audit;
- Adequacy of management response to issues identified by audit activity, including External Audit's Report to those Charged with Governance;
- Assurances relating to the corporate governance requirements of the organisation;
- Where appropriate, proposals for tendering Internal Audit services or for purchase of non-audit services from contractors who provide audit services;
- Assurances relating to the conduct of business in accordance with the Financial Memorandum and Management Statement; and
- Assurances relating to the Register of Interest for the Commission members, the Gifts and Hospitality Register, the Code of Practice for Members, the Code of Conduct for Staff, the Freedom of Information Scheme and Data Protection obligations of the Commission and the communication protocol for the Commission and its Committees.

**The Business Committee shall:**

- Ensure there is in place for publication a strategic plan, annual business plan, annual report and statement of accounts;
- Approve the programme of meetings of the Commission;
- Approve membership of panels for appointment schemes, in consultation with the Chairman of the Commission;
- Approve programmes of work and priorities;
- Approve what selection schemes should be commenced and in what order and delegate operational management of selection schemes and approval of scheme paperwork to selection committees;
- Approve the programmes of actions for each scheme;
- Approve the programme for any official visits;
- Take action on urgent issues when consideration by the full Commission is not practical;
- Monitor the internal policies of the Commission;
- Oversee/monitor performance against corporate business plan;
- Oversee/monitor the control of expenditure within the Commission;
- Develop and ensure delivery of the programme of appointments and reappointments including delivery of a programme of action to support each appointment scheme;
- Promote the work and role of the Commission with regard to communications, public relations and information; and
- Provide material as appropriate for inclusion in the annual report and all Committee reports as required.

**The Policy Committee shall:**

- Develop a strategy and programme of work to ensure delivery of the strategic and annual objectives in respect of appointments policy and diversity;
- Ensure appointments policy, practice and procedure is evaluated and kept under review and improvements proposed and made;
- Develop and maintain a database of information in respect of the reflectiveness of the Northern Ireland judiciary;
- Ensure equity monitoring information is available for consideration by the Commission;
- Set up and implement an equality scheme when designated by the Equality Commission for Northern Ireland; and
- Provide material as appropriate for inclusion in the annual report and all Committee reports as required.

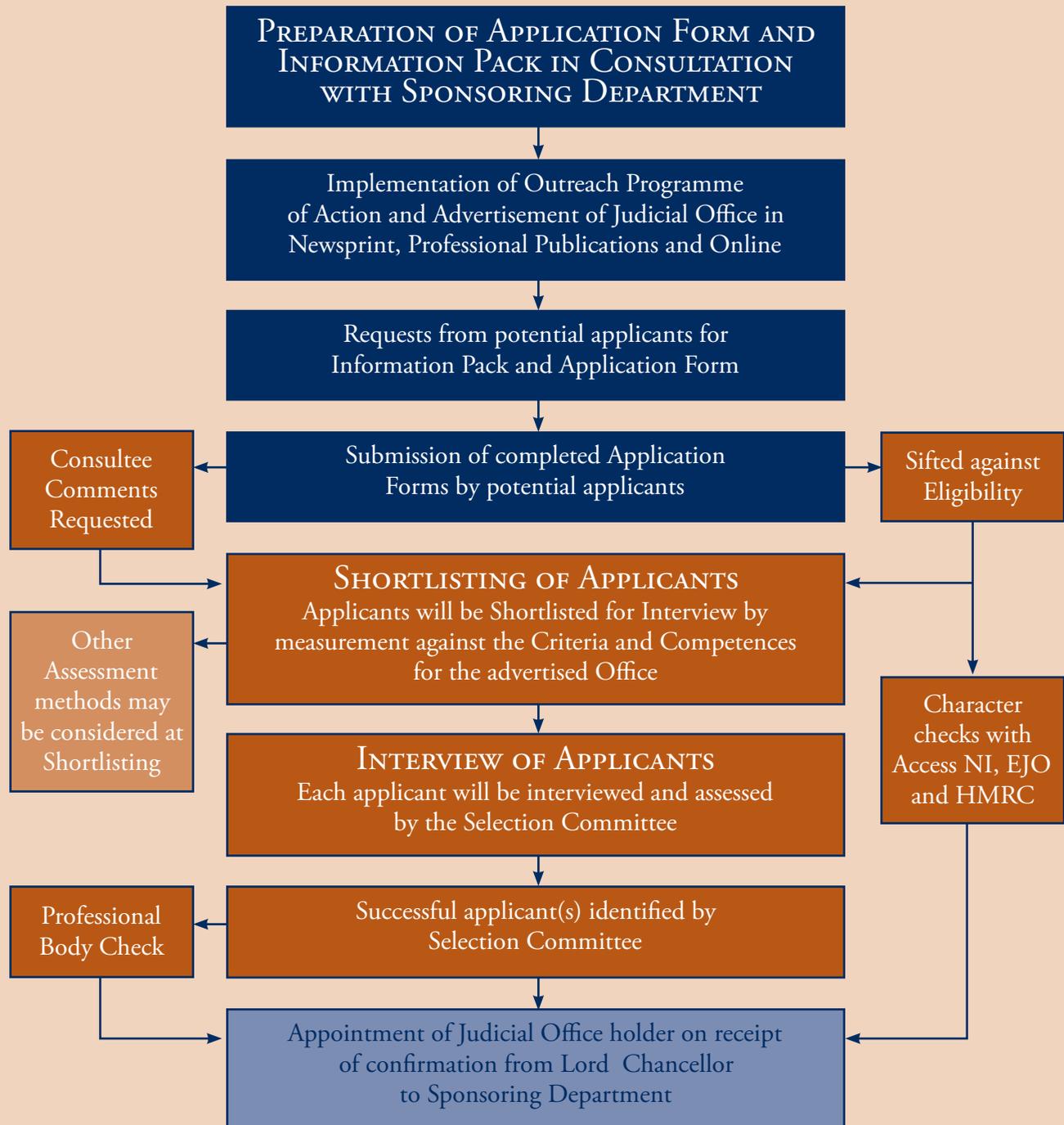
# APPENDICES

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APPENDIX I:

# Selection and Assessment Process for Judicial Appointment



## APPENDIX 2:

# Diversity Statistics

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## I. APPOINTMENTS; 2. REAPPOINTMENTS; 3. APPLICANT POOLS

The statistical information contained in this appendix on the diversity of those who have applied and those who have been recommended as suitable for appointment, is provided in accordance with the Commission's statutory obligations under Justice (Northern Ireland) Act 2002 (c.26) Schedule 2.

## 1. Recommendations for appointment during the Period 2008 - 09

During the reporting period the Commission made 25 recommendations for appointment (Courts 3; Tribunals 22) to the Lord Chancellor – 1 High Court Judge; 1 County Court Judge; 1 Coroner (fixed term); 1 Social Security Commissioner and Child Support Commissioner; 1 Chairman of the Industrial Tribunal and Fair Employment Tribunal; 1 Deputy President and Legal Member of the Pensions Appeal Tribunals; 3 Medical Members of the Pensions Appeal Tribunals; 3 Service Members of the Pensions Appeal Tribunals; 3 Legal Members of the Mental Health Review Tribunal and 10 Ordinary Members of the Northern Ireland Valuation Tribunal. The Deputy President of the Pensions Appeal Tribunals appointment did not involve a scheme as the office of the Deputy President falls within the remit of the Social Security Commissioner and Child Support Commissioner. The office of the Deputy President does not involve a significant caseload volume.

Gender	Male	Female	Total
	18	7	25
%	72%	28%	100%

Ethnic Origin	White	Other
	24	1
%	96%	4%

Community Background	Protestant	Roman Catholic	Neither
	10	14	1
%	40%	56%	4%

Disability	No Disability declared
	25
%	100%

Age on appointment	35 & under	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	Over 60
	1	3	2	5	7	5	2
%	4%	12%	8%	20%	28%	20%	8%

Personal Geographic Location		
Belfast	12	48%
Co Antrim	5	20%
Co Armagh	0	0%
Co Down	6	24%
Co Fermanagh	0	0%
Co Londonderry	1	4%
Co Tyrone	1	4%
Other	0	0%
Not indicated	0	0%

Business Geographical Location		
Belfast	18	72%
Co Antrim	2	8%
Co Armagh	0	0%
Co Down	1	4%
Co Fermanagh	0	0%
Co Londonderry	1	4%
Co Tyrone	0	0%
Province wide	0	0%
Other	0	0%
Not indicated	3	12%

## 2. Recommendations for reappointment during the Period 2008 - 09

During the reporting period the Commission made 32 recommendations for reappointment (Courts 25; Tribunals 7) to the Lord Chancellor – 21 Deputy County Court Judges; 1 Deputy District Judge, 3 Deputy District Judges (Magistrates' Courts); 1 Deputy Social Security Commissioner and Child Support Commissioner, 1 Part-time Chairman of the Fair Employment Tribunal; 1 Medical Consultant Member of the Appeal Tribunals and 4 Lay Members of the Mental Health Review Tribunal.

Gender	Male	Female	Total
	27	5	32
%	84%	16%	100%

Ethnic Origin	White
	32
%	100%

Community Background	Protestant	Roman Catholic	Neither
	22	10	0
%	69%	31%	0%

Disability	No Disability declared	Disability declared
	28	4
%	87%	13%

Age on appointment	35 & under	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	Over 60
	0	1	1	6	3	10	11
%	0%	3%	3%	19%	9%	31%	35%

Personal Geographic Location		
Belfast	16	50%
Co Antrim	3	9%
Co Armagh	2	6%
Co Down	5	16%
Co Fermanagh	0	0%
Co Londonderry	4	13%
Co Tyrone	1	3%
Other	0	0%
Not indicated	1	3%

Business Geographical Location		
Belfast	20	63%
Co Antrim	0	0%
Co Armagh	1	3%
Co Down	3	9.5%
Co Fermanagh	1	3%
Co Londonderry	2	6%
Co Tyrone	0	0%
Province wide	3	9.5%
Other	0	0%
Not indicated	2	6%

### 3. Applicant pools during the Period 2008-09

#### APPLICANT POOLS 2008-09 - COURTS

During the reporting period the Commission received 49 applications for the following schemes – 1 High Court Judge (5 applications received); 1 County Court Judge (22 applications received); and 1 Coroner (fixed term) (22 applications received).

Gender	Male	Female	Total
	35	14	49
%	71%	29%	100%

Ethnic Origin	White
	49
%	100%

Community Background	Protestant	Roman Catholic	Neither
	26	22	1
%	53%	45%	2%

Disability	No Disability declared	Disability declared
	47	2
%	96%	4%

Age	35 & under	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	Over 60
	1	9	8	8	14	7	2
%	2%	19%	16%	16%	29%	14%	4%

Personal Geographic Location		
Belfast	22	45%
Co Antrim	9	18%
Co Armagh	1	2%
Co Down	13	27%
Co Fermanagh	0	0%
Co Londonderry	3	6%
Co Tyrone	1	2%
Other	0	0%
Not indicated	0	0%

Business Geographical Location		
Belfast	39	80%
Co Antrim	1	2%
Co Armagh	0	0%
Co Down	3	6%
Co Fermanagh	0	0%
Co Londonderry	4	8%
Co Tyrone	0	0%
Province wide	0	0%
Other	0	0%
Not indicated	2	4%

## APPLICANT POOLS 2008-09 - TRIBUNALS

During the reporting period the Commission received 126 applications for the following schemes – 1 Social Security Commissioner and Child Support Commissioner (20 applications received); 1 Chairman of the Industrial Tribunal and Fair Employment Tribunal (20 applications received); 3 Medical Members of the Pensions Appeal Tribunals (24 applications received); 3 Service Members of the Pensions Appeal Tribunals (9 applications received); 3 Legal Members of the Mental Health Review Tribunal (20 applications received) and 10 Ordinary Members of the Northern Ireland Valuation Tribunal (33 applications received).

Gender	Male	Female	Total
	77	49	126
%	61%	39%	100%

Ethnic Origin	White	Other
	120	6
%	95%	5%

Community Background	Protestant	Roman Catholic	Neither
	55	59	12
%	44%	47%	9%

Disability	No Disability declared	Disability declared
	120	6
%	95%	5%

Age	35 & under	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	Over 60
	10	10	18	23	37	19	9
%	8%	8%	14%	18%	30%	15%	7%

Personal Geographic Location		
Belfast	48	38%
Co Antrim	20	16%
Co Armagh	4	3%
Co Down	30	24%
Co Londonderry	1	1%
Co Fermanagh	6	5%
Co Tyrone	12	9%
Other	5	4%
Not indicated	0	0%

Business Geographical Location		
Belfast	70	56%
Co Antrim	10	8%
Co Armagh	3	2%
Co Down	8	6%
Co Fermanagh	1	1%
Co Londonderry	3	2%
Co Tyrone	5	4%
Province wide	0	0%
Other	4	3%
Not indicated	22	18%

## APPLICANT POOLS 2008-09 - COMBINED

During the reporting period the Commission received 175 applications (Courts 49; Tribunals 126), for the following schemes –1 High Court Judge (5 applications received); 1 County Court Judge (22 applications received); 1 Coroner (fixed term) (22 applications received); 1 Social Security Commissioner and Child Support Commissioner (20 applications received); 1 Chairman of the Industrial Tribunal and Fair Employment Tribunal (20 applications received); 3 Medical Members of the Pensions Appeal Tribunals (24 applications received); 3 Service Members of the Pensions Appeal Tribunals (9 applications received); 3 Legal Members of the Mental Health Review Tribunal (20 applications received) and 10 Ordinary Members of the Northern Ireland Valuation Tribunal (33 applications received).

Gender	Male	Female	Total
	112	63	175
%	64%	36%	100%

Ethnic Origin	White	Other
	169	6
%	97%	3%

Community Background	Protestant	Roman Catholic	Neither
	81	81	13
%	46%	46%	8%

Disability	No Disability declared	Disability declared
	167	8
%	95%	5%

Age	35 & under	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	61+
	11	19	26	31	51	26	11
%	6%	11%	15%	18%	29%	15%	6%

Personal Geographic Location		
Belfast	70	40%
Co Antrim	29	16%
Co Armagh	5	3%
Co Down	43	25%
Co Fermanagh	1	1%
Co Londonderry	9	5%
Co Tyrone	13	7%
Other	5	3%
Not indicated	0	0%

Business Geographical Location		
Belfast	109	62%
Co Antrim	11	6%
Co Armagh	3	2%
Co Down	11	6%
Co Fermanagh	1	1%
Co Londonderry	7	4%
Co Tyrone	5	3%
Province wide	0	0%
Other	4	2%
Not indicated	24	14%

## APPENDIX 3:

# Achievement of Corporate Objectives through Business Planning

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The Commission monitors achievement of corporate objectives through its annual business plan and monitoring reports to the Business Committee and plenary Commission. In order to do so the Commission decided that objectives should reflect activity against appointments process, diversity, accountability and external communications.

The following sets out the achievement of objectives during 2008-09.

## THE OBJECTIVES IN THE 2008-09 BUSINESS PLAN

The four perspectives of appointments process, diversity, accountability and external communications are set out below with a statement of progress at year end against each.

### APPOINTMENTS PROCESS

To recommend to the Lord Chancellor whom to appoint to listed judicial office by identifying the best applicant on merit.

1. To make recommendations to the Lord Chancellor for appointments and re-appointments to listed judicial offices. **Achieved and ongoing.**
2. To carry out a strategic review of Appointments policies, procedures and training programmes following a public consultation. **Achieved and ongoing.**
3. To implement a training programme for Commissioners. **Achieved and ongoing.**

## DIVERSITY

To engage in programmes of action to secure, so far as it is reasonably practicable to do so, a judiciary in Northern Ireland that is as reflective of our society as can be achieved consistent with the requirement of appointment on merit.

4. To carry out equity monitoring of appointment schemes and produce reports of the findings. **Achieved and ongoing.**
5. To carry out an annual equity monitoring exercise and to produce a report summarising the position regarding applicants for judicial appointments during the year, and the position regarding judicial office holders, compared with the applicant pool. **Achieved.**
6. To complete the qualitative stage (2) of identification of barriers and perceived barriers to applying for judicial posts and to publish a report by autumn 2008. **Achieved.**
7. To consider the findings of the Stage 1 and 2 research exercises and to prepare a strategic response, to publish the summary findings and to develop and commence implementation of the recommendations of the response by autumn 2008. **Achieved and ongoing.**

## ACCOUNTABILITY

To make effective and efficient use of our resources in order to achieve our objectives.

8. To prepare the Commission for devolution including preparations for transfer to another sponsor department, preparing draft SLAs and framework documents and settling secondment arrangements for staff. **Ongoing (pending devolution).**
9. To publish a Corporate Plan to cover activity during the remaining period of the Comprehensive Spending Review settlement (2009-10 and 2010-11). **Achieved.**

10. To publish the Annual Report and Accounts for 2007-08. **Achieved.**
11. By March 2009 to secure from the sponsor department the required level of resources to deliver the Commissions 2009-10 objectives. **Achieved.**
12. To maintain financial and stewardship controls within the Commission, which meet central government guidelines. **Achieved and ongoing.**
13. To demonstrate strong corporate governance at all times. **Achieved and ongoing.**
14. To review the scheme of delegation. **Achieved.**

## EXTERNAL COMMUNICATIONS

To communicate helpful information, advice and guidance to targeted audiences to stimulate interest and raise awareness; encourage applications from under-represented groups; improve understanding of the application process and what judicial office entails; demonstrate openness and transparency and that appointments are made solely on the basis of merit.

15. To implement the communication strategy to include website development and a booklet about judicial careers and to continue ongoing outreach with key interested parties to include the dissemination of the results of the research and of the new appointments policies and procedures handbook, as appropriate throughout the year. **Achieved.**
16. To maintain a publication scheme as approved by the Information Commissioner's office and respond to all Freedom of Information Act and Data Protection Act queries within the set guidelines. **Achieved and ongoing.**

**93.75%** of targets were achieved  
**6.25%** are ongoing (pending devolution)

# Remuneration Report

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## SERVICE CONTRACTS

Unless otherwise stated below, the officials covered by this report hold appointments, which are open-ended until they reach the normal retiring age of 65. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Staff are appraised annually against a set of competences and individually targeted objectives. Bonuses, which form only a small percentage of total salaries, are the only form of remuneration subject to performance conditions.

## REMUNERATION POLICY

The remuneration of the Commission members has been determined by the Lord Chancellor. Judicial members, with the exception of the Lay Magistrate, do not receive a fee. Other members, including the lay magistrate, receive a daily rate of £294. A half-day fee of £147 is payable for 4 hours or less. With the agreement of the Sponsor Department, the Commission has developed a fees policy which, in addition to the above rates, introduced an hourly rate of £36.75 pro rata for specific work undertaken by Commission members which does not attract the full or half day fee. Commission members are reimbursed for incidental expenses incurred in the course of Commission business.

Commission members have no entitlement to bonuses or performance related payments.

## SALARY AND PENSION ENTITLEMENTS

The following sections provide details of the remuneration and pension interests of the Commission members and the most senior official of the Commission (the Chief Executive).

## REMUNERATION (AUDITED)

### Chief Executive

The position of Chief Executive throughout 2008-09 was held by Edward Gorringe, a direct employee of the Commission. The remuneration payable to the Chief Executive was as follows:

Name	2008-09 Salary £000	Benefits in Kind (nearest £100)	2007-08 Salary £000	Benefits in Kind (nearest £100)
Edward Gorringe	65-70	-	10-15 (full year equivalent is 60-65)	-

### Commission members

The remuneration payable to the Commission members was as follows:

The Right Honourable Sir Brian Kerr (Chair)	-	-	-	-
Fiona Bagnall	-	-	-	-
Sinéad Burns	5-10	-	0-5	-
The Right Honourable Lord Justice Campbell	-	-	-	-
The Right Honourable Lord Justice Coghlin	-	-	-	-
Peter Cush	0-5	-	0-5	-
Donal Flanagan OBE	5-10	-	-	-
John Gordon	5-10	-	0-5	-
Dame Joan Harbison	5-10	-	0-5	-
Amanda Henderson	-	-	-	-
Ruth Laird	10-15	-	5-10	-
Her Honour Judge Loughran	-	-	-	-
Harry McConnell OBE	0-5	-	0-5	-
Professor John Morison	5-10	-	0-5	-
Raymond Mullan OBE	0-5	-	5-10	-
Nichola Rooney	0-5	-	-	-
The Honourable Mr Justice Weatherup	-	-	-	-

### SALARY

'Salary' includes gross salary; performance pay or bonuses; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation.

### BENEFITS IN KIND

The monetary value of benefits in kind covers any benefits provided by the employer and treated by Her Majesty's Revenue & Customs as a taxable emolument.

## PENSION BENEFITS (AUDITED)

<b>Commission Members</b>						
No pension contributions are made by the Commission in respect of the Commission members.						
<b>Chief Executive</b>						
Name and title	Accrued Pension at age 65 at 31 March 2009 and related lump sum £000	Real increase/ (decrease) in pension and related lump sum at age 65 £000	CETV at 31 March 2009 £000	CETV at 31 March 2008 £000	Real increase/ (decrease) in CETV £000	Employer contribution to partnership pension account (nearest £100)
Edward Gorringe Chief Executive	0-5 plus 0-5 lump sum	0-2.5 plus 0-2.5 lump sum	17	2	13	-

Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2007, civil servants may be in one of four defined benefit schemes; either a 'final salary' scheme (**classic**, **premium** or **classic plus**); or a 'whole career' scheme (**nuvos**). These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus** and **nuvos** are increased annually in line with changes in the Retail Prices Index (RPI). Members who joined from October 2002 could opt for either the appropriate defined benefit arrangement or a good quality 'money purchase' stakeholder pension with a significant employer contribution (**partnership** pension account).

Employee contributions are set at the rate of 1.5% of pensionable earnings for **classic** and 3.5% for **premium**, **classic plus** and **nuvos**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. **Classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos** a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and, immediately after the scheme year end, the accrued pension is uprated in line with RPI. In all cases members may opt to give up (commute) pension for lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3% and 12.5% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of three providers. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted, is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic**, **premium** and **classic plus** and 65 for members of **nuvos**.

Further details about the Civil Service pension arrangements can be found at the website [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)

## CASH EQUIVALENT TRANSFER VALUES

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The figures include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

## REAL INCREASE IN CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.



EDWARD GORRINGE,  
ACCOUNTING OFFICER,  
4 SEPTEMBER 2009

# Statement of the Northern Ireland Judicial Appointments Commission's and Accounting Officer's Responsibilities

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Under paragraph 7 of Schedule 2 to the Justice (Northern Ireland) Act 2002 as amended, the Northern Ireland Judicial Appointments Commission is required to prepare a statement of accounts in respect of each financial year in such a form as directed by the Lord Chancellor. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Commission at the year end and of the income and expenditure and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the *Government Financial Reporting Manual* prepared by the Treasury and in particular to:

- observe the Accounts Direction issued by the Lord Chancellor including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the *Government Financial Reporting Manual* have been followed, and disclose and explain any material departures in the accounts; and
- prepare the accounts on a going concern basis, unless it is inappropriate to presume that the Commission will continue in operation.

The Accounting Officer of the Northern Ireland Court Service has designated the Chief Executive as the Accounting Officer for the Commission. The Chief Executive's relevant responsibilities as Accounting Officer, including responsibility for the propriety and regularity of the public finances and for keeping proper records, are set out in the Non-Departmental Public Bodies Accounting Officers' Memorandum issued by HM Treasury and published in *Managing Public Money*.

# Statement on Internal Control

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## SCOPE OF RESPONSIBILITY

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Northern Ireland Judicial Appointments Commission's (the Commission's) policies, aims and objectives, whilst safeguarding the public funds and departmental assets for which I am personally responsible, in accordance with the responsibilities assigned to me in Managing Public Money and the NDPB Accounting Officer Memorandum. The Commission is financed by grant-in-aid by the Northern Ireland Court Service (the Court Service), and the Accounting Officer's responsibilities in respect of the Commission are defined in the NDPB Accounting Officer Memorandum.

## THE PURPOSE OF THE SYSTEM OF INTERNAL CONTROL

The system of internal control is designed to manage risk to a reasonable level, rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable, and not absolute, assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Commission's policies, aims and objectives; to evaluate the likelihood of those risks being realised and the impact should they be realised; and to manage them efficiently, effectively and economically. The system of internal control has been in place and embedded in the Commission for the year ended 31 March 2009 and up to the date of approval of the Annual Report and Accounts, and accords with HM Treasury guidance.

## CAPACITY TO HANDLE RISK

Risk management constitutes a standing item on management meeting agendas and senior managers are required to formally sign off Stewardship Statements for me on a quarterly basis; the corporate risk register is also reviewed and updated on a quarterly basis. During the year risk management refresher training was provided to the Audit and Risk Management Committee which incorporated training on best practice of Audit and Risk Management Committee and interpretation of financial management information. The Audit & Risk Management Committee is comprised of five Commissioners who do not have an executive role in the management of the organisation. The terms of reference of the Committee are based on HM Treasury's Audit Committee Handbook and have been agreed by the full Committee. Internal audit services are provided by the Northern Ireland Court Service's Risk and Assurance Branch (RAB) which operates to the Government Internal Audit Standards, under the terms of an agreed service level agreement. Findings from the work of RAB, risks identified through the organisation's Risk Management System and feedback from our external auditors are considered by both the Audit and Risk Management Committee and executive management to ensure that there is ongoing review and revision of the control framework of the organisation. Risk Management is also considered by me through the review of the Corporate Risk Register and Corporate Plan monitoring process. This includes a regular review of attendant risks thus ensuring that risk management has been incorporated fully into the corporate planning and decision-making processes of the Commission.

## THE RISK & CONTROL FRAMEWORK

Risks are considered in tandem with objectives at all levels in the organisation and formally reported in the Corporate Risk Register. Risks are assessed in terms of their probability of occurrence and impact on the achievement of objectives, and scored and reported on accordingly. Responsibility for the management of each risk is assigned and recorded, along with controls in place to mitigate the risk, monitoring arrangements in place and any action taken or planned in order to enhance the level of control. Risks are formally reviewed on a quarterly basis and documentation updated. The updated risk registers record any movement in terms of impact and probability of occurrence. The Audit and Risk Management Committee is responsible for the maintenance and development of the risk management and review processes through, for example, ensuring compliance with the structured quarterly review points and formal stewardship reporting in order to ensure continued alignment with planning and monitoring at corporate and operational level. In challenging risks identified by executive management the Committee ensures that there is ongoing consideration of the impact of both external and internal initiatives on the planned work of the Commission.

The Information Risk Policy supplements our corporate approach to risk management and encourages staff and managers to consider information as assets, supported by the compilation of Information Asset Registers. Therefore, information assets are subject to the risk management processes outlined above. Additionally, the Commission is working towards accreditation to ISO 27001 during 2009-10, the information security standard. Notwithstanding the above, we continue to monitor and review our approach to information risk management.

The activity of the Audit and Risk Management Committee is defined in its terms of reference, under which the Committee meets three times annually, with a set guideline of items to consider at each meeting. In addition to the members of the Committee, the Chief Executive and representatives of both internal and external audit are in attendance at each meeting, with the Finance Officer in attendance for relevant agenda items. RAB activity in the year included the delivery of an agreed audit plan which was based upon discussion with the Chief Executive and the provision of control related consultancy. The audit plan was ratified by the Audit and Risk Management Committee.

## REVIEW OF EFFECTIVENESS

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. The Audit and Risk Management Committee oversees the audit activity on behalf of the full Commission and updates the Commission on control, risk and governance issues following each meeting. At the end of the reporting period, stewardship statements are completed by Business Managers providing assurance in respect of the management of risk and the achievement of objectives at business unit level. RAB provides risk, control and governance advice and carries out a planned schedule of work, including the provision of an independent opinion by the Head of Risk & Assurance on the adequacy and effectiveness of the Commission's system of risk management, control and governance.

My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers within the Commission who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their Report to those charged with Governance following the audit of the 2008-09 accounts. I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the Board and the Audit and Risk Management Committee, and a plan to address weaknesses and ensure continuous improvement of the system is in place.



EDWARD GORRINGE,  
ACCOUNTING OFFICER,  
4 SEPTEMBER 2009

# The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

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## NORTHERN IRELAND JUDICIAL APPOINTMENTS COMMISSION

# The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

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I certify that I have audited the financial statements of the Northern Ireland Judicial Appointments Commission for the year ended 31 March 2009 under the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004. These comprise the Income and Expenditure Account, the Balance Sheet, the Cash Flow Statement and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

## RESPECTIVE RESPONSIBILITIES OF THE NORTHERN IRELAND JUDICIAL APPOINTMENTS COMMISSION, CHIEF EXECUTIVE AND AUDITOR

The Northern Ireland Judicial Appointments Commission and Chief Executive, as Accounting Officer, are responsible for preparing the Annual Report, which includes the Remuneration Report, and the financial statements in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor and for ensuring the regularity of financial transactions. These responsibilities are set out in the Statement of Northern Ireland Judicial Appointments Commission's and Accounting Officer's Responsibilities.

My responsibility is to audit the financial statements and the part of the Remuneration Report to be audited in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor. I report to you whether, in my opinion, the information, which comprises the Director's Report, and the Management Commentary, included in the Annual Report, is consistent with the financial statements. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

In addition, I report to you if the Northern Ireland Judicial Appointments Commission has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by HM Treasury regarding remuneration and other transactions is not disclosed.

I review whether the Statement on Internal Control reflects the Northern Ireland Judicial Appointments Commission's compliance with HM Treasury's guidance, and I report if it does not. I am not required to consider whether this statement covers all risks and controls, or form an opinion on the effectiveness of the Northern Ireland Judicial Appointments Commission's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises the Chairman's Foreword, the Programme of Business and the unaudited part of the Remuneration Report. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

## **BASIS OF AUDIT OPINIONS**

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Northern Ireland Judicial Appointments Commission and Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Northern Ireland Judicial Appointments Commission's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error, and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

## OPINIONS

In my opinion:

- the financial statements give a true and fair view, in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor, of the state of the Northern Ireland Judicial Appointments Commission's affairs as at 31 March 2009 and of its deficit and cash flows for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Justice (Northern Ireland) Act 2002, as amended by the Justice (Northern Ireland) Act 2004 and directions made thereunder by the Lord Chancellor; and
- information, which comprises the Director's Report and the Management Commentary, included within the Annual Report, is consistent with the financial statements.

## OPINION ON REGULARITY

In my opinion, in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

## REPORT

I have no observations to make on these financial statements.

AMYAS C E MORSE

COMPTROLLER AND AUDITOR GENERAL  
NATIONAL AUDIT OFFICE  
151 BUCKINGHAM PALACE ROAD  
VICTORIA  
LONDON  
SW1W 9SS

27 OCTOBER 2009

# ACCOUNTS 2008-2009

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# Income and Expenditure Account

FOR THE YEAR ENDED 31 MARCH 2009

		Year ended 31/3/09	Year ended 31/3/08
		£	£
<b>EXPENDITURE:</b>	NOTE		
Staff costs	2	691,002	635,554
Depreciation & amortisation	4 & 5	1,443	504
Other operating costs	3	789,941	810,472
Notional costs of capital	1.7	1,575	2,467
<b>Total expenditure</b>		<b>1,483,961</b>	<b>1,448,997</b>
<b>Net expenditure for year</b>		<b>1,483,961</b>	<b>1,448,997</b>
Credit in respect of notional charges		(1,575)	(2,467)
<b>Deficit transferred to reserves</b>		<b>1,482,386</b>	<b>1,446,530</b>

There were no other gains or losses recognised during the year.

*The notes on pages 65-74 form part of the accounts*

# Balance Sheet

AS AT 31 MARCH 2009

		31 March 2009		31 March 2008	
		£	£	£	£
	NOTE				
<b>FIXED ASSETS:</b>					
Tangible assets	4	2,104		2,965	
Intangible assets	5	2,410		-	
			4,514		2,965
<b>CURRENT ASSETS:</b>					
Debtors	6	215,598		183,322	
Cash at bank and in hand	7	-		-	
		215,598		183,322	
Creditors (amounts falling due within one year)	8	(180,431)		(135,997)	
<b>Net current assets</b>			<b>35,167</b>		<b>47,325</b>
<b>Total assets less current liabilities</b>			<b>39,681</b>		<b>50,290</b>
<b>Net assets</b>			<b>39,681</b>		<b>50,290</b>
<b>FINANCED BY:</b>					
<b>Capital and reserves</b>					
General Reserve	9		39,681		50,290
			<b>39,681</b>		<b>50,290</b>



EDWARD GORRINGE,  
ACCOUNTING OFFICER,  
4 SEPTEMBER 2009

*The notes on pages 65-74 form part of the accounts*

# Cash Flow Statement

FOR THE YEAR ENDED 31 MARCH 2009

		Year ended 31/3/09	Year ended 31/3/08
		£	£
	NOTE		
<b>Net cash outflow from operating activities</b>	<b>10(a)</b>	<b>(1,468,785)</b>	<b>(1,405,597)</b>
Capital Expenditure and Financial Investment	10(b)	(2,992)	(546)
Financing	10(c)	1,471,777	1,406,143
<b>Increase (decrease) in cash in the year</b>		<b>-</b>	<b>-</b>

*The notes on pages 65-74 form part of the accounts*

# Notes to the Financial Statements

## 1.0 STATEMENT OF ACCOUNTING POLICIES

The financial statements have been prepared in accordance with the 2008–09 *Government Financial Reporting Manual (FReM)* issued by HM Treasury. The accounting policies contained in the FReM follow UK generally accepted accounting practice for companies (UK GAAP) to the extent that it is meaningful and appropriate to the public sector.

Where the FReM permits a choice of accounting policy, the accounting policy which has been judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The Commission's accounting policies have been applied consistently in dealing with items considered material in relation to the accounts.

## 1.1 ACCOUNTING CONVENTION

These accounts have been prepared under the historical cost convention modified to account for the revaluation of fixed assets.

## 1.2 TANGIBLE FIXED ASSETS

Assets costing more than the prescribed capitalisation level of £500 are treated as capital assets. For furniture and fittings the individual assets are recorded on a pooled basis.

The fixed assets were not revalued during the year as there were no material differences between historical cost amounts and the revalued amounts.

## 1.3 INTANGIBLE FIXED ASSETS

Purchased computer software and licences are capitalised as intangible fixed assets where expenditure of £500 or more is incurred.

## 1.4 DEPRECIATION

Tangible fixed assets are depreciated at rates calculated to write them down to estimated residual value on a straight-line basis over their estimated useful lives.

Intangible fixed assets are amortised over the shorter of the term of the licence and the useful economic life.

Useful lives are normally in the following ranges:

Furniture and Equipment	5-10 years
Information Technology	3 years
Intangible Assets – Software & Licences	3 years

Additions to fixed assets will be depreciated from the month of acquisition where material. Disposals from fixed assets will not be depreciated in the month of disposal.

## 1.5 STOCKS

Stocks of consumable stores held by the Commission are not considered material and are written off in the operating cost statement as they are purchased.

## 1.6 INCOME

Income consists of amounts charged to external bodies for the provision of certain recruitment schemes. No income was received during 2008–09. Grant in aid funding received from the Northern Ireland Court Service is treated as a movement on reserves.

## 1.7 NOTIONAL COST OF CAPITAL

The income and expenditure account bears a non-cash charge for interest relating to the use of capital by the Commission. The charge is calculated at the real rate set by HM Treasury (currently 3.5%) on the average capital employed by the Commission during the period defined as the total assets less current liabilities.

### **I.8 OPERATING LEASES**

Rentals under operating leases are charged to the operating cost statement on a straight line basis over the lease term.

### **I.9 PENSIONS**

Past and present employees are covered by the provisions of the Principal Civil Service Pension Schemes that are described in Note 2. The defined benefit elements of the schemes are unfunded and are non-contributory, except in respect of dependants' benefits. The Commission recognises the expected cost of these elements on a systematic and rational basis, over the period during which it benefits from employees' services, by payment to the Principal Civil Service Pension Schemes (PCSPS) of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. In respect of the defined contribution schemes, the Commission recognises the contributions payable for the year.

### **I.10 VALUE ADDED TAX (VAT)**

The Commission is ineligible to reclaim input VAT on expenditure. Therefore, all expenditure is inclusive of VAT.

### **I.11 PROVISIONS**

The Commission provides for legal or constructive obligations, which are of uncertain timing or amount at the balance sheet date, on the basis of the best estimate of the expenditure required to settle the obligation. Where the effect of the time value of money is significant, the estimated risk-adjusted cash flows are discounted using the real rate set by HM Treasury (currently 2.2%). No provisions necessary for 2008-09.

### **I.12 CONTINGENT LIABILITIES**

Where the time value of money is material, contingent liabilities, which are required to be disclosed under FRS 12, are stated at discounted amounts.

### **I.13 CHANGES TO ESTIMATION TECHNIQUES**

There were no material changes in estimating techniques introduced during the financial year.

## 2.0 STAFF NUMBERS AND RELATED COSTS

<b>Staff costs comprise:</b>					
	<b>Year ended 31/03/09 Total £</b>	<b>Permanently employed staff £</b>	<b>Inward seconded staff * £</b>	<b>Commission members £</b>	<b>Year ended 31/03/08 Total £</b>
<b>Direct Staff</b>					
Wages and salaries	559,506	221,079	286,569	51,858	519,362
Social security costs	38,443	18,706	16,079	3,658	33,686
Other pension costs	93,053	48,757	44,296	-	82,506
<b>Total costs</b>	<b>691,002</b>	<b>288,542</b>	<b>346,944</b>	<b>55,516</b>	<b>635,554</b>

\* Inward seconded staff wages and salaries cost includes £49,516 (2007-08: £70,875) relating to VAT.

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but the Northern Ireland Judicial Appointments Commission is unable to identify its share of the underlying assets and liabilities. A full actuarial valuation was carried out at 31 March 2007. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For 2008-09, employers' contributions of £48,757 were payable to the PCSPS (2007-08: £19,199) in relation to directly appointed staff, at one of four rates in the range 17.1% – 25.5% (2007-08: 17.1% to 25.5%) of pensionable pay, based on salary bands. The scheme's Actuary reviews employer contributions every four years following a full scheme valuation. From 2009-10, the rates will be in the range 16.7 per cent to 24.3 per cent. The contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect past experience of the scheme.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employer contributions are age-related and range from 3% to 12.5% (2007-08 3% to 12.5%) of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. In addition, employer contributions of 0.8% of pensionable pay are payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees. During 2008-09, no employees of the Commission opted for a partnership pension account.

### AVERAGE NUMBER OF PERSONS EMPLOYED

The average number of whole-time equivalent persons employed (including senior management, but excluding Commission members) during the period was as follows:

	Year ended 31/03/09 Number	Year ended 31/03/08 Number
Chief Executive	1	1
Secretariat and Support Team	4	4
Appointment and Policy Team	6	6
Diversity Team	5	5
<b>Total</b>	<b>16</b>	<b>16</b>

### 3. OTHER OPERATING COSTS

	Year ended 31/03/09 £	Year ended 31/03/08 £
Accommodation costs	163,745	166,106
Heat and light	16,992	15,211
Maintenance	41,812	24,294
Printing and stationery	18,964	20,012
IT services	127,777	138,351
Consultancy services	41,134	62,008
Services provided by NI Court Service	213,746	237,106
Other services	53,862	45,168
Recruitment scheme costs	33,266	42,277
Auditors' remuneration	14,040	11,250
Other costs	64,603	48,689
<b>Total</b>	<b>789,941</b>	<b>810,472</b>

#### 4. TANGIBLE FIXED ASSETS

	Furniture and Equipment £	Information Technology £	Total £
<b>Cost or valuation</b>			
At 1 April 2008	2,837	1,567	4,404
Additions	-	-	-
Disposals	-	-	-
<b>At 31 March 2009</b>	<b>2,837</b>	<b>1,567</b>	<b>4,404</b>
<b>Depreciation</b>			
At 1 April 2008	569	870	1,439
Charged in year	339	522	861
Disposals	-	-	-
<b>At 31 March 2009</b>	<b>908</b>	<b>1,392</b>	<b>2,300</b>
<b>Net book value at 31 March 2009</b>	<b>1,929</b>	<b>175</b>	<b>2,104</b>
<b>Net book value at 31 March 2008</b>	<b>2,268</b>	<b>697</b>	<b>2,965</b>
<b>Asset Financing</b>			
Owned	1,929	175	2,104
Finance Leased	-	-	-
<b>Net book value at 31 March 2009</b>	<b>1,929</b>	<b>175</b>	<b>2,104</b>

#### 5. INTANGIBLE FIXED ASSETS

Tangible fixed assets comprise of software and associated implementation costs.

	Total £
<b>Cost or valuation</b>	
At 1 April 2008	-
Additions	2,992
Disposals	-
<b>At 31 March 2009</b>	<b>2,992</b>
<b>Amortisation</b>	
At 1 April 2008	-
Charged in year	582
Disposals	-
<b>At 31 March 2009</b>	<b>582</b>
<b>Net book value at 31 March 2009</b>	<b>2,410</b>
<b>Net book value at 31 March 2008</b>	<b>-</b>

## 6. DEBTORS

### 6(a). ANALYSIS BY TYPE

	31/03/09 £	31/03/08 £
<b>Amounts falling due within one year:</b>		
Amount due from NI Court Service	199,324	173,542
Prepayments and accrued income	15,480	9,780
Other debtors	794	-
<b>Total</b>	<b>215,598</b>	<b>183,322</b>

There are no debtor amounts falling due after more than one year.

### 6(b). INTRA-GOVERNMENT BALANCES

	Amounts falling due within one year	
	31/03/09 £	31/03/08 £
Balances with other central government bodies	208,895	173,542
Balances with local authorities	-	-
Balances with NHS Trusts	-	-
Balances with public corporations and trading funds	-	-
<b>Sub-total: intra-government balances</b>	<b>208,895</b>	<b>173,542</b>
Balances with bodies external to government	6,703	9,780
<b>Total debtors at 31 March</b>	<b>215,598</b>	<b>183,322</b>

## 7. CASH AT BANK AND IN HAND

The Commission does not hold any cash balances at the bank or in hand.

Grant in Aid drawn down by the Commission is held by the Northern Ireland Court Service, which makes all payments required on behalf of the Commission. The balance held by the Court Service on behalf of the Commission is included within debtors (see note 6).

## 8. CREDITORS

### 8(a). ANALYSIS BY TYPE

	31/03/09 £	31/03/08 £
<b>Amounts falling due within one year:</b>		
Trade creditors	-	(460)
Accruals and deferred income	(180,431)	(135,537)
<b>Total</b>	<b>(180,431)</b>	<b>(135,997)</b>

There are no creditor amounts falling due after more than one year.

### 8(b). INTRA-GOVERNMENT BALANCES

	Amounts falling due within one year	
	31/03/09 £	31/03/08 £
Balances with other central government bodies	(154,996)	(50,926)
Balances with local authorities	-	-
Balances with NHS Trusts	-	-
Balances with public corporations and trading funds	-	-
<b>Sub-total: intra-government balances</b>	<b>(154,996)</b>	<b>(50,926)</b>
Balances with bodies external to government	(25,435)	(85,071)
<b>Total creditors at 31 March</b>	<b>(180,431)</b>	<b>(135,997)</b>

## 9. CAPITAL AND RESERVES

	General Reserve £
<b>Balance at 1 April 2008</b>	50,290
Net expenditure for year	(1,482,386)
Grant received from Northern Ireland Court Service	1,471,777
<b>Balance at 31 March 2009</b>	<b>39,681</b>

## 10. Notes to the Cash Flow Statement

### 10(a). RECONCILIATION OF OPERATING DEFICIT FOR YEAR TO OPERATING CASH FLOWS

	Year ended 31/03/09 £	Year ended 31/03/08 £
Deficit for year	(1,483,961)	(1,448,997)
Adjustments for non-cash transactions	3,018	2,971
(Increase)/Decrease in Debtors	(32,276)	50,691
Increase/(Decrease) in Creditors	44,434	(10,262)
<b>Net cash outflow from operating activities</b>	<b>(1,468,785)</b>	<b>(1,405,597)</b>

### 10(b). ANALYSIS OF CAPITAL EXPENDITURE AND FINANCIAL INVESTMENT

	Note	Year ended 31/03/09 £	Year ended 31/03/08 £
Tangible fixed asset additions	4	-	(546)
Intangible fixed asset additions	5	(2,992)	-
Fixed Asset Adjustment		-	821
(Decrease) in capital accrual		-	(821)
<b>Net cash outflow from investing activities</b>		<b>(2,992)</b>	<b>(546)</b>

### 10(c). ANALYSIS AND FINANCING

	Note	Year ended 31/03/09 £	Year ended 31/03/08 £
Receipt of Grant in Aid from NI Court Service	9	1,471,777	1,406,143
<b>Net financing</b>		<b>1,471,777</b>	<b>1,406,143</b>

## 11. CAPITAL COMMITMENTS

There are no contracted capital commitments at 31 March 2009 for which no provision has been made.

## 12. COMMITMENTS UNDER LEASES

### 12.1 OPERATING LEASES

The Commission makes use of premises and equipment where the operating lease is held by the Northern Ireland Court Service. The Commission reimburses the Court Service for the leasing costs as they are incurred, but does not have any future commitments in respect of these leases.

### 12.2 FINANCE LEASES

The Commission had no finance leases operating during the year.

## 13. OTHER FINANCIAL COMMITMENTS

There are no contracted non-capital commitments at 31 March 2009 for which no provision has been made.

## 14. FINANCIAL INSTRUMENTS

FRS 29 Financial Instruments: Disclosures requires the Commission to provide disclosure that enables evaluation of the significance of financial instruments for the Commission's financial position and performance, and the nature and extent of risks arising from financial instruments to which the Commission is exposed during the period and at the reporting date, and how the Commission manages those risks. Due to the largely non-trading nature of the Commission's activities and the way in which executive non-departmental bodies are financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 29 mainly applies.

The Commission has no powers to borrow or invest surplus funds and except for relatively insignificant purchases of foreign currency, financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Commission in undertaking its activities.

## CLASSIFICATION OF FINANCIAL INSTRUMENTS

The Commission's financial assets are classified as Debtors (Note 6). The Commission does not hold any cash balances at the bank or in hand; the Commission's Grant in Aid is held by the Northern Ireland Court Service, who make all payments required on behalf of the Commission. The Department's financial liabilities are Trade Creditors (Note 8). The carrying value of these financial assets and liabilities, as disclosed in the notes to the accounts, approximates to fair value because of their short maturities. All financial instruments held by the Commission are non-interest bearing.

## RISK MANAGEMENT

Financial risks include credit risk, liquidity risk and market risks (interest rate and currency).

### CREDIT RISK

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Commission is not exposed to significant credit risk and manages its exposure through its procurement policy. The maximum exposure to credit risk is represented by the carrying amounts of the debtors carried in the balance sheet.

### LIQUIDITY RISK

The Commission is financed by Grant in Aid from the Northern Ireland Court Service. The Commission is not, therefore, exposed to significant liquidity risks.

## CURRENCY RISK

Currency risk is the risk that the fair value of future cashflows of a financial instrument will fluctuate because of changes in foreign exchange rates.

The Commission draws down Grant in Aid from the Northern Ireland Court Service in sterling. The majority of payments made and received by the Commission are in sterling. Foreign currency income and expenditure is negligible. The Commission is not therefore exposed to currency risk.

## INTEREST RATE RISK

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. All of the Commission's financial assets and liabilities are non-interest bearing. The Commission is therefore not exposed to any interest rate risk.

## FAIR VALUES

Fair value is not significantly different from book value since, in the calculation of book value, the expected cash flows have been discounted by the Treasury discount rate of 2.2 per cent in real terms.

## 15. CONTINGENT LIABILITIES

As at 31 March 2009, the Commission did not have any contingent liabilities.

## 16. LOSSES AND SPECIAL PAYMENTS

During the year, there were no losses or special payments that required disclosure.

## 17. RELATED-PARTY TRANSACTIONS

The Commission is a non-departmental public body sponsored by the Northern Ireland Court Service. The Court Service is regarded as a related party. The Commission has had various material transactions with the Court Service during the year.

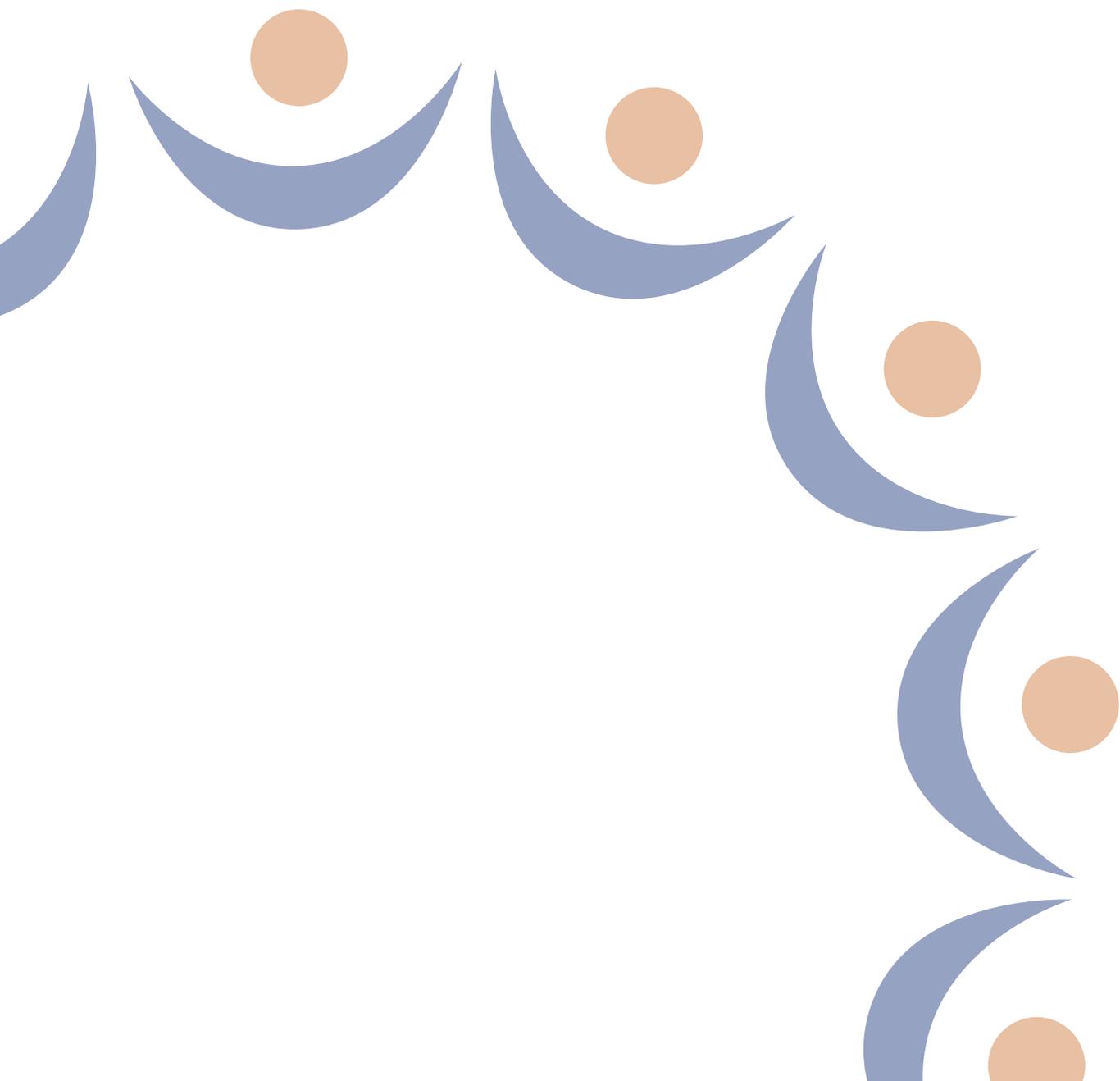
None of the Commission members, members of key management staff or other related parties have undertaken any material transactions with the Commission during the year.

## 18. PRIOR YEAR ADJUSTMENTS

There have been no prior year adjustments.

## 19. POST BALANCE SHEET EVENTS

There were no material post balance sheet events for the year ended 31 March 2009. The annual report and accounts were authorised to be issued on 27 October 2009.







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