

**NORTHERN  
IRELAND  
JUDICIAL  
APPOINTMENTS  
OMBUDSMAN**

**ANNUAL REPORT**

1 April 2010 to 31 March 2011



**NORTHERN  
IRELAND  
JUDICIAL  
APPOINTMENTS  
OMBUDSMAN**

**ANNUAL REPORT**

1 April 2010 to 31 March 2011

*Laid before the Northern Ireland Assembly  
under Schedule 3A (15) (4) of the Justice (Northern Ireland) Act 2002  
by the Department of Justice*

*on 30 June 2011*

**© Crown copyright 2011.**

You may re-use this document/publication (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence> or write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU; or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This document/publication is also available on our website at [www.nijao.gov.uk](http://www.nijao.gov.uk).

Any enquiries regarding this document/publication should be sent to us at Northern Ireland Judicial Appointments Ombudsman, 6th Floor, Bedford House, Bedford Street, Belfast, BT2 7DS.

# Preface

I was appointed as the first Judicial Appointments Ombudsman for Northern Ireland in September 2006 for a five year term. This role was created by the statutory framework as set out in the Justice (Northern Ireland) Act 2002 and provides an independent and external element for those who wish to complain about any administrative aspect of their own experience as an applicant during an appointment process for judicial office.

This is my fifth Annual Report to meet the statutory requirement for submission of a report at the conclusion of each financial year which details the performance of my functions during that year.

The devolution of policing and justice to the Northern Ireland Assembly has meant that my accountability framework previously reporting to the Lord Chancellor and through him to the Westminster Parliament has now been replaced by the Department of Justice and the Assembly. This is my first Annual Report under this new framework.

In this Annual Report I have reported on two complaints that were considered in my capacity as the Northern Ireland Judicial Appointments Ombudsman and one case relating to judicial conduct which was considered as the Temporary Ombudsman for England and Wales. Both of the Northern Ireland complaints related to competitions that were initiated before the devolution of policing and justice.

I look forward to continuing a constructive dialogue with the Northern Ireland Judicial Appointments Commission and the Northern Ireland Courts and Tribunals Service without in any way compromising our respective roles. We all have a shared interest in promoting public confidence in the administration of justice. In terms of my specific responsibility this is to ensure that individual complaints are dealt with expeditiously with as full an explanation as possible being provided in a balanced manner. Achieving fairness in judicial appointments, both in fact and perception, is critical to this.

Given the backdrop of continued change in the Northern Ireland landscape it may be helpful to set out the assumptions underpinning my previous Annual Reports. These are that the independence and impartiality of the judiciary needs to be continually reinforced; judicial appointments should be free of bias, both in terms of perception

and reality; and judicial appointments are not just of interest to the legal community but also to the wider public. I believe that it is important to ensure that as wide a range of stakeholders as possible, and not just potential or actual candidates, understand the workings of the institutions and processes which relate to judicial appointments and the complaints system.

In this Annual Report I have also taken the opportunity to summarise the themes arising out of my reports in previous years. These can broadly be divided into those which directly affect the internal workings and processes of the Commission and those external factors that have implications for judicial appointments.

My recommendations to the Commission arising from complaints seek to provide an additional dimension for learning and introducing changes to processes beyond the internal and external reviews undertaken by or on behalf of the Commission. I note the recent decision of the House of Lords Constitution Committee to call for evidence as part of an Inquiry examining the role and functions of Judicial Appointments Commissions and Boards in different parts of the United Kingdom and it is my intention to make a submission to the Committee.

In a wider context I note that since 2008 there has been no wide ranging survey or audit of the factors which might impact on the applications for judicial roles in Northern Ireland. A key dimension here is diversity and one aspect of this is appreciating why there is a continuing difference between expectations of change and actual appointments in relation to gender. A pertinent study here might be to re-examine the factors which affect the size and quality of the pool for potential applicants. Whilst I appreciate that the Commission has commissioned studies by external bodies it does raise a broader question about who should have the primary responsibility in initiating such surveys or audits, as opposed to reviewing its own internal systems.

I also consider that at some point it would be appropriate to review the external complaints function for judicial appointments and whether any changes are necessary.

In conclusion I would also like to take this opportunity to express my appreciation to Mrs Audrey Fowler for her personal commitment and support to my role.



Karamjit Singh CBE

Northern Ireland Judicial Appointments Ombudsman

# Contents

	<i>Page</i>
<b>Chapter 1:</b> The Northern Ireland Judicial Appointments Ombudsman	1
<b>Chapter 2:</b> The Northern Ireland Judicial Appointments Commission	5
<b>Chapter 3:</b> Complaints considered during this year	9
<b>Chapter 4:</b> Recommendations arising out of the Complaints	17
<b>Chapter 5:</b> A Summary of Issues raised during the past five years	21
<b>Chapter 6:</b> My appointment as Temporary Ombudsman	27
<b>Appendix 1:</b> The Ombudsman	30
<b>Appendix 2:</b> Listed Judicial Offices	31
<b>Appendix 3:</b> Meetings and Functions attended	34
<b>Appendix 4:</b> Expenditure	35
<b>Appendix 5:</b> Contact details	36



# Chapter 1

## The Northern Ireland Judicial Appointments Ombudsman

### Introduction

I was appointed as the Northern Ireland Judicial Appointments Ombudsman by Her Majesty The Queen on the recommendation of the Lord Chancellor in this new role which formally commenced on 25 September 2006. The key purpose of the Ombudsman's role is to investigate any complaints received from applicants for judicial office who are dissatisfied with any administrative aspect of the appointment process. This is my fifth Annual Report.

### Background

A wide ranging review of the criminal justice system in Northern Ireland was concluded in March 2000. Its recommendations included the appointment of a person to oversee, monitor and audit the existing appointment procedures. This led to the appointment of the Commissioner for Judicial Appointments who carried out a review of the existing processes. This in turn resulted in the statutory establishment in Northern Ireland of both the Judicial Appointments Commission and my own role as Judicial Appointments Ombudsman (during 2005 and 2006 respectively).

### Legislation and Status

The Justice (Northern Ireland) Act 2002 provides the statutory framework for the establishment of the Northern Ireland Judicial Appointments Ombudsman. Sections 9A to 9H of the Act<sup>1</sup> define the arrangements for investigating complaints which are made to both the Judicial Appointments Commission and to the Ombudsman respectively and how they are to be reported.

The Justice (Northern Ireland) Act 2002 provides for the Ombudsman to submit a report at the conclusion of each financial year on the performance of his functions. Following devolution of policing and justice matters to the Northern Ireland Assembly in April 2010 such reports are required to be submitted to the Department of Justice and laid by the Department before the Assembly. This constitutes my first such report under this new procedure. Copies of my previous Annual Reports can be viewed or obtained from the website [www.nijao.gov.uk](http://www.nijao.gov.uk) .

<sup>1</sup> Sections 9A to 9H of the Justice (Northern Ireland) Act 2002 were inserted by sections 124 to 132 of the Constitutional Reform Act 2005.

The Office of the Northern Ireland Judicial Appointments Ombudsman is defined as a corporation sole and is independent of the Assembly Government, the judiciary and the Northern Ireland Courts and Tribunals Service.

### **The Ombudsman and his Office**

Appointment to the role of Ombudsman is for a period of five years on a part time basis. Schedule 3A of the Justice (Northern Ireland) Act 2002 provides for the role of Ombudsman and states that the Ombudsman must never have practised law or held judicial office in the United Kingdom and should not currently be a civil servant, a member of either the House of Commons or the Northern Ireland Assembly or be engaged in political activity as a member of a political party.

Expenditure by the Ombudsman in the discharge of his functions and arrangements for administrative and other assistance to the Ombudsman are met and provided by the Department of Justice, through a separate financial budget which is managed by the Northern Ireland Courts and Tribunals Service. There is a necessary and appropriate degree of anonymity and confidentiality which allows the Ombudsman to see complainants or other persons as part of his complaints investigations. The Ombudsman and his Office is supported by dedicated staffing provision.

### **Remit and Relationships**

The Ombudsman's remit is to investigate complaints, where maladministration or unfairness is alleged to have occurred during the judicial appointments process by the Northern Ireland Judicial Appointments Commission or Committees of the Commission or the Lord Chancellor. The appointments to listed judicial offices covered by the Commission are contained in Schedule 1 to the Justice (Northern Ireland) Act 2002 (see Appendix 2 to this report).

The Ombudsman does not investigate complaints relating to judicial conduct and these are dealt with by the Lord Chief Justice of Northern Ireland. This difference with the framework as it exists in England and Wales occurs because complaints relating to judicial conduct were identified as a distinct issue in the review of criminal justice, and the current process was formally legislated for in the Justice (Northern Ireland) Act 2002. By contrast, the statutory provision for investigating complaints relating to judicial conduct in England and Wales was established within the Constitutional Reform Act 2005 and included within the remit of the Ombudsman for that jurisdiction.

The Northern Ireland Ombudsman can also be appointed on a temporary basis by the Lord Chancellor in order to adjudicate on both appointment and conduct complaints in England and Wales when the Ombudsman for that jurisdiction is not able to do so. I have completed four such cases since my appointment in September 2006.

A Memorandum of Understanding<sup>2</sup> has been agreed between the Ombudsman, and the Northern Ireland Judicial Appointments Commission. A similar document has been agreed with the Northern Ireland Courts and Tribunals Service.

### **Complaints Procedure**

The legislation defines the Ombudsman's remit as covering "Commission complaints" and "Departmental complaints". A "Commission complaint" is one of maladministration by the Judicial Appointments Commission or a committee of the Commission in the process for judicial appointments. A "Departmental complaint" is one of maladministration by the Lord Chancellor in connection with a recommendation for, or appointment to a listed judicial office.

The legislation defines a "qualifying complainant," as one "....who claims to have been adversely affected, as an applicant for selection or as a person selected...by the maladministration complained of".

Complainants should have exhausted the complaints processes within the Commission (Commission complaint), or those established by the Lord Chancellor (Departmental complaint), before bringing a complaint to the Ombudsman. Ordinarily such a complaint should be made to the Ombudsman not more than 28 days after a complainant is notified of the decision of Commission or Lord Chancellor.

Following the investigation of a Commission complaint, the Ombudsman will report his findings to the complainant, the First and Deputy First Ministers and the Commission. Reports on Departmental complaints will be provided to the complainant and the Lord Chancellor. The Ombudsman must state whether or not the complaint is upheld and if so whether in whole or part. If a complaint is upheld he will recommend what action should be taken as a result of the complaint. Any recommendation for payment of compensation will only relate to loss by a complainant as a result of maladministration and not as a result of failure to be appointed to judicial office. Where the complaint has not been upheld, the Ombudsman may also make recommendations for consideration by the body complained of.

The legislation requires the Ombudsman to submit a draft report relating to a Commission complaint to the First Minister and Deputy First Minister and to the Chairman of the Northern Ireland Judicial Appointments Commission. In the case of a Departmental complaint a draft report would be submitted to the Lord Chancellor. In finalising his report the Ombudsman must have regard to any proposal by the First Minister and Deputy First Minister acting jointly or the Commission or the Lord Chancellor, if appropriate, for changes to the draft report. The Ombudsman must also include in his report a statement about any proposed changes which are not given effect to.

---

<sup>2</sup> The Memorandum of Understanding can be viewed on the NIJAO website

## **Removal Tribunal**

Section 8 of the Justice (Northern Ireland) Act 2002, (amended by section 2(2) of the Northern Ireland Act 2009) provides for the setting up of a tribunal to consider the removal of a listed judicial officer from office on the grounds of misbehaviour. Section 8(1)(a) provides for the Lord Chief Justice to consult with the Northern Ireland Judicial Appointments Ombudsman before convening such a tribunal.

In addition, Section 8 (2) of the Act provides for the make up of the tribunal and one of its members is designated as a lay member of the Judicial Appointments Commission. Section 8(3) provides for selection of the lay member by the Northern Ireland Judicial Appointments Ombudsman.

During the period covered by this report I carried out this function on one occasion.

## **Developments elsewhere in the United Kingdom**

The Judicial Appointments and Conduct Ombudsman for England and Wales investigates complaints about the judicial appointments process and the handling of matters involving judicial discipline or conduct. His Office was established under the provisions of the Constitutional Reform Act 2005.

The Judiciary and Courts (Scotland) Act 2008 provides for the Judicial Appointments Board for Scotland to investigate any complaints of maladministration internally and subsequently for the Scottish Public Services Ombudsman to act as the external reviewer for any further complaints. As with Northern Ireland this is concerned with the appointments process rather than conduct issues.

# Chapter 2

## The Northern Ireland Judicial Appointments Commission

### Introduction

The Northern Ireland Judicial Appointments Commission was established in June 2005 under the provisions of the Justice (Northern Ireland) Acts 2002 and 2004. It is an independent body with a specific remit to administer the selection processes for judicial appointments.

### Background

Since 1973 the Lord Chancellor had been responsible for directly appointing or advising on the majority of judicial appointments in Northern Ireland. Until the inception of the Judicial Appointments Commission he was supported administratively by the Northern Ireland Court Service in the discharge of this duty<sup>3</sup>. The recommendations which were made following the Review of Criminal Justice<sup>4</sup> envisaged that a Judicial Appointments Commission would enhance public confidence by providing an appointments process that was "transparent and responsive to society's needs on the one hand, but on the other must be clearly seen to be insulated from political influence"<sup>5</sup>.

### Legislation and Status

The continued suspension of the Assembly at that time led to the Justice (Northern Ireland) Act 2004 which enabled the Commission to be established in advance of any arrangements proposed for the devolution of justice.

Following the devolution of justice on 12 April 2010, under the Northern Ireland Act 2009 the Commission was given new responsibilities, including becoming an appointing body, with influence over the judicial complement, and determination over certain terms and conditions in agreement with sponsoring departments who hold the budgets for judicial offices.

The Commission is an executive Non-Departmental Public Body which has responsibility for ensuring that its statutory purposes are being met and that the use of

<sup>3</sup> The Judicature (NI) Act 1978, gave the Lord Chancellor responsibility for the unified courts administration.

<sup>4</sup> Review of the Criminal Justice System in Northern Ireland, published March 2000.

<sup>5</sup> Paragraph 6.102, Review of the Criminal Justice System in Northern Ireland.

resources by it as a public body, are appropriate and effective. The Commission is funded through its sponsor department, which is the Office of the First and Deputy First Minister.

### **Commission Membership**

The Commission has a membership of thirteen Commissioners and is chaired by the Lord Chief Justice of Northern Ireland. There are five judicial members and two Commissioners with legal professional backgrounds who are nominated and five non legally qualified Commissioners who are appointed following a process of open advertisement and selection. The Commission is supported in its work by a secretariat, which is headed by a Chief Executive.

### **The Commission's Roles and Responsibilities**

The Commission has defined its key statutory duties in the Corporate Plan 2009 - 11 as:

- 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;
- to recommend candidates solely on the basis of merit;
- to engage in a programme of action to secure, so as far as it is reasonably practicable to do so, that appointments to judicial office are reflective of the community in Northern Ireland;
- to engage in a programme of action to secure, so as 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 and
- to publish an annual report setting out the activities and accounts for the past year.

### **Appointment Procedures**

The Commission is responsible for making recommendations of those applicants deemed suitable for appointment to the range of judicial offices that are listed in Appendix 2 to this report.

Separate selection panels comprising a mixture of legal, judicial and non legally qualified Commissioners are constituted for the purposes of short listing applicants and then conducting interviews.

### **Complaints Procedures**

The Commission has a statutory duty to make arrangements for handling complaints from an applicant for appointment who is dissatisfied with some part of the process. The legislation defines the period during which complaints should be made to the Commission as being not more than 28 days after the matter complained of.

Appeals in relation to decisions not to short list for reasons of eligibility or otherwise and complaints are dealt with by panels consisting of Commissioners who were not involved in the short listing or interview panels. When the Commission's internal process has been exhausted and an applicant for judicial appointment still remains dissatisfied, a complaint can be made to the Ombudsman.

The Judicial Appointments Commission also includes an information leaflet on the role of the Ombudsman (which has been prepared and published by my Office) amongst the application papers that are issued to candidates for judicial office.

### **Developments elsewhere in the United Kingdom**

The Judicial Appointments Commission for England and Wales (JAC) was established on 3 April 2006 by the Constitutional Reform Act 2005 and is an independent non departmental public body sponsored by the Ministry of Justice.

The JAC selects judges and tribunal members (both legal and non legal) on merit through fair and open competition.

The JAC is statutorily required to investigate any complaints arising from the judicial appointments process. If the applicant remains dissatisfied a complaint can then be made to the Judicial Appointments and Conduct Ombudsman.

In Scotland, recommendations for judicial appointments are made by the Judicial Appointments Board which was initially established on a non statutory basis but is now provided for on a statutory basis by the Judiciary and Courts (Scotland) Act 2008. The appointment processes employed by the Board are similar to those in England & Wales and Northern Ireland and a personalised feedback process is also available to unsuccessful candidates. The 2008 Act introduced provisions for dealing with complaints from individuals who are dissatisfied with the manner in which the Board has carried out its functions. The Act also makes provision for the Board's handling of the complaint to be referred to the Scottish Public Services Ombudsman if necessary.



# Chapter 3

## Complaints considered during this year

### Introduction

My remit as the Judicial Appointments Ombudsman, under section 9D of the Justice (Northern Ireland) Act 2002, is to consider complaints from candidates for judicial office about perceived maladministration in the handling of their application either by the Northern Ireland Judicial Appointments Commission (the Appointments Commission) or the Lord Chancellor. This chapter summarises two complaints that I have considered during the past twelve months which were concerned with different competitions administered by the Appointments Commission. Because both of the competitions had been initiated before the devolution of policing and justice to the Northern Ireland Assembly, my reports were sent to the Lord Chancellor. In considering whether or not maladministration has occurred, my role is to determine whether the process for assessing the complainant's application ensured that he or she was treated fairly. I am not able to consider whether the complainant or any other candidate should have been appointed.

### The First Complaint

The complainant had applied for the position of lay member of a Tribunal which had been advertised by the Appointments Commission. The complainant's written application was received by the Commission and considered as part of the sifting process for determining the shortlist. The complainant was informed of this by letter but was not shortlisted for interview. The complainant then sought feedback from the Commission and received a response in writing.

A complaint was lodged subsequently to the Commission by letter and a Complaints Committee convened by the Appointments Commission did not uphold the complaints. In keeping with the Commission's usual practice, the Commissioners who constituted the Complaints Committee were different to those participating in the Selection Committee and who had taken decisions in relation to this specific competition. Following this correspondence from the Complaints Committee, the complainant also met with the Chief Executive of the Commission.

My Office subsequently received a complaint and I invited the complainant to meet with me in order to clarify the issues and to explain my remit. On this occasion I exercised my discretion in order to record a complaint to this Office on the basis that it was within the statutory 28 day limit because the complainant had met with the Commission's Chief Executive during this period.

The complaint focused on three issues - that the application form did not allow the permitted number of words to be used in one of the sections through use of Information Technology (IT); that there was an inconsistency of advice to applicants in relation to how the section could be completed by using IT and this had resulted in a negative impact on the sifting process; and that the complaint was not taken seriously by the Commission. In correspondence with my Office the complainant had also referred to the criteria relating to convictions and questioned why the Chair of the Selection Committee did not refer to this in the feedback. No aspect of the complaint was upheld.

I noted that the Commission had advertised the role and issued an application form, which it encouraged applicants to either complete electronically or to write clearly in ink. Applicants were required to fill in the eight parts of the application form and to adhere to the allocated word allowance limits for each competency. Other constraints such as submitting late or incomplete applications were also stipulated in the instructions. When making a complaint, the complainant had drawn attention to the advice which another candidate had received from Commission staff about putting the appropriate number of words into a specific section. The complainant felt at a disadvantage because of a perceived inconsistency between the information provided on the form and that given orally to the other candidate. The Commissioner who chaired the Selection Panel had written to the complainant as part of the feedback. The appointments process and stages of assessment adopted by the Commission were explained at some length. This covered the constitution of the Selection Committee; the eligibility sift; the pre-Board stage and the short listing process. The specific reasons why the Selection Committee had determined that the complainant had not achieved the shortlisting benchmark for this competition were set out in correspondence.

The Complaints Committee considered the complaint that the Application Form did not allow the complainant to complete up to the word allowance permitted in the self assessment part of the form. The Committee noted that the maximum word count allowed in each section was clearly identified; extending beyond the page did not constitute reformatting the form; and the on-line application form had been specifically designed to extend appropriately in order to allow applicants to provide the necessary word count.

The Complaints Committee had considered the complaint that another applicant had been treated differently because the Commission had advised that applicant of the ability

to continue typing over the page in order to meet the allocated word allowance. The Committee considered that it was reasonable to conclude that any applicant who was experiencing difficulty with the application process would contact the Commission in order to discuss the matter and noted that the complainant did not do so prior to the closing date.

The Complaints Committee also considered the complainant's contention that non shortlisting occurred because the submitted word count was not the maximum allowed. The Committee was satisfied that this factor did not have an adverse effect on the shortlisting decision of the Selection Committee.

Following a request from the complainant, the Commission's Chief Executive arranged a meeting and a number of issues were discussed. These included the advice received by the complainant on a course about public appointments on how to complete application forms; the difficulties experienced by the complainant in relation to the electronic format of the application form; the Complaints Committee finding that the decision not to invite the complainant to interview was not influenced by the number of words provided under one section but was related to an assessment that the evidence provided did not to meet the required standard; and that the checks by administrative staff would be to ensure that all sections had been completed but would not cover the quality of the self assessment in each section (which was the role of the Selection Committee).

The Chief Executive had explained that the Commission's decision in relation to the complaint was final and advised the complainant that consideration of convictions was likely to be a major factor in determining suitability in relation to judicial office.

### **My Findings in Respect of the First Complaint**

The sequence of events that occurred during the selection process for this role make it clear (as do the documents on which they are based) that the Commission advertised the role, appointed a Selection Committee consisting of Commissioners, received applications and the Selection Committee then undertook a sift of all the applications.

I have considered the material provided by the Commission. I find no evidence to suggest that the policy and guidance frameworks applying to this competition were outside the parameters established by the Commission when undertaking this appointments process.

I have considered the material relating to this competition which has been provided by the Commission. It is clear that the criteria relating to convictions were not applied to applications at the sifting stage. This is confirmed by the information provided to applicants in general and to the complainant in particular by the Chair of the Selection

Committee, the Complaints Committee and the Chief Executive of the Commission. The complainant had questioned why the Chair of the Selection Committee did not refer to this information in the feedback provided. This is because the Selection Committee did not apply the criteria relating to convictions when sifting the applications. The Chief Executive of the Commission had confirmed that this criterion would be applied later in the selection process and not by the Commissioners who are members of the Selection Committee.

I noted that the Commission had provided information to the complainant through the Chair of the Selection Panel in direct response to a request for feedback; the response of the Complaints Committee to the complaint and the information provided by the Chief Executive to the complainant in their meeting together.

I did not make any findings of maladministration in relation to this complaint.

### **The Second Complaint**

This particular complaint was concerned with the application process for a judicial role. Before considering the complaint I had to consider whether or not there were any questions of eligibility that were raised in terms of the time limits for making complaints. I decided this was not the case. Complaints were initially made to the Commission and subsequently to my Office.

The written complaint to my Office raised a number of issues. These included a failure to provide the complainant with information about the conduct of the appointments process, including a continuing non response to reasonable requests for information; an additional interview had been conducted with another candidate and it was unclear what the basis of this was or whether it had resulted in unfairness to the complainant; there had also been inappropriate involvement in the selection procedure by, persons outside the appointments process; and the process adopted by the Commission had given an unfair advantage to another candidate.

Following concerns that were expressed by the complainant, the Commission had appointed an independent person to investigate and adjudicate on the complaint which had been received. Some elements of the complaints made to my Office had also focused on this report. I also met with the complainant which is my usual practice and took into account of a number of additional points that were raised during the discussion.

Given that the focus of this complaint had to be about process, I have summarised the issues under four general headings which are respectively the lack of information provided to the complainant; the decisions and actions taken by the Commission; the manner in which the complaint was dealt with; and the implications of all this for the complainant.

As part of my investigation I studied all the documentation and correspondence which the Judicial Appointments Commission held in relation to this particular competition; and a series of meetings including with the complainant; the Commission's Chief Executive; the Lord Chief Justice (in his capacity as Chairman of the Judicial Appointments Commission); one of the Commissioners and the independent person who had been appointed by the Commission to investigate the complaint.

### **My Findings in Relation to the Second Complaint**

I noted the concerns which the complainant had articulated about confidentiality being used as an argument by the Commission in order to cloak inappropriate decisions and the reasons that were put forward in order to seek information about another candidate. The documentation relating to this competition shows that there were a number of plenary sessions at which the Commission considered this competition. I do not agree with the suggestion that confidentiality had or might have been used as a cloak. In making this comment I am neither endorsing nor disagreeing with the decisions made by the Commission but simply commenting on how disclosure has operated in this case after examining all the correspondence which has taken place between the Commission and the complainant. The partial disclosure which was adopted by the Commission to the complainant (and particularly in terms of information about any other candidates) was in my view commensurate with the need for confidentiality to ensure confidence in the appointments process, not only for this competition but for the future.

I did not uphold the aspects of the complaint suggesting that there had been insufficient information provided by the Commission about the conduct of the competition; or that the complainant had been hampered by this lack of information in formulating or refining the complaint; or that it was necessary to receive this additional information; or that there had been an over reliance on confidentiality at the expense of rigorous investigation.

The complainant stated that because a number of issues had been raised in relation to another application the intention was not to have the suitability of that person to be judged through the complaints process. My attention was drawn to specific aspects of the selection process and how it was perceived by the complainant that another candidate had been treated on a more favourable basis. The complainant had also noted that the Lord Chief Justice had interviewed the other candidate and felt there was no provision for this within the rules of the competition. The Lord Chief Justice had confirmed to me that he had interviewed the other candidate in his capacity as Head of the Judiciary which he said was the normal practice for candidates who had been recommended for appointment to judicial office and also that officials in his private office had been involved.

During my discussions with an individual Commissioner (who had a responsibility for a specific aspect of the competition emerging out of the written applications from candidates in this competition), I was made aware of a policy paper that was approved previously by the Commission.

I noted that the meeting between the other candidate and the Lord Chief Justice occurred because it was normal practice for him, as Head of the Judiciary, to meet those recommended for judicial appointment. I also noted that the process of decision making by the Commission throughout this competition had been underpinned by a series of administrative actions to ensure that Commissioners were kept apprised of developments. Appropriate documentation was circulated and plenary meetings of Commissioners were arranged when it was considered necessary to do so.

I upheld the aspect of the complaint raising the issue of inappropriate involvement by persons outside the appointment process but did not consider this had resulted in a basic flaw in the competition for this particular judicial role. I did not uphold the aspect of the complaint that the additional interview with the Lord Chief Justice had resulted in unfairness to the complainant because it was an interview that would normally be held with a candidate who had been recommended for judicial appointment. I also did not uphold the aspect of the complaint that there had been a lack of urgency in relation to this competition after examining the documentation and considering the sequence of events.

Following a request by the complainant for an independent investigation by persons who had not previously been involved in the Commission's decision making processes, the Commission had formally considered this issue at a plenary meeting. The Commission had agreed to appoint an independent person to conduct an investigation and then adjudicate on the complaint as part of its own internal process. When we met the complainant told me that the lack of disclosure in the report drafted by the independent person had resulted in the complainant having to rely on speculation when making the complaint to me.

I have also seen the Commission's letter which was sent to the independent person providing details of the complaint and the attachments. In my discussion with the independent person he stated that the complainant's submissions (which consisted of some fifty paragraphs and several attachments) were comprehensive so that in his view the complainant had every opportunity to raise any points. He had also seen other correspondence in relation to the complaint and had also relied upon his own experience and knowledge of judicial selection processes. The independent person did not feel that he needed any further information or that it was necessary to interview any individual. In his view it was possible to follow the various stages in the selection process which had occurred.

I have studied the documentation carefully including the significant amount of correspondence with the complainant. I noted that whilst the Commission had sought to limit the amount of information provided to the complainant in some aspects relating to another candidate, it had responded positively to the request for appointing an independent figure to investigate the complaint. I also noted that the independent person's decision not to interview anyone was reasonable given the extensive documentation that he had told me was available to him.

I did not uphold any aspect of the complaint which dealt with the manner in which the Commission responded to or dealt with the complaint which was made in writing about this competition.

The complainant also raised the issue whether the Commission should allow a considerable period of time to elapse before completing a competition and if this matter should have been referred back to the Selection Committee. I noted that all Commissioners, including those who were members of the Selection Committee, had received all the documentation and participated in plenary meetings. I also noted that the complainant had asked for an independent person to consider the complaint and specifically someone who had not previously been involved in the decision making for this competition. This had effectively ruled out any Commissioners and it would not have been appropriate for staff to undertake this role.

The documentation for this competition shows that the Commission has weighed the options carefully before taking its decisions. Wide ranging discussions at plenary meetings have ensued which included considering the position of all those who had applied. The question of whether this has put the complainant at a disadvantage has to be considered in the context of the on going communication that had been taking place between the complainant and the Commission. The reasons provided for the timescale and the description of the process during this correspondence would have made it clear to the complainant that a final Commission decision would be deferred for some time.

I did not uphold any aspect of the complaint that the complainant had been disadvantaged by the deferral of any decision by the Commission.

For the reasons set out above I did not consider that maladministration had occurred in any aspect of the competition. I did make a finding which upheld one specific aspect of the complaint - namely that persons who were not part of the Commission (and not therefore charged with responsibilities relating to this competition) undertook actions which should have been carried out by Commission officials. I concluded that by itself this issue within the totality of the selection process did not amount to maladministration which required a specific remedy.



# Chapter 4

## Recommendations arising out of the Complaints

In this chapter I consider the recommendations which I made to the Judicial Appointments Commission which arose out of the two complaints that were discussed in the previous chapter.

### The First Complaint

The complainant had expressed concerns that it was not possible to utilise the full allocation of words in the appropriate sections of the application form and this had resulted in not being treated on an equal basis. I have not seen any evidence this was the case and the feedback provided to the candidate highlighted the fact that the Selection Panel had determined that the information provided in other parts of the application form did not provide evidence which was sufficient to allow shortlisting for interview.

The complainant also raised the issue of convictions and the impact of their disclosure on the application. This issue had emerged after discussions with the Commission's Chief Executive. I found no evidence to suggest that assessment of convictions had played a part in the sifting process. The complainant did make the point that the section on the application form relating to previous convictions cannot be detached and could possibly colour perceptions on the part of those shortlisting. The Chief Executive had made the general point that applicants for judicial roles might be expected to demonstrate a higher standard in relation to previous convictions than for other public sector roles. I do not find this to be an unreasonable proposition because it is linked to the question of maintaining public confidence in the administration of justice. I have exercised my discretion and commented on this issue in my report because of the concerns expressed by the complainant in communications with me.

In considering whether any recommendations can be made arising from this complaint I had no further points to make in relation to the issues raised in relation to the application form. In terms of the process relating to consideration of any previous convictions, the Commission should consider what information is currently provided to candidates and whether the consideration of any previous convictions should apply

before or as part of the process involving the Selection Panel making its sifting decisions.

## **The Second Complaint**

One of the issues raised in this complaint had highlighted the limited information provided to the complainant about other applicants. This has inevitably meant I have had to consider my own obligations both to the complainant and those who are complained against. The British and Irish Ombudsman Association has published documents such as the *Guide to principles of good complaint handling*. The key principles enunciated in the Guide are clarity of purpose, accessibility, flexibility, openness and transparency, proportionality, efficiency and quality outcomes. Taken together these overarching principles identify impartiality and sensitivity as two cornerstones of the approach to be adopted in considering complaints within any Ombudsman scheme.

The sensitivity in balancing the competing interests of transparency and privacy when assessing fairness in the appointments process and how to promote confidence in the outcome of the complaint is enhanced when there are only a small number of identifiable candidates. As the Ombudsman I also have to balance the issue of confidentiality to other candidates with the right of the complainant to expect as full an explanation as can be offered in the circumstances so that there is a clear understanding of the basis on which I have made my decision in respect of the complaints which have been made. I sought to do this in the report dealing with this complaint in terms of my findings and recommendations.

I make a distinction here with the statutory requirement (under section 9F (2) of the Justice (Northern Ireland) Act 2002)<sup>6</sup> which requires me to submit a draft report to the Lord Chancellor and the Lord Chief Justice (in his capacity as Chairman of the Commission). The purpose of that section is to ensure that any potential inaccuracy is corrected and as required under Section 9F (3), any suggested amendments as well as my response are always reflected in the final report which is sent to the complainant, the Lord Chancellor and the Lord Chief Justice.

I noted that one theme of the complaint about the independent person's report was that confidentiality had been emphasised at the expense of rigorous investigation and I have dealt with this issue in the previous chapter. Whilst it is important to ensure there is a thorough investigation it does not follow that transparency must be absolute. My remit is to consider whether or not there has been any unfairness in the appointment process and if so whether this constitutes maladministration. It does not automatically follow that in order to arrive at any conclusions all details about the applications of other candidates have to be disclosed.

---

<sup>6</sup> Transitional arrangements provide for reports on pre-devolution complaints to continue to be submitted to the Lord Chancellor. (Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (SR2010 No.133).

I note that Northern Ireland has a relatively small legal and judicial jurisdiction so that any delay in appointments can potentially have a considerable impact on court business and confidence in the administration of justice can also be affected by the passage of time. In addition to meeting business need I suggest that timeliness in completion of the process should be an aspect of excellence in any selection process. With these issues in mind I recommend that the Commission seeks to complete competitions without undue delay and also make clear to candidates in its competition literature that any timescales should be regarded as being indicative only.

Another feature of this particular competition is that there were a small number of candidates. In addition to considering whether or not there is a sufficiently large enough pool of candidates to interview within any competition, the Commission also needs to consider its general duty to promote diversity. I recommend that the Commission introduces a commitment to satisfy itself that there is a sufficient pool of candidates in any competition and that the general duty in respect of diversity had also been taken into account.

One aspect of the complaint has touched on the differing responsibilities which the Lord Chief Justice has in his capacity as Chairman of the Commission, and as Head of the Judiciary. It is possible that the exercise of these two roles may give rise to confusion on the part of others, although not by him. I note that a recent competition for other judicial posts which was undertaken by the Commission has resulted in the interviews with successful candidates being undertaken by another senior member of the judiciary rather than the Lord Chief Justice in his role as Head of the Judiciary.

I have previously considered the material currently available to the Commission and candidates in respect of one particular issue that was raised. It can be argued that this is sufficient to alert any candidate to set out the appropriate information under this heading on their application form. Whilst I accept that no policy can encompass every conceivable scenario I believe that further consideration should be given to whether the existing guidance provided to candidates could be more prescriptive. I recommend that the Commission should give consideration to existing guidance which are used by other Judicial Appointments Commissions.

I note that there is no formal agreement between my role as Ombudsman and the Commission whether the appointment process should continue whilst I am still considering a complaint. In this particular competition the Commission had decided to make a formal recommendation to the Lord Chancellor before I had issued my final report. I am mindful the Commission is an independent statutory body and I am also aware I have no power to substitute my own decision in any selection process. I consider that such decisions taken in the midst of a complaints process can give rise to the perception on the part of complainants and others that the complaint is viewed as being

of little value or there are closed minds with regard to the outcome. Confidence in the integrity of the selection process can only be a casualty of such perceptions. I recommend that the Commission gives consideration to adopting a general policy that no formal part of the appointment process to fill a post will be made unless any outstanding complaints process relating to the same competition has been completed.

# Chapter 5

## **A Summary of Issues raised during the past five years**

### **Introduction**

This is the fifth Annual Report since I was appointed to this role in September 2006. In this chapter I have summarised the issues which I identified in my first report and themes arising from the complaints that I have reported on in the next four reports as well as my own reflections.

### **Themes arising out of my First Report**

Because of a statutory requirement to produce an Annual Report at the end of each financial year, I used this unique opportunity to meet with over sixty stakeholders and to produce my first report six months after my appointment. The discussions covered themes such as the essentials of good complaints handling; issues raised in relation to judicial appointments; the wider context such as confidence in the administration of justice; and the changing face of Northern Ireland's society.

The discussions with stakeholders about my role highlighted issues such as complainants needing to understand how the complaints process operated; how my Office should be demonstrably independent; creating a wider understanding of the Ombudsman role in that it was not to act as an advocate for complainants but to investigate impartially and make recommendations to ensure sound administrative practice. It was observed that complaints sometimes raised issues which had a systemic dimension. It was also suggested that my Office might wish to obtain the views of complainants about the procedure at some point after I had adjudicated on their complaint.

One observation was that because there is a relatively small legal and judicial community within Northern Ireland there may be a reluctance to complain because of the potential consequences. There was a general belief in most discussions that judicial appointments processes in Northern Ireland were operating on a sound footing and that few complaints occurred in relation to judicial appointments or how judges discharged their responsibilities.

It was observed that the judiciary should be reflective of the community and that seeing judges appointed from a diverse range of non traditional backgrounds would be taken as evidence of a more open minded approach in judicial appointments. One statistic quoted was that it had been some two decades since the numbers of women who were studying law had been roughly equal to those of men. It was suggested this should be linked to the need to introduce more flexible working policies and take into account legal specialisation in the public and voluntary sectors for some women lawyers as for other career patterns such as taking up posts with generic responsibilities in the private sector. It was commented that there was now a pool of women lawyers in Northern Ireland who were eligible for appointment across the entire range of judicial roles but no information on these issues was published or available.

Some stakeholders felt that the Northern Ireland Judicial Appointments Commission needed to ensure that there was actual and perceived consistency in terms of its approach in competition procedures and appointments. A recurring issue in several discussions was the extent of openness on the part of the Judicial Appointments Commission about how it should discharge its responsibilities because of a need for the public at large to understand that judges were now being appointed on an open and fair basis. I noted there was a marked lack of awareness (even amongst active and otherwise informed individuals from a cross section of civic society in Northern Ireland) both of my role or that of the Judicial Appointments Commission and its remit in covering judicial roles, the lay magistracy and various tribunal jurisdictions.

Some commentators still perceived the appointments process as being cloistered in that judicial appointments were traditionally seen as the preserve of the Bar and depended heavily upon visibility before judges; and that solicitors were also likely to be disadvantaged by this emphasis on previous court experience. The most commonly held perception of the judiciary was of a closed community but there was also recognition that this may be inevitable given the security environment during the past three decades.

It was observed that one of the difficulties of a small legal jurisdiction (as in Northern Ireland) was the possibility of candidate details circulating informally with speculation about specific candidates. There were anecdotes about (unnamed) individuals who were so discouraged by previous experiences that they were unlikely to apply for judicial roles in the future.

It was suggested that Fair Employment legislation; the introduction of section 75 of the Northern Ireland Act 1998 and Human Rights legislation with significant case law had led to change in Northern Ireland. Another perception noted that Northern Ireland was replete with too many different accountability mechanisms and that the justice system was characterised by few voluntary organisations taking an interest in this area; few women being visible at senior levels; organisations not being sensitive to the image

they conveyed; the current composition of the judiciary not being reflective of the community; and lack of public awareness of whether there was any provision of awareness training for the judiciary.

A number of past reports, including those produced by the Justice Oversight Commissioner and the Commissioner for Judicial Appointments, had highlighted the justice system in Northern Ireland as being subject to considerable scrutiny and organisational change. It was noted that some parts of the justice system had received more public interest, for instance policing and prisons, than judicial appointments which had traditionally only been of interest to the legal community within Northern Ireland.

In addition to the appointments to judicial roles which required legal qualifications and expertise, it was suggested that the manner in which lay people were appointed to the magistracy was an important contributory factor towards promoting confidence in the justice system. It was suggested that there was a widespread public perception that the judiciary do not have much personal exposure to different lifestyles and that in collective terms as a group their social experience was quite restricted.

A number of commentators recognised that although Northern Ireland was changing as a society, most people still viewed community relations through the traditional prism of two communities. It was suggested that little research had been undertaken into the views of or experiences of minority ethnic communities and there were few minority ethnic lawyers practising in Northern Ireland.

Some discussions emphasised that family and other links within the legal community was still a major determinant for access to lucrative casework. The legal profession was perceived by some as being largely drawn from middle class backgrounds and that social class was also seen as a major factor in determining access to justice by different sections of the community.

It was observed that the judiciary needed to be reflective of the community but another commentator also emphasised the need to ensure that judicial appointments were made strictly on the basis of merit. Concerns were expressed that those responsible for judicial appointments processes should not be swayed by the concept of achieving a gender or community background balance in the judiciary rather than selecting the most meritorious candidate within a particular recruitment competition.

Another issue arising out of my discussions was the question of how the Commission itself was seen to deal with actual or potential conflicts of interest on the part of its Commissioners when appointments were advertised and whether solicitor advocates who applied for judicial roles would be treated in similar terms to their colleagues at the Bar.

## **Themes arising from Complaints in Previous Reports**

In this section I have summarised the issues arising out of specific Northern Ireland complaints that have been considered by myself during previous years.

When I considered a complaint that was made in relation to the Northern Ireland Court Service, I was pleased to observe a number of good practice points. The Court Service response to the specific complaint had been expeditious, had accepted an overall responsibility for handling correspondence to the judiciary (which was a key part of the complaint), had made an apology to the complainant and also explained that new procedures had been introduced in order to ensure that there was no repetition. In my view this exemplified the principles of good complaint handling.

The same complainant had also made a complaint to the Northern Ireland Judicial Appointments Commission. I was pleased to note that the Commission's arrangements to consider complaints ensured that a Committee consisting of different Commissioners to those involved in the selection decisions was convened because it promoted confidence in relation to any perceptions of unfairness or closed minds.

Although there was no explicit policy or procedure document relating to follow up of, non response or late consultee reports (which was the essence of this particular complaint), the Commission's response to my Office set out the policy and guidance frameworks relating to this particular competition. I was pleased to note that the Commission indicated that this practice of not pursuing outstanding consultee comments would be addressed in future competitions by ensuring that candidates would know when the deadline for consultee responses would expire so that they would be able to remind them.

I was also informed that the Commission was currently consulting about its appointment procedures in general and would be taking the opportunity to consider and introduce further changes if necessary. The Commission has recognised that there is a need to constantly refresh, update and publish information in the public domain about its role, the work of judicial postholders and the opportunities for career advancement. Publications such as the "Guide to Judicial Careers in Northern Ireland 2011" are a positive step forward in providing information about the changing nature of judicial posts and the role that the Commission plays in judicial appointments.

I drew attention in one complaint to the length of time from the receipt of the complaint to my Office to the issue of the final report. Confidence in any complaints process has a high correlation with an expeditious response and it is accepted good practice if complainants can have explicit expectations of the timescales within which their complaints could be finalised.

In another complaint I had recommended to the Commission that it gave further consideration to determining who had the primary responsibility for responding to a candidate when concerns or complaints were expressed during the course of a competition still in progress; ensuring there is an audit trail which showed the discussions and decisions that are made in relation to any concerns or complaints that arose during the course of a competition; deciding whether or not there should be a standard approach for complaints investigations; to consider how to balance transparency and fairness to complainants with confidentiality for other candidates; the extent to which complainants were kept informed during complaints investigations being conducted by the Commission; and communicating with complainants at the outset about how this process would be undertaken; as well as responding to these with as full an explanation as possible.

I also recommended to the Commission that it gave further consideration to ensuring there was a continuous audit trail which showed the discussions and decisions that are taken at various stages of each competition as it progressed, (whether by placing an explicit responsibility on the Commissioner chairing the Selection Committee in question, one of the other Committee members or a member of staff.); to consider whether any explicit policy statement or further guidance needed to be developed which set out the approach to be adopted if a further stage in the appointment process was introduced and how feedback was drafted and communicated to candidates.

In addition I also recommended to the Commission that it considered how the training and insights that all its Commissioners (whether lay or legally qualified) acquired in terms of interpreting relevant evidence could be developed further to ensure a consistency of approach for all competences that are being assessed, and in particular when assessing applications from candidates with traditional and non traditional career paths; and what further guidance it might also issue to consultees, who play an important part in the process, in order to enhance their contribution to making a rounded assessment of applicants.

### **Concluding Comments**

My review of comments which were made by a wide spectrum of stakeholders during my first six months and the recommendations relating to complaints during the past four years, are intended to assist the Commission with its activity in standing back and not only looking at the competitions which it has organised to date but when it is informing a wider public about its role. I believe this can only enhance public confidence in the integrity of the judicial appointments process in Northern Ireland. In addition there is an on-going need to take stock of the wider landscape and consider factors such as diversity which will have significant long term implications for judicial appointments. I am aware that the Commission survey on diversity in 2008, which was undertaken by an academic institution on its behalf, focused on potential barriers to judicial appointments as well as consulting with various stakeholders.



# Chapter 6

## My appointment as Temporary Ombudsman

### Introduction

During this year the Judicial Appointments and Conduct Ombudsman for England and Wales declared a potential conflict of interest should he consider a particular complaint. For this reason he took the view that it would be inappropriate for him to do so. The Constitutional Reform Act 2005 provides for the Lord Chancellor to appoint a Temporary Ombudsman in these circumstances. I reported on this complaint both to the complainant and the Lord Chancellor as required by section 112 of the Constitutional Reform Act 2005. The Act enables me to consider concerns about the process by which complaints about the personal conduct of judicial office holders are handled (the regulated disciplinary function) with a view to ascertaining whether there was any failure to comply with prescribed procedures or some other maladministration.

As with previous complaints considered by myself in this capacity as the Temporary Ombudsman for England and Wales, I am reporting on this case in my Annual Report.

### The Complaint

The complainant had complained to the Office for Judicial Complaints (OJC), following a hearing some considerable time previously before a judge in connection with a claim that he was making against contractors who had damaged items at his home. The OJC dismissed the complaint on the basis that it was concerned with judicial decision making and judicial case management. The complainant asked that the OJC review its decision and the OJC responded having reviewed the matter and concluded that its decision to dismiss the complaint was correct.

In his complaint to me the complainant stated that the Office for Judicial Complaints:

- delayed its investigation and failed to keep him adequately informed;
- ignored the aspects of his complaint which focused on judicial misconduct;
- failed to identify the name of the Judge in its response; and
- encouraged him to complain to me and failed to respond to the charge of maladministration.

I partially upheld the complaint against the Office for Judicial Complaints (OJC). I found maladministration in respect of poor case management and the OJC's failure to make enquiries to ascertain whether some issues which the complainant raised in subsequent correspondence might raise a question of misconduct that should be investigated. I did not recommend any redress because:

- the OJC had already apologised to the complainant for the delay in dealing with his initial complaint; and
- I would have set aside the OJC's decision and required it to consider issues regarding the judge's attitude and behaviour. I have not done so as the OJC has agreed to reconsider these matters and to apologise for the shortcomings in its handling of post complaint correspondence.

I welcomed this constructive approach.

# Appendices

# Appendix 1



Karamjit Singh CBE was appointed as the Judicial Appointments Ombudsman for Northern Ireland on 25 September 2006 for a five year term.

He was appointed as the Social Fund Commissioner for Great Britain and Northern Ireland on 1st December 2009 for a three year term and heads the independent review process reconsidering decisions made in relation to applications for welfare benefit grants and loans.

The early stages of his career have covered academia, casework in the voluntary sector, local government and the Commission for Racial Equality.

His previous public appointments include membership of the Police Complaints Authority, the Parole Board, the Criminal Cases Review Commission, the Civil Service Commission, the Judicial Studies Board, the Electoral Commission, the Employment Tribunal for England and Wales, the Queen's Counsel Selection Panel for England and Wales and chairing an NHS Mental Health Trust.

His previous voluntary interests include being a Trustee of the Citizenship Foundation, the Lloyds TSB Foundation, the British Lung Foundation and organising free medical camps in India.

He was awarded the CBE in 1999 for services to the administration of justice.

# Appendix 2

## SCHEDULE 1

### **LISTED JUDICIAL OFFICE - these roles all come within the remit of the Judicial Appointments Commission**

Judge of the High Court

Temporary judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978 (c 23)

County court judge

Deputy county court judge

District Judge (Magistrates' Courts)

Deputy District Judge (Magistrates' Courts)

Coroner

Deputy coroner

Statutory officer (within the meaning of section 70(1) of the Judicature (Northern Ireland) Act 1978)

Deputy for a statutory officer under section 74 of that Act

Temporary additional statutory officer under that section

Chief Social Security Commissioner for Northern Ireland

Social Security Commissioner for Northern Ireland

Deputy Social Security Commissioner for Northern Ireland

Chief Child Support Commissioner for Northern Ireland

Child Support Commissioner for Northern Ireland

Deputy Child Support Commissioner for Northern Ireland

President of appeal tribunals (within the meaning of Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998 (SI 1998/1506 (NI 10)))

Member of the panel of persons to act as members of such appeal tribunals

[Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (SI 2003/431 (NI 9))]

President of the Industrial Tribunals and the Fair Employment Tribunal

Acting President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (SI 1998/3162 (NI 12))

Vice-President of the Industrial Tribunals and the Fair Employment Tribunal

Acting Vice-President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998

Member of the panel of chairmen of the Industrial Tribunals

Member of the panel of chairmen of the Fair Employment Tribunal

President of the Lands Tribunal for Northern Ireland

Deputy President of the Lands Tribunal for Northern Ireland under section 3(1) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c 29 (NI))

Other member of the Lands Tribunal for Northern Ireland

Temporary member of the Lands Tribunal for Northern Ireland under section 3(2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964

President of the Special Educational Needs and Disability Tribunal for Northern Ireland

Member of the panel of persons who may serve as chairman of that Tribunal

Member of the tribunal established under section 91 of the Northern Ireland Act 1998 (c 47)

Member of the Mental Health Review Tribunal for Northern Ireland

Lay magistrate

Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (SR1997/269)

Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland

Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland

President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland

Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland

Deputy appointed under paragraph 6(1) of Schedule 3 to the Plant Varieties Act 1997 for the purpose of proceedings brought before the Plant Varieties and Seeds Tribunal in Northern Ireland

Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985)

President of the Northern Ireland Valuation Tribunal

Member of the Northern Ireland Valuation Tribunal

President or other member of the Charity Tribunal for Northern Ireland

Adjudicator appointed under Article 7(1)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002

Chairman appointed under Article 7(2)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002

Adjudicator appointed under Article 29 of the Traffic Management (Northern Ireland) Order 2005

Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987

## Appendix 3

### Meetings and functions attended:

**During the period covered by this report the Ombudsman or his staff attended the following functions and meetings.**

13 and 14 May 2010	British and Irish Ombudsman's Association (BIOA), Annual Meeting
24 June 2010	Attendance at plenary meeting of Northern Ireland Judicial Appointments Commission
21 September 2010	Meeting with Northern Ireland Ombudsman
29 October 2010	Attendance at working group on "First Contact" organised by BIOA.
24 November 2010	Attendance at Northern Ireland Chairs' Forum

# Appendix 4

## Expenditure

In the period 1 April 2010 - 31 March 2011 the expenditure of the Office of the Northern Ireland Judicial Appointments Ombudsman was **£90,562** made up as follows:

**Salaries** **£48,750**

Ombudsman £12,527

Secretariat £36,223

**Travel and subsistence** **£3,388**

**Design and Printing** **£3,464**

**Office running costs:** **£34,960**

Rent and Rates £20,181

Service Charges - rented building £5,506

Managed Services £2,554

Other Costs: e.g. Electricity, £6,719

Telephone,  
Office Machinery Leases,  
Office supplies,  
Professional subscriptions,  
Postage,  
Maintenance

# **Appendix 5**

## **HOW TO CONTACT THE OMBUDSMAN**

Telephone:  
**028 9072 8930**

Fax:  
**028 9072 8936**

Write to:  
**Northern Ireland Judicial Appointments Ombudsman  
6th Floor  
Bedford House  
Bedford Street  
BELFAST  
BT2 7DS**

Visit the Website at:  
**[www.nijao.gov.uk](http://www.nijao.gov.uk)**

If you would like additional copies of this Annual Report please contact the Office of the Northern Ireland Judicial Appointments Ombudsman.

Copies can also be obtained from our website.







Published by the Northern Ireland Judicial Appointments Ombudsman  
6th Floor  
Bedford House  
Bedford Street  
BELFAST BT2 7DS

**Available from:**

**On-line**  
[www.nijao.gov.uk](http://www.nijao.gov.uk)

**Mail, telephone and fax**  
Northern Ireland Judicial Appointments Ombudsman  
6th Floor  
Bedford House  
Bedford Street  
BELFAST BT2 7DS

Telephone: 028 9072 8930  
Fax: 028 9072 8936

