



Northern Ireland Judicial Appointments Commission

Reasonable Adjustments Policy

“Selecting the Best Applicants and Promoting Diversity”

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1. Rationale

The Northern Ireland Judicial Appointments Commission (NIJAC) has responsibility under the Justice (NI) Act 2002 (as amended) to appoint or make recommendations of persons to be appointed, or recommended for appointment, to judicial offices up to and including High Court judge.

It is NIJAC's policy to have due regard to the need to promote equality of opportunity to all applicants in the appointments process, described in Section 75 of the Northern Ireland Act 1998 as:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The promotion of equality must be irrespective of:

- Gender (including sex, pregnancy, maternity leave, and gender re-assignment);
- Marital status and civil partnership status;
- Religious belief and / or political opinion;
- Race and/or Ethnic Origin;
- Age;
- Sexual Orientation.

The Disability Discrimination Act 1995 (DDA) as amended by the Disability Discrimination Act (Amendment) Regulations (Northern Ireland) and the Disability Discrimination (Northern Ireland) Order 2006 make provisions to provide

protection in the areas of employment, vocational training, goods, facilities and services, education and premises. While the DDA extends to the UNITED KINGDOM, separate secondary legislation and Codes of Practice exist for Northern Ireland. Schedule 8 of the DDA sets out the modifications which apply in Northern Ireland.

Although not designated as a public authority for the purposes for Section 75 of the Northern Ireland Act 1998 NIJAC welcomes its general and specific disability equality duties and recognises the importance of the requirement to have due regard to the need to encourage participation by people with a disability in public life as set out in the DDA.

NIJAC is not only aware of its obligations in relation to the selection of office holders under the Disability Discrimination legislation, but actively aims to ensure all reasonable adjustments are made so that potential applicants with disabilities do not encounter barriers in the recruitment and selection process.

NIJAC's goal is to secure, so far as is reasonably practicable to do so a judiciary which is reflective of the community in Northern Ireland. NIJAC therefore welcomes people with disabilities to apply for judicial office and strives to be proactive in taking steps to encourage a diverse group of eligible candidates.

2. Definition of Disability

Disability is defined as:

“a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.”

(Ref: Definition of a Disability, Equality Commission, March 2007)

The government has issued guidance, under the DDA, regarding disability and about whether an impairment has a substantial or long-term effect. Further information and advice regarding the definition of disability can be found on the Equality Commission's website www.equalityni.org (publications – disability)

3. Principles

The Commissioners of NIJAC are appointed to provide a high quality service to the people of Northern Ireland by selecting, appointing or recommending for appointment the best applicants for judicial office. NIJAC's Equal Opportunities Policy and Reasonable Adjustments Policy are central to that goal and additionally aim to encourage applicants from the widest possible pool of eligible candidates. NIJAC aims to maintain confidence in the judicial selection, assessment and appointment process by operating a system based on the following principles. These principles will be embedded in our treatment of applicants requiring reasonable adjustments.

Principle 1: Merit

The Commissioners uphold the belief that the operation of the merit principle is central to ensuring any appointment to or recommendation for appointment to judicial office is fit for purpose. Appointment on merit is a fundamentally fair and just approach resulting in the selection of applicants for judicial office through open and fair competition.

The merit principle aligns itself with the promotion of equality of opportunity in the assessment and selection process. Selection Committees will assess applicants with a disability based purely on the merit principle and objectively against the advertised criteria and Personal Profile for appointment.

Principle 2: Fairness and Accountability

All assessment and selection processes and practices adopted by NIJAC will be fit for purpose and consistent with the merit principle. All processes and assessment and selection decisions will operate in a fair, consistent and objective manner in the pursuit of selecting the best applicant for judicial office. They will be based on recruitment methods and assessment against the Personal Profile that assist in providing all applicants the opportunity to demonstrate that they possess the skills and attributes necessary to undertake the responsibilities of the office. Any selection methods adopted and locations used will be assessed by NIJAC to ensure accessibility. When applicants with a disability require reasonable adjustments to ensure their fair participation, this will be fully considered.

Principle 3: Transparency

NIJAC wish to promote confidence within the community and interested parties in explaining the appointments process that it adopts. The Commission continually strives to provide information regarding its appointments processes to encourage the widest possible pool of applicants for judicial office. The Commission's Disability Action Plan and the appointment of a Reasonable Adjustments Officer will assist in communication of available provision for candidates with a disability.

Principle 4: Diversity

NIJAC is committed to providing the community, so far as is reasonably practicable to do so, with a judiciary that reflects the community in Northern Ireland. NIJAC will continue to actively encourage a diverse applicant pool for judicial appointments through the ongoing implementation its Programme of Action that includes:

- Tailored Outreach Plans for all competitions;
- Working with others to promote and enhance understanding of judicial opportunities:
- Extending our understanding of the challenges and barriers to achieving Judicial diversity and doing what we can to alleviate or eliminate.

4. Policy Objectives

This policy sets out the framework for the provision of equality of opportunity in the selection and assessment process for judicial office for applicants with a disability who require reasonable adjustments to assist them to participate fairly in the selection and assessment process.

NIJAC identifies the following commitments as its objectives to achieve and maintain equitable treatment of applicants with a disability;

NIJAC is committed to:

- actively encouraging people with disabilities to apply for judicial office through implementing policies, procedures and support mechanisms which remove barriers in making application for judicial office;
- implementing the relevant aspects of our Disability Action Plan to meet our statutory obligations and fulfil our commitment as an organisation in the promotion of equality of opportunity for applicants with a disability;
- making people with disabilities aware of the opportunities to request reasonable adjustments at all stages of the assessment and selection process and the support mechanisms that are in place to assist applicants with a disability through the Reasonable Adjustments Policy and Disability Action Plan;

- incorporating NIJAC's Reasonable Adjustments Policy into our general communication practices (e.g. Website etc) so that information is accessible and available to those who wish to view it;
- providing support through the appointment of a Reasonable Adjustments Officer who has responsibility for the assessment and provision of reasonable adjustments for applicants;
- seeking appropriate professional advice where it is required to support the implementation of reasonable adjustments.

5. Implementation

The Chief Executive of NIJAC has specific responsibility for the effective implementation of this policy. Commissioners and staff have responsibilities to comply with this policy to create the environment of equality where people with disabilities are treated fairly in the application of its assessment and selection appointments procedures.

In order to implement this policy we shall;

- communicate this policy to all applicants for judicial office, Commissioners, Consultees, staff and relevant others (such as those members co-opted to Selection Committees);
- appoint Reasonable Adjustments Officers to apply, monitor and implement the policy within the appointments process;
- develop and update the Reasonable Adjustments Policy and Procedures in line with legislative changes;
- provide training and guidance in the development and implementation of reasonable adjustments to all relevant persons involved in the selection process;
- incorporate disability awareness and reasonable adjustments training in the provision of all recruitment, selection, equality and diversity training programmes;

- ensure that advice is provided to Selection Committees by a Reasonable Adjustments Officer;
- ensure that Selection Committees are objective in assessing the applicant's demonstration of evidence against the assessment criteria and suitability for judicial office and that this is based only on the merit principle;
- highlight NIJAC's Reasonable Adjustments Policy to other persons or organisations assisting the Commission with the appointments process to enable them to comply with the policy; and
- monitor and review the application of the policy in the selection and assessment process.

6. Scope of the Policy

The Reasonable Adjustments Policy applies to all those who apply for appointment to judicial office through the Commission and those persons involved in the assessment and selection process, such as;

- Applicants for Judicial Office;
- Commissioners and staff of NIJAC; and
- any other persons and organisations required to act on behalf of NIJAC in the assessment and selection process.

This policy refers to the process of selecting applicants for appointment or of recommending applicants to the Lord Chancellor for appointment to Judicial Office.

It does not apply to applicants once they have been approved as appointees to Judicial Office.

Following the completion of the assessment and selection process responsibility for workplace assessment if required will be dealt by the Occupational Health

Service and notified to the Northern Ireland Courts and Tribunals Service and/or the Department where the vacancy is based.

Selection Committees are not involved in any pre-appointment checks involving workplace assessments, and by being completely independent from this process, only assess the suitability for judicial office on objective, job related criteria and the Personal Profile.

7. Monitoring and Review

NIJAC will establish and maintain appropriate information and monitoring systems to assist with the effective implementation of our Reasonable Adjustments Policy.

The effectiveness of this policy will be reviewed tri-annually or as required by the Head of Appointments reporting to the Policy Committee and action taken as necessary.

8. Reasonable Adjustments – Disagreement and Refusal

If a request for reasonable adjustment cannot be accommodated or there is disagreement about the reasonable adjustment to be made, then the matter will be referred to the Head of Appointments to resolve.

In exceptional circumstances, where there is a refusal regarding a reasonable adjustment, a report will be submitted to the Chief Executive Officer for determination.

9. Variation to Policy

NIJAC may, at any time and at its discretion, vary, amend or make reasonable adjustments to this policy or to its procedures and practices implementing this policy, if it considers that this is reasonably necessary to undertake its statutory responsibilities.

10. Complaints

Applicants for judicial office who wish to make a complaint to the Commission can contact the Commission in writing or by appointment in line with the Commission's Complaint procedure. A copy of this procedure is available from NIJAC's website at www.nijac.gov.uk or it can be requested from:

Northern Ireland Judicial Appointments Commission
Head Line Building
10-14 Victoria Street
Belfast
BT1 3GG

Tel: 028 90569100

E Mail: judicialappointments@nijac.gov.uk

Where there is a complaint, a sub-committee will be convened from the Plenary Committee to carry out an investigation. The Complaints Committee that is convened must have one member who is adequately trained in reasonable adjustments to assist the Committee to make an informed judgment.

Every effort will be made to ensure that applicants who make complaints will not be victimised. Any complaint of victimisation will be considered seriously and dealt with promptly and confidentially.

Complaints can also be made to The Northern Ireland Judicial Appointments Ombudsman's office who assumed its responsibilities under the provisions of the Constitutional Reform Act 2005 and will consider the investigation of a complaint made to him by a qualifying complainant under section 9D of the Justice (Northern Ireland) Act 2002. The Ombudsman is completely independent of the

Government and the judiciary and investigates complaints from applicants where maladministration / unfairness are alleged to have occurred in the process.

Office of the Northern Ireland Judicial Ombudsman

C/o Northern Ireland Courts and Tribunals Service
Laganside House
23-27 Oxford Street
Belfast
BT1 3LA

Telephone: 028 90728930

Textphone: 028 90728932

In addition to our internal and statutory procedures, applicants have the right to seek advice and support from the Equality Commission (contact details below) or the right to pursue complaints of discrimination regarding disability and equality of opportunity to an Industrial Tribunal.

The Equality Commission
Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

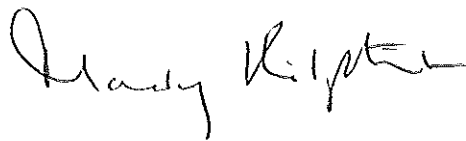
Telephone 028 90500600

Email information@equalityni.org

This Reasonable Adjustments Policy has been adopted by the Policy Committee of the Northern Ireland Judicial Appointments Commission with effect from 9 October 2014.

This Policy will be known as the 'Reasonable Adjustments Policy' and has the Policy Ref: C45/14 and will be reviewed in October 2017.

Signed:

A handwritten signature in black ink, appearing to read "Mandy Kilpatrick". The signature is written in a cursive style with a large initial 'M'.

Mandy Kilpatrick
Chief Executive
9 October 2014