



## Equal Opportunities Policy

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***“Selecting the Best Applicant and  
Promoting Diversity”***

## 1. Background

1.1 Northern Ireland Judicial Appointments Commission (NIJAC) was established on 15 June 2005 as an independent public body under the Justice (Northern Ireland) Acts 2002 & 2004 (the 2002 and 2004 Acts), as amended. Upon the devolution of justice on the 12 April 2010 the Northern Ireland Act 2009 (the 2009 Act) extended NIJAC's statutory duties.

1.2 NIJAC is an appointing body, selecting and appointing to non-crown judicial offices in various Courts and Tribunals throughout Northern Ireland. NIJAC select and make recommendations for crown appointments up to and including High Court Judge.

1.3 NIJAC selects, recommends and appoints on merit, through fair and open competition and by selecting from the widest possible range of eligible applicants. Its work encompasses the principles of:-

- Merit;
- Independence;
- Diversity;
- Fairness;
- Transparency;
- Accountability;
- Partnership.

## 2. Purpose

2.1 The aim of this policy is to communicate the commitment of NIJAC to the promotion of equality of opportunity in line with its statutory remit for the selection of individuals for appointment and recommendation for appointment to judicial office by NIJAC.

2.2 It is NIJAC's policy to have due regard to the need to promote equality of opportunity to actual and potential applicants.

2.3 The promotion of equality must leave out of account:

- Sex;
- Pregnancy or maternity;
- Gender reassignment; Marital status or civil partnership status;
- Religious belief or similar philosophical belief;
- Political opinion;
- Racial Group;
- Age<sup>1</sup>;
- Sexual orientation;
- Disability;
- Dependant responsibilities;

2.4 NIJAC recognises that the provision of equal opportunities in assessment and selection to judicial office is not only good employment practice, but aims to encourage the widest pool of applicants to make application for judicial office.

2.5 This policy sets out the framework for the provision of equality of opportunity in the assessment and selection process for judicial office and is intended to prevent all forms of unlawful and unfair discrimination.

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<sup>1</sup> Under Statute the upper age limit of 70 years applies to judicial appointments

2.6 All applicants will be treated fairly and will not be discriminated against on any of the above grounds. Decisions about assessment and selection to judicial office will be made objectively and solely on the basis of merit.

2.7 All appointments to judicial office are underpinned by the core principles outlined below to demonstrate a real commitment to equality of opportunity.

### **3. Policy Objectives**

3.1 NIJAC identifies the following commitments as its objectives to achieve and maintain equality of opportunity through its policies, practices and procedures.

NIJAC is committed to:

- promoting equality of opportunity for all actual and potential applicants for judicial office;
- preventing unlawful direct discrimination, indirect discrimination, harassment and victimisation regarding the assessment and selection process;
- fulfilling all our legal obligations under equality legislation and associated codes of practice;
- implementing the Programme of Action as part of NIJAC's strategic approach to diversity and communications;
- embedding the principles of this policy in other related policies, practices and procedures to ensure selection processes are demonstrably fair and underpinned by our commitment to equality of opportunity; and
- regarding all breaches of the Equal Opportunities Policy as a serious matter and taking appropriate action.

### **4. Scope**

4.1 The Equal Opportunities Policy applies to all those applying through NIJAC and those individuals involved in the process of selection, i.e.

- Commissioners;
- Staff of NIJAC; and
- Any other individuals and organisations acting on behalf of NIJAC in the assessment and selection process.

## **5. Principles**

5.1 The Commissioners of NIJAC are appointed to provide a high quality service to the people of Northern Ireland by selecting the best applicants for appointment to judicial office.

5.2 This Equal Opportunities Policy is central to that goal and additionally aims to encourage applicants from the widest possible pool of eligible applicants.

5.3 NIJAC seeks to maintain confidence in the judicial appointments process by operating a system based on the following principles:

### **Principle 1: Merit**

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 and that selection for judicial office should be through open and fair competition.

The merit principle aligns itself with the promotion of equality of opportunity in the assessment and selection process.

### **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 selection decisions will operate in a fair, consistent and non biased manner in the pursuit of selecting the best applicants for judicial office. Job related criteria and assessment methods will assist in providing applicants with an opportunity to demonstrate that they meet the necessary criteria to undertake the responsibilities of the office under recruitment.

### **Principle 3: Transparency and Openness**

NIJAC wishes to promote confidence within the community and interested parties in communicating the assessment and selection process that it adopts.

NIJAC continually strives to provide information regarding its assessment and selection processes to encourage the widest pool of applicants for judicial office.

#### **Principle 4: Diversity**

NIJAC is committed at all times to engage in a programme of action which is designed 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. NIJAC is also committed at all times to engage in a programme of action which requires it, so far as it is reasonably practicable to do so, to secure that a range of persons reflective of the community in Northern Ireland is available for consideration by NIJAC whenever it is required to select a person to be appointed, or recommended for appointment, to a listed judicial office. The programme of action includes:

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

## **6. Implementation**

6.1 The Commissioners, staff and those acting on NIJAC's behalf have specific responsibility for the effective implementation of this policy and promotion of equality in the application of its procedures.

6.2 In order to implement this policy we shall:

6.2.1 Communicate the policy to applicants, Commissioners, staff, Referees and relevant others (such as those members co-opted to Selection Committees);

6.2.2. Ensure all Selection Committee Chairpersons, members and staff are aware of personal responsibilities for understanding and implementing the Policy;

6.2.3. Apply the requirements, committed to under this policy, to all other policies, practices and procedures relevant to NIJAC and the dispatch of its business;

6.2.4 Provide recruitment, selection and equality training and guidance as appropriate to all those involved in the assessment and selection process;

6.2.5 Incorporate our Equal Opportunities Statement into general communication practices (e.g. Information Packs, Website etc) -

*NIJAC is committed to equality of opportunity for all who are eligible for judicial office and welcomes applications from women and men from all backgrounds and sections of the community. NIJAC will appoint the applicant who appears to NIJAC to be the most suitable based on merit.*

and

6.2.6 Seek to ensure that adequate resources are made available to fulfil the objectives of the policy.

## **7. Variation**

7.1 This policy, or the arrangements under it, may be varied, amended or adjusted at any time.

## **8. Review**

8.1 The Equal Opportunities Policy will be reviewed tri-annually and action taken as necessary.

8.3 We are registered with the Equality Commission for the purposes of the *Fair Employment & Treatment (NI) Order 1998*. As such we are obliged to monitor the *community background* and *sex* of our job applicants and workforce. We are also obliged to review the composition of our workforce and our employment policies and practices every three years and, where appropriate, to consider taking affirmative action to promote fair participation between members of the Protestant and Roman Catholic communities. We are committed to complying with these duties and have set up suitable arrangements to ensure that we do so.

8.3 The Annual Report published by NIJAC will provide information regarding equality monitoring in respect of the quality of its schemes.

## 9. Complaints

9.1 All complaints relating to this policy will be considered, dealt with or investigated promptly and confidentially, in accordance with NIJAC's Complaints Policy and Procedure which is available at [www.nijac.gov.uk](http://www.nijac.gov.uk)

9.2 Complaints may be escalated to the Northern Ireland Judicial Appointments Ombudsman's office

Northern Ireland Judicial Appointments Ombudsman  
c/o Northern Ireland Public Service Ombudsman  
Progressive House  
33 Wellington Place  
Belfast  
BT1 6HN  
Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)

9.3 In addition to our internal and statutory procedures applicants have the right to seek advice and support from the Equality Commission or the right to pursue complaints of discrimination regarding equality of opportunity to an Industrial Tribunal or the Fair Employment Tribunal.

Signed



**Mandy Kilpatrick**