



**Appointment of Lay Members to the Judicial Conduct Committee of the Judicial Council**

**Closing Date: 15:00 on Tuesday 5<sup>th</sup> May 2020**

**State Boards Division  
Public Appointments Service  
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The Public Appointments Service (PAS), established under statute in 2004, provides an independent shared service in recruitment, assessment and selection to organisations across the Civil and Public Services. On 30 September 2014, the Government decided that the PAS should also be given responsibility for putting in place an open, accessible, rigorous and transparent system to support Ministers in making appointments to State Boards. Our dedicated website, [www.stateboards.ie](http://www.stateboards.ie), is the channel through which the PAS advertises vacancies on State Boards. It is also the means through which accomplished, experienced and qualified people, including people who might not previously have been identified as available for appointment, can then apply to be considered for particular vacancies.

## Appointment of Lay Members to the Judicial Conduct Committee of the Judicial Council

<b>Location:</b>	Dublin
<b>Number of Vacancies:</b>	5
<b>Remuneration:</b>	€500 per diem. (It should be noted that in line with the 'One Person One Salary' principle, no public servant will be entitled to receive remuneration in the form of board fees, save for situations that are statutorily provided for e.g. Worker Directors). Travel and subsistence is payable at appropriate civil service rates.
<b>Time Requirements:</b>	Approximately 8 meetings per annum. It is envisaged that each meeting, including preparation for same, will be approximately 5 hours.

### 1. Background and Functions of the Judicial Council

The role of the Judicial Council is to promote and maintain public confidence in the judiciary and the administration of justice. The Council is responsible for a number of very important judicial functions, including providing for the continuing education of judges, the creation of Guidelines for awards in Personal Injuries cases, and the creation of Sentencing Guidelines. The Council will also focus on the introduction of mechanisms for dealing with complaints against Judges. There is now an ambitious programme of work to be carried out by the Council, and its Committees, to fulfil their mandate.

The appointment of skilled lay members to various Judicial Council committees is an important aspect of ensuring that the work of the Council will be carried out to the highest standards. A number of opportunities for lay participation are now being advertised, with a view to attracting the highest calibre individuals to contribute to this important work.

The Judicial Council Act, 2019 ("2019 Act") provides for the establishment of the Judicial Council as the new independent body responsible for ensuring the excellence and high standards of conduct among Judges. The 2019 Act provides for the establishment of a number of Committees which will include facilities to investigate allegations of judicial misconduct. The Council's statutory functions are summarised below, and applicants should refer to the Judicial Council Act, 2019 for full details. The Judicial Council was formally established on the 17th December 2019.

As provided for in Section 7 of the 2019 Act, the Council will undertake the following specific functions:

- (A) The Council shall promote and maintain:
- Excellence in the exercise of Judges in their judiciary function.
  - High standards of conduct among Judges exemplifying judicial principles of independence and integrity.

- The effective and efficient use of resources by Judges in exercising their functions
  - Continuing education and training of Judges
  - Respect for the independence of the Judiciary
  - Public confidence in the Judiciary and Judicial functions
- (B) Consider and make decisions in relation to proposals, reports or recommendations referred to it by the Board or Committees.
- (C) Adopt and publish guidelines and amendments on judicial conduct and ethics as submitted by the Board and Judicial Conduct Committee.
- (D) Develop and manage schemes as appropriate for the further education of Judges
- (E) Prepare and disseminate information and materials among Judges for use in carrying out their functions.
- (F) Adopt and publish personal injury claims guidelines and amendments as submitted by the Board and the Personal Injuries Guidelines committee.
- (G) Adopt and publish as it sees appropriate sentencing guidelines and amendments as submitted by the Board and Sentencing Guidelines and Information Committee.
- (H) Improve and maintain communication with bodies representing judges outside of the courts and international bodies representing judges.
- (I) Assist with the provisions of support for Judges generally.
- (J) Perform any other functions conferred by the Act or by regulations made under it.

## **2. Background and functions of the Judicial Conduct Committee**

Under Section 43 of the 2019 Act, the Judicial Council shall establish a committee, known as the Judicial Conduct Committee for the purpose of promotion and maintaining of high standards of conduct by Judges. That committee will be established on the 30<sup>th</sup> of June 2020. The Judicial Conduct Committee functions are summarised below, however applicants should refer to Section 43 of the 2019 Act for full details. A lay member is a person appointed under [section 44](#) (5).

The Judicial Conduct Committee shall:

- Consider complaints and refer them for informal resolution or further investigation into the conduct of individual Judges.
- Take action as it considers necessary for the purposes of safeguarding the administration of Justice.
- Prepare and publish guidelines providing for the resolution of complaints via informal processes.
- Prepare and submit to the Board for review draft guidelines on judicial conduct and ethics, which should include guidance for Judges to consider in deciding whether to recuse themselves from presiding over legal proceedings.

- Provide advice or recommendations to an individual Judge or Judges generally regarding judicial conduct or ethics as it sees fit.

The Judicial Conduct Committee will consist of 13 members of whom 8 shall be Judges and 5 of whom will be lay persons.

### *Complaints Review Committee*

The Committee, pursuant to Section 55 of the 2019 Act, must establish a committee known as the Complaints Review Committee, whose purpose is to review determinations by the Registrar to the Committee that complaints are inadmissible. The Complaints Review Committee will consist of two Judges and one lay member of the Judicial Conduct Committee appointed by the Committee for no less than one year and no more than two years. This will require a further time commitment by the Lay member of that committee. The time requirement of that person will be dictated by the volume of complaints deemed to be inadmissible by the registrar. The Lay member will be remunerated at a rate of €500 per diem.

### **3. Person Specification**

Applications are invited from suitably qualified and experienced candidates for appointment to one of the lay member positions on the Judicial Conduct Committee. Candidates must demonstrate in their application the skills and knowledge at an appropriately senior level, in one or more of the following areas:

- The maintenance of standards in professions regulated by a statutory or other body;
- Dealing with complaints made against members of such professions;
- Mediation or other mechanisms for alternative dispute resolution;
- The administration of justice
- The management and provision of services to members of the public.

In addition, applicants should possess relevant experience, qualifications, training or expertise having regard to the functions of the committee.

#### **Desirable**

- Previous Board/Commission/Tribunal or other experience which may be of relevance
- Open-minded strategic thinking and an ability to bring own experience to bear on issues under discussion;
- A strong sense of ethics and integrity together with a clear understanding of good governance practices;
- Commitment to an evidence-based approach, and the capacity to appreciate the implications of complex and multi-faceted evidence;
- The ability to make important and difficult objective decisions;
- The ability to challenge constructively the opinions of others, work to achieve a shared consensus and accept collective responsibility for decisions;

- Excellent communication skills, both oral and written, and the ability to express themselves clearly and succinctly; and
- The ability to work as part of a team and act to avoid or address any conflict which may arise with proven track record of collaborative working towards a common goal.

### **Ineligibility for Appointment**

Per Section 44 of the 2019 Act, a person shall not be eligible for appointment to be a lay member of the Judicial Conduct Committee—

- (a) If the person is a member of either House of the Oireachtas, the European Parliament or a local authority,
- (b) If, in the case of a person who was a member of either House of the Oireachtas, the European Parliament or a local authority and who has ceased to be such a member, a period of 5 years has not yet elapsed since he or she was a member of either such House, such Parliament or a local authority,
- (c) If the person is a judge or a former judge,
- (d) If the person is a judge or a former judge of—
  - (i) The General Court of the European Union,
  - (ii) The Court of Justice of the European Union,
  - (iii) The European Court of Human Rights,
  - (iv) The International Court of Justice,
  - (v) The International Criminal Court, or
  - (vi) An international tribunal,
- (e) If the person is an Advocate-General or a former Advocate-General of the Court of Justice of the European Union,
- (f) If the person is a practising barrister or solicitor,
- (g) If, in the case of a person who was a practising barrister or solicitor and who has ceased to be a practising barrister or practising solicitor, a period of 5 years has not yet elapsed since he or she last practised as a barrister or solicitor, or
- (h) If the person is a civil servant.

### **4. Terms of appointment**

The term of appointment for the Judicial Conduct Committee are stated under Section 46 of the 2019 Act. These terms are noted below, see the 2019 Act for full details:

- Appointments as Lay member of the Judicial Conduct Committee shall be for an initial term of 4 years. After the initial term, Lay members are eligible for re-nomination or re-appointment to the Committee.
- A Lay member of the committee is not eligible for re-appointment or re-nomination if they have served two terms as a Lay member.
- A Lay member of the Committee may resign from that Committee by notice in writing given or sent to the Minister and the resignation shall take effect on the day on which the Minister receives the notice.

The 2019 Act allows at any time the removal from the Judicial Conduct Committee of a lay member of the Judicial Conduct Committee if the Government is satisfied that the lay member—

- (a) Has become incapable through ill health of effectively performing the functions of the office,
- (b) Has committed stated misbehaviour,
- (c) Has a conflict of interest of such significance that he or she should cease to hold office, or
- (d) Is otherwise unfit to hold office or unable to discharge the functions of the office.

## 5. Submitting your Application

You should consider carefully how your background and experience fits with the specific appointment criteria set out in the Person Specification section in this booklet.

Your submission should be made via the following link [www.stateboards.ie](http://www.stateboards.ie) together with your **Curriculum Vitae** and a **cover letter** (see Appendix 1 of this booklet for help with the online process).

### IMPORTANT NOTE

Please take care when submitting your expression of interest. As the Assessment Panel will generally make its recommendation(s) based on consideration of the documentation which you submit, it is most important that you do the following:

1. *Ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Committee position(s) specified in this booklet, and*
2. *That you fully answer any supplementary questions which are presented to you as part of our online application process.*

This will help ensure that the Assessment Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to this role. **Please only include information that is directly relevant to the particular role for which you are applying.**

If you have any questions regarding the application process please email [info@stateboards.ie](mailto:info@stateboards.ie).

## 6. Assessment Process

An Assessment Panel (the “Panel”) will be convened by PAS to consider and assess the applications received by PAS. The Panel will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet;
- assess potential candidates further once they meet the specified appointment criteria by undertaking any or all of the following steps:
  - Consideration of the written applications; and/or
  - Meeting/conference call; and/or
  - Referee checks; and/or
  - Any other selection or verification method deemed appropriate (this may include PAS requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications).
- arrive at a shortlist of the most suitably qualified candidates (based on the information provided by the candidate) to be sent forward for consideration by the Minister.

Please note that the Public Appointments Service will not be responsible for any expenses incurred by candidates as part of our selection process.

## 7. Confidentiality

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes.

## 8. Data Protection

The Data Protection Act 2018 provides that the processing of personal data shall be lawful where such processing is necessary for the performance of a statutory function of a controller. PAS is mandated by statute under the Public Service Management (Recruitment and Appointments) Act, 2004 to act as the centralised assessment and selection body for the civil service and to carry out all the procedures necessary to undertake the recruitment, assessment and selection of suitable candidates for appointment. By submitting your personal data (including your name, address, contact details and details of your education and work history contained in your curriculum vitae and cover letter) via publicjobs.ie, you acknowledge that such data may be used by the Public Appointments Service and disclosed to and used by client departments, in connection with its statutory roles to assist and advise relevant Ministers in relation to appointments to the boards of State bodies. The information contained in your publicjobs profile is yours to manage, amend, update or delete as appropriate. For more detailed information on our Data Protection Policy, please see our [Code of Practice for the Protection of Personal Data in the Public Appointments Service](#).

If your application is assessed and you are considered to be suitable for appointment your c.v. and cover letter (and any additional supplementary information requested as part of the application process), will be forwarded to the State Board Liaison Officer in the relevant

Department. Once it obtains your personal data, the Department will act as data controller of such data and will retain it for up to one year following the appointment/s. Unless you request the withdrawal of your application such data may be used in considering your suitability for other similar vacancies/roles that arise for a period of up to one year for this Board.

## APPENDIX 1

### Submitting your application:

In order to submit your application, you should take the following steps:

1. Go to [www.stateboards.ie](http://www.stateboards.ie).
2. On the bar at the top of the page click on "Available Appointments".
3. This brings you to a page with all our advertised vacancies. Select whichever position you would like to apply for (you are welcome to apply for more than one position if you wish).
4. On the relevant page please click on the "apply for position" button at the bottom of the page
5. This will bring you to a page on [www.publicjobs.ie](http://www.publicjobs.ie) and, if you already have a publicjobs.ie account, will prompt you for your username and password. If you do not have an account, you will be asked to create one.
6. Once you input your details you will be brought to a page where there is a prompt in the middle of the page which says "apply here". Click on the link to the online application form beside it.
7. A form will appear on your screen, some of the text boxes will be populated with information from your publicjobs.ie profile (Name, address etc.). You will need to complete the rest of the fields and enter your name and the date at the bottom of the form.
8. If there is a supplementary question, ensure that your response complies with the word limit and that it does not contain any special characters (i.e. %, & etc.) or you may receive an error message and will be unable to submit your application.
9. Click on "continue".
10. You will then be brought to a screen where you should upload your CV and Cover Letter. These are required documents and your application cannot be processed without them. Once you have selected these and uploaded them, please click on the "submit" button at the bottom of the page.
11. You will receive an e-mail confirmation (to the address listed in your publicjobs.ie profile) to confirm that your application has been submitted.

You must confirm that you do not have any conflicts of interest or legal impediment which would be likely to interfere with your ability to play a full part on the Board. You must also confirm that you can make yourself available to attend meetings and to carry out the duties of a Board member.