

# MINUTES OF USER GROUP MEETING

Thursday – 18 September 2014

## 1. **Present**

Rosemary Connolly, Rosemary Connolly Solicitors  
Lynne & Tom Sheridan, Peninsula Business Services Limited  
Mary Kitson, Equality Commission NI  
Joanne White, Belfast City Council  
Kevin McIvor, Arthur Cox Solicitors  
Fiona Cassidy, Jones Cassidy Brett Solicitors  
Louise McAloon, Worthingtons Solicitors  
Maxine Orr, Worthingtons Solicitors  
J A Clarke, Elliott Duffy Garrett Solicitors  
Ian McFarland, Elliott Duffy Garrett Solicitors  
Alan Scott, Department for Employment & Learning  
Mary Gavin, Francis Hanna & Co, Solicitors  
Peter Moorehead, Cleaver Fulton Rankin Solicitors  
Clare Tiffney, DLS  
Kathryn McCormick, EEF  
John O'Neill, Thompsons NI  
Daire Murphy, Law Centre (NI)  
Lindsay Boreham, Napiers Solicitors  
Jenine McCourt, Education & Library Board Solicitors  
Maxine Murphy Higgins, Labour Relations Agency  
Lisa Bryson, A&L Goodbody, Solicitors

## **Apologies**

Tom Campbell  
Adam Brett  
Mark McEvoy  
Dympna Murtagh  
Michelle Savage  
Gerry Grainger

## 2. **Minutes of the last User Group Meeting on 27 February 2014**

Those minutes were approved.

## 3. **Matters Arising**

There were no matters arising from the minutes of the February 2014 User Group Meeting.

4. **Rene Murray**

The President paid tribute to the very substantial contribution which Rene Murray had made, to the effective operation of the Industrial Tribunals and of the Fair Employment Tribunal, over many years. The President also noted that, on a temporary basis, the functions of the Secretary were being carried out, very efficiently, by Eddie McClean.

5. **Update on ENEs**

Most non-discrimination cases, other than recession cases, are now the subject of "ENE" CMDs. The Vice President made the following points in respect of ENEs:

(1) Make sure to be ready, at the relevant telephone (the telephone number you have given in respect of the ENE) at the time when the ENE is scheduled to start. (2) Give your mobile number, instead of a landline, so that there will be minimum difficulty in "tracking you down", for the purpose of starting the ENE. (3) In advance of the ENE, agree matters with your opponent (regarding the date of exchange of witness statements, dates for hearing, number of witnesses and extent of discovery, for examples).

Those present at this meeting were asked for suggestions for improvement of the ENE process. Nobody offered any suggestions.

6. **Listing**

There were no comments in relation to this topic, and there were no new developments.

7. **Deposit Hearings**

The Vice President provided an update on Deposit Order hearing outcomes. There had been 150 Deposit Order Hearings listed. Ninety-four of those had led to formal Deposit Order determinations; 52 claimants had been ordered to pay deposits. During the last 12 months, deposits of between £50 and £500 were ordered. So far as is known, there were only three instances during that period in which the maximum £500 Order was decided upon. Out of all the Deposit Orders which were made, only 12 deposits had been paid.

8. **Consultation Process on Revised Tribunal Rules**

Alan Scott updated the meeting on the current position regarding the proposed new Rules. The Department anticipates that draft new Rules will be ready, to go out to consultation, in October or November of this year. The consultation period is likely to last for three months.

The Vice President urged those present to provide their views, during the course of the consultation process, in relation to any procedural matters about which they were concerned. In particular, consultees might wish to provide their views on the following matters: (1) Should Deposit Orders be granted in respect of parts of cases, or only in respect of whole cases? (2) Should the limit for a Deposit Order continue to be £500,

or should it be increased to £1,000? (3) Should the limit on Deposit Orders be per case, or per respondent? (Should the limit apply, in aggregate, in relation to the claims in the particular proceedings which a particular claimant might make across a range of respondents, or should it apply, instead, per respondent?)

9. **Minutes of these meetings**

It was agreed that, in future, the minutes will record who is present, as well as continuing to record those who have not been able to be present (but who were invited).

10. **Decisions – statistics**

The President provided an update on recent statistics regarding the timescales for the issuing of decisions, during the period April 2014 to September 2014:-

81% of decisions were issued within 6 weeks  
84% of decisions were issued within 7 weeks  
96% of decisions were issued within 12 weeks

11. **Any other Business**

There was no other business.

12. **Date for next meeting**

It was agreed that the next User Group Meeting will take place on **Thursday 19 February 2015 at 1.30 pm**