



Department for

**Communities**

An Roinn

**Pobal**

Department for

**Commonities**

[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

# Appointment of a Legally Qualified Commissioner to the Board of the Charity Commission for Northern Ireland

## Candidate Information Booklet

Completed applications must be returned to DfC Public Appointments no later than 12 noon on Wednesday 31 March 2021



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### **Equality of Opportunity and Diversity**

The Department for Communities (DfC) is committed to equality of opportunity and welcomes applications from all suitably qualified people irrespective of religious belief, gender, disability, ethnic origin, political opinion, age, marital status, sexual orientation or whether or not they have dependants. We would particularly welcome applications from women, people with a disability, young people and people from minority ethnic groups as they are under-represented across public appointments.

An e-version application pack is available from public [appointments@communities-ni.gov.uk](mailto:appointments@communities-ni.gov.uk). This material will be made available on request in other formats such as Braille, large print, audit etc. All reasonable adjustments will be made to accommodate the needs of applicants with a disability.

### **Privacy Notice**

DfC will only process the personal data you provide us for the purpose of recruiting members to the Charity Commission for Northern Ireland in line with the Charities Act (Northern Ireland) 2008, and in line with the Commissioner for Public Appointments NI Code of Practice. For more information, please see our Privacy Notice at [www.communities-ni.gov.uk/publications/supplementary-privacy-notices-dfc-business-areas](http://www.communities-ni.gov.uk/publications/supplementary-privacy-notices-dfc-business-areas).

If you require further information about the appointment process or progress of your application, please contact the Public Appointments as below:

**Tel:** 028 9081 9417

[publicappointments@communities-ni.gov.uk](mailto:publicappointments@communities-ni.gov.uk)

Public Appointments, Governance Unit, Level 5, NINE Lanyon Place, Belfast, BT1 3LP

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## Dear Applicant

### **Charity Commission for Northern Ireland - Appointment of a Legally Qualified Commissioner**

Thank you for your interest in becoming the Legally Qualified Commissioner for the Charity Commission for Northern Ireland (CCNI). You may already have some idea about the work of CCNI but the following pages will provide you with more information about the role it plays.

The charity sector plays a crucial and important role supporting and in many cases providing vital services to the people of NI, with charities ranging from small local groups, to those that operate nationally and internationally. It is therefore of great importance that the sector is open and transparent in order that the public can have trust and confidence in it. Proportionate regulation of the sector is designed to maintain and enhance that public trust.

CCNI is the statutory regulator of charities in NI and as such registers, regulates and reports on the charity sector here. CCNI assists charities, enabling them to meet their legal and regulatory obligations and modern expectations, thereby helping to ensure they retain that crucial public confidence.

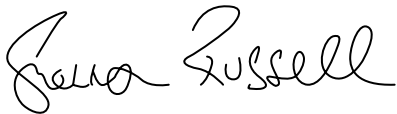
As the Legally Qualified Commissioner you will play an important role on the Board of Commissioners (the Commission) which is corporately responsible for ensuring that CCNI fulfils its statutory role and delivers the aims and objectives approved by the Minister for Communities and for promoting the efficient, effective and economic use of staff and other resources used by CCNI.

The Commissioner role provides an opportunity to expand knowledge of this sector, and contribute towards shaping the future regulatory framework for charities as well as assisting the charity sector to meet the legislative and best practice standards required. The Legally Qualified Commissioner brings an added legal perspective to the work of the Commission.

Following a number of recent developments including the McBride High Court and Court of Appeal Judgments, the problems faced by the sector in relation to the Covid 19 pandemic and the funding environment facing all public bodies, the Commission faces a number of challenges over the coming years. It is therefore more important than ever that the Commission has the mix of skills required to meet these and other challenges.

I would encourage anyone with the required knowledge, skills and experience to consider applying for this important role. I hope the information enclosed in this pack is of value and encourages you to apply. Please remember to complete the documentation fully and return it by the required closing date.

Kind regards



Sharron Russell  
**Director of Voluntary and Community Division, DfC**

# Section 1

1. The Minister for Communities wishes to invite applications for the appointment of a Legally Qualified Commissioner to the Board of the Charity Commission NI (CCNI). The appointment is expected to begin on 1 June 2021 and will be for a term of five years.

## CCNI Background Information

2. CCNI is a non-departmental statutory public body, established in March 2009, to deliver the legislative requirements of the Charities Act (Northern Ireland) 2008. Its vision is to have a dynamic and well governed charities sector in which the public has confidence. This is underpinned by effective delivery of its regulatory role.
  3. The Commission's objectives are set out in subsection (2) of The Charities Act (Northern Ireland) 2008 and are defined in the Act as follows:
    - The public confidence objective is to increase the public trust and confidence in charities
    - The public benefit objective is to promote awareness and understanding of the operation of the public benefit requirement
    - The compliance objective is to promote compliance by the charity trustees with their legal obligations in exercising control and management of the administration of their charities
  4. CCNI is sponsored by the Department for Communities and has a number of legal functions where it uses powers similar to those of the High Court. As the independent regulator of charities in Northern Ireland, CCNI has a crucial role to play in the development of charities, enabling them to meet statutory obligations and modern expectations. It is essential that CCNI enables charities to operate in a climate of trust and respect by providing statutory regulation in which the public can have confidence.
  5. Further detail on the statutory role and responsibilities of CCNI, as well as details on its Board, can be found at [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)
- The charitable resources objective is to promote the effective use of charitable status
  - The accountability objective is to enhance the accountability of charities to donors, beneficiaries and the general public

## Governance Arrangements

6. Good governance is essential to achievement of an organisation's strategic objectives and demonstration of accountability and transparency in the use of public funds. It is therefore an important area of focus for the Board. CCNI is committed to high standards of corporate governance and has established a governance framework which reflects all relevant good practice guidance. The framework includes the governance structures and the internal control, risk management and assurance arrangements which are in place.
7. The work of the Board is supported by sub-committees. The standing sub-committees of the CCNI Board are the Audit and Risk Assurance Committee and the Human Resource Committee. There is currently also a Schedule 1 decision-making committee, convened as priority decisions are required. Further information on corporate governance arrangements can be found within CCNI's Annual Report which is available on its website.

## Public Appointments Information

8. This appointment is regulated by the Commissioner for Public Appointments for Northern Ireland (CPA NI) and the competition may be examined by CPA NI for compliance with the Commissioner's Code of Practice.
9. The NI Executive has introduced targets for the equal representation of men and women on public body boards. The timescales for achieving gender equality in aggregated public appointments is as follows:
  - From 2017/18 for appointments made in-year
  - By end-year 2020/21 for all appointees in post, with equality reflected both in board membership and at chair level
10. Further information about public appointments, including how to complete an application form, can be found at [www.nidirect.gov.uk/public-appointments](http://www.nidirect.gov.uk/public-appointments).
11. CPA NI periodically hosts a series of free, half-day workshops that aim to explain the Public Appointments process. Further information on these workshops can be found at: [www.publicappointmentsni.org/workshops](http://www.publicappointmentsni.org/workshops). If you are unable to attend a workshop, the CPANI website hosts useful public appointment information.

## Section 2: Role Profile

### Role and Responsibilities of a Committee Member

12. Charity Commissioners are appointed to bring independent judgement to bear on issues of strategy and performance against agreed aims and objectives. They bring wide experience and critical detachment to the work of the Board. The Board has corporate responsibility for ensuring that the Commission fulfils the aims and objectives set by DfC, which are approved by the Minister, and for promoting the efficient, economic and effective use of staff and other resources. Other activities which the Board performs are set out at [Annex A](#).
13. Following the recent McBride/Court of Appeal Judgments Commissioners also have a decision making role and as such are required to take part in decision making Committees established by the Commission, for which they are separately remunerated. <sup>1</sup>

### Role of Individual Board Members (Commissioners)

14. Individual Board Members shall act in accordance with their wider responsibilities as Members of the Board, namely:
- attending and constructively participating in all meetings of the Board and, where appropriate, its Committees, having made preparation by reading relevant papers
  - analysing and reviewing complex issues, weighing up conflicting points of view and reach sound and reasoned decisions
  - formulating positive working relationships with other Board members and other relevant stakeholders, including acting as an ambassador for the Board, eg by attending events
  - contributing to the annual assessment of Board Effectiveness

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<sup>1</sup> These Committees were established to take statutory decisions required of the Commission to comply with the Judgments that found that the Commission could not delegate its functions to staff acting alone. How the Commission takes decisions in light of the Judgments going forward is currently the subject of review.

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- complying at all times with the CCNI Board Standing Orders, Terms and Conditions of Appointment, Code of Conduct and the rules relating to the use of public funds and Conflicts of Interest
- acting impartially in good faith and in the best interests of CCNI at all times; not misuse information gained in the course of public service for personal profit or for political gain, nor seek to use the opportunity of public service to promote private interests or those of connected persons or organisations;
- complying with the Board's rules on the acceptance of gifts and hospitality, and of business appointments.
- taking statutory decisions as part of decision making Committees.

full range of implications of the legal advice presented to them either by the CCNI internal legal team or through attendance at briefings with Counsel or from other sources before reaching their collective decision. The scope of this goes beyond charity legislation into areas such as information legislation, as well as the ability to take account of the wider content (legal and other) in which a decision has arisen and the proportionality of the proposed course of action which is under discussion by the Commissioners.

16. In addition, this Commissioner will Chair the Legal Advisory Group which considers all aspects of the legal work which impacts on CCNI. He/she will attend the Law Society annually on behalf of CCNI and meet with CCNI legal advisors/legal team when required.

## Role of Legally Qualified Commissioner

15. The role of the Legally Qualified Commissioner, as set out in Section 6 of the Charities Act (NI) 2008, is important on the Board. The purpose of this appointment is not to provide legal advice to the Board but instead to bring a legal perspective to discussions which helps the Commissioners/Board collectively to clearly understand the

## Codes of Conduct and Accountability

17. To ensure that public service values remain at the heart of the CCNI, all Commissioners are required, on appointment, to subscribe to the Code of Conduct for CCNI: [www.charitycommissionni.org.uk/about-us/about-the-charity-commission/our-governance/code-of-conduct/](http://www.charitycommissionni.org.uk/about-us/about-the-charity-commission/our-governance/code-of-conduct/)

18. In line with this code, Charity Commissioners may be trustees/ management committee members, but not office bearers, of charities in Northern Ireland. If, on appointment as Charity Commissioner, an individual is already involved as an office bearer of a charity, they must declare this interest and a reasonable period may be agreed with the Chief Commissioner and Chief Executive for withdrawing from the office-bearer position and allowing the charity to make alternative arrangements.

## Integrity and Conflicts of Interest

19. DfC must ensure that the individuals appointed are committed to the principles and values of public service. These principles are: **Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership** and are described more fully at [Annex B](#). Any private or personal interests that a potential appointee may have and that may be relevant to the work of CCNI must be declared publicly and to the Board.

20. DfC must take account of actual, or perceived, conflicts of interest. Therefore, applicants must disclose in their application form information or personal circumstances which, if they were to be appointed, could lead to a

conflict of interest or be perceived as such. Conflicts of interest may not be a barrier to appointment but both real and perceived conflicts must be discussed with all candidates by the selection panel. This is to ensure that the public can have confidence in the Board's independence and impartiality and the integrity of the potential appointees.

21. Please refer to [Annex C](#) for further information on this subject. The Northern Ireland Audit Office has issued a Good Practice Guide on Conflicts of Interest which can be viewed at: [www.niauditoffice.gov.uk/publications/conflicts-interest-good-practice](http://www.niauditoffice.gov.uk/publications/conflicts-interest-good-practice)

## Time Commitment and Remuneration

22. The position of Legally Qualified Commissioner attracts a basic rate of remuneration of £2,352 per year with an expected time commitment of approximately 1-2 days per month for board-related activity. (Time commitment and remuneration is currently under review). In addition all Commissioners are expected to serve on several decision making Committees per month and are paid a daily rate for this additional work of £500. This is likely to be an additional 1-2 days per month. All Commissioners are eligible to claim allowances, at rates set centrally, for

travel and subsistence costs necessarily incurred on CCNI business.

23. The Board meets on a monthly basis during normal working hours. Board meetings during the pandemic are held virtually. CCNI premises are currently located at 257 Lough Rd, Lurgan, Co. Armagh but the organisation is scheduled to move to new premises at Marlborough House, Craigavon in 2021.

## Appraisal

24. The performance of CCNI Commissioners will be subject to ongoing performance appraisal with a formal assessment being completed by the Chief Commissioner of the Board at the end of each year (and prior to any reappointment taking place). Board Members will be made aware that they are being appraised, the standards against which they will be appraised, and will have an opportunity to contribute to and view their report.

## Previous Appointments to the CCNI Board (the Two Terms Rule)

25. Under the CPA NI Code of Practice, applicants who have served two terms as a CCNI Commissioner are not eligible to apply for a third term. Any previous time served on the Board will be taken into account. If you are unsure if this applies to you, please contact DfC using the contact details at paragraph 28.

## Section 3: Person Specification

### Person Specification

26. Applications are welcome from a wide range of individuals who have an interest in public service. The Department wishes to recognise less traditional career paths and experiences such as community involvement or charitable and voluntary work, as well as those experiences found from within the business community. The individual appointed will be expected to be committed to the objectives of CCNI.

If you wish to discuss the actual role and the duties entailed please contact the Deputy Chief Commissioner, Gerard McCurdy, at:

[Gerard.McCurdy@charitycommissionni.org.uk](mailto:Gerard.McCurdy@charitycommissionni.org.uk)

### Selection Criteria

27. Candidates will be expected to demonstrate in their application form and - if shortlisted - at interview specific examples that show they are able to satisfy each

of the following essential criteria and have the skills, experience and knowledge required:

Note: The term 'organisation' can be defined as a body operating in the public, community, voluntary or private sectors.

#### Essential Criteria

##### 1. Seven Years' Standing as a Barrister or Solicitor

Section 6 of The Charities Act (Northern Ireland) 2008 requires the position of Legally Qualified Commissioner to be filled by a barrister or solicitor of not less than seven years' standing.

This means a recent period of at least seven years has elapsed since qualification as a barrister or solicitor and the individual has also gained post qualification experience in law related activity during this period.

In addition, examples of other types of evidence which the

selection panel will be looking for to supplement the specific legal qualification are outlined below:

- Ability to bring a legal perspective to inform discussions which allows others to understand the advice provided and impact of such
- Experience and ability to consider impact of advice and decisions within the wider legal context
- Experience of constructively networking and interacting within the legal profession which may include within the charity, third level or voluntary sectors;
- Ability to view legal matters within the context of Northern Ireland
- Experience of challenging opinions and thinking outside the box

## **2. Understanding of Governance and Public Accountability**

A thorough understanding of public accountability and of the principles of governance as they apply to the public sector in Northern Ireland.

**NB** Governance refers to the way in which an organisation is directed and controlled. This includes how objectives are set, how resources are used, and how performance and risks are monitored and assessed.

Examples of the type of evidence the selection panel will be looking for are outlined below:

- Awareness of the current financial and economic factors which impact the Northern Ireland public sector
- Understanding your individual role and collective responsibilities in the promotion of governance including how to reduce any potential reputational damage or fraud
- Understanding of the principles of governance and risk management to ensure proper control and accountability in an organisation
- Understanding the role of a board member within a public sector body and the relationship with government

### 3. Partnership working

Experience of developing and building effective internal and external partnerships.

Examples of the type of evidence the selection panel will be looking for are outlined below:

- Ability to develop trustful, positive and professional working relationships
- Using persuasive and compelling arguments, using clear, concise language, to get others to understand and accept a different perspective to achieve a beneficial outcome
- Ability to constructively contribute to group discussions and decision making
- Ability to use partnerships to deliver shared objectives and outcomes
- Experience of working across a wide range of organisations to gain commitment and to achieve consensus

# Section 4: Application, Selection and Assessment

## How to Apply and Contact Details

28. All applications must be made on the form provided. Hard copy or electronic versions are acceptable. Due to the current situation, the office is not currently staffed at all times, so you are encouraged to return your application via e-mail to:

**Email:** [publicappointments@communities-ni.gov.uk](mailto:publicappointments@communities-ni.gov.uk)

If you are unable to e-mail your application and wish to post or hand deliver it, the office address is below. Please contact the Department via e-mail or telephone before doing so.

**Public Appointments  
Governance Unit  
Department for Communities  
Level 5  
NINE Lanyon Place  
Belfast  
BT1 3LP**

**Telephone:** 028 9081 9415  
or 028 9081 9417  
**Text Relay:** 18001 02890 819417

If you have any queries regarding the appointment process or any other aspect of this competition, please contact Ruth McNeill via the above contact details.

29. You must demonstrate clearly in your application form how and to what extent your personal experience is relevant to the selection criteria. You may use examples in your application form from your working or personal life, e.g. part-time or leisure activities, including any voluntary or community work you are or have been involved in. Make sure you take full advantage to provide practical evidence and examples of how you consider you meet the requirements for these appointments. Further advice and guidance can be found in the application form.
- 30 To ensure equality of opportunity for all applicants:
- CVs, letters, or any other supplementary material in place of, or in addition to, completed application forms will not be accepted
  - applicants must ensure their completed application form is legible, whether this is completed electronically or handwritten

- applications will not be examined until after the closing deadline; and
- application forms will be anonymised for sift purposes.

31. It is the applicant's responsibility to ensure that their application form is complete.

## Equal Opportunities Monitoring Form

32. DfC is required to monitor a number of areas including gender, ethnic origin, community background and disability of applicants to ensure that equal opportunities measures are effective. Applicants are therefore asked to complete the Equal Opportunities Monitoring form included in the application pack. The information is purely for monitoring purposes. It is not made available to the selection panel and does not play any part in the decision-making process.

## Timeframe for Process

33. The deadline for receipt of all applications is **12 noon (GMT) on Wednesday 31 March 2021** with delivery instructions contained in paragraph 28. It is the responsibility of the applicant, taking into account their chosen method

of delivery, to ensure that sufficient time is allowed for their application to arrive with the Department, on or before the deadline. **Late applications will not be accepted.**

34. As a result of the current emergency situation, the postal service is experiencing delays. Please bear this in mind when submitting your application, with e-mail being the preferred method.

35. Applicants who send their application form electronically are also required to meet the closing deadline for receipt. The date and time at which the electronic application was received as recorded by DfC's IT system will be used to determine whether an application sent electronically is received before or after the closing date/time. Once your application has been received, it will be acknowledged within 3 working days

## Sifting and Shortlisting of Applications

36. The selection panel will meet to consider applications and will carry out a sift exercise, against a rating scale, to assess how the skills, knowledge, experience and other qualities presented in your application meet the selection criteria in paragraph 27. Applications provided to the selection panel will be anonymised,



which means that it will not include your name or personal details.

37. Only those applications that meet all the essential criteria, based on the evidence contained within the application form will be considered for interview. If a high number of applications are received and shortlisting is required the agreed panel score for criterion 1 (Legal Experience) will be weighted, with it being used to determine candidates that should proceed to interview.
38. All candidates sifted out will be provided with feedback based on the selection panel's agreed assessment of their application, if requested, as well as having the option of asking for a review of the selection panel's decision.

### **Guaranteed Interview Scheme (GIS)**

39. The aim of the GIS is to provide applicants with a disability the opportunity to demonstrate their abilities beyond the initial application stage. Applicants with a disability who meet all of the essential criteria at the sift stage will automatically be offered an interview. Their application will not be subjected to any short-listing which may take place. Further information on this scheme can be found at Section 6 of the application form.

### **Interviews**

40. Interviews are expected to take place on 26 and 28 April 2021. Due to Covid restrictions and government guidance, it is planned that all interviews will be held via Zoom. If guidance changes the Department will review how interviews will be conducted and it will update candidates with all relevant information prior to the interview. The Department is not in a position to offer alternative interview dates. The selection panel members are:
  - Sharron Russell, Director of Voluntary and Community Division, DfC (Chair)
  - Nicole Lappin, CCNI Chief Commissioner (Panel Member); and
  - Bill Halliday, Commissioner for Public Appointments NI Independent Assessor, (Independent Panel Member).
41. The interview will be largely criteria based which means that all the questions asked by the selection panel will be linked to the criteria. You will be asked to provide specific examples and the selection panel will evaluate your answers. However, the question asked in relation to criterion 1 will be scenario based with further detail provided to candidates invited to interview.

## Interview Outcome

42. The selection panel will evaluate all candidates at interview against an agreed pass mark. Those found to have achieved the pass mark will be recommended to the Minister, with a letter issued to these candidates advising of the interview outcome. Ministerial choice is a key element of public appointment policy, and the Minister for Communities has requested that she is presented with an unranked (alphabetical) list.
43. A ‘candidate summary’, agreed by the panel and presented in an unranked order, will provide the Minister with an objective analysis of each candidate’s skills and experience, based on the information provided by each candidate during the appointment process and the panel’s assessment of that candidate.
44. Those candidates who are unsuccessful at interview will be advised in writing of the outcome of their interview which will include detail on how to request feedback on their performance. Candidates who are successful at interview, and who will be considered for appointment will be advised in writing.

## Appointment

45. Those candidates whose application is successful, and who are appointed by

the Minister, will have their appointment confirmed formally in writing. Those candidates not selected by the Minister, will also be advised in writing of the outcome.

46. Before appointment, a check will be carried out on the probity and performance of candidates who currently hold or have held Public Appointment roles. A bankruptcy check may also be undertaken.
47. Reserve lists to fill any unforeseen vacancies may be created that arise within 12 months from when appointments are made.

## Publicising Appointments

48. A press release will be published to announce the appointment made. Consequently should a candidate be appointed, they will be required to complete a political activity form and approve a short biography for publication. The biography will be based on information provided by the candidate throughout the competition process.
49. The press release will include:
  - The candidates’ name;
  - A short description of CCNI;
  - A brief summary of the skills and knowledge candidates bring to the role, by way of a short biography;

- The length of the appointment term;
- Details of all other ministerial Public Appointments held and any related remuneration received; and
- Details of the candidate's response to the political activity question.

## Diversity in Public Appointments

50. DfC is committed to equality of opportunity and welcomes applications from all suitably qualified people irrespective of religious belief, gender, disability, ethnic origin, political opinion, age, marital status, sexual orientation or whether or not they have dependants. We would particularly welcome applications from women, people with a disability, young people and people from minority ethnic groups.
- 51 All public appointments must be made on the basis of merit. Only those individuals judged to best meet the requirement of the post will be recommended to the Minister for appointment.

## Induction and Training

52. Those appointed will be expected to attend appropriate induction and training courses, as a condition of your appointment. Further information will be provided upon appointment.
53. **Every effort will be made to provide whatever reasonable support is needed to help appointees carry out their duties.**

## Complaints

54. If you wish to make a complaint about any aspect of this appointments process, you should in the first instance contact DfC's Head of Governance and Public Appointments who will manage your complaint.

**FAO Head of Governance and Public Appointments**  
**Department for Communities**  
**Level 5**  
**NINE Lanyon Place**  
**BELFAST**  
**BT1 3LP**  
**Email: [corporate@communities-ni.gov.uk](mailto:corporate@communities-ni.gov.uk)**  
**Telephone: 028 9081 9192**

55. If you remain dissatisfied you may then write to:

**Commissioner for Public Appointments  
Northern Ireland  
Dundonald House  
Annex B  
Stormont Estate  
Upper Newtownards Road  
Belfast  
BT4 3SB  
Email: [info@publicappointments.org](mailto:info@publicappointments.org)**

- they may be ineligible for consideration for this appointment if in DfC's view there is a conflict of interest, the perception of a conflict or a potential conflict, between the appointment and their existing commitments
- they will be asked to confirm that they have permission from their employer to take up an appointment if one is offered and the employer will be asked to confirm this

### **Double Paying (Applicants from the Public Sector)**

56. Applicants who already work in the public sector need to be aware that:

## Annex A:

# Other activities which the Board performs include:

- establishing the overall strategic direction of CCNI within the policy and resources framework determined by DfC and the Minister
- approving CCNI's Corporate Plan setting out performance targets aligned to strategic priorities set by DfC and the Minister
- monitoring the performance of CCNI in delivering its strategic objectives and Corporate Plan targets
- providing constructive challenge to the CCNI Executive Team on all aspects of its planning, target setting and delivery of performance
- receiving and scrutinising regular performance and financial information concerning CCNI which identifies in a timely manner any concerns about the performance of the body; and providing positive assurance to DfC that appropriate action has been taken on such concerns
- demonstrating high standards of Corporate Governance at all times, including using the independent Audit and Risk Assurance Committee to help the Board to manage the key financial and other risks facing CCNI
- ensuring that CCNI systems of internal control, risk management and assurance are robust and result in comprehensive identification and management of risks to the achievement of CCNI strategic objectives and performance targets
- following consideration by the Audit and Risk Assurance Committee, considering CCNI Accounting Officer's periodic assurances prior to signature by the Chair and submission to DfC
- engaging at an early stage with DfC to ensure that a robust process is put in place to appoint a Chief Executive to CCNI should that situation arise

- operating within the limits of its statutory authority and any delegated authorities agreed with DfC, and ensuring that an appropriate scheme of delegated authority is in place within the CCNI
- ensuring that statutory or administrative requirements for the use of Public Funds are complied with by the CCNI including requirements on the achievement of value for money and other guidance issued by the Department of Finance or DfC
- collectively reaching consensus based decisions after thorough and constructive debate, allowing all view points to be taken into account;
- promoting a positive organisational culture which upholds and promotes the values set out in The Seven Principles of Public Life.

# Annex B:

## The Seven Principles of Public Life

Public appointees are expected to uphold the seven principles of public life as set by the Committee on Standards in Public Life:

### **SELFLESSNESS**

Holders of public office should take decisions solely in terms of the public interest.

### **INTEGRITY**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **OBJECTIVITY**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **ACCOUNTABILITY**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **OPENNESS**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

### **HONESTY**

Holders of public office should be truthful.

### **LEADERSHIP**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

# Annex C: Integrity and Conflicts of Interest – Guide for Candidates

All candidates who put themselves forward for a public appointment must be able to demonstrate their commitment to the principles and values of public service. One of the issues which might arise in relation to this is that of a conflict of interest.

## What is a conflict of interest?

1. Public Appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the body concerned should be declared. There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, =.
2. No-one should use, or give the appearance of using, their public position to further their private interests. This is an area of particular importance, as it is of considerable concern to the public and receives a lot of media attention. It is important, therefore, that you consider your circumstances when applying for a public appointment and identify any potential conflicts of interest, whether real or perceived.
3. The integrity of the individual is not in question here. However, it is necessary for the standing of the individual and the board that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest on the part of a board member can be extremely damaging to the body's reputation and it is therefore essential that these are declared and explored, in the same way as an actual conflict would be. The fact that a member acted impartially may be no defence against accusations of potential bias.

## Surely a perceived conflict is not a problem, as long as I act impartially at all times?



## What should I do if I think I have a conflict of interest?

4. You will find a section on conflicts of interest in the application form for you to complete. This asks you to consider and declare whether or not you have a real, or perceived, conflict. If you are unsure if your circumstances constitute a possible conflict, you should still complete this section, in order to give the Selection Panel as much information as possible.

## If I declare a conflict, does this mean I will not be considered for appointment?

5. No – each case is considered individually. If you are short-listed for interview, the Panel will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the board and how this might be handled, if you were to be appointed. For example, it may be possible to arrange for you to step out of meetings where an issue is discussed, in which you have an interest. However, if, following the discussion with you, the Panel believes that the conflict is too great and would call into question the probity of the board or the appointment, they can withdraw your application from the competition.

6. The report on the outcome of the interview process which is put to the Minister will include clear written reference to any perceived or actual conflicts of interest or integrity issues connected to any candidate put forward as suitable for appointment. It will include sufficient information to ensure that the Minister is fully aware of any of these matters and can make an informed decision.

## What happens if I do not declare a known conflict, which is then discovered by the Department after my appointment?

7. Again, each case would be considered on its merits, but the Department may take the view that by concealing a conflict of interest, you would be deemed to have breached the Seven Principles of Conduct Underpinning Public Life and may terminate your appointment.

## What happens if I do not realise a potential conflict exists?

8. This situation may arise where the candidate is not familiar with the broad range of work which a body covers and therefore does not realise that a conflict might exist. In some cases, the Panel,

with their wider knowledge of the body, might deduce that there is a potential conflict issue, based on the information on employment and experience provided by the candidate in the application form. They will then explore this at interview with the candidate.

### What happens if a conflict of interest arises after an appointment is made?

9. This could arise for two main reasons. The first is that the member's circumstances may change, for example, they may change jobs and in doing so, a conflict with their work on the board becomes apparent. The second is where a member is unfamiliar with the range of the work of the body, but after appointment, it becomes clear that a conflict exists where none had been envisaged during the appointment process.
10. In both cases, the issue should be discussed with the Chair of the board and the Chief Executive of the body concerned, in consultation with the Sponsoring Department, to decide whether or not the member can continue to carry out their role in an appropriate manner and each case is considered individually.
11. It may be that the conflict is such that it would be impractical for the member to continue on the board, if they would have to withdraw from a considerable amount of the body's routine business. In such cases, the member may be asked to stand down from the board.

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