



**Northern Ireland
Assembly**

Information for Applicants

Northern Ireland Assembly Commissioner for Standards

Introduction

This document provides information for applicants about the appointment as the Northern Ireland Assembly Commissioner for Standards (“the Commissioner”). The Commissioner serves for a term of office of five years. It is anticipated that the successful candidate will take up appointment on 17 September 2017 when the current Commissioner stands down.

To apply for the post, you must complete the online application form available at www.niassembly.gov.uk

It is anticipated that those candidates selected for interview will be invited to appear before a Selection Panel in May 2017. Further details of the selection process are given at the end of this brief.

Background

The office of Commissioner was established by the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (“the Act”).

Further information on the work of the Commissioner can be found in his annual reports, published on the Commissioner’s website - <http://standardscommissionerniassembly.org/>

The Functions of the Northern Ireland Assembly Commissioner for Standards

Although appointed by the Northern Ireland Assembly (“the Assembly”), the Commissioner has an importantly independent role. The functions of the Commissioner are set out in section 17 of the Act - <http://www.legislation.gov.uk/nia/2011/17/schedule/4/paragraph/2#schedule-4-paragraph-2-1-a>

The principal aim of the Commissioner in exercising functions under the Act is to promote, encourage and safeguard high standards of conduct in the public office of Member of the Northern Ireland Assembly (MLA).

The main function of the Commissioner is to consider, and where necessary investigate, complaints that an MLA has broken the provisions of the Code of Conduct and Guide to the Rules relating to the Conduct of Members - <http://www.niassembly.gov.uk/your-mlas/code-of-conduct/> This takes up around 85% of the Commissioner’s time.

The Commissioner also can initiate an investigation, where no complaint has been received, if the Commissioner believes that a breach of the Code of Conduct has occurred. The Commissioner must report the outcome of any investigation to the Committee on Standards and Privileges acting on behalf of the Assembly.

A further function of the Commissioner is to give advice – either on the Commissioner’s own initiative, or if requested to do so by the Assembly – on any matter of general principle relating to standards of conduct of MLAs.

It is possible that the functions of the Commissioner may be extended by the Assembly.

Powers and Duties of the Northern Ireland Assembly Commissioner for Standards

The Commissioner’s powers are set out in the Act. The Act provides for the Commissioner, when carrying out investigations, to have similar powers to the Assembly to require any person to give evidence, on oath at the discretion of the Commissioner, or produce documents to the Commissioner.

As soon as practicable after the end of each financial year the Commissioner is required to lay before the Assembly a report on the Commissioner’s activities, including the use of resources.

For the purposes of the law of defamation, the Act provides that statements by the Commissioner will attract absolute privilege and statements to the Commissioner will have qualified privilege.

The independence of the Commissioner from the direction or control of the Assembly in relation to any particular complaint is set out in section 18 of the Act. However, in carrying out his duties the Commissioner must comply with general directions given by the Assembly under section 24 of the Act.

Further information about the Commissioner, the complaints process, the Code of Conduct, the section 24 directions and links to the annual reports and investigation reports can be viewed at www.standardscommissionerniassembly.org

Appointment Principles

The Assembly Commission is committed to providing equality of opportunity and welcomes applications from all suitably qualified applicants regardless of gender, age, marital status, disability, religion, race, political opinion, sexual orientation or whether or not the applicant has dependants.

Person Specification

This section sets out the essential knowledge, experience and personal competencies which are necessary to undertake the work of the Commissioner.

Essential Criteria

The successful candidate must demonstrate:

1. The ability to personally undertake investigative work and conduct investigative interviews within a statutory/legal framework and to reach sound conclusions on the basis of analysis;
2. The track record, presence and personal integrity needed to command the trust and respect of MLAs and the general public;
3. A clear understanding of the role of Commissioner for Standards and the provisions of the Code of Conduct and Guide to the Rules relating to the Conduct of Members, including the issues surrounding standards in public life;
4. A commitment to the development of a standards culture in the Assembly to which other organisations will aspire and to undertake a review of the complaints and investigative processes to ensure that these remain fit for purpose;
5. The judgement required to handle complex and sensitive matters in a public and political environment, in an independent manner that enhances the reputation of the Assembly; and
6. Excellent communication skills.

All of the above criteria will be assessed on the application form and at interview.

Pre-appointment Checks

A vetting and financial check will be completed before appointment as well as references sought.

Terms of the appointment

The Commissioner will be appointed by a resolution of the Assembly, on foot of a recommendation from the selection panel for a term of five years. It is anticipated that the appointment will be from 17 September 2017. A person may only be appointed to serve as the Commissioner for a single term.

Remuneration

The remuneration rate for the Commissioner is £561.04 per day (equating to £70.13 per hour). The remuneration is subject to tax and National Insurance (when payable). The post is not pensionable. Remuneration will be reviewed, but not necessarily increased, annually by the Assembly Commission. Travel and Subsistence will be paid in accordance with Assembly Secretariat rates.

Time Commitment

The nature of the Commissioner's work is unpredictable and demand led, depending largely on the number of complaints received and the number that have to be investigated. The appointee will be required to work such hours as may be necessary to enable the efficient discharge of the functions of the post and if a major investigation is ongoing three or more days per week may be required. Over the last two years the Commissioner has worked the equivalent of 106 days and 36 days respectively.

Disqualification from being appointed or serving as the Commissioner

The Act provides that a person who has already held office as the Commissioner is not eligible for re-appointment. In addition, those specified at Annex A are disqualified from being appointed or serving as the Commissioner. Annex B sets out information on Integrity and Conflict of Interest.

Political Activity

This post is politically sensitive. The Commissioner will therefore be barred from taking part in any political activity that could draw into question his/her impartiality.

Location

The Commissioner will be linked into the Assembly's IT network and so will be able to work from any location, although he/she will need to attend meetings at the Assembly from time to time. Suitable office space will therefore be provided at Parliament Buildings, Stormont Estate, Belfast.

Administrative and Other Support

The Assembly Commission will provide the Commissioner with such administrative and other support, including staff, services and accommodation, as well as access to legal advice, as the Commissioner may reasonably require.

Commissioner for Public Appointments – Code of Practice

Although the appointments do not fall within the remit of the Commissioner for Public Appointments, in the interests of good practice the appointment competition is being managed in accordance with the principles set out in the Code of Practice of the Commissioner for Public Appointments. The code can be viewed online at: www.publicappointmentsni.org

Making an Application

Application forms are available on the Northern Ireland Assembly website (www.niassembly.gov.uk/jobs) and should be completed online. Completed

application forms must be submitted by the closing date of midnight on **Sunday 9th April 2017. Late applications will not be accepted.**

The application form is designed to ensure that applicants provide the necessary information to demonstrate how they meet the essential and shortlisting criteria for appointment.

The selection panel may decide to interview only those applicants who appear, from the information available, to be most suitable in terms of relevant experience and ability. It is therefore essential that applicants describe fully in the application form the extent to which they satisfy the above criteria. It is not appropriate simply to list the various posts that the applicants have held. The selection panel will not make assumptions from the title of the applicants' posts about the skills and experience gained.

Applicants must use only the application forms provided and must not submit additional material in support of their application forms. **No supplementary documents will be accepted.**

In completing the application form and at interview, applicants might find it helpful to think of presenting their experience in terms of - what the issue/challenge was, how it was tackled, what their specific role was in dealing with it, and what result was obtained.

Selection Process

After the closing date for receipt of applications, the selection panel will consider applications against the essential criteria and only applicants who demonstrate that they meet the essential criteria will proceed to the next stage of the selection process. Selection of applicants will be based on merit i.e. on how an applicant's skills, knowledge, experience and qualities, as displayed in the relevant section of the application form, meet each criterion.

Final selection of applicants will be based on performance at a criterion based interview(s) structured around the skills, knowledge, experience and qualities sought in the essential criteria section of the person specification listed above.

At interview, applicants should also be prepared to discuss any real, perceived or potential conflicts of interest which might impair their ability to perform the duties with integrity and objectivity.

It is planned that interviews will be held in May 2017, following which the panel will prepare a recommendation, based on assessment of the applicants and in order of merit, of those deemed most suitable for appointment.

Applicants attending for interview may be eligible for reimbursement of reasonable travel and subsistence costs within the UK as appropriate at rates agreed in advance of travelling with the Assembly HR Office.

If you wish to discuss the role please contact the current Commissioner, Douglas Bain, on (028) 9052 1338 or by email <mailto:douglas.bain@niassembly.gov.uk>.

References for the preferred candidate of the selection panel will be taken up and vetting checks will be conducted.

A motion proposing the appointment of the preferred candidate will be tabled for consideration by the Assembly in plenary.

DISQUALIFICATION FROM BEING APPOINTED OR SERVING AS THE COMMISSIONER

1. The following persons are disqualified from being appointed or serving as the Commissioner—

- (a) a member of the Assembly;
- (b) a family member of a member of the Assembly;
- (c) a candidate for election to the Assembly;
- (d) a person who has been a member of the Assembly at any time in the 5 years prior to the date when the appointment is to take effect;
- (e) a member of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or the Seanad Éireann (Senate of Ireland);
- (f) a person who has been a member of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or the Seanad Éireann (Senate of Ireland) at any time in the 5 years prior to the date when the appointment is to take effect;
- (g) a councillor;
- (h) a person who has been a councillor at any time in the 5 years prior to the date when the appointment is to take effect;
- (i) a person employed by a political party;
- (j) a person who has been employed by a political party at any time in the 5 years prior to the date when the appointment is to take effect;
- (k) a person employed by a member of the Assembly;
- (l) a person who at any time in the 5 years prior to the date when the appointment is to take effect has been employed by a member of the Assembly;
- (m) a member of the staff of the Assembly;
- (n) a person who has been a member of the staff of the Assembly at any time in the two years prior to the date when the appointment is to take effect;
- (o) a person employed by a district council;
- (p) a person who has been employed by a district council at any time in the two years prior to the date when the appointment is to take effect;
- (q) a person employed by a Northern Ireland department;
- (r) a person who has been employed by a Northern Ireland department at any time in the two years prior to the date when the appointment is to take

effect;.

(s) the Attorney General for Northern Ireland; and.

(t) a person who has been the Attorney General for Northern Ireland at any time in the 5 years prior to the date when the appointment is to take effect..

2. For the purposes of paragraph 1(c), a person becomes a candidate for election to the Assembly on the day on which that person becomes a candidate within the meaning of section 118A(1) and (2) of the Representation of the People Act 1983 (c. 2) as applied to the Assembly by Article 3 of the Northern Ireland Assembly (Elections) Order 2001 (SI 2001/2599).N.I.

3. The following definitions apply:

“civil partner” has the same meaning as in section 1 of the Civil Partnership Act 2004 (c. 33);

“cohabitant” means either member of a couple consisting of—

(a) a man and woman who are living together as if they were husband and wife; or

(b) two persons of the same sex who are living together as if they were civil partners;

“councillor” means a member of a district council;

“family member” means—

(a) parent, child, grandparent or grandchild;

(b) brother, sister, uncle, aunt, nephew or niece (whether of the full or half blood);

(c) spouse or any person related to a spouse in any of the ways set out in subparagraphs (a) or (b);

(d) civil partner or any person related to a civil partner in any of the ways set out in sub-paragraphs (a) or (b); and

(e) cohabitant or any person related to a cohabitant in any of the ways set out in sub-paragraphs (a) or (b); and

“political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

INTEGRITY AND CONFLICTS OF INTEREST INFORMATION

In 1995, the Committee on Standards in Public Life defined seven principles, which should underpin the actions of all who serve the public in any way. These definitions were updated in 2015 to the following:

Selflessness – Holders of public office should act 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 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 so doing.

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.

All successful candidates must uphold the principles and values of public service.

What is a conflict of interest?

The highest standards of propriety, involving impartiality, integrity and objectivity are required of the Commissioner. This means that any private,

voluntary, charitable or political interest which might be material and relevant to the work of the Commissioner should be declared.

There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict.

It is important, therefore, that you consider your circumstances when applying for appointment as the Commissioner and identify any potential conflicts of interest, whether real or perceived.

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

The integrity of the individual is not in question here. However, it is necessary for the standing of the Commissioner that members of the public have confidence in his or her independence and impartiality. Even a perceived conflict of interest on the part the Commissioner can be extremely damaging to the Commissioner'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 the Commissioner acted impartially may be no defence against accusations of potential bias.

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

You will find a section on the Application Form entitled '*Integrity and Conflicts of Interest*' for you to complete. This section of the form requires 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?

No – each case is considered individually. If you are selected for interview, the Selection Panel will explore with you how far the conflict might affect your ability to carry out the functions of the Commissioner effectively and impartially and how this might be handled, if you were to be appointed. However, if, following the discussion with you, the Selection Panel believes that the conflict is too great and would call into question the integrity of the appointment they can withdraw your application from the competition.

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

Again, each case would be considered on its merits, but as Commissioner you would be required to comply with such principles, codes of conduct and other statements of standards and ethics as the Assembly may specify. Failure to comply could lead the Assembly to resolve that you should be dismissed from office as the Commissioner.