



**Northern Ireland
Assembly**

Applicant Information Booklet

NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN

Introduction

The Northern Ireland Assembly Commission (the Assembly Commission) is responsible for identifying a candidate for the appointment of an Ombudsman, with appointment by Her Majesty on the nomination by the Northern Ireland Assembly ('the Assembly'). The office of the Northern Ireland Public Services Ombudsman ('the Ombudsman') became vacant on 16 July 2019 and an Acting Ombudsman is currently in place.

The Public Services Ombudsman Act (NI) 2016 (the 2016 Act) provides for the appointment of an Ombudsman for a term of seven years by Her Majesty the Queen on nomination of the Assembly.

The role of the Ombudsman is to investigate complaints of possible maladministration in the delivery of public services by public bodies within its remit and a power of own initiative where the Ombudsman has a reasonable suspicion of maladministration, or in the case of health and social care, a reasonable suspicion of systemic injustice. A list of the public bodies is attached at Annex A of this booklet.

The Ombudsman also discharges the role of the Northern Ireland Judicial Appointments Ombudsman and Local Government Commissioner for Standards ('the Commissioner'). The Northern Ireland Judicial Appointments Ombudsman's function is to investigate complaints of maladministration in the context of judicial appointments. The Local Government Commissioner for Standards' ('the Commissioner's') function is to investigate and adjudicate on complaints against councillors who may have failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors ('the Code').

As Accounting Officer, the Ombudsman will have personal responsibility for ensuring that resources are managed with due regard to regularity, propriety and value for money, and ensure that sound governance arrangements are in place.

This booklet contains important information on the role and eligibility criteria for the appointment as well as details of how to apply for the position. Prospective applicants should read this booklet carefully before completing an application form.

Application forms are available on the Assembly website and should be completed online. Completed application forms demonstrating the skills and experience sought must be submitted by the closing date of noon on 1 June 2020.

It is anticipated that those applicants selected for interview will be notified of their invite on **5 June 2020** and will be invited to appear before a selection panel on **11 June or 12 June 2020** and that the successful applicant will take up appointment as soon as possible. Further details of the selection process are provided at the end of this booklet.

Appointment Principles

The Assembly Commission is committed to providing equality of opportunity and welcomes applications from all eligible applicants, irrespective of religious belief, political opinion, race, age, gender, disability, marital status, sexual orientation or people with dependants or without.

The Role and Responsibilities of the Ombudsman

The Ombudsman is a corporation sole and administers the organisation without a Board. The Ombudsman has however appointed an Audit and Risk Committee, consisting of three non-executives, to support the Ombudsman, as Accounting Officer in monitoring the corporate governance and control systems in the organisation.

Corporate Responsibilities:

The Ombudsman will provide the strategic and operational leadership required to drive an organisation that is fluid enough to react to the changing external, political and fiscal environment, but is also capable of delivering complaints investigation services that are progressive, effective and efficient.

The Ombudsman will be expected to provide strong leadership and management by setting a clear vision and direction for the organisation; by engaging its people and developing their capability; and by driving a culture of high performance to enable excellent delivery of business objectives, thereby increasing public and stakeholder confidence in the Office.

As Accounting Officer, the Ombudsman has personal responsibilities for the resources authorised by the Northern Ireland Assembly to ensure that these are managed with due regard to regularity, propriety and value for money, and to ensure that sound governance arrangements are in place. The responsibilities of Accounting Officers are set out in [Managing Public Money Northern Ireland \(MPMNI\)](#).

The Ombudsman has a budget of approximately £3.3m per annum and approximately 38 full time equivalent members of staff.

The Ombudsman is a high profile role given the need to communicate and engage with a wide range of external stakeholders such as members of the

public, public bodies, elected representatives, community organisations and the media. The Ombudsman will also be required to establish effective networks, external to the organisation, including fellow Ombudsmen.

Legal Responsibilities:

Section 1(3) of the 2016 Act states “The principal purpose of the Ombudsman is to investigate maladministration in listed authorities.” The purposes of an investigation are to determine if the matter properly warrants investigation and if allegations are in substance true and, where it appears to the Ombudsman to be desirable, to bring about a settlement.

The Ombudsman has the power to investigate complaints of alleged maladministration against listed authorities made by a member of the public who claims to have sustained an injustice; complaints referred by a listed authority; and a power of own initiative investigation where the Ombudsman has a reasonable suspicion that there is systemic maladministration or injustice. The Ombudsman can also investigate complaints from students of maladministration by Queen’s University and the University of Ulster. The Ombudsman has the same power as the High Court in relation to the production of records and the attendance of witnesses.

In addition to investigating alleged maladministration, the Ombudsman can also investigate complaints of injustice arising from the exercise of clinical and professional judgement against health and social care providers. The Ombudsman may take any action he or she considers appropriate to resolve a complaint instead of, or in addition to, an investigation.

Certain matters are excluded from investigation (clauses 20-23 and Schedule 5 of the 2016 Act) such as the merits of a decision taken without maladministration by a listed authority in the exercise of discretion.

The Ombudsman must not investigate action in respect of which the person aggrieved has a right of appeal or review to a tribunal or legal remedy through the courts. However, the Ombudsman has some discretion to investigate where satisfied that in the particular circumstances it is not reasonable to expect the person aggrieved to resort to a tribunal or court.

The 2016 Act provides the Ombudsman with authority to investigate systemic maladministration on the Ombudsman's own initiative. This power came into effect in 2018 so it will be important to plan for and adequately resource this area of work.

Part 3 of the 2016 Act provides for the Assembly Commission by order to commence the role of a Complaints Standards Authority for Northern Ireland. The role (when commenced) will require the Ombudsman to develop and consult upon Principles for Good Complaints Handling and to have these approved by the Assembly.

The Ombudsman, by virtue of clause 58 of the 2016 Act, automatically occupies the separate statutory office of Northern Ireland Judicial Appointments Ombudsman established under the Justice (Northern Ireland) Act 2002 as amended by Schedule 6 of the 2016 Act. The Northern Ireland Judicial Appointments Ombudsman's function is to investigate complaints of maladministration in the context of judicial appointments and to ask the Lord Chief Justice to commence, or at the request of the Lord Chief Justice to participate, in a judicial removals panel.

There are restrictions on who may exercise some of the Northern Ireland Judicial Appointments Ombudsman functions (such as practising solicitors and barristers) but these do not affect the appointment of the Ombudsman. An Ombudsman to whom these restrictions apply would delegate the relevant functions to a deputy or other suitable person.

As Commissioner, the Ombudsman will be responsible for investigating and adjudicating on complaints against councillors who may have failed to comply

with the [Northern Ireland Local Government Code of Conduct for Councillors \('the Code'\)](#).

Adjudication hearings are held in public and the Commissioner's decisions on a breach of the Code are binding, subject to an appeal to the High Court. Where a breach of the Code has occurred, the Commissioner can impose sanctions. You can view the adjudication procedures on the [NIPSO website](#). The Commissioner can also make recommendations to the Department for Communities and Councils for changes in practice.

Governance arrangements

The Ombudsman is required to lay in the Assembly an annual general report on the exercise of his or her functions, as well as other reports as provided for in the Act.

The Ombudsman is required to submit a budget estimate to the Committee established by section 66 of the Northern Ireland Act 1998 (currently the Audit Committee). The Committee must have regard to the advice of the Department of Finance in considering the Ombudsman's estimate. Subject to any modifications agreed by the Ombudsman and the Committee, the Committee must lay the estimate in the Assembly.

The Ombudsman is also required to publish the certified accounts of the Office and the statement of the Comptroller and Auditor General on those accounts.

Section 2 of the 2016 Act sets out the Ombudsman's independence from direction and control of a range of persons and bodies. However, the Ombudsman operates within a statutory framework and Clause 2 goes on to highlight a number of key provisions.

Person Specification

This is a challenging full-time position with a significant public profile. The successful applicant must have the ability to lead the work of the office to deliver an investigation service in which the public and listed authorities can have confidence.

The person appointed will require a combination of appropriate skill-sets and experience and a successful track record of strong leadership and managerial skills, relevant professional knowledge and experience, sound judgement and decision making and excellent oral and written communications in dealing with a wide range of stakeholders including the media.

Essential Criteria

This section sets out the essential knowledge, experience and personal skills and behaviours which are necessary to undertake the work of the Ombudsman. Applicants for the post must, by the closing date for applications, have:

1. A clear understanding of the roles of the Northern Ireland Public Services Ombudsman, the Northern Ireland Judicial Appointments Ombudsman and the Local Government Commissioner for Standards within the administrative justice system and how they interact with each other.

AND

At least five years' experience of each of the following criteria:

2. Strong strategic leadership and managerial skills while operating at a senior level*.
3. Using analytical skills and judgement to reach sound and impartial decisions.

4. Highly developed oral and written communication skills when dealing with a wide range of stakeholders, for example members of the public, public bodies, elected representatives, community organisations, staff and the media and an understanding of the stakeholder environment.

**Senior level is defined as membership of a team at the highest level of management who have the day-to-day responsibilities of managing an organisation. The word 'Strategic' is defined as those decisions or actions which effect the whole organisation and/or which are medium to long lasting i.e. 3-5 years.*

Shortlisting Criterion

The selection panel reserves the right to use shortlisting as part of the recruitment process for this post. Should shortlisting be required, the following shortlisting criteria will be applied:

- a. Experience of significantly improving organisational performance while managing within constrained resources, in both a short-term and long-term context.

Making an Application

Application forms are available on the [Northern Ireland Assembly website](#), and should be completed online. Completed application forms must be submitted by the closing date of **1 June 2020 at noon**. **Late applications will not be accepted.**

Further information is available in the [Guidance on Recruitment and Selection for Applicants](#).

Assistance for Applicants with Disabilities

The Guaranteed Interview Scheme (GIS) has been developed for applicants with disabilities or those with a long-term impairment or health condition, that is expected to last for at least 12 months and which means that they cannot meet all of the shortlisting criteria. Details are available in the [Guidance on Recruitment and Selection for Applicants](#) document.

We will also consider reasonable adjustments during all stages of the recruitment process as well as any reasonable adjustments required in order for a successful applicant with a disability to undertake the role.

Selection Process

There are five elements within the [Recruitment and Selection Framework](#) which may be assessed during the selection process:

Experience – the knowledge or mastery of an activity or subject gained through involvement in or exposure to it.

Ability – the aptitude or potential to perform to the required standard.

Technical – the demonstration of specific professional skills, knowledge or

qualifications.

Assembly Skills and Behaviours – the actions and activities that people do which result in effective performance in a job.

Strengths – the things we do regularly, do well and that motivate us.

The elements which will be assessed for this role will be Experience, Technical, Assembly Skills and Behaviours and Strengths and will be assessed through the application form, an assessment exercise and interview. Further information is available in the [Recruitment and Selection Framework](#).

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. If it is deemed necessary to shortlist, the shortlisting criteria will be used to decide who appear, based on the information available, to be most suitable in terms of relevant experience and skills to undertake the role and those applicants will be invited to an assessment centre and interview stage.

Final selection of applicants will be based on performance at an assessment centre and interview(s) structured around the essential criteria section of the Person Specification listed above and using the Recruitment and Selection Framework. All applicants will be expected to meet an acceptable level of competence, both in the assessment centre and in each of the essential criterion during the interview.

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 of the Ombudsman with integrity and objectivity.

The selection panel reserves the right to hold a further interview stage if deemed necessary.

It is planned that the assessment exercise and interviews will be held on **11 and 12 June 2020**, following which the selection panel will prepare a recommendation, based on assessment of the applicants and in order of merit, of those deemed most suitable for appointment.

Terms of appointment

The Ombudsman will be appointed by Her Majesty on the nomination of the Assembly. The Ombudsman will be appointed for a term of seven years from the date of appointment. A person may only be appointed to serve as Ombudsman for one term.

Remuneration

Remuneration is £97,337 per annum. This is currently under review.

Location

The Office is located in Belfast city centre, however the Ombudsman may be required to travel within Northern Ireland and occasionally within the UK and abroad.

Hours of Work

This is a full time appointment based on a 37 hour week. It may require occasional work outside normal office hours in evenings and weekends.

Eligibility to be appointed or serve as the Ombudsman

Schedule 1 to the 2016 Act paragraphs 2-5 deal with eligibility for appointment as the Ombudsman and disqualification. Further detail is set out in Annex B (attached). Annex C also sets out some information on Probity and Conflict of Interest.

Removal from Office

Her Majesty may, on the passing of a resolution of the Assembly, remove the Ombudsman from office.

The resolution may only be passed on the ground of the Ombudsman's—

- (a) ill health, or
- (b) misconduct.

The resolution is not passed unless it has the support of a number of members of the Assembly which equals or exceeds two-thirds of the total number of seats in the Assembly.

Resignation

Her Majesty may remove the Ombudsman from office at the office holder's own request.

Official Secrets

The Ombudsman is a Crown servant for the purposes of the Official Secrets Act 1989.

Pension

A contributory pension scheme applies to this appointment.

Staff

The Ombudsman may—

- (a) appoint staff,
- (b) determine the terms and conditions of their employment, and
- (c) make arrangements in respect of salary and pensions for them.

In exercising powers under sub-paragraph (1) of the 2016 Act, the Ombudsman must have regard to the desirability of keeping the terms and conditions of employment, salary and pensions broadly in line with those applying to persons employed in the Northern Ireland Civil Service (NICS).

Advisers

The Ombudsman may obtain advice from any person who, in the opinion of the Ombudsman, is qualified to give it, to assist in the discharge of the Ombudsman's functions.

The Ombudsman may pay to any person from whom advice is obtained under sub-paragraph (1) of the 2016 Act such fees or allowances as the Ombudsman may determine.

In exercising powers under this paragraph, the Ombudsman must have regard to the desirability of keeping the fees and allowances broadly in line with those paid by the Northern Ireland Civil Service.

Pre-appointment Checks

Pre-appointments will be carried out as detailed in the Guidance on Recruitment and Selection for Applicants document.

Conflicts of Interest

It is essential that the person appointed is able to maintain public confidence at all times.

Applicants are required to declare whether they are aware of anything in their private or professional life that would undermine their ability to maintain public trust and confidence in the office of the Ombudsman or bring the office into disrepute. At interview, applicants will be probed on any real, perceived or potential conflicts of interest which might impair their ability to perform the duties of the Ombudsman with integrity and objectivity.

Further guidance on probity and conflicts of interest is contained in Annex C of this booklet.

Commissioner for Public Appointments – Code of Practice

Although the appointment of the Ombudsman does 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. Further information is available in Annex D.

Communication during the Recruitment Process

The Human Resources Recruitment Team will issue most communication electronically. Applicants are advised to regularly check their email account to make sure that they do not miss any important communication. Please note, sometimes the Recruitment Team emails are automatically filtered as spam by email providers.

Annex A

Public Services Ombudsman Act (NI) 2016 Schedule 3

SCHEDULE 3 - LISTED AUTHORITIES

Northern Ireland Assembly

Assembly Commission
The Independent Financial Review Panel

Northern Ireland Departments

A Northern Ireland department

Local Government

A district council
The Local Government Staff Commission for Northern Ireland
The Northern Ireland Local Government Officers' Superannuation Committee

Education and Training

The board of governors of a grant-aided school
An industrial training board
An institution of further education
The General Teaching Council for Northern Ireland
The Northern Ireland Council for Postgraduate Medical and Dental Education
The Northern Ireland Council for the Curriculum, Examinations and Assessment
The Education Authority
University of Ulster
The Queen's University of Belfast
The Youth Council for Northern Ireland
The Council for Catholic Maintained Schools
Policing, Criminal Justice and Law
A policing and community safety partnership or a district policing and community safety partnership
The Northern Ireland Policing Board
The Chief Inspector of Criminal Justice in Northern Ireland
The Commission for Victims and Survivors for Northern Ireland
The Northern Ireland Police Fund
The Probation Board for Northern Ireland
The Royal Ulster Constabulary George Cross Foundation
The Northern Ireland Law Commission
The Police Rehabilitation and Retraining Trust

Arts and Leisure

The Arts Council of Northern Ireland
The Board of Trustees of the National Museums and Galleries of Northern Ireland
The Northern Ireland Library Authority
The Northern Ireland Museums Council

The Northern Ireland Tourist Board
The Sports Council for Northern Ireland

Health and Social Care

A health and social care trust
A special health and social care agency
The Northern Ireland Practice and Education Council for Nursing and
Midwifery
The Health and Social Care Regulation and Quality Improvement Authority
The Northern Ireland Social Care Council
The Patient and Client Council
The Regional Agency for Public Health and Social Well-being
The Regional Health and Social Care Board
The Regional Business Services Organisation
A general health care provider
An independent provider of health and social care

Investment and Economic Development

Invest Northern Ireland
The company for the time being designated under Article 5 of the Strategic
Investment and Regeneration of Sites (Northern Ireland) Order 2003
A development corporation established under Part III of the Strategic
Investment and Regeneration of Sites (Northern Ireland) Order 2003

Industrial Relations

Office of the Certification Officer for Northern Ireland
The Labour Relations Agency

Harbours

The Northern Ireland Fishery Harbour Authority
A harbour authority within the meaning of the Harbours Act (Northern Ireland)
1970
Housing
A registered housing association within the meaning of Article 3 of the
Housing (Northern Ireland) Order 1992
The Northern Ireland Housing Executive

Children and Young People

The Safeguarding Board for Northern Ireland
The Office of the Commissioner for Children and Young People for Northern
Ireland

Charity and Voluntary Sector

Regulator of Community Interest Companies

Appeal Officer for Community Interest Companies
The Charity Commission for Northern Ireland
The Northern Ireland Community Relations Council

Miscellaneous

The Agri-Food and Biosciences Institute
Civil Service Commissioners for Northern Ireland
The Comptroller and Auditor General
The Equality Commission for Northern Ireland
The General Consumer Council for Northern Ireland
The Health and Safety Executive for Northern Ireland
The Livestock and Meat Commission for Northern Ireland
The Northern Ireland Audit Office
The Northern Ireland Authority for Utility Regulation
The Northern Ireland Fire and Rescue Service Board
The Office of the Commissioner for Older People for Northern Ireland
Ulster Sheltered Employment Limited
A new town commission established under the New Towns Acts (Northern
Ireland) 1965 to 1968
An implementation body to which the North/South Co-operation
(Implementation Bodies) (Northern Ireland) Order 1999 applies

Notes:

1 An implementation body is a listed authority only to the extent that it exercises functions in or as regards Northern Ireland.

2 In relation to any function exercisable by a listed authority for the time being listed in this Schedule which was previously exercisable on behalf of the Crown by a body not so listed, the reference to the listed authority so listed includes a reference to the other body.

Annex B

Public Services Ombudsman Act (NI) 2016 Schedule 1

Eligibility for appointment to the office of Ombudsman, and to continue in office, is dealt with in Schedule 1 of the Ombudsman Act –

2.—(1) A person is disqualified from being appointed as the Ombudsman if the person is a member of —

- (a) a district council,
- (b) the Assembly,
- (c) the House of Commons,
- (d) the House of Lords, or
- (e) the European Parliament.

(2) Where a person who is the Ombudsman —

- (a) is nominated as a candidate for election to a body listed in sub-paragraph (1), or
- (b) becomes a member of a body listed in sub-paragraph (1),

that person ceases immediately to be the Ombudsman.

3.—(1) A person is disqualified from being appointed as the Ombudsman if the person is disqualified from being a member of the Assembly.

(2) Where a person who is the Ombudsman —

- (a) is appointed to an office which would disqualify the person from being a member of the Assembly,
- (b) takes employment which would disqualify the person from being a member of the Assembly, or
- (c) becomes a member of a body which would disqualify the person from being a member of the Assembly,

that person ceases immediately to be the Ombudsman.

(3) In this paragraph “disqualified from being a member of the Assembly” means disqualified from being a member of the Assembly under the Northern Ireland Assembly Disqualification Act 1975 as applied by section 36(1) of the Northern Ireland Act 1998.

(4) But references to disqualification from being a member of the Assembly do not include disqualification by virtue of being —

- (a) the Ombudsman, under Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, or
- (b) the Northern Ireland Judicial Appointments Ombudsman, under Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

4.—(1) A person is disqualified from being appointed as the Ombudsman if the person is —

- (a) a listed authority,
- (b) a member, officer or member of staff of a listed authority.

(2) A person who is the Ombudsman is disqualified from being—

- (a) a listed authority,
- (b) a member, officer or member of staff of a listed authority.

5.—(1) A person is disqualified from being appointed as the Ombudsman if the person —

- (a) holds any other office,
- (b) holds employment, or
- (c) is a member of a body,

in respect of which remuneration or expenses are payable.

(2) A person who is the Ombudsman must not —

- (a) be appointed to any other office,
- (b) take employment, or
- (c) become a member of a body,

in respect of which remuneration or expenses are payable.

(3) This paragraph has no effect in relation to a particular office, employment or membership if —

- (a) the person gives notice of it to the Assembly Commission —
 - (i) before coming Ombudsman, or
 - (ii) before being appointed to the office, taking the employment, or becoming the member, as the case may be, and
- (b) the Assembly Commission is of the opinion that the office, employment or membership would not compromise —
 - (i) the ability of the Ombudsman to discharge functions under this Act, and
 - (ii) the independence of the Ombudsman.

(4) This paragraph does not apply in respect of the Ombudsman holding office as the Northern Ireland Judicial Appointments Ombudsman under section 9A of the Justice (Northern Ireland) Act 2002 (appointment of Northern Ireland Judicial Appointments Ombudsman).

Paragraph 3 precludes appointment as Ombudsman of anyone who would be disqualified from membership of the Northern Ireland Assembly and you are referred to the [Northern Ireland Assembly Disqualification Act 1975](#) as amended – Annex E.

You should note that a person will normally be disqualified from appointment if he or she holds any other office or employment where remuneration or expenses are payable or is a member of any body where remuneration or expenses are payable, nor may a person who is appointed take up such office, employment or membership. Where you give the required notice the Assembly Commission may waive this requirement if it is of the opinion that the office would not affect your ability to discharge functions under the Act or the independence of the office.

You should also note that Schedule 1 paragraph 11 is entitled “*Restrictions on subsequent employment*”. It provides that until the expiry of the financial year

following the financial year in which a person ceased to be the Ombudsman he or she may not be member of, or work (in any capacity) for a listed authority.

Annex C

PROBITY AND CONFLICTS OF INTEREST GUIDANCE FOR APPLICANTS

The Seven Principles Underpinning Public Life

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 are:

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

Integrity Holders of public office should not place 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 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.

What is a conflict of interest?

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, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict.

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.

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 individual and the organisation that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest 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 the individual 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 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?

No - each case is considered individually. If you are short-listed for interview, the selection panel will explore with you how far the conflict might affect your ability to contribute effectively and impartially to the Office 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 selection panel believes that the conflict is too great and would call into question the probity of the Office or the appointment they can recommend the withdrawal of your application from the competition.

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

Again, each case would be considered on its merits, but a view may be taken that by not declaring a conflict of interest, you would be deemed to have breached the Seven Principles of Conduct Underpinning Public Life and may lead to the termination of your appointment.

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

This situation may arise where the applicant 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 selection 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 applicant in the application form. They will then explore this at interview with the applicant.

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

This could arise where an individual 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.

In both cases, the issue should be discussed with the Assembly Commission, to decide whether or not the individual can continue to carry out their role in an appropriate manner; each case is considered individually.

It may be that the conflict is such that it would be impractical for the individual to continue to hold the appointment, if they would have to withdraw from a considerable amount of the body's routine business. In such cases, the individual may be asked to relinquish the appointment.

Annex D - The Commissioner for Public Appointments Northern Ireland Public Appointments Code

Although the role of the Commissioner for Public Appointments NI (CPANI) is to regulate government department public appointments and not Assembly appointments, it is recognised that the Commissioner has developed best practice around appointment processes. Therefore, the process of appointing the Ombudsman will be carried out in accordance with the Commissioner's Code of Practice for Ministerial Public Appointments in NI. In particular, the seven key principles outlined in the Commissioner's Code will be followed.

The Principles of the Code

Seven key principles underpin this Code. These principles determine the nature of the public appointment process in Northern Ireland:

Merit

All public appointments must be made on the basis of merit. Only those individuals judged to best meet the requirements of the post will be recommended to Ministers for appointment to public bodies.

Diversity

The make-up of the Boards of Northern Ireland public bodies does not adequately reflect the make-up of the population. The opportunity to appoint the best people is greatly increased when every potential applicant is attracted and encouraged to apply and when individual attributes and differences are valued. Departments should ensure, as far as possible, that Boards are balanced in terms of skills and experience, and that opportunities to apply for positions on Boards are open to the communities they serve.

Equality

Departments must ensure equality of opportunity and equal treatment of all applicants at every stage of the appointment process. The 'Important Notice' at the start of this document highlights the importance of adherence to anti -

discrimination law. It is for Ministers and their Departments to ensure that they are fully versed in these matters.

Openness, Transparency and Independence

The practices employed by Departments at every stage in the appointment process must be transparent and consistent with the recognised principles of open government.

All public appointment competitions must include a demonstrable element of independent participation in the assessment of applicants.

Integrity

Public appointees must be people who understand, apply and are committed to the principle of integrity, and who will perform their duties with moral rigor and honesty without personal or corporate gain.

Proportionality

Whilst the Commissioner's Code must be followed for every appointment, the procedures applied at each stage of an appointment should be proportionate to the size and purpose of the public body and to the posts to be filled. The proportionality principle must not be used to circumvent proper procedures or avoid good practice.

Respect

Throughout the public appointment process, candidates should be treated with respect; this applies from the first contact with the Department through to completion of the appointment process.

Annex E - The Northern Ireland Assembly Disqualification Act 1975

[Read the Northern Ireland Assembly Disqualification Act 1975](#)