



INDEPENDENT BOARD MEMBER - LAND AND PROPERTY SERVICES (LPS)

CANDIDATE INFORMATION PACK

THIS INFORMATION PACK DOES NOT FORM PART OF THE TERMS OF APPOINTMENT

GENERAL INFORMATION

PROBITY & CONFLICTS OF INTEREST – A GUIDE FOR CANDIDATES

“Probity – Board members must be committed to the principles and values of public service and perform their duties with integrity”

Selflessness Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends;

Integrity Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties;

Objectivity In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit;

Accountability Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;

Openness Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands;

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest; and

Leadership Holders of public office should promote and support these principles by leadership and example.

at interview. One of the issues which might arise in relation to this is that of conflict of interest.

All candidates who put themselves forward for this appointment must be able to demonstrate their commitment to the principles and values of public service. It is the responsibility of Government Departments to ensure that the individuals they appoint can demonstrate that they meet the probity principle. This is highlighted in paragraph 2.3 of the code, which states:

“To ensure Ministers can fulfil their role properly, Departments must ensure that all candidates put to the Minister for approval meet the criteria and the standards required by the principle of probity’.

It is important that the candidate’s commitment to the probity principle is tested and assessed at interview. One of the issues which might arise in relation to this is that of conflict of interest.

What is 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 of 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 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 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.

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 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 your question the probity of the Board or 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 Department after my appointment?

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?

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 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?

This could arise for 2 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.

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.

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 body.

Areas where a conflict could arise

There are 5 main issues, which could lead to real, or apparent, conflicts of interest. These are:

- Relevant pecuniary or other interests outside the organisation;
- Relationships with other parties/organisations which could lead to perceived or real split loyalties;
- Pending Government Policy could give unfair personal advantage to people with allied business interests – for example access to privileged information – trade secrets;
- Perception of rewards for past contributions or favours;
- Membership of some societies or organisations.

Some examples of potential, real or perceived, conflicts of interest are:

- You are a director of a building supplies firm and the board to which you are seeking appointment conducts regular procurement exercises for building materials. **You could benefit personally from decisions taken by the board.**
- You are a manager in a voluntary organisation, whose funding applications are considered by the board to which you are seeking appointment. **The body for which**

you work could benefit financially from decisions taken by the board.

- You are a director of a pharmaceutical company and the board to which you are seeking appointment will be directing policy on medical research. **Your company could have access to information, which would give them a commercial advantage over their rivals.**
- You have, in the past, contributed significant funds to the political party to which the appointing Minister belongs. **Your appointment could be viewed as the “old boy network” in operation.**

In other words, 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.

The above are examples only, so you should consider carefully your own circumstances to gauge whether or not a real, or perceived, conflict might exist.

EQUAL OPPORTUNITIES POLICY STATEMENT

The Northern Ireland Civil Service (NICS) is committed to providing equality of opportunity. It is our policy that all eligible persons shall have equal opportunity for employment and advancement in the NICS on the basis of their ability, qualifications and aptitude for the work. Everyone has a right to equality of opportunity and to a good and harmonious working environment and atmosphere in which all workers are encouraged to apply their diverse talents and in which no worker feels under threat or intimidated. This right is protected in many instances by legislation.

In order to provide a high quality service to the people of Northern Ireland the NICS needs to recruit, retain and promote the best available people. Our equal opportunities policy is central to this strategy. We aim to foster a culture which encourages every member of staff to develop his or her full potential and which rewards achievement. Creating a working environment where individual differences are valued and respected enables all staff to give of their best and helps us to respond more effectively to the needs of the people we serve.

The NICS seeks to maintain the confidence of the whole community. It will continue to promote equality of opportunity and fair participation within the framework of the law and will strive to achieve a workforce that is broadly representative of the society which it serves.

It is the responsibility of all staff to be aware of and to apply this policy. Both Management and Trade Union Side are fully committed to the policy and will endeavour to ensure its full implementation.

Monitoring Form

The Northern Ireland Civil Service monitors applications for employment in terms of Community Background, Sex, Disability and Race. *You should note that this information is regarded as part of your application and failure to fully complete and return this will result in disqualification.* The use and confidentiality of Community Background information is protected by the Fair Employment and Treatment (Northern Ireland) Order 1998. It will be used only for monitoring, investigations or proceedings under the requirements of the above legislation.

Guidance Notes on Completing the Disability Section of the Monitoring Form

Please ensure you read this section carefully before completing this section of the monitoring form.

The Disability Discrimination Act defines disability as a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities.

A long-term effect of an impairment is one which has lasted, or can reasonably be expected to last at least 12 months. Where an impairment stops having a substantial adverse effect on a person's ability to carry out normal day-to-day activities, it will be treated as continuing to have that effect if it is likely to recur.

Apart from the use of spectacles or contact lenses to correct sight, the effect of treatment or correction on an impairment should be ignored. For example, in the case of someone with diabetes, whether or not the effect is substantial will depend on what the condition would be if he or she was not taking medication.

The guidance which follows contains examples of conditions which might give rise to particular categories of disability. You may feel that the suggested category is inappropriate in your case. For example, you may have a condition which is shown here as being likely to give rise to physical coordination difficulties, whereas in your opinion the resultant disability is more appropriately described under reduced physical capacity. In such cases you should choose the category which seems most suitable to you.

Hearing impairment

For example, being deaf or hard of hearing. If you wear a hearing aid which brings your level of hearing to a par with the average you are still considered to have a disability.

Visual impairment

For example, being registered blind or partially sighted. If your sight is corrected by the use of spectacles or contact lenses this is not considered a disability.

Speech impairment

For example, being unable to speak, or having difficulty in speaking.

Mobility impairment

For example, being able to walk only limited distances; having difficulty walking other than slowly or with unsteady or jerky movements; having difficulty sitting, standing, bending or reaching; having difficulty climbing stairs, or using a normal means of transport; needing to use a walking stick, crutches or wheelchair.

Physical coordination difficulties

This relates to balanced and effective interaction of body movement, including hand and eye coordination, and might include, for example, problems of manual dexterity and of muscular control, e.g. incontinence, epilepsy, Parkinson's disease.

Reduced physical capacity

This includes debilitating pain and lack of strength, breath, energy or stamina, such as might arise, for example, from cardiovascular conditions, asthma, diabetes. It may also result from progressive conditions, e.g. muscular dystrophy, cancer, multiple sclerosis, HIV/AIDS. (The DDA provides for people with these progressive conditions to be regarded as having a disability as soon as impairment arising from the condition has some effect on the ability to carry out normal day-to-day activities. The effect does not have to be continuous or substantial.)

Severe disfigurement

Examples of disfigurements include scars, birthmarks, limb or postural deformation or diseases of the skin. A tattoo is not considered as a severe disfigurement.

Learning difficulties

For example, reading or writing with difficulty. Includes the mental inability to perceive physical danger.

Mental illness

For example, having schizophrenia, clinical depression, severe phobias.

VETTING PROCEDURES

It is Departmental policy that each candidate invited to attend for interview brings sufficient documentation to satisfy the Vetting requirements. Further details regarding acceptable documentation will be issued with an invitation to attend for interview. You should ensure that these documents are readily available.

The Department must also ensure that you are legally entitled to work in the United Kingdom.

Baseline Personnel Security Standard

For appointment to Independent Board Member of LPS and Independent Member for DFP Audit and Risk Committee in the NICS the level of vetting is a Baseline Standard. For this check you will be required to provide the following;

- a) Your passport *OR*
- b) A document verifying your permanent national insurance number (e.g. P45, P60 or National Insurance card) *AND* your birth certificate which includes the names of your parents (long version).
- c) Other acceptable documents are listed on www.ind.homeoffice.gov.uk.
- d) A specimen signature at any assessment event and have this validated against passport, driving licence, application form etc. and
- e) Your consent to the validation of your previous 3 years employment as outlined in your application form if you are placed sufficiently high in the order of merit (normally determined after interview) to be considered for appointment.

We will carry out a Criminal Record Check on all candidates. You should not put off applying for a post because you have a conviction. We deal with all criminal record information in a confidential manner, and information relating to convictions is destroyed after a decision is made. Criminal Record information is subject to the provisions of the Rehabilitation of Offenders (NI) Order 1978.

ABATEMENT RULES

If you previously worked for an employer covered by the NICS Pension arrangements, different conditions may apply. If you have a NICS pension in payment, you should be aware that the pension scheme rules prevent members from receiving more by way of NICS fee and pension combined than they were earning as salary before they retired. This is called "abatement". If you want to know more about how this may affect you, please contact Civil Service Pensions at:

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