



Office for
Environmental
Protection

Northern Ireland Non-Executive Member

Candidate Information Document



Department of
Agriculture, Environment
and Rural Affairs

www.daera-ni.gov.uk

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Appointment

The Department of Agriculture, Environment and Rural Affairs (DAERA) wishes to appoint a Northern Ireland Non-Executive Member of the Office for Environmental Protection (OEP). Appointment will take effect from 28th February 2022.

Subject to NI Assembly approval to commence the relevant provisions, the Environment Bill will give DAERA the power to appoint a NI member to the OEP, in consultation with the Defra Secretary of State and the OEP Chair. This appointment will initially be on a non-statutory basis, with the successful candidate being formally appointed to the OEP if and when the relevant provisions of the Environment Bill are commenced in Northern Ireland.

The appointment of a Northern Ireland member will ensure appropriate local knowledge and skills to support NI interests in the development and operation of the OEP.

If you would like to speak to someone in connection with any aspect of the process or if you require an application pack in a different format such as Braille, large print, audio etc. please contact:

Alan Gibson Tel: 028 90 569732

Or by email to: environment.bill@daera-ni.gov.uk

About the OEP

The Office for Environmental Protection (OEP) will be a core part of the environmental governance framework in Northern Ireland (subject to NI Assembly approval) and England. It will operate UK-wide for reserved matters. It will hold government to account on environmental commitments and oversee public bodies' implementation of environmental law. Its creation supports the NI Executive's environmental commitments in the draft Programme for Government and New Decade New Approach agreement.

The OEP will provide independent scrutiny of progress in improving the natural environment under Environmental Improvement Plans. It will monitor the implementation of environmental law and provide advice on proposed changes to environmental law and/or any other matter relating to the natural environment. The OEP will also investigate complaints regarding failures of public bodies to comply with environmental law and can take enforcement action when it considers serious breaches of environmental law may have taken place, which in turn will incentivise compliance.

OEP's Objectives

The OEP's principal objective is to contribute to environmental protection and to the improvement of the natural environment. It will:

- implement long-term environmental governance arrangements;
- provide scrutiny and advice on environmental law;
- monitor and report on progress against Environmental Improvement Plans (EIPs);
- investigate complaints of alleged breaches of environmental law by public authorities where these are viewed as serious and in line with the OEP's enforcement policy;
- take enforcement action in appropriate cases including, if necessary as a last resort, seeking judicial review.

The Environment Bill

The OEP is being established under the Environment Bill. The Bill is currently being considered in Parliament. It is expected complete its passage during the autumn and come into operation shortly thereafter (subject to the Assembly's approval in NI). On environmental governance the Bill will also provide for Environmental Improvement Plans to be published by DAERA and embed environmental principles in domestic law.

The DAERA Minister wishes to see the OEP fully functional in Northern Ireland as soon as possible.

Independence and Accountability

The OEP will be set up as a non-departmental public body and will be provided with safeguards to ensure its operational independence. These include a legal duty on Ministers to have regard to the need to protect the OEP's independence.

It will be legally separate from the Crown, enabling enforcement action against Government departments where necessary. Ministers will have no powers of direction over its work programme or decision-making.

It will receive a budget that will be ring-fenced for each spending review period. This will give the OEP greater certainty over its finances.

The OEP must lay before Parliament and the NI Assembly an annual report on the exercise of its functions and a statement of accounts, including an assessment of whether it has been provided with sufficient funds to carry out its functions.

OEP and Board Responsibilities

OEP Responsibilities

- to monitor and report to the NI Assembly (and Parliament) on improving the natural environment in accordance with the environmental improvement plans;
- to monitor, and report to the NI Assembly (and Parliament) on the implementation of environmental law;
- to provide advice to Departments in relation to changes to environmental law, as well as on any other matter relating to the natural environment when requested;
- to receive, verify, and where appropriate investigate and report on, complaints into alleged failures to comply with environmental law by public authorities;
- to investigate potential serious failures by a public authority to comply with environmental law and take formal enforcement action, including through information notices, decision notices and court proceedings, where appropriate.

In fulfilling its responsibilities, the OEP is required to:

- act objectively and impartially, and have regard to the need to act proportionately and transparently;
- set out how it will respect the integrity of other relevant statutory regimes, which would involve acting strategically and considering where extensive governance already exists;
- determine, prioritise, and act on complaints and enforcement cases that it considers have important implications, as specified in the Environment Bill;
- consider how to coordinate practically any investigation with other relevant bodies holding an investigatory remit.

Board Responsibilities

The Board sets the strategic direction of the organisation. It ensures the correct, efficient and effective use of the OEP's resources, including its public funding.

The Board of the OEP includes a non-executive chair and between four and nine other members, with the majority of members being non-executives. The non-executive members are crucial in supporting and constructively challenging the executive members. There are currently four non-executive members present on the Board. This recruitment process is to fill the post of a NI non-executive member.

The OEP Board has a collective responsibility to:

- establish and take forward the strategic aims and objectives of the OEP;
- set the long-term direction for the executive team, and the tone and pace needed to deliver the agreed strategy and plans;
- ensure that in exercising its functions the OEP acts objectively and impartially, and has regard to the need to act proportionately and transparently, and furthers its principal objective;
- authorise enforcement action;
- receive, review, and submit regular performance information concerning the ongoing delivery of the OEP against its strategy;
- ensure that the NI Assembly (and Parliament) is kept informed of any revision of the OEP's strategy;
- ensure that effective and high standards of corporate governance are always in place;
- comply with the Codes of Conduct for Board Members of Public Bodies (NI).

Role Profile

DAERA is seeking to appoint one NI non-executive member to the Board of the OEP.

Board members will play an important role in supporting and encouraging the executive team in delivering the organisation's statutory powers of scrutiny, advice, investigating complaints, and enforcement in relation to environmental law and its application. Your skills will be vital in helping the Board make the right decisions for current and future policy.

Applications are invited from high-calibre candidates from all backgrounds who can demonstrate they can contribute to the strategic leadership of the OEP and discharge a full range of non-executive responsibilities. We welcome applications from any candidates who meet the essential and NI specific criteria for the role, whether experienced or first-time non-executive members.

The successful candidates must abide by the Nolan principles of public service (included in Annex A) and the [Code of Conduct for Board Members](#).

Personal Specification

Essential Criteria

Candidates must demonstrate all of the following essential criteria:

- ability to support a new body in its development and evolution, ensuring it is established and that it operates effectively and efficiently;
- ability to analyse complex issues at a strategic level in ways which are impartial, evidence-based, creative, focused and contribute to proportionate solutions;
- ability to work collaboratively, providing support and challenge to an executive team in order to ensure effective delivery;
- highly effective leadership, interpersonal and communication skills, demonstrating an ability to influence and engage with a diverse network of stakeholders along with the ability to inspire confidence at all levels.

Northern Ireland Specific Criteria

Candidates must also have experience of **one** of the following:

- Northern Ireland environmental law (within the meaning of Part 1 of Schedule 3 to the Environment Bill¹);
- environmental science in Northern Ireland; or
- environmental regulation in Northern Ireland.

Desirable Criteria

Experience of **one** of the following criteria would also be beneficial:

¹ “Northern Ireland environmental law” means any Northern Ireland legislative provision that — (a) is mainly concerned with an environmental matter, and (b) is not concerned with an excluded matter.

- practical understanding and experience of NI government, governance, politics or public service systems, particularly in relation to the environment;
- skills and experience in the area of environmental economics;
- skills and experience in the areas of air quality, soil quality or biodiversity.

Time Commitment and Term of Office

Non-Executive Members will be expected to spend between four and six days per month on OEP business. This includes preparing for meetings and travelling time.

The OEP will be headquartered in Worcester. A hybrid working system of meetings held in Worcester, alternating with online meetings, is in place. We will take into consideration any workplace guidance requirements in light of coronavirus over the coming months. Flexible working may be accommodated in line with the requirements of the OEP. The non-executive members will be expected to attend regular meetings of the OEP Board, as well as relevant committee meetings and visits.

This appointment is subject to the establishment of the OEP. The successful candidate will initially be appointed as a non-executive member-designate until the Environment Bill receives Royal Assent and the OEP is legally established in Northern Ireland. Following Royal Assent and approval from the NI Assembly for the OEP to function in NI, the successful candidate would be formally appointed as the non-executive Northern Ireland member of the OEP.

It is anticipated that the successful candidate will take up post on 28th February 2022. They will be appointed initially for a period of up to five years and may be eligible for reappointment for a second period up to a maximum total of 10 years. The actual length of appointment and time commitment will be discussed with the individual successful candidate. The total length of the initial appointment would be expected to encompass both the appointment as non-executive member-designate and appointment as OEP non-executive member, if applicable.

Remuneration and Expenses

The remuneration is £425 per day and reasonable travel expenses are paid. The appointment is non-pensionable.

The Recruitment Process

The closing date for applications is Friday 3rd December 2021 at noon. We expect shortlisting to take place weeks commencing 6th and 13th December 2021, with interviews week commencing 10th January 2022.

The Advisory Assessment Panel will consist of:

- John Mills (DAERA Official) as Chair;
- Dame Glenys Stacey (Chair-designate of the OEP); and
- Maeve Marnell (Independent Panel Member allocated by the Commissioner for Public Appointments NI).

At the sifting and shortlisting meeting, the Panel will assess each application against the essential and NI specific criteria in order to decide who to invite for interview. We guarantee to interview anyone with a declared disability whose application meets the minimum criteria for the post.

Reimbursement of Interview Expenses

As it is intended that interviews will be conducted by video conference, it is not anticipated that there will be any requirement to reimburse interview expenses.

Selection Process

The appointment process for the OEP NI non-executive member post will be overseen by an Advisory Assessment Panel. The Panel will have an independent panel member who has been allocated by the Commissioner for Public Appointments for Northern Ireland (CPANI) and has had no recent employment, advisory or other operational contact with DAERA.

DAERA's Environment Bill Team will conduct an initial application admissibility check. Applications will only be eligible for panel assessment if they are received within the deadline and all eligible questions are completed in line with the parameters set out in the Candidate Information Document and the DAERA Public Appointments Guidance Notes. The Application Form should be completed in full. The Equal Opportunity Monitoring Form is however **not** compulsory and failure to complete this will not result in your application being withdrawn.

Sifting Process

At the sift meeting, the Panel will assess each application against the essential and NI specific criteria in order to decide who to invite for interview. All application forms will be anonymised.

Only information supplied in the application form will be taken into account for the sift process. It is therefore essential that you provide in the application form information relevant to each of the essential criteria, and **one** of the NI specific criteria.

Only those applicants who are deemed to meet **all** the essential criteria and **one** of the NI specific criteria will be invited to interview.

The eligibility sift is due to take place weeks commencing 6th and 13th December 2021.

Sifting Method

A scoring system of 1 to 5 will be applied to each of the four essential criteria, and also for **one** of the NI specific criteria. Only those applicants who score 3 or above for each criterion will be selected for interview.

Shortlisting Method

If the number of applicants meeting the essential and NI specific criteria is, in the Department's view, too many to be interviewed, a shortlisting process will be applied. This will involve the threshold score being raised to 4 for each of the four essential criteria and one of the Northern Ireland Criteria. If the number of applicants is still at an unmanageable number a scoring of 1 to 5 will be applied to one of the desirable criteria with only those scoring 3 or above selected for interview.

With the agreement of the Commissioner, the Department reserves the right to employ a Sift Panel comprising three CPANI Independent Assessors to conduct the sift stage of written applications. If the Department opts to use a Sift Panel, the Independent Assessor allocated by CPANI to sit on the Interview Panel will be appointed to the role of Lead Independent Assessor on the Sift Panel.

Applicants who are sifted out will be informed of the decision at this stage.

Feedback

If an applicant does not pass the sift/shortlisting stage of the process, feedback will be provided on request. This will be based on the Panel's consensus assessment of your application.

Reassessment Process

If an applicant is unhappy with the decision of the panel, in that they have not been invited to interview, they have the right to make a request in writing to have their case reviewed. The applicant must state clearly their reasons for

contesting the decision of the panel. The applicant must contact the Environment Bill Team requesting a review within **10** days of receiving the outcome letter from the sift process. New information which was not included in the applicant's original application cannot be taken into account in this process.

Applicants should contact the Environment Bill Team by email at: environment.bill@daera-ni.gov.uk or by phone at: **028 90 569732** to request a reassessment.

Interview

Interviews are expected to take place by video conference and will last for approximately 40 minutes. Further details about the format will be provided to shortlisted candidates in advance. We will be glad to ensure any reasonable adjustments are made, where required, for candidates attending interviews. It is anticipated that interviews will take place week commencing 10th January 2022. Candidates should note that a valid form of photographic identity will need to be presented to the panel.

The interviews will be competence-based interviews which test candidates against the specific selection criteria for a particular appointment. Please see the enclosed Guide to Competency Based Interviewing (**Annex B**).

The panel will have an agreed pass mark. Only those interviewees who meet the pass mark will be named on the unranked list presented to the Minister.

Final appointment

As this is a Departmental appointment candidates deemed appointable by the Panel may be invited to meet with the DAERA Minister as part of the appointment process. The final appointment will be made by the DAERA Minister from a list of suitable candidates arranged in alphabetical order, in consultation with the Defra Secretary of State and the OEP Chair.

It is expected that the successful candidate will be notified by 31st January 2022 so that they can take up their post from 28th February 2022 (subject to the necessary pre-appointment checks).

If unsuccessful at interview, candidates may request feedback on their performance, this can be arranged by contacting the Environment Bill Team by email at: environment.bill@daera-ni.gov.uk or by phone at: **028 90 569732**

Applicant Summary

Information provided in the application form and at interview stage will be used to compile an applicant summary. The applicant summary will provide the Minister with an objective analysis of each applicant's skills and experience, based on the information provided in the appointment round and the selection panel's assessment of that applicant. In addition, if they are successful, they will be asked to provide information for a short pen picture for inclusion in the press release to announce the appointment, in line with the Commissioner for Public Appointments's Code of Practice. This will include:

- candidate's name;
- a brief summary of the skills and knowledge that they bring to the role;
- details of current appointments that they hold and any related remuneration received; and
- details of any political activity declared in the last five years.

How to apply and submit your application

To apply, please send a completed application form – you must clearly demonstrate how you meet **each** of the essential and **one** of the NI specific criteria for the role – making sure you refer to the contents of this document and the DAERA Public Appointments Guidance Notes and provide specific examples – please also include information about your relevant expertise.

If you have any questions about the appointments process, or need additional assistance with your application, please email the Environment Bill Team at: environment.bill@daera-ni.gov.uk or by phone at: 028 90 569732

Completed applications should be emailed to environment.bill@daera-ni.gov.uk or sent by post to:

Alan Gibson, c/o Environment Bill Team, 2nd Floor, Klondyke Building, Cromac Avenue, Belfast BT7 2JA

Ineligibility criteria

You cannot be considered for a public appointment if:

- you become bankrupt or make an arrangement with creditors;
- you become subject to a debt relief order or a bankruptcy restrictions order;
- your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and

Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors;

- you are disqualified from acting as a company director under the Company Directors Disqualification (Northern Ireland) Order 2002;
- you have been convicted of a criminal offence, the conviction not being spent for the purposes of the Rehabilitation of Offenders (NI) Order 1978;
- you fail to declare any conflict of interest.

Conflicts of interest and due diligence

The CPANI Guidance to Conflicts of Interest and Complaints is included with the Candidate Pack. If you have any interests that might be relevant to the work of the OEP, and which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your application. If you have queries about this and would like to discuss further, please email the Environment Bill Team at: environment.bill@daera-ni.gov.uk or by phone at: [028 90 569732](tel:02890569732)

Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of Parliament, the Northern Ireland Assembly, and the public. If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment, or cause public confidence in the appointment to be jeopardised, it is important that you bring them to the attention of the Advisory Assessment Panel and provide details of the issue(s) in your application. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media.

As part of our due diligence checks we may consider anything in the public domain related to your conduct or professional capacity. This will include us undertaking searches of previous public statements and social media, blogs or any other publicly available information. This information may be made available to the Advisory Assessment Panel and they may wish to explore issues with you should you be invited to interview. The information may also be shared with ministers and Cabinet Office.

Access NI Checks

If successful, you should be aware that you will be required to complete a basic Access NI check. Further details in relation to this can be found in the Access NI

Code of Practice. Should you require a copy of this please contact Alan Gibson as per the contact details on page 12.

The Commissioner for Public Appointments NI

As the Schedule to the Commissioner for Public Appointments (Northern Ireland) Order 1995 has not yet been updated to include the Office for Environmental Protection, this is not technically a regulated appointment. However, the process will follow as closely as is practicable the Code of Practice for Ministerial Public Appointments in Northern Ireland and will be conducted in co-operation with the Commissioner for Public Appointments for Northern Ireland (CPANI). More information about the role of the Commissioner can be seen at: [CPANI](#)

Complaints and Challenges

The CPANI Guidance to Conflicts of Interest and Complaints is included with the Candidate Pack. If you wish to challenge or make a complaint about any aspect of this appointment process, you should in the first instance contact Alan Gibson. Your complaint will be managed in accordance with a set procedure.

Please address any enquiries about the appointment process, including feedback or applications, to:

Alan Gibson

Email: environment.bill@daera-ni.gov.uk

Telephone: (028) 90 569732

If you are unhappy with DAERA's response, you may wish to write to the Commissioner for Public Appointments for Northern Ireland (see contact details below). The Commissioner operates an independent complaints procedure dealing with potential breaches in the Code of Practice for Ministerial Appointments to Public Bodies.

Commissioner for Public Appointments (CPANI)

Dundonald House

Annexe B, Stormont Estate

Upper Newtownards Road

Belfast

BT4 3SB

Email: info@publicappointmentsni.org

Data protection

DAERA's Privacy Notice

The Department takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information received from you is dealt with in a way which complies with the requirements of the General Data Protection Regulation 2016. This means that any personal information you supply will be processed principally for the purpose for which it has been provided. However, the Department is under a duty to protect the public funds it administers, and to this end may use the information you have provided for this purpose.

A full copy of the DAERA Privacy Statement can be found here: -

<https://www.daera-ni.gov.uk/daera-privacy-statement>

If you require this in hard copy, please contact **Alan Gibson** as per contact details on page 3.

Annex A – The seven principles of public life

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 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 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.

Annex B – Guide to Competency Based Interviewing

Competency Based Interviewing (CBI) is currently the most common method adopted for making public appointments in Northern Ireland. CBI is based on the premise that past performance is the best indicator of how someone will perform in a similar situation in the future. The CBI approach places the onus on you, the candidate, to provide evidence from your own experience of specific skills, competencies and behaviours at the required standard of performance. A 'competence' is simply a desirable skill or quality.

CBI provides the opportunity for you to answer questions about how you have reacted to and dealt with previous situations, the lessons you have learned and how you might handle similar situations in the future. CBI gives you an opportunity to illustrate your personality, skill set and individual competencies to the interviewer.

During the interview each competence is tested separately and you will be told which competence you are being questioned on. For each competence, the interviewer will begin by asking a **lead question**. These questions are seeking an example of a situation or task which led you to take a certain course of action. Lead questions are standardised and are therefore asked to each candidate in the same way. Some examples of lead questions are:

- *Describe a situation when you have worked as part of a team?*
- *Tell me about a time when you have been faced with a challenge in work?*

Probing questions will then be used to determine the course of action taken, what changes were created by those actions and the effects of those actions on others. Examples of probing questions are:

- *What did you actually do?*
- *What risks did you take?*

- *How did you plan it?*
- *What were the implications of....?*
- *What went well?*
- *What went badly?*
- *What were the outcomes?*
- *What would you do differently?*

When preparing for a CBI, a good approach is to read each competence that you will be questioned on, identify a relevant example and break it down under the following headings:

- *Describe the challenge presented,*
- *Explain the context of that challenge,*
- *Outline the action taken and*
- *Describe the end result.*

The competencies being tested are the criteria indicated in the application form.