



An Roinn Caiteachais  
Phoiblí agus Athchóirithe  
Department of Public  
Expenditure and Reform

Appointment of one person as both the Chairperson and Ordinary  
Member of the Outside Appointments Board

Closing Date: 3pm on Tuesday 25<sup>th</sup> June 2019

**Entity:** Outside Appointments Board (OAB)

**Board Meeting Location:** Dublin, in the Department of Public Expenditure and Reform's Offices in Dublin 2.

**Number of Vacancies:** One, as both a Member and Chairperson of the OAB.

**Remuneration:** None.

**Time Requirements:** Meetings of the OAB are demand led, depending on the number of cases received by the OAB. It is envisaged that there would be no more than 2-3 meetings of the OAB on average, per annum.

### **1. The Outside Appointments Board (OAB)**

The OAB was established in 2005 under the Code of Standards and Behaviour for civil servants, <https://www.sipo.ie/en/Codes-of-Conduct/Civil-Servants/Civil-Service-Code-of-Standards.pdf> which was made pursuant to Section 10(3) of the Standards in Public Office Act, 2001. The OAB is an administrative non-statutory Board. The OAB has published rules and guidelines which are at Appendix 1 below.

The OAB was established to provide independent scrutiny of post employments that civil servants propose to take up within one year of retiring. The OAB consists of the Secretary General of the Department of Public Expenditure and Reform, the Secretary General of the Department of the Taoiseach, and three other non-civil servant members, one of whom acts as Chairperson. The OAB is supported by a Secretary, who is a member of staff of the Department of Public Expenditure and Reform.

Currently, a new piece of legislation, the Public Sector Standards Bill 2015, is under consideration by the Oireachtas. Section 60 of that Bill, provides for the establishment of the OAB on a statutory footing. Committee Stage in the Dáil commenced on the 6th of April 2017. The Department is currently awaiting a date for the resumption of Committee Stage.

### **2. Function of the Board**

The OAB is empowered to provide independent scrutiny of and decide on applications to it from civil servants at Assistant Secretary level (senior level) and above, including special advisors at that level, who wish to take up employment within one year of resigning or retiring, and where the nature of the appointment could lead to a conflict of interest.

The OAB is also entitled to hear appeals from civil servants below the grade of Assistant Secretary who have had conditions imposed on their take up of post-civil service employment by the Secretary General of their Department or Head of Office.

### **3. Additional Function of the Chairperson**

From time to time, the Chairperson provides an update to the Government on the work of the OAB and the cases that have been dealt with in the intervening period since the last report to Government.

#### **4. Person Specification**

The Minister for Public Expenditure and Reform invites applications from suitably qualified individuals, who CANNOT be a civil servant, in order to become both a Member and Chairperson of the OAB. Persons expressing an interest in this appointment must be able to demonstrate that they meet the following **essential** criteria:

- Have extensive experience in senior leadership levels with a high degree of integrity, particularly in the area of conflict of interest issues,
- A proven track record of independent, objective and effective judgement and decision making, including in roles such as Appeals Boards, Arbitration Boards etc.;
- Have a strong commitment to the Public Service and its values, in particular, a clear understanding of the importance of upholding the public interest,
- Good communication and interpersonal skills.

#### **5. Terms of Appointment**

The appointment will be from 1 December 2019 for a three year period to 30 November 2022, with an option to extend, or until the enactment of the Public Sector Standards Bill, whichever is earlier,

The membership of any member of the OAB may be terminated by the Minister at any time, on the basis of reasons to be stated by the Minister.

A member of the OAB may resign his or her membership of the OAB by notice in writing sent or given to the Secretary of the OAB.

Members of the OAB shall hold office upon such terms and conditions as the Minister may, from time to time determine.

An OAB member shall cease to be a member of the OAB if he or she is nominated as a member of Seanad Éireann, is elected as a member of either House of the Oireachtas, elected to the European Parliament, or becomes a member of a local authority.

#### **6. How to Apply**

Please forward a succinct CV having regard to the requirements described at number 4 above (no more than 2 pages).

Please also enclose a cover letter (no more than 1 page) outlining why you fulfil all the requirements described at number 4 above, and the specific expertise you would bring to the role as a Member and Chairperson of the OAB.

Please forward your CV and Cover Letter to [ethics@per.gov.ie](mailto:ethics@per.gov.ie) with the Heading "Member and Chairperson of the OAB", no later than 3pm on Tuesday 25<sup>th</sup> June 2019.

If there are any questions regarding the application process, please e-mail [ethics@per.gov.ie](mailto:ethics@per.gov.ie)

## **7. Assessment Process**

An Assessment Panel (the “Panel”) will be convened by the Department of Public Expenditure & Reform to consider and assess applications. The Panel will:

- review and discuss the applications received against the specific appointment criteria for the role at number 4;
- assess potential appointees further, once they meet the specified appointment criteria, by undertaking any or all of the following steps:
  - Consideration of the written applications; and/or
  - Meeting/conference call; and/or
  - Referee checks;
  - Any other selection method deemed appropriate.
- compile a list of people deemed suitable for appointment which will then be sent forward for consideration by the Minister.

## **8. Confidentiality and data protection**

Subject to the provisions of the Freedom of Information Act 2014, applications will be treated in the strictest confidence.

Further information on the Department of Public Expenditure data protection policy is available at <https://www.gov.ie/en/organisation-information/380c6a-data-protection-privacy-notice/>

## APPENDIX 1

### OUTSIDE APPOINTMENTS BOARD RULES & GUIDELINES

#### 1. The Outside Appointments Board

The Outside Appointments Board is an independent body established under the Civil Service Code of Standards and Behaviour introduced in September 2004. The Code was drafted pursuant to Section 10(3) of the Standards in Public Office Act 2001. It was published by the Standards in Public Office Commission and issued by the Department of Finance as Circular 26/04. The membership of the Board is set out in paragraph 21.1 of the Code and comprises the Secretary General, Public Service Management and Development in the Department of Finance, the Secretary General to the Government and three members who are not civil servants, one of whom acts as Chairperson.

#### 2. The Mandate

The mandate of the Outside Appointments Board is to maintain public trust in the Civil Service by independent scrutiny of post-employment appointments that civil servants propose to take up within one year of resigning or retiring from the Civil Service. As provided for in the Code, the Board will consider applications made to it for such appointments on the basis of determining whether or not a clear conflict of interest exists. The Board may approve the application or apply conditions to its approval.

The objective of the Board is to provide an open and transparent system of oversight of such proposed appointments that will protect the public interest without placing undue barriers in the way of movement of people with experience and expertise between the public and private sectors.

#### 3. Who must apply?

The Code at section 20 sets out guidelines for civil servants on the acceptance of outside appointments and consultancy engagements following resignation or retirement. Civil servants at Assistant Secretary level and above must obtain approval from the Outside Appointments Board if they intend, **within twelve months or resigning or retiring** to:

- accept an offer of appointment from an employer outside the Civil Service or
- accept an engagement in a particular consultancy project

***where the nature and terms of such an appointment or engagement could lead to a conflict of interest.***

The provisions of the Code in relation to outside appointments and consultancy projects also apply to special advisors or other private office staff whose terms of office are coterminous with that of the relevant Minister/Attorney General. Advisors or other private office staff at or above Assistant Secretary level are therefore similarly required to seek the approval of the Board before accepting an outside appointment.

#### 4. Making applications to the Outside Appointments Board - Paragraph 20.4 of the Code

Applications for approval should be made directly to the Outside Appointments Board. Applications should include:

- A submission from the applicant setting out full details of the proposed appointment
- Details of any official dealings with the prospective employer or with any competitors of the prospective employer
- Any other information relevant to the proposed appointment.

## 5. Outside Appointments Board Procedures

The Outside Appointments Board will deal with applications to it without delay. When an application is received, the Secretary to the Board will convene a meeting to consider the application.

Where possible, a decision on the application will be made at the Board meeting and will be conveyed in writing to the applicant within one week. Where, in the opinion of the Board, the application requires further consideration, a decision may be postponed to allow the Board to obtain further information. The Board will generally seek the views of the Secretary General of the Department or Head of the Office concerned and make other enquiries as it thinks appropriate before reaching a decision on an application before it.

When the Board is of the opinion that conditions should be attached to the appointment, the applicant will be informed in writing of the views of the Board and will be given the opportunity to make representations to the Board or to supply additional information before a final decision is made.

Having taken into account any representations made or information given, the Board will make a final decision in the matter and inform the applicant in writing of its decision.

## 6. Terms of approval

Applications to the Outside Appointments Board will be approved either:

- a. unconditionally; or
- b. subject to conditions which may apply for up to one year from the final day of employment in the Civil Service. Conditions may include:
  - A waiting period before taking up the appointment
  - An absolute or qualified ban on the involvement of the applicant in dealings between the prospective employer and the Government
  - A ban on involvement by the applicant in dealings between the prospective employer and a named competitor (or competitors) of that employer
  - In the case of consultancies, conditions regarding the acceptance of consultancies for professional services of a particular nature.

If the Board considers that the appointment is unsuitable, it may add that advice to its decision recommending that the application be subject to a waiting period of one year.

## 7. Appeal provisions

An applicant who is not satisfied with a decision of the Outside Appointments Board may request a review of the decision. If an application for review is made, the Board may apply to the General Council of the Bar of Ireland to propose an independent reviewer to consider the matter.

## 8. Referral to the Outside Appointments Board of a decision of a Secretary General or Head of Office for review - Paragraph 20.6 of the Code

A civil servant below Assistant Secretary level who has made an application for approval to accept an outside appointment to the Secretary General or Head of Office, and who has received a decision attaching conditions to taking up the appointment, may refer the decision to the Outside Appointments Board for review. Applications to the Board for review should include:

- A submission from the applicant setting out full details of the proposed appointment
- Details of any official dealings with the prospective employer or with any competitors of the prospective employer
- The decision of the Secretary General or Head of Office
- Any other information relevant to the proposed appointment.

The Board will consider the decision concerned and will inform the applicant in writing of its decision within 7 days of receiving the request for review. The Board may uphold the conditions applied to the decision or amend or vary them as the Board considers appropriate. The decision of the Board is final.

## 9. Guidance for Departments and Offices

The Outside Appointments Board will, from time to time, publish information for Departments and Offices on the detailed basis on which applications to the Board will be assessed and provide guidance on identifying and preventing conflicts of interest situations.

## 10. Annual Report

The Chairman of the Outside Appointments Board shall report annually to the Government through the Minister for Finance, on the performance of the Board or on other aspects of the Board's functions, as the Chairman considers appropriate.