



Appointments to the Charity Appeals Tribunal

Closing Date: Midnight on 1st March 2016

**State Boards Division
Public Appointments Service
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stateboards.ie operates under the auspices of the Public Appointments Service and is committed to a policy of equal opportunity.

The Public Appointments Service (PAS), established under statute in 2004, provides an independent shared service in recruitment, assessment and selection to organisations across the Civil and Public Services. On 30 September 2014, the Government decided that the PAS should also be given responsibility for putting in place an open, accessible, rigorous and transparent system to support Ministers in making appointments to State Boards. Our dedicated website, www.stateboards.ie, is the channel through which the PAS advertises vacancies on State Boards. It is also the means through which accomplished, experienced and qualified people, including people who might not previously have been identified as available for appointment, can then apply to be considered for particular vacancies.

Membership of State Boards

High standards of corporate governance in all State Agencies, whether in the commercial or non-commercial sphere, are critical to ensuring a positive contribution to the State's overall social and economic development.

Members of State Boards are appointed to act on behalf of the citizen to oversee the running of the affairs of state bodies. State bodies must serve the interests of the taxpayer, pursue value for money in their endeavours (including managing risk appropriately), and act transparently as public entities. Members of State Boards, and the relevant management team, are accountable for the proper management of the organisation.

Board members should act on a fully informed basis, in good faith, with due diligence and care, and in the best interest of the State body, subject to the objectives set by Government. In that regard and in accordance with 13.2 of the Guidelines on Appointments to State Boards, "it is advisable that no member of a State Board should serve more than two full terms of appointment or should hold appointments to more than two State Boards."

The [Code of Practice for the Governance of State Bodies](#) provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies.

In order to be an effective contributor on a State Board it is recommended that members should:

- bring independent and objective scrutiny to the oversight of the organisation;
- be prepared to be challenging when necessary while being supportive to the delivery of organisational strategy and objectives;
- be equipped to offer considered advice on the basis of sound judgement and experience;
- be prepared to make a time commitment to their work commensurate with their role.

Appointments to the Charity Appeals Tribunal

Location:	Dublin
Number of Vacancies:	5 Ordinary Members. A Chairperson will be appointed from among these.
Remuneration:	€552 for Chairperson per sitting day and €360 for Ordinary members per sitting day of the Tribunal (subject to taxation). Travel and subsistence expenses are payable in respect of attendance at Oral hearings. (It should be noted that in line with the 'One Person One Salary' principle, no public servant will be entitled to receive remuneration in the form of board fees, save for situations that are statutorily provided for e.g. Worker Directors).
Time Requirements:	The Tribunal is required as far as practicable to ensure that appeals are dealt with and determined expeditiously. It is estimated that there will be a minimum of 12 sittings of the Tribunal in year one of its establishment to deal with cases on hand. This may be reviewed subject to the complexity and volume of appeals received in the future. Subject to workload it is envisaged that each sitting will be of one full day's duration.

1. Background

The Charities Regulatory Authority (CRA) was established to regulate Ireland's charities in accordance with Section 13(1) of the [Charities Act 2009](#). The Authority is responsible for the registration and regulation of all charities that carry out activities in Ireland including community groups, schools, universities, churches, healthcare providers and others providing public benefit as specified in the Act.

Where an application for registration of a charity is refused by the Authority, or a person has been removed from the register or is no longer deemed by the Authority to be registered, an appeal may be submitted to the Charity Appeals Tribunal. It is also open to the Minister to appeal a decision of the Authority to register a person.

2. Functions of the Tribunal

[Section 75\(1\) of the Charities Act 2009](#) provides for the establishment of the Charity Appeals Tribunal. The Tribunal will be independent in the performance of its functions and will hear and adjudicate on appeals against decisions of the Charities Regulatory Authority.

The procedure to be followed in relation to an appeal will be determined by rules made by the Tribunal, with the consent of the Minister for Justice and Equality. These rules may specify;

- the forms to be used and notifications to be given in respect of the bringing of an appeal to the Tribunal;
- that an administration fee of a specified amount be paid in respect of the Tribunal's dealing with an appeal;
- the period within which the Tribunal shall, from the date of an appeal being brought, arrange a hearing of the appeal;
- the period within which the Tribunal, from the date of completion of the hearing, shall make its determination.

All sittings of the Tribunal will be conducted by way of oral hearing and where necessary more than one hearing may be held for the purpose of determining an appeal. Proceedings before the Tribunal will be conducted in public unless the Tribunal considers it necessary to make an order directing that the identities of all or one of the parties of an appeal should not be disclosed.

The Tribunal may make one of a number of determinations on an appeal, e.g., request the person be registered, remove the person from the register or uphold the decision of the Authority. A decision of a majority of the members of the Tribunal will suffice for any purpose.

Under Section 80 of the Charities Act, a party to proceedings before the Tribunal may appeal a decision of the Tribunal to the High Court on a point of law. An appeal under this section shall not be brought without the permission of (a) the Tribunal or (b) if the Tribunal refuses permission, the High Court.

3. Person Specification

The Charities Act specifies that the Tribunal will consist of 5 members two of whom have a legal background and two of whom have expertise in the charities sector, consequently, the Minister for Justice and Equality invites applications from suitably qualified candidates with either a legal or charities background. The Minister also intends to appoint a member with a background in mediation / dispute resolution to the Tribunal.

Legal background

Candidates must either:

- hold or have formerly held judicial office in the Superior Courts, or
- be a barrister or solicitor of not less than 10 years standing

It is also desirable that candidates have:

- experience of the charity sector
- legal expertise in the area of the law which regulates the charity sector
- regulatory experience

Charities background

Candidates must have experience in areas of expertise relating to charities, particularly in relation to their governance and good practice in the area. This expertise should be substantial and indicate both a broad and deep knowledge of the Irish charity sector. In addition it is desirable that candidate have some experience of operating in a regulatory sector and previous experience of Board/Tribunal membership.

Mediation / dispute resolution background

Candidates must have extensive professional or board experience in mediation and/or dispute resolution. Previous experience of sitting on a Tribunal and/or adjudicatory body is desirable as is knowledge of the voluntary sector. International experience is also welcome.

Chair

The Chairperson of the Tribunal shall be appointed by the Minister from among the members of the Tribunal.

In addition to the requirements laid out above for ordinary members of the Tribunal, candidates wishing to be considered for Chairperson must have experience of Board/Tribunal Membership and preferably previous experience of chairing a Board/Tribunal engaged in adjudication.

4. Term of Appointment

Under the Act, appointments to the Tribunal will be for an initial period of five years with an option to extend the term of engagement for a second term of five years, subject to:

- The membership of any member of the Tribunal may be terminated by the Minister at any time, on the basis of reasons to be stated by the Minister.
- A member of the Tribunal may resign his or her membership of the Tribunal by notice in writing sent or given to the Minister, and the resignation shall take effect on the day on which the Minister receives the notice.
- Members of the Tribunal shall, subject to the provisions of this Schedule, hold office upon such terms and conditions as the Minister may, with the consent of the Minister for Public Expenditure and Reform, from time to time determine.
- The roles and responsibilities of Tribunal Members are subject to the Code of Practice for the Governance of State Bodies 2009 which is available on the website of the Department of Finance ([Code of Practice for the Governance of State Bodies](#)).
- A Tribunal member shall cease to be a member of the Tribunal if he or she is nominated as a member of Seanad Éireann, is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, elected to the European Parliament, or becomes a member of a local authority.

5. Submitting your Expression of Interest

Before submitting your expression of interest, please review the self-assessment questionnaire which can be found [here](#). This questionnaire is designed to help you in considering whether to submit an expression of interest - you are not required to submit the questionnaire as part of the application process.

Having considered the general suitability criteria for membership of a State Board, you should consider carefully how your background and experience fits with the specific appointment criteria set out in the Person Specification section in this booklet. Please give careful consideration to the possibility of any potential conflict of interest that may arise if appointed to this board.

Your submission should be made via the following link www.stateboards.ie together with your **Curriculum Vitae** and a **cover letter** (see Appendix 1 of this booklet for help with the online process).

IMPORTANT NOTE

Please take care when submitting your expression of interest. As the Assessment Panel will generally make its recommendation(s) based on consideration of the documentation which you submit, it is most important that you do the following:

1. *Ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Board position(s) specified in this booklet, and*
2. *That you fully answer any supplementary questions which are presented to you as part of our online application process.*

This will help ensure that the Assessment Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to this State Board.

If you have any questions regarding the application process please email info@stateboards.ie.

6. Assessment Process

An Assessment Panel (the "Panel") will be convened by PAS to consider and assess the expressions of interest received by PAS. The Panel will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet;
- assess potential candidates 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; and/or
 - Any other selection or verification method deemed appropriate (this may include PAS requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications).
- arrive at a shortlist of suitable candidates to be sent forward for consideration by the Minister.

7. Confidentiality

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes.

8. Data Protection Acts 1988 & 2003

For further information on Data Protection please follow the [link](#)

APPENDIX 1

Submitting your expression of interest

In order to submit your application, you should take the following steps:

1. Go to www.stateboards.ie.
2. On the bar at the top of the page click on "Available Appointments".
3. This brings you to a page with all our advertised vacancies. Select whichever position you would like to apply for (you are welcome to apply for more than one position if you wish).
4. On the relevant page please click on the "apply for position" button at the bottom of the page
5. This will bring you to a page on www.publicjobs.ie and, if you already have a publicjobs.ie account, will prompt you for your username and password. If you do not have an account you will be asked to create one.
6. Once you input your details you will be brought to a page where there is a prompt in the middle of the page which says "apply here". Click on the link to the online application form beside it.
7. A form will appear on your screen, some of the text boxes will be populated with information from your publicjobs.ie profile (Name, address etc.). You will need to complete the rest of the fields and enter your name and the date at the bottom of the form. Click on "continue".
8. You will then be brought to a screen where you should upload your CV and Cover Letter. These are required documents and your application cannot be processed without them. Once you have selected these and uploaded them, please click on the "submit" button at the bottom of the page.
9. You will receive an e-mail confirmation (to the address listed in your publicjobs.ie profile) to confirm that your application has been submitted.

You must confirm that you do not have any conflicts of interest or legal impediment which would be likely to interfere with your ability to play a full part on the Board. You must also confirm that you can make yourself available to attend meetings and to carry out the duties of a Board member.