

Candidate Information Booklet

APPOINTMENT OF NON-LEGAL PANEL MEMBERS OF INDUSTRIAL TRIBUNALS AND FAIR EMPLOYMENT TRIBUNAL

IRC301005 – Employer Panel Members

IRC301006 – Employee Panel Members

**Completed Application Forms
must be returned to HRConnect
no later than 12:00 noon (UK time)**

on

Friday 24th May 2024.

You are advised to download and keep a copy of this booklet for future reference - it will no longer be available online after the above date.

This information booklet is designed to help you provide the relevant information when completing the application form. It can be requested in alternative formats by contacting **HRConnect** on **0800 1 300 330** or via email to recruitment@hrconnect.nigov.net

This information booklet has been produced as a guide to help you provide the relevant information when completing the application form for the post of Non-Legal Panel Members of Industrial Tribunals and Fair Employment Tribunal. These documents are only a memorandum and should not be taken as constituting conditions of appointment.

The qualities required and details of how to complete the application form are set out within this pack. It is recommended that you read this information carefully before completing the application form.

The competition to appoint Non-Legal Panel Members of Industrial Tribunals and Fair Employment Tribunal is being managed by HRConnect on behalf of the Department for the Economy (DfE). HRConnect will issue electronically as many competition communications as possible should you provide your e-mail address as part of your application; you should therefore check your email account (including Junk folder) to make sure that you don't miss any important communications in relation to this competition. There may, however, still be a necessity to issue some correspondence by hard copy mail.

Privacy Notice

DfE is committed to protecting your privacy. We will process the personal data you provide us for the purpose of recruiting Non-Legal Panel Members of Industrial Tribunals and Fair Employment Tribunal. For more information a DfE Public Appointments 'privacy notice', is available on the following link for your information and reference:

[Privacy Notice - Public Appointments | Department for the Economy \(economy.ni.gov.uk\)](https://www.economy.ni.gov.uk)

WELCOME

As the Interim President of the Industrial Tribunals and Fair Employment Tribunal in Northern Ireland, I am pleased to provide this message of welcome to all those considering applying to become a non-legal member of the Tribunals.

The role of a non-legal member is a judicial office and is an important role which has helped to deliver workplace justice for almost 30 years. Together, two non-legal members (someone with workplace experience from an employer perspective and someone with experience from an employee perspective) will sit alongside an Employment Judge (an experienced solicitor or barrister) to decide various types of dispute. Non-legal members are a valued part of this panel of three people. They contribute to an independent decision-making process, deciding cases about alleged discrimination, harassment, victimization, unfair dismissal, unlawful detriments during employment, equal pay and many other issues.

The balance of perspectives that non-legal members provide helps to ensure that the Tribunal's judgments take proper account of workplace realities. That balance enhances the credibility of the decisions made in the eyes of employers, employees, managers, business owners, trade unions and the wider public. It also assists in ensuring impartiality.

This is the first recruitment of non-legal members since 1999. During the last 25 years the workplace has significantly changed. Whilst many traditional occupations remain in the public and private sector, there has been a significant emergence of new ways of working based on technology, the gig economy, an increase in agency work, migrant and cross border working, a growing influence of social media in the workplace and the emergence of complex disputes regarding religious belief, political opinion, sexual and gender identity. Difficult cases on issues such as these require impartial, serious and careful consideration so that justice is served and the rule of law supported.

If you think you could perform this important role, I hope you will consider applying to become a non-legal member. If your application is successful, you will add new

experiences and new perspectives to the Tribunals' decision-making and enhance the diversity of this important part of the judicial family.

A handwritten signature in cursive script, appearing to read "Maxine Orr".

Maxine Orr

Interim President, Industrial Tribunals and Fair Employment Tribunal

BACKGROUND

The Department for the Economy (DfE) is committed to the principles of public appointments based on merit with independent assessment, openness and transparency of process. We are also committed to equality of opportunity and, to ensure that appointments reflect the population of Northern Ireland, welcome application forms from all suitably qualified applicants irrespective of religious belief, community background, gender, race, nationality, ethnic origin, political opinion, age, disability, marital status, sexual orientation, or whether or not they have dependants.

Women, people from ethnic minority backgrounds, people with disabilities and people aged under 50 are particularly encouraged to apply given that these groups of people are currently under-represented.

We are operating a Guaranteed Interview Scheme for applicants with a disability.

ROLE PROFILE

What are Industrial Tribunals and the Fair Employment Tribunal?

Industrial tribunals (ITs) decide legal disputes concerning a wide range of employment rights matters. The Fair Employment Tribunal (FET) similarly decides legal disputes about discrimination on grounds of religious belief or political opinion. Both tribunals operate under rules and procedures and are served by the same judiciary, panel members and staff.

The Office of Industrial Tribunals and the Fair Employment Tribunal (OITFET) is located in Belfast and most cases are heard there, although there is scope for cases to be heard elsewhere in Northern Ireland if the case requires it.

Cases dealt with by Industrial Tribunals include matters such as unfair dismissal, breach of contract, underpayment of wages, breaches of working time regulations and unlawful discrimination on grounds, for example, of age, disability, race, gender and

sexual orientation. Fair Employment Tribunal cases deal with alleged unlawful discrimination on grounds of political opinion or religious belief.

How is a tribunal comprised?

When Industrial Tribunals (ITs) or the Fair Employment Tribunal (FET) deal with cases, a legally qualified person (an “employment judge”) is selected from a panel of appropriately qualified people to deal with proceedings. In many situations, the employment judge will chair a panel consisting, in addition to themselves, of two panel members experienced in industrial/employment relations matters, one from an employer background and one from an employee background.

What does the tribunal do?

The tribunal has a wide range of powers to manage each case, to assist it to gather all the relevant information and take the views and evidence of those involved. The tribunal will seek submissions and arrange hearings as appropriate and will reach a legally binding decision on the basis of this work.

Non-Legal Panel Member of the Industrial Tribunals and Fair Employment Tribunal

Being a Panel Member

Background

"I have 18 years' experience working for a general workers Trade Union during which time, in addition to the equality agenda, I dealt with grievance and disciplinary issues, pay negotiations, changes to contracts of employments and health and safety issues, In addition to my time working in a Trade Union I have worked for 15 years as a lecturer in a further education college and have found my own workplace experience invaluable in the tribunal setting.

I was appointed in 1997 at a time when the tribunals were mainly about a worker making a complaint against an employer with the two sides arguing it out in the tribunals. Nowadays it is very much more like a court, conducted in a very formal legalistic way.

Whilst I am no expert in the law, to be an effective panel member it is essential that you have a good grasp of employment law to be able to feed into the process and argue your knowledge of practical industrial relations and workplace issues but understand, and accept, that while things can often be unfair they don't always meet the tests of being unlawful. Panel members bring a wealth of experience on employees and employers' sides of the arguments to the day to day realities of a wide variety of workplaces and the issues that can arise

A day in the tribunals

The first step of a day in the tribunals is an invite to sit on a panel, quite often a month or so in advance. Most hearings tend to last one to five days and at this stage you will be told the name of the claimant and the respondent. It is very important that panel members give careful consideration to whether they might have any conflict of interest with anyone named in the papers.

All three parties on the panel have an equal say in panel discussions and decisions and panel members need to be prepared to listen carefully to legal direction from the judge as they are the legal expertise on the panel, but at the same time panel members need to speak up and tease out scenarios based on their first hand knowledge of the workplace and how things often operate on a shop floor, office, hospital etc. - knowledge which the judge possibly doesn't have.

A typical day starts with a lot of reading. One of the essential skills a panel member needs is to be able to speed read and keep their focus and as far as possible try and pick out key dates and incidents that give the background as to what the case is all about. I find it helpful to ask the judge at this stage any questions that come to mind about what the key legal tests of a case are.

The bulk of what panel members read at this stage is the evidence the parties are relying on so it is important to take as much as possible on board before the hearing starts so that you can understand where the cross examination is going when the case starts. You will also have a copy of the bundle of documents, including witness statements and key documents referred to within the bundle.

In the Tribunal it is important to make the lay participants feel as comfortable as possible as for most this could be their first introduction to a courtroom environment, and will understandably be very nervous. For both parties in a case, but particularly for claimants, their case will have been their whole world for probably 1-2 years and will have taken a major toll on their work, personal life, health and they will be anxious to have their day in court. This can be hard to manage especially if they are representing themselves but they will have been through case management processes and should have some understanding of how things will progress. However, it is for the panel, and particularly for the judge, to understand that whilst respecting the formality of the setting they understand what is going on and are made to feel as comfortable as possible.

During the hearing it is important to keep a note of the evidence as this is vital when the panel meet to discuss the evidence and reach a decision. The hearings are recorded but it would be very time consuming to search through audio tapes for certain pieces of key evidence.

After the cross-examination of each witness the panel are given an opportunity to ask questions for clarification of points the witness has made. This is a good opportunity to make sure that there aren't any obvious points missed around the witness's evidence and often the panel agree questions they would like further comment on to make sure they have a complete picture of what the witness has knowledge of in aspects of the case.

When the evidence of both parties has been completed each side has an opportunity to make legal submissions based on what they consider to be the key points of law. The panel has a further opportunity to ask questions on these submissions before they retire to make their decision.

The last step in the process for a panel member is a meeting to come to a decision. This can take place immediately after a hearing but often takes place a few weeks later to give everyone an opportunity to think about the evidence and submissions, come back together to discuss and make findings on the key points and reach a decision. Generally, panel members go through the legal and factual issues and agree a position on each point. It is unusual for a panel not to reach a unanimous decision as we have all heard the same evidence and have agreed what we believe to be relevant, credible evidence.

This then concludes the panel members involvement in the case, with the judge taking up the task of writing up the decision."

Non-Legal Panel Member Industrial Tribunal and Fair Employment Tribunals

JOB DESCRIPTION

Job Title

Non-Legal panel member of the Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)

Location

Killymeal House, 2 Cromac Quay, Ormeau Road, Belfast, BT7 2JD.

Main Purpose of Role

Successful candidates will be appointed to the post of either employer or employee representative panel members of both the Industrial Tribunals and the Fair Employment Tribunal and will be required to sit on both tribunals. The purpose of the job is to use their practical knowledge and expertise in employment relations matters to assist the tribunal in reaching its decision. The tribunal panel will aim to reach a consensus decision, but where that is not possible, a majority decision is sufficient.

Main and Associated Tasks

In particular non-legal panel members will be required to:-

- become familiar with the information and evidence relevant to each case;
- to work with the other members of the panel to identify matters which the tribunal must consider in order to reach well informed decisions;
- to seek input during each preliminary or final hearing from parties, witnesses, representatives or other participants in order to clarify the issues before the tribunal;
- to exhibit conduct which enables the tribunal to deal with each case fairly and justly including, as far as practicable –
 - ensuring that the parties are on an equal footing;

- dealing with cases in ways which are proportionate to the complexity and importance of the issues;
- avoiding unnecessary formality and seeking flexibility in the proceedings;
- avoiding delay, so far as compatible with proper consideration of the issues;
- saving expense.
- to contribute, as appropriate, options likely to promote settlement of the dispute without the need to continue proceedings;
- to maintain the authority and dignity of the tribunal;
- to participate fully in the decision-making process;
- to explain the relevant issues, as far as possible, in plain English.

Performance

Panel members will be expected to carry out their duties to the general satisfaction of the President of the Tribunals. Panel members should be prepared to make themselves available for up to 30 days per year depending on business requirements.

General Requirements

Conducting cases will require the ability to concentrate for long periods, and to understand and assimilate facts and arguments and the ability to recall such evidence and information speedily and accurately.

Panel members are required to work with the presiding judge in applying legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and important and those which are not.

Panel members are required to communicate effectively with all types of tribunal users, listening actively and attentively in dealing with the varied tribunal users.

In conducting tribunal business, panel members will conduct themselves with integrity, in a fair and impartial fashion. They will be sensitive to the influence of different ethnic

and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work and will be courteous to all tribunal users.

Some of the general requirements for this post include:-

Preparing for a hearing

- Reading and assimilating papers before a hearing, including studying substantial complex documentary evidence, understanding the chronology of events and, if necessary, seeking the judge's clarification of legal issues.

Conduct of hearings

- Taking an active role in hearings, displaying both familiarity with key issues and demonstrable expertise in their employer/employee role.
- Contributing to the fair, efficient and effective conduct of hearings.

Miscellaneous

- To participate in training events as appropriate. Members may be called upon to assist in the preparation and delivery of training which may involve taking the lead in areas in which they have a particular expertise.
- To maintain and improve their knowledge of the field, including keeping abreast of changes to employment law legislation.

Tenure

An appointment as a fee-paid office holder is for a renewable period of five years. At the end of the initial five-year appointment, renewal for further successive periods of five years is automatic subject to the individual's agreement and the upper age limit unless a question of cause for non-renewal is raised, or the individual no longer satisfies the conditions or qualifications for appointment.

The mandatory retirement age for all judicial office holders is 75 as set out by s121 of and Schedule 1 to the Public Service Pensions and Judicial Offices (PSPJO) Act 2022, which amended s26 of the Judicial Pensions and Retirement (JUPRA) Act 1993.

There will be no extensions to office beyond the age of 75 except in exceptional circumstances to finish hearing a part-heard case, per JUPRA s27.

Time commitment

The frequency of sittings depends upon the workload of ITs and the FET during any given year and there is no guaranteed minimum. As a general rule, there is an expectation that a member will make themselves available for up to 30 days per year depending on business requirements. Attendance is normally required for a full day's sitting. Attendance for one or two days will also be required for induction or refresher training.

Remuneration

Fees are payable to panel members in respect of their time spent dealing with cases. The current daily fee is £200.72 and half day fee is £100.36. Fees are subject to annual review.

Travel expenses and certain allowances for panel members may be paid in certain circumstances.

All remuneration is subject to normal deductions of Income Tax and National Insurance.

Training

Induction training will be provided to all new appointees. Members of the tribunals are supported with additional development needs or training as necessary.

Code of Conduct

Panel Members are required, on appointment, to demonstrate high standards of corporate and personal conduct and to subscribe to the required statement of ethics for the judiciary in Northern Ireland. Further information on this can be found on the Judiciary NI website at <https://www.judiciaryni.uk/judicial-conduct-and-complaints>

Further Information

Any applicant seeking additional information about these positions should email NLMPanelcompetition@economy-ni.gov.uk. Any applicant wishing to raise a question about the competition process should contact HRConnect recruitment@hrconnect.nigov.net.

Please note that advice cannot be provided in respect of how to complete the application form.

Double-paying

Applicants who already work in the public sector need to be aware that no one can be paid twice from the public purse for the same period of time. As a result public appointees who already work in the public sector may not be entitled to claim remuneration or travelling expenses if the duties are undertaken during a period of time for which they are already paid by the public sector.

Each case is considered individually; however, the guiding principle is to avoid “double-paying”. In the interests of minimising the potential for double-paying, the Department reserves the right to contact an employer regarding an individual’s candidature.

Disqualification

A person who serves as a panel member is disqualified, during that service, from membership of the Northern Ireland Assembly, the House of Commons and the

European Parliament by virtue, respectively, of the Northern Ireland Assembly Disqualification Act 1975, the House of Commons Disqualification Act 1975 and the European Parliamentary Elections Act 2002.

If you appear before the tribunals as a representative, you will need to discontinue that work as it is not compatible with performing the role of panel member. This is consistent with a policy that prevents fee paid employment judges from practising as a solicitor or barrister before employment tribunals.

Integrity and conflicts of interest

The Department must ensure that the individuals appointed are committed to the principles and values of public service. These principles are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

The Department must take account of actual, or perceived, conflicts of interest. Therefore, applicants, in their application form, must disclose information or personal connections, which, if they were to be appointed to serve on either panel of Tribunal members, could lead to a conflict of interest or be perceived as such. Conflicts of interest may not be a barrier to appointment, particularly given that individuals appointed to hear any particular case will have an opportunity to declare a conflict of interest in those particular circumstances which may not apply generally. However, both real and perceived conflicts of interest which may exist in relation to initial appointment to either panel of members must be discussed with all candidates by the Interview Panel.

This is to ensure that the public can have confidence in the tribunal's independence and impartiality and the integrity of the potential appointee. Please refer to the attached **Annex A** for further information on this subject.

Successful candidates will be asked to complete a Political Activity Questionnaire form. The Committee on Standards in Public Life recommended that all candidates for public appointments be asked to declare any significant political activity (including office holding, public speaking and standing for election) that they may have undertaken in the previous five years. The question only asks for information that is already in the public domain.

Former Civil Servants

Former Civil Servants are subject to rules on the acceptance of outside business appointments, employment, or self-employment for a period of up to two years after leaving the NI Civil Service. Individuals in this category, who wish to apply, should check their eligibility to do so with NICS HR Employee Relations

Email: NICS HR.EmployeeRelations@finance-ni.gov.uk

Candidates who are current employees of the Northern Ireland Civil Service are advised, should you be offered an appointment, you will be asked to confirm that you have obtained the necessary approval to undertake private work with another public sector body (including another Government Department) from NICS HR Employee Relations. Further information on this can be found in the **NICS HR Handbook, Section 6.01: Standards of Conduct, Sub Section 6: Private Occupations.**

Current and Former Civil Servants are advised to seek the required authorisation at the start of their application process.

THE COMPETITION

The Department for the Economy (DfE) is responsible for appointing panel members from which individuals will be selected to sit for any particular case. It has commissioned this competition to fill 80 vacancies for non-legal panel members to sit on Industrial tribunal and Fair Employment Tribunal panels.

Individuals cannot be appointed to both the employer and employee panels.

40 of those appointed will be from an employee background and 40 from an employer background.

PERSON SPECIFICATION

The person specification addresses the qualities, experience and background sought. A criteria-based selection procedure is employed for these competitions.

The application form is an essential element of the process and is designed to require applicants to give specific examples of past performance to demonstrate they can meet the requirements. The mere mention of a skill or attribute is insufficient. Neither can the selection panel make assumptions from the title of a post or the nature of an organisation as to the experience, qualities and skills gained.

There are three essential criteria for each role. These describe what you need to be able to do in order to be effective in the roles being filled.

Please take full advantage of the opportunity to provide practical evidence and examples of how and why you consider you are suitable for this appointment. These examples as provided will inform the selection process.

Note that examples can be provided from your professional experience, voluntary and/or community sector experience or from within your personal life.

We recommend applicants to read the 'Public Appointments Guide which provides an overview of Public Appointments in Northern Ireland and helpful information for those wishing to apply.

<https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/public-appointments-guide.pdf>

In addition, you may also be interested in registering for a free workshop on the public appointments process being offered by CPANI. Further details can be found at:

<https://www.publicappointmentsni.org/workshops>

Further guidance for applicants is also available at Annex B.

ESSENTIAL CRITERIA

To be deemed eligible to proceed to interview, candidates will need to demonstrate that they have the following skills, experience, and competencies:

Candidates must complete an application form for the specific competition/Panel they wish to apply for;

IRC301005 – Employer Panel Members

Criterion A - Dealing with Employment in the Workplace

Candidates should demonstrate by way of a practical example (or examples) your experience in the field of dispute resolution from the perspective of an employer or as an employer representative taking into account current employment law and practices.

Examples of the type of evidence the selection panel will be looking for are as follows: -

- Day-to-day maintenance of good employer/employee/worker working relations.
- Involvement as an employer representative in the resolution of workplace disputes.
- Representing at, or hearing grievances/appeals/disciplinary matters.
- Experience in the negotiation or ongoing maintenance of a collective bargaining agreement with a recognised trade union or works council.
- Experience of common workplace practices and policies dealing with issues such as harassment, equality and diversity, whistleblowing, discipline, and grievances; and an awareness of social media and how it impacts on the workplace.
- Working knowledge of employment and equality law and experience of applying it in the workplace.

Criterion B - Analytical Ability, Judgement and Fairness

Candidates should demonstrate by way of a practical example (or examples) your ability in extracting the essence of an argument from facts or evidence to make a sound decision.

Examples of the type of evidence the selection panel will be looking for are listed below.

- Assimilating accurately and speedily multiple and often complex facts and arguments from a large body of information.
- Active listening, gathering feedback and accurately restating the opinions of others.
- Recognising presuppositions and assumptions and judging the validity of inferences that have been made by others.
- Speaking with authority and persuasiveness, challenging effectively as necessary, to contribute effectively to discussion and decisions.
- Using rigorous logic and methods to analyse the strength and relevance of evidence and properly weighing the sufficiency and quality of evidence.
- Evaluating arguments and using deductive reasoning to recognise whether conclusions necessarily follow from the evidence.
- Distilling the relevant information to inform decision-making, making confident, sound, and timely decisions based on objective, fair and impartial views.

Criterion C - Effective Working

Candidates should demonstrate by way of a practical example (or examples) your ability to maintain effective and collaborative working relationships as part of a group.

Examples of the type of evidence the selection panel will be looking for are listed below.

- Appreciating the different expertise of different members of a group.
- Ability to build trust and rapport, listening, maintaining open mind, and building on the ideas of others to find common ground.
- Speaking with authority and persuasiveness and contributing effectively to discussions and proceedings.
- Being direct and diplomatic, challenging effectively as necessary.
- Demonstrating self-confidence dealing with a wide range of situations and people at all levels.
- Ability to communicate clearly orally and in writing using a variety of methods.

IRC301006 – Employee Panel Members

Criterion A - Dealing with Employment in the Workplace

Candidates should demonstrate by way of a practical example (or examples) your experience in the field of dispute resolution from the perspective of an employee or as an employee representative taking into account current employment law and practices.

Examples of the type of evidence the selection panel will be looking for are as follows:-

- Day-to-day maintenance of good employer/employee/worker working relations.
- Involvement as an employee representative in the resolution of disputes.
- Representing at, or hearing grievances/appeals/disciplinary matters.
- Experience in the negotiation or ongoing maintenance of a collective bargaining agreement with a recognised trade union or works council.
- Experience of common workplace practices and policies dealing with issues such as harassment, equality and diversity, whistleblowing, discipline and grievances; and an awareness of social media and how it impacts on the workplace.
- Working knowledge of employment and equality law and experience of applying it in the workplace.

Criterion B - Analytical Ability, Judgement and Fairness

Candidates should demonstrate by way of a practical example (or examples) your ability in extracting the essence of an argument from facts or evidence to make a sound decision.

Examples of the type of evidence the selection panel will be looking for are listed below.

- Assimilating accurately and speedily multiple and often complex facts and arguments from a large body of information.
- Active listening, gathering feedback and accurately restating the opinions of others.
- Recognising presuppositions and assumptions and judging the validity of inferences that have been made by others.
- Speaking with authority and persuasiveness, challenging effectively as necessary, to contribute effectively to discussion and decisions.
- Using rigorous logic and methods to analyse the strength and relevance of evidence and properly weighing the sufficiency and quality of evidence.
- Evaluating arguments and using deductive reasoning to recognise whether conclusions necessarily follow from the evidence.
- Distilling the relevant information to inform decision-making, making confident, sound and timely decisions based on objective, fair and impartial views.

Criterion C - Effective Working

Candidates should demonstrate by way of a practical example (or examples) your ability to maintain effective and collaborative working relationships as part of a group.

Examples of the type of evidence the selection panel will be looking for are listed below.

- Appreciating the different expertise of different members of the group.
- Ability to build trust and rapport, listening, maintaining open mind and building on the ideas of others to find common ground.
- Speaking with authority and persuasiveness and contributing effectively to discussions and proceedings.
- Being direct and diplomatic, challenging effectively as necessary.
- Demonstrating self-confidence dealing with a wide range of situations and people at all levels.
- Ability to communicate clearly orally and in writing using a variety of methods.

Applicants will be required to meet the criteria, with each of the three carrying equal weight.

To ensure that appointments reflect the full range of employment across Northern Ireland, the Department would welcome applications from representatives from all types of industry and employment and regardless of the size of enterprise in which an individual has worked.

APPLICATION AND SELECTION

Although these are departmental appointments, they do not come under the remit of the Commissioner for Public Appointments for Northern Ireland (CPANI). The appointments process will however, in the main, follow the principles of the CPANI Code.

SELECTION PROCESS

The first stage is to complete the application form. The information contained in this pack will help you to do this. Please ensure you complete ALL sections of the application form as directed. You should also retain this information pack for reference.

When you apply online you will receive an auto acknowledgement of receipt within 24 hours. For hard copy applications a postal receipt will be issued within 3 working days. If you have not received a receipt within this time, please contact us on the contact details provided.

ASSESSMENT AND SELECTION FOR INTERVIEW

Criteria-based selection

The selection criteria describe the competences required, i.e., what an appointee must be able to do in order to be effective in the role being filled. A criteria-based selection process is employed. This process requires you to provide tangible evidence which demonstrates that you can meet the requirements. For that reason, CVs will not be accepted. **No specific academic or other qualifications are required for these appointments.**

You are expected to demonstrate your ability to meet the criteria by way of practical examples. The Selection Panel will reach a decision on whether or not you meet the criteria on the basis of the evidence you supply. **It is not sufficient to simply list your duties and responsibilities. The Panel will not make assumptions from the**

title of your post or the nature of the organisation as to the skills and experience gained. The onus is on you to provide sufficiently detailed examples to demonstrate that you have the experience of putting into use the competences that are needed for the post.

Make sure you take full advantage to provide practical evidence and examples of how you feel you are suitable for this appointment.

Some further guidance on interview preparation and technique can be found at **Annex B**. In addition, you may also be interested in registering for a free workshop on the public appointments process being offered by CPANI. Further details can be found at:

<https://www.publicappointmentsni.org/workshops>

SIFT AND SHORTLISTING

Following the closing date for applications, an anonymised sift and short-listing process will be carried out. The sift process will be undertaken, on behalf of the Department, by panels each made up of three CPANI Independent Assessors. One Independent Assessor from each sift panel will also sit on each of the interview panels.

Each application will be allocated to a sift panel at random, regardless of which position the applicant has applied for. When assessing each application against the selection criteria, sift panel members will use a marking frame to determine how an applicant's skills, knowledge and experience meet each of the essential criteria.

To be eligible for interview candidates must meet the following agreed pass mark: -

Criterion A – a score of 2 out of the available 5 marks

Criterion B – a score of 2 out of the available 5 marks

Criterion C – a score of 2 out of the available 5 marks

Applications not meeting the minimum requirement set out above in all of the selection criteria will be sifted out.

If a large volume of applications pass the sift stage, a scoring system may be applied to further short-list for interview based on the quality of evidence provided, using aggregated marks.

The short-listing scoring system is as follows: -

A cumulative pass mark of 12 out of a total possible score of 15 will be applied to all applications which have successfully passed the sift.

Should this short-listing process produce an insufficient pool of candidates achieving the required score of 12 the sift panel may consider reducing the required aggregated pass mark by 1 mark each time until a sufficient pool of suitable candidates for interview is found.

Guaranteed Interview Scheme (GIS)

The aim of the Guaranteed Interview Scheme is to provide applicants with a disability the opportunity to demonstrate their abilities beyond the initial application stage. Applicants with a disability who meet all of the essential criteria at the sift stage will automatically be offered an interview. Their application will not be subjected to any short-listing which may take place. To be eligible for the Guaranteed Interview Scheme you must be considered as disabled under the Disability Discrimination Act 1995 which defines a person with a disability as someone who has, or has had in the past, a physical or mental impairment, which has had a substantial and long term adverse effect on their ability to carry out normal day- to- day activities **(See Annex C)** If you qualify and wish to apply for the Guaranteed Interview Scheme, please complete the appropriate section of the application form.

The eligibility sift and shortlisting (if required) are expected to take place in July 2024.

Criteria Based Interviews

Interview panels will ask questions to test the applicant's knowledge, experience and skills in each of the above areas and award marks accordingly.

There will be four panel members per interview panel consisting of a Departmental representative (Chairperson), a CPANI Independent Assessor, a representative from an Employer background and a representative from an Employee background.

Interviews will last approximately 20 minutes. Applicants who are invited to interview will be tested on the following two criteria:

- **Criterion A - Dealing with Employment in the Workplace**
- **Criterion B - Analytical Ability, Judgement and Fairness**

If you have been selected for interview

Interviews are planned to take place in Belfast in July/August 2024. Successful applicants will be advised of the specific date and time set for their interview and will be expected to make themselves available for interview at that time.

If you have not been selected for interview

If you have not been successful in obtaining an interview, you will receive a letter to this effect, providing feedback.

Those applicants who have been sifted out or who have failed to make any short-list will be provided with feedback based on the Sift Panel's agreed assessment.

Applicants who have not been selected for interview are entitled to ask the Sift Panel to reassess their decision. Requests will be considered up to five working days after the applicant has received the letter indicating that he or she has not been listed.

Procedure following interview

Following interview, you will receive a letter to advise of the outcome, indicating either when you can expect a decision on appointment or informing you that you have been unsuccessful and providing feedback.

Pre-appointment checks - Vetting

This check will be activated for successful applicants only.

The level of vetting required for these roles 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) A specimen signature at any assessment event and have this validated against passport, driving licence, application form etc.

Other acceptable documents are listed on www.ind.homeoffice.gov.uk We will organise a Criminal Record Check on all applicants to be carried out by AccessNI through Experian. HRConnect will provide your details to Experian who will undertake this check.

The category of AccessNI check required for this post is;

Basic Disclosure Certificate

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. The AccessNI code of practice can be accessed via www.nidirect.gov.uk/accessni

Those applicants who are being considered for appointment will be contacted by HRConnect, normally after interview, and will be asked to complete the AccessNI application form. This can be downloaded from the AccessNI website. Guidance notes for the completion of the form are also included on the website. Please note that a request to complete this form should not be seen as a guarantee of an offer of appointment. Failure to complete the above form and return it within the specified

time will be regarded as 'no longer interested in the position' and your application will be withdrawn.

Criminal Record information is subject to the provisions of the Rehabilitation of Offenders (NI) Order 1978.

Legal entitlement to work in the UK

The Department needs to ensure that anyone it appoints is not subject to immigration control. Candidates being considered for appointment will need to provide documentation to this effect e.g., passport, share code or other to confirm legal right to work in the UK.

Appointments

Panel members will score candidates at interview against an agreed pass mark and placed in ranked order. Successful candidates will be appointed by the Department in order as determined by their scores at interview.

Reserve list

The department may agree that a reserve list will be held to be used to fill any future vacancies that arise within the 12 months following competition appointments.

How to apply

Application forms can be completed via the online application at www.nicsrecruitment.org.uk or by hardcopy. In addition, alternative formats of the application form can be obtained by contacting HRConnect on 0800 1 300 330 or via email to recruitment@hrconnect.nigov.net. Reasonable adjustments will be made to accommodate the needs of applicants/candidates with a disability.

Completed hard copy application forms can be returned by post or hand delivered to the address below:

HRConnect
PO Box 1089
Beacon House
27 Clarendon Road
Belfast
BT1 9EX

Completed application forms should be submitted to HRConnect before the closing date of 12 noon (UK time) on **Friday 24th May 2024**. You will receive an acknowledgement following receipt of your application. **Late applications will not be accepted except in exceptional circumstances.** You should retain a copy of this booklet for your reference in the event that you are invited for interview. Please be aware that the Department for the Economy may decide to extend the closing date for this competition. If this is the case, all applicants who have submitted an application by the original closing date/time will be informed.

To ensure equality of opportunity for all applicants:

- The space available on the application form is the same for all applicants and **must not** be altered.

- We **will not** accept CVs, letters, additional pages or any other supplementary material in place of or in addition to completed application forms.
- Applicants must complete the application form in either typescript font size 12, or legible writing using black ink.
- Applicants are limited to a maximum of 3,700 characters including spaces per criterion.
- HRConnect will not examine applications until after the closing deadline.

Time Frame for Process

The deadline for receipt in all cases is 12 noon (UK time) on Friday 24th May 2024.

It is your responsibility, taking into account your chosen method of delivery, to ensure that sufficient time is allowed for your application to arrive with the Department on or before the deadline.

Late applications will not be accepted except in exceptional circumstances.

All those sifted out or short-listed out will be provided with feedback on request based on the agreed Panel's assessment of their application. If you wish to contest the decision not to short-list you for interview you should do so within 5 working days of the date issue of your regrets letter. Further details about the process will be provided in the letter. It is expected that **interviews will be held July/August in the Greater Belfast area.**

Equal Opportunities Monitoring Form

The Northern Ireland Civil Service (NICS) is committed to ensuring that all eligible persons have equal opportunity for public appointments on the basis of their ability and aptitude for the role. Monitoring is carried out to help us ensure that our processes and procedures promote equality of opportunity as far as possible and therefore your help in completing and returning the monitoring form as part of your application would be appreciated. Please note the information you provide in the monitoring form will be detached from the information on the application form, held separately and will not

be available to selection panels or to anyone else involved in the selection process. The information will be used for statistical purposes only and analysed independently by staff in the Northern Ireland Statistics and Research Agency (NISRA) in the strictest confidence.

Data Protection

As much of the information involved in the appointment process will be of a personal nature, the provisions of Data Protection legislation will be followed. To ensure that you are aware of how and why your personal information is to be used, and with whom it may be shared, a DfE Public Appointments 'privacy notice', is available on the following link for your information and reference:

[Privacy Notice - Public Appointments | Department for the Economy \(economy ni.gov.uk\)](https://www.economy-ni.gov.uk/privacy-notice-public-appointments)

Changes in Contact Details

Please ensure you inform HRConnect immediately of any changes in personal circumstances, such as name, address, email address or telephone number.

Accessibility Requirements

Please let HRConnect know if you require any reasonable adjustments, due to disability, to enable you to attend the interview. Any information provided will be used for this purpose only and will not form any part of the selection process.

If you are subsequently successful in the selection process and are being considered for appointment, you may be required to outline any adjustments you consider necessary in order for you to take up an appointment. If you wish to discuss your disability requirements further, please contact HRConnect.

Complaints or Queries

Should you wish to make a complaint or a query about any stage of this process, you should first direct your concerns to:

HRConnect

PO Box 1089

Beacon House

27 Clarendon Road

Belfast

BT1 9EX

Email: recruitment@hrconnect.nigov.net

INTEGRITY AND CONFLICTS OF INTEREST – GUIDE FOR CANDIDATES

This guidance should be read in conjunction with the information contained in the leaflet 'Complaints and Conflict of Interest: Information Guidance' produced by the Office of the Commissioner for Public Appointments, Northern Ireland, which provides examples of the types of issues that may give rise to conflicts of interests.

There is a need to distinguish between conflicts of interest in relation to initial appointment to the post of panel member, and conflicts of interest which may arise for a panel member, once appointed, in relation to a particular case which he or she is asked to hear. In most instances, this document refers to conflicts of interest at the application stage and not those applicable once appointed. The latter type of conflict will be considered on a case by case basis in accordance with established OITFET policy.

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. 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.

Leadership

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

All candidates who put themselves forward for a public appointment must be able to demonstrate their commitment to the principles and values of public service. One of the issues which might arise in relation to this is that of conflict of interest.

Conflict of interest (whether actual or perceived) needs to be considered in making your application for this public appointment and, if you are successful, when you are selected to deal with particular tribunal cases.

What is a conflict of interest?

A conflict of interest involves a conflict between the public duty and the private interest of a public official in which the official's private-capacity interest could improperly influence the performance of his/her official duties and responsibilities.¹

As the Northern Ireland Audit Office (NIAO) makes clear in its good practice guide on the matter, a conflict of interest can be perceived as well as actual. A perceived conflict of interest exists where it could be perceived, or appears, that private capacity interests could improperly influence the performance of the individual's official duties

¹ 'Conflicts of interest: a good practice guide' (Northern Ireland Audit Office, March 2015)

and responsibilities. It may pose no actual risk to the conduct of public business, but it requires proper management in order to minimise the risk of reputational damage both to the organisation and the individual(s) concerned.

A perception of a conflict of interest can be just as significant as an actual conflict of interest. The key issue is whether there is a risk that a fair-minded outside observer, acting reasonably, would conclude that there is a real possibility of bias.

Public appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the use of public funds. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of industrial tribunals or the Fair Employment Tribunal 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 tribunal that members of the public have confidence in appointees' independence and impartiality. Even a perceived conflict of interest on the part of a tribunal panel member can be extremely damaging to the tribunal'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?

With regard to the public appointments process, 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. It is likely to be helpful to you, in clarifying the issues, if you consult the NIAO's practice guide. If you are unsure if your circumstances constitute a possible conflict, you should still complete this section, in order to give the Selection Panel members 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 to the work of the tribunals and how this might be handled, if you were to be appointed.

If, following the discussion with you, the Panel believes that the conflict is too great and would call into question the probity of the tribunal or the appointment, they can withdraw your application from the competition.

The report on the outcome of the interview process which is put to the Minister will include clear written reference to any perceived or actual conflicts of interest or integrity issues connected to any candidate put forward as suitable for appointment. It will include sufficient information to ensure that the Minister is fully aware of any of these matters and can make an informed decision.

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 you are not familiar with the broad range of work which a body covers and therefore do 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 you provide in the application form. They will then explore this with you at interview.

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

This could arise for two 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 as a panel member becomes apparent. The second is where a member is unfamiliar with the range of the work of the tribunals, 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 OITFET, in consultation with the Sponsoring Department, to decide whether or not the member 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 serving as a tribunal panel member, for example if the conflict made it necessary for the person to withdraw from a considerable number of routine cases. In such, situations, the member may be asked to stand down from their appointment.

What about conflicts of interest in relation to particular tribunal cases?

Panel members must not sit on a tribunal case in any circumstance which might give rise to a doubt about their impartiality. The judicial test set out in *Porter -v- Magill* [2001] UKHL 67 is "whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased".

Disqualification in particular cases will apply where a tribunal panel member has a personal, professional or pecuniary interest in a case; or an association with any party that may have an interest in a case; or for any other reason.

Included under "any other reason" are instances in which a panel member is a party to or has any involvement in an ongoing tribunal case as the association may give rise to a doubt about the individual's impartiality when sitting in a case of a similar nature. Notwithstanding such circumstances, this should not preclude a panel member from sitting in other cases.

If a conflict arises prior to a sitting but on receipt of case papers for a hearing then the panel member should contact OITFET.

Any conflict arising during the course of a hearing should be raised with the employment judge chairing the particular panel in the first instance.

GUIDANCE FOR APPLICANTS - APPLICATION AND INTERVIEW PREPARATION

If this is your first experience of a competence-based interview, bear in mind that it **does not** require you to:

- Talk through previous jobs or appointments from start to finish;
- Provide generalised information as to your background and experience; or
- Provide information that is not specifically relevant to the competence the question is designed to test.

A competence-based interview does however require you to:

- Focus exclusively, in your responses, on your ability to fulfil the competences required for effective performance in the role; and
- Provide specific examples of your experience in relation to the required competence areas.

In preparation for the interview you may wish to think about having a clear structure for each of your examples, such as:

- **Situation** – briefly outline the situation;
- **Task** – what was your objective, what were you trying to achieve;
- **Action** – what did you actually do, what was your unique contribution;
- **Result** – what happened, what was the outcome, what did you learn.

The panel will ask you to provide specific examples from your past experience to demonstrate the range of behaviours associated with the competences being assessed. You should therefore come to the interview prepared to discuss in detail a range of examples which best illustrate your skills and abilities in each competence area. You may draw examples from any area of your work / life experiences.

The following are some points to bear in mind:

- Use actual examples describing your role or contribution, rather than 'how you would do something';
- Avoid statements that describe personal beliefs or philosophies;
- If possible, quantify/qualify your accomplishments;
- Avoid jargon – if it is necessary to use jargon or technical terms, explain them;

Please Note:

- Online, typed or word-processed applications are preferable; typescript font size 12 is required
- If completing in manuscript, please ensure your copy is legible and in black ink
- Applicants are limited to a maximum of 3,700 characters including spaces per criterion.

Equality, Diversity and Inclusion

The Northern Ireland Civil Service (NICS) is committed to ensuring that all eligible persons have equal opportunity for public appointments on the basis of their ability and aptitude for the role. Monitoring is carried out to help us ensure that our processes and procedures promote equality of opportunity as far as possible.

This section provides an explanation of the definition of disability.

Disability

The Disability Discrimination Act 1995 (the DDA) provides protection for disabled persons against discrimination on the grounds of disability.

The DDA 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.”

This definition is interpreted as follows:-

- **Physical Impairment:** this includes, for instance, a weakening of part of the body (eyes, ears, limbs, internal organs etc.) caused through illness by accident or from birth. Examples would be blindness, deafness, paralysis of a leg or heart disease.
- **Mental Impairment:** this includes mental ill health and what is commonly known as learning disability, and social functioning.
- **Substantial:** put simply, this means the effect of the physical or mental impairment on ability to carry out normal day to day activities is more than minor or trivial. It does not have to be a severe effect.
- **Long-term adverse effect:** the effect has to have lasted or be likely to last overall for at least 12 months and the effect must be a detrimental one. A person with a life expectancy of less than 12 months is of course covered if the effect is likely to last for the whole of that time.
- **A normal day to day activity:** this is something which is carried out by most people on a fairly regular and frequent basis such as washing, eating, catching

a bus or turning on a television. It does not mean something so individual as playing a musical instrument to a professional standard or doing everything involved in a particular job.

What sort of effect must there be?

The person must be affected in at least one of the respects listed in the DDA: mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or otherwise move everyday objects; speech; hearing or eyesight; memory or ability to concentrate, learn or understand; ability to take part in normal social interaction and form social relationships; or perception of risk of physical danger.

What happens if the effects are reduced by medication or other treatment?

Broadly speaking, the effects that matter are those that would be present if there was no medication or treatment taking place. The exception is people who wear spectacles or contact lenses when what matters is the effect that remain while the spectacles or contact lenses are being used.

Are there any types of condition covered by special provisions in the DDA?

Yes, because some people with particular conditions might not otherwise be counted as disabled. These are provisions covering:

- Recurring or fluctuating conditions such as arthritis, where the effects can sometimes be less than substantial, which are treated as continuing to have a substantial adverse effect so long as that effect is likely to recur;
- Conditions which progressively deteriorate, such as motor neuron disease, which count as having a substantial effect from the first time they have any effect at all on ability to carry out normal day to day activities even if it is not substantial, so long as there is eventually likely to be a substantial adverse effect; and
- People with cancer, HIV, or multiple sclerosis are deemed to be disabled people from the point of diagnosis, regardless of whether or not they have any symptoms.

Are any conditions not covered?

Yes, the following conditions specifically do not count as impairments:

- Addiction to or dependency on alcohol, nicotine or any other substance (unless resulting from the substance being medically prescribed);
- Seasonal allergic rhinitis (e.g. hay fever) unless it aggravates the effect of another condition;
- Tendency to set fires, or steal, or physically or sexually abuse other persons;
- Exhibitionism and voyeurism; and
- Severe disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing are not treated as having substantial adverse effects.

What if someone has recovered from a disability?

Much of the DDA also applies to people who have had a disability in the past (for example, someone who was disabled by mental ill health) but have now fully recovered. People who were registered disabled under the Disabled Persons (Employment) Act (NI) 1945 both on 12 January 1995 and 2 December 1996 will be regarded as having had a disability in the past if they do not in any case fall within the definition of the DDA.

Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons with a disability and persons without.

As with other forms of personal data, the obtaining, use, storage and disclosure of monitoring information is covered by the Data Protection Act 1998 (DPA). Access to this data is restricted and misuse of monitoring information is viewed as a disciplinary offence.