**PUBLIC APPOINTMENTS**

**APPOINTMENT OF**

**MEMBERS**

**TO THE BOARD OF THE EDUCATION AUTHORITY**

**REPRESENTATIVE INTEREST NOMINEES**

**NOMINATION BOOKLET**

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**SECTION 1: INFORMATION ABOUT THE EDUCATION AUTHORITY (EA)**

**Introduction and Overview**

1. The Education Authority (EA) is a non-departmental body sponsored by the Department of Education. It was established under the [Education Act (NI) 2014](http://www.legislation.gov.uk/nia/2014/12/schedule/1) to replace the former 5 Education and Library Boards and became operational on 1 April 2015. A significant change programme to harmonise policies and the delivery of services is well underway.

2. The EA has wide ranging statutory functions under education legislation. It is responsible for ensuring that efficient and effective pre-school, primary and secondary education and sufficient schools and educational services are delivered equitably across NI, are available to meet the needs of children and young persons and for ensuring the provision of efficient and effective youth services. The EA is expected to contribute to the development and implementation of the Children and Young People’s Strategy and is required to work in co-operation with other relevant bodies, when appropriate, to support the improved well-being of children and young people. It also has a duty to encourage, facilitate and promote both shared education and the community use of premises of grant-aided schools.

3. The EA employs over 33,500 people across Northern Ireland in a wide variety of roles including teachers in controlled schools and school-based support staff.

**Membership of the Board of the Education Authority**

4. The EA Board comprises the Chairperson, 8 political members and 12 persons appointed by the Minister of Education, of whom:

* 4 are representative of the interests of Transferors (the 3 main protestant churches) of controlled schools;
* 4 are representative of the interests of Trustees of maintained schools;
* 1 is representative of the interests of integrated schools;
* 1 is representative of the interests controlled grammar schools;
* 1 is representative of the interests of voluntary grammar schools; and
* 1 is representative of the interests of Irish Medium schools.

**Role of the Education Authority Board**

5. The EA board is accountable to the Minister of Education for the EA’s performance and delivery of its statutory functions. The board Chair is normally the main point of contact between the Minister and the board.

6. The board has corporate responsibility for ensuring that the EA fulfils its aims and objectives. To this end, and in pursuit of its wider corporate responsibilities, the board carries out the following functions:

* Establish the overall strategic direction of the EA within the policy and resource framework determined by DE;
* Participate as appropriate in the performance management framework determined by DE for the EA’s executive team, including setting and assessing the annual performance objectives;
* Constructively challenge the EA’s executive team in its planning, target setting and delivery of performance and holding it to account;
* Ensure that DE is kept informed of any changes which are likely to impact on the strategic direction of the EA or the attainability of its targets, and determine the steps needed to deal with such changes;
* Proactively promote the highest standards of financial management including ensuring that all requirements for the proper use of public funds are met and that the EA operates efficiently within the limits of both its statutory authority and delegated authority in line with all official guidance;
* Ensure that the board receives and reviews regular financial information concerning the management of the EA; is informed in a timely manner about any concerns about its activities; and provides assurance to DE that appropriate action has been taken on such concerns; and
* Demonstrate high standards of corporate governance at all times, including using the independent audit committee to help identify and address any risks the EA faces.

**Education Authority’s Accountability and Finance**

7. The Minister of Education is accountable to the NI Assembly for the activities and performance of the EA. The DE Permanent Secretary is the principal Accounting Officer, responsible for the stewardship of resources allocated to the education service, including funding allocated to the EA, and is responsible to the Minister and to the Executive for ensuring that the organisations sponsored by DE operate effectively and to a high standard of probity.

8. The EA is subject to the provisions contained in a formal Management Statement and Financial Memorandum issued by DE. In common with all public bodies, the EA is expected to have in place robust and effective governance and financial control arrangements to ensure proper and full accountability for public money.

9. The EA’s Chief Executive is designated as the EA’s Accounting Officer by the DE Permanent Secretary and is personally responsible for safeguarding the public funds for which he/she has charge; for ensuring propriety and regularity in the handling of those public funds; and for the day-to-day operations and management of the EA. In addition to being accountable to the DE Permanent Secretary, the Chief Executive is also accountable to the EA board for the overall organisation, management and staffing and performance of the EA.

**SECTION 2: ROLE PROFILE**

**EA Board Members**

1. The Chair and EA board Members share the EA’s corporate responsibilities and, in particular, responsibility for ensuring that the EA fulfils its aims and objectives, strategic plans and targets as approved by DE; for ensuring the safeguarding of public funds, including the promotion of propriety and value for money; and for ensuring that EA’s activities are consistent with its functions, services, duties and powers as set out in statute.
2. All EA Members shall act in accordance with their wider corporate responsibilities as Members of the board to ensure the organisation is effective, accountable and provides value for money.
3. Board Members should in particular:
* contribute to the development of the EA’s strategy ensuring that it is consistent with the Minister’s priorities and DE aims and objectives;
* challenge and work for consensus in the decision making processes of the board and ensure decisions take proper account of guidance provided by the Minister/DE;
* act in good faith and in the best interests of the EA;
* represent the EA on other bodies;
* undertake induction and further training, and make the commitment of time necessary to fulfil the Member role;
* comply at all times with the Code of Conduct for board Members and abide by the Seven Principles of Public Life, set by the Committee on Standards in Public Life;
	+ not misuse information gained in the course of their public service for personal gain or for political profit; not seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations; and to declare publicly and to the board any private interests that may be perceived to conflict with their public duties;
* comply with the board’s rules on the acceptance of gifts and hospitality, and business appointments; and
* comply with the Freedom of Information Act.

**SECTION 3: GUIDELINES FOR NOMINATING BODIES IN MAKING NOMINATIONS**

**This section sets out the guidelines which Nominating Bodies should take into account in making their nominations for membership of the EA.**

**Equality of Opportunity and Diversity**

1. The Department is committed to providing equality of opportunity and to improving diversity and eradicating under-representation on the boards of its Non-Departmental Public Bodies (NDPBs). Nominations for appointment are welcomed regardless of religious belief, gender, disability, ethnic origin, political opinion, age, marital status, sexual orientation, or whether or not nominees have dependants. Nominees who are - women; people under 30 years of age; members of ethnic minorities; and people with disabilities - are particularly welcome, as these groups continue to be under-represented on the boards of public bodies.

2. The previous Northern Ireland Executive agreed to introduce gender equality targets to help improve diversity in public appointments.  The targets are:

* to achieve gender equality amongst those appointed in year by 2017/18; and
* to achieve gender equality amongst all public appointees by 2020/21.

**Geographical Representation**

3. Education is the most dispersed public service with a presence in many towns and many villages. The EA is a regional organisation with a strong local presence and as such its membership should also have appropriate geographical representation.

**Skills, Knowledge and Experience**

4. EA board Members should possess the skills, knowledge and experience necessary to perform effectively as a non-executive board member of a public body. Nominees should be able to demonstrate evidence of their experience/ability in at least three of the areas listed below (experience can come from their working life or from their personal life including any voluntary or community work). Following a recent internal skills audit of the Board, nominees with experience of budgetary management and applying financial management principles in an organisational environment would be particularly welcome.

**(a) Corporate Governance:** Experience of working as a member of a board or committee within a framework of corporate governance, demonstrating personal awareness of the importance of effective governance and the role of non-executive board members in holding executive teams to account.

**(b) Business Sense:** Experience of working with and exercising judgement and critical thinking about issues such as business planning, resource allocation, risk management and organisational performance.

**(c)** **Finance:** Experience of budgetary management andapplying financial management principles in an organisational environment.

**(d)** **Analytical Ability and Decision Making Skills:** Evidence of ability to make rational decisions and to solve problems in a team and organisational environment and to ensure that information appropriate to decisions being taken has been considered, evaluated and is reliable.

**(e) Team working and Making an Impact with Others:** Evidence of ability to develop and maintain co-operative working relationships and to work as part of a team to achieve common goals and high standards of service and results.

**(f)** **Communication and Influencing Skills:** Evidence of effective communication and interpersonal skills to influence others and to deliver results.

**SECTION 4: TIME COMMITMENT, REMUNERATION, TERM OF APPOINTMENT AND TRAINING**

**Time Commitment**

1. EA Members must be ready and able to play their full part as members of the board, giving the necessary time commitment of up to 5 days per month which will include attendance at evening meetings and public occasions.

**Remuneration**

2. Members will receive £8,800 per annum. Remuneration will be taxed at source and subject to class 1 National Insurance Contributions. Travel and subsistence allowances necessarily incurred on Education Authority business will also be paid in line with the mileage allowance rates agreed by the National Joint Council for Local Government Services. The appointments are non-pensionable.

**Abatement**

4. Nominees should be aware that if they receive a PCSPS (NI) pension or have taken an Annual Compensation Payment (ACP) and they subsequently take up a remunerated appointment with a public body covered by the PCSPS (NI) they may not earn more, by way of remuneration and pension, than they were earning before they retired. Where the new remuneration and pension exceed their previous salary it may be necessary to deduct the excess from their pension. This is known as abatement. The Department will liaise with Civil Service Pensions if it believes that abatement may be necessary.

**Term of Appointment**

5. The term of appointment for Member positions is until 31 March 2024 (unless terminated before that time). For those Members serving a first term of appointment, they may be eligible for re-appointment after this date (subject to satisfactory performance assessments and continued adherence to the principles of public life).

**Training**

6. Induction training will be provided which successful nominees must attend, and any further training events considered necessary. Alternative arrangements may be agreed with the Department if you have previously attended an appropriate training course.

**Assistance for Members with Disabilities**

7. Every effort will be made to provide whatever reasonable support any Member of the board may need to help them carry out their duties.

**SECTION 5: PROBITY AND CONFLICT OF INTEREST, POLITICAL ACTIVITY AND DISQUALIFICATION**

**Probity and Conflict of Interest**

1. DE must ensure that the individuals appointed have an understanding of, and a clear commitment to, the principles and values of public service. These principles are: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership and are described more fully in the enclosed information leaflet “Probity and Conflicts of Interest: Guidance for Candidates”. Some examples to help nominees evaluate whether or not they have a potential conflict are also included in the above leaflet.

2. DE must take account of actual, or perceived, conflict of interest. It is very important, therefore, that all nominees provide appropriate details on their nomination form of:

* any interests which might be perceived as being in conflict with the appointment for which they are applying;
* all appointments held whether or not they are remunerated; and
* information on personal connections which, if they were appointed, could lead to a conflict of interest or be perceived as such.

3. If it appears from the information provided on the nomination form that a possible probity and/or conflict issue exists, or may arise in the future, this will be explored further with the nominee with a view to establishing whether it is sufficiently significant to prevent the individual from carrying out the duties of the post.

**Political Activity**

4. All nominees will be asked to complete a form indicating if they have undertaken any political activity in the last five years.  Information on political activity will be included in the press release.

**Announcing the Appointment**

5. In the interests of openness and transparency, information on those appointed will be made public in a press release.  If you are appointed, some of the information you supplied – your name, a summary of your experience, the skills you bring to the board, other public appointments held with any related remuneration and your response to the political activity question (see above) – will be included in the press release.

**Disqualification from Education Authority Board Membership**

6. A person shall be disqualified from being a Member of the EA board if they:

* are employed by the EA as a paid officer (this does not include teachers);
* have been adjudged bankrupt or have made a composition with their creditors; or
* have, within the five years immediately preceding the day of their appointment or anytime thereafter, been convicted by a court in NI or elsewhere in the British Islands of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine.
1. Where a Member of the board becomes disqualified under the above disqualification criteria or is absent from meetings of the board for more than six months consecutively, the board shall forthwith declare their office vacant. Attendance as a Member of the board at any meeting of a committee of the board shall be regarded as an attendance at a meeting of the board.

**Civil Servants – Rules on the acceptance of outside business appointments**

1. Serving or former civil servants are not debarred from being nominated, however, serving civil servants will require their Department’s approval and former civil servants may require the approval of their last Department (depending on their grade and whether they left within the last two years) before taking up an appointment.  Further information is available from the Education Governance Team.

**Double Paying**

1. Nominees 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 nominees who work in the public sector may not be entitled to claim travel and other expenses for this position, if the duties are undertaken during a period of time for which they are already paid by the public sector. Nominees may be required to confirm that they have permission from their employer to take up an appointment if one is offered. In the interests of minimising the potential for double paying to occur, the Department reserves the right to contact your employer regarding your candidature.

**Pre-appointment Checks**

1. **Criminal History Record Check** - All EA board appointments are subject to a criminal history record check and will require an AccessNI Basic Disclosure Certificate. If you are selected for appointment, you will be asked to apply to AccessNI for a Basic Disclosure Certificate using the new AccessNI online system. If you do not apply within the specified time, we will regard you as no longer interested in the post and your nomination for appointment will be withdrawn. A criminal record will not necessarily be a bar to a nominee obtaining a position.
2. **Other Public Appointments** – Departments have a duty to satisfy themselves, as far as practicable, that those they appoint to the boards of public bodies will carry out their duties in an efficient and effective manner. For nominees who hold other public appointments, this means that we may approach other departments for confirmation that their performance in other public roles has been satisfactory.

**Privacy**

1. Your privacy is important to us and the Department will process your personal data in line with the requirements of the Data Protection Act 2018 – General Data Protection Regulation (GDPR). A copy of the Department’s Privacy Notice is available on our website [www.education-ni.gov.uk](http://www.education-ni.gov.uk)
2. Any general queries about the nomination/appointment process should be addressed in the first instance to Ken Reid in the Education Governance Team.

Email: ken.reid@education-ni.gov.uk

Telephone: 028 9127 9665



**STANDARDS OF BEHAVIOUR AND PROBITY & CONFLICTS OF INTEREST GUIDANCE FOR NOMINEES**

*This Guidance should be read in conjunction with the information contained in the leaflet “CPANI Guidance on Conflicts of Interest, Integrity and how to raise a complaint” which provides examples of the types of issues that may give rise to conflicts of interest.*

**Standards of behaviour**

Ministers expect that the conduct of those they appoint to serve on the Boards of public bodies will be above reproach. Anyone therefore seeking or nominated for a public appointment will be required to confirm their commitment to maintaining high standards of behaviour in public life.

**The Seven Principles of Public Life**

The Seven Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also have application to all those in other sectors delivering public services.

**Selflessness** - Holders of public office should act solely in terms of the public interest.

**Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty** - Holders of public office should be truthful.

**Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**What is a conflict of interest?**

Public Appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the body concerned should be declared.

There is always the possibility 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 completing your nomination form and identify any potential conflicts of interest, whether real or perceived.

**Surely a perceived conflict is not a problem, as long as I act impartially at all times?**

The integrity of the individual is not in question here. However, it is necessary for the standing of the individual and the Board that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest on the part of a Board member can be extremely damaging to the body’s reputation and it is therefore essential that these are declared and explored, in the same way as an actual conflict would be. The fact that a member acted impartially may be no defence against accusations of potential bias.

**What should I do if I think I have a conflict of interest?**

You will find a section on conflicts of interest in the nomination form for you to complete. This asks you to consider and declare whether or not you have a real, or perceived, conflict. If you are unsure if your circumstances constitute a possible conflict, you should still complete this section, providing 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. The Department will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the Board and how this might be handled, if you were to be appointed. For example, it may be possible to arrange for you to step out of meetings where an issue is discussed, in which you have an interest. However, if, following the discussion with you, the Department believes that the conflict is too great and would call into question the probity of the Board or the appointment they can request your nominating party to consider selection of an alternative nominee.

**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 request your nominating party to select an alternative nominee to replace you on the Board.

**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 Department might deduce that there is a potential conflict issue, based on the information provided by you on your nomination form. In such case the Department will explore this with you.

**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 on the Board becomes apparent. The second is where a member is unfamiliar with the range of the work of the body, but after appointment, it becomes clear that a conflict exists where none had been envisaged during the nomination/appointment process.

In both cases, the issue should be discussed with the Chair of the Board and the Chief Executive of the body concerned, in consultation with the Department, to decide whether or not the member can continue to carry out their role in an appropriate manner and each case is considered individually.

It may be that the conflict is such that it would be impractical for the member to continue on the board, if they would have to withdraw from a considerable amount of the body’s routine business. In such, cases, the Department may request your nominating party to select a new nominee to replace you on the Board.

You will be asked to sign a declaration of commitment to the above principles as a condition of your appointment.



