



**Isle of Man**  
**Government**

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# Public Services Commission

Appointment Information Pack

October 2021

## Content

Public Notice .....	3
Recruitment Process .....	4
Role Profile .....	6
Person Specification.....	9
Corporate Governance .....	10
Conflicts of Interest .....	11
<a href="#">Appendix 1</a> .....	14

## **Public Notice**

### **Public Services Commission**

The Chief Minister is seeking to appoint three lay members (ie non-Tynwald member) to the Public Services Commission.

A comprehensive information pack containing full details of the knowledge and skills required and an application form is available at:

<https://www.gov.im/public-appointments>

Application forms can be completed and submitted electronically via this webpage. If you require a printed or an accessible version of this application pack (ie large print, audio or Braille), please contact the Cabinet Office, Government Office, Bucks Road, Douglas, IM1 3PN. Tel: 01624 685711 or email [publicappointments@gov.im](mailto:publicappointments@gov.im)

**The closing date for receipt of applications is Monday 25 October 2021 at 5:00pm.**

**Please note applications received by the Cabinet Office after this time will not be accepted.**

# Recruitment Process

## Introduction

The application process for public appointments is fair, open and transparent with appointments being made on merit, based on a person's skills and experience. Members of the public are invited to review the details contained within this information pack relating to the Public Services Commission ('the Commission') and give consideration to the skills and experience required to serve.

Interested applicants are invited to submit a completed application form, which 'must' be accompanied by a CV. Applicants should state how they satisfy each of the attributes of the Person Specification (see page 9). This could be in the form of a table following the format of the Person Specification.

The closing date for receipt of applications is **Monday 25 October 2021 at 5:00pm**.

Application forms can be completed and submitted electronically via the webpage:

**<https://www.gov.im/public-appointments>**

Alternatively, applications can be submitted via email to [publicappointments@gov.im](mailto:publicappointments@gov.im) or by post to the Cabinet Office, Government Office, Bucks Road, Douglas, Isle of Man, IM1 3PN.

**Please note that if you submitted an application form and CV for a previous appointment, it will still be necessary to submit all documentation for this application.**

The recruitment process is as follows:

- All applications received will be assessed against the person specification (see page 9)
- Shortlisting and interviews will be undertaken by the Minister appointed to carry out interviews on behalf of the Chief Minister and the Chair of the Public Services Commission
- Short-listed applicants will be invited to attend an interview during the week of 8 November 2021 (this is subject to change)
- The appointment of a non Tynwald members to the Public Services Commission will require the approval of the Chief Minister

If you have any additional queries, please contact Ruth Hussey, Assistant Secretary to the Public Services Commission Tel: +44(0)1624 685725 or email: [ruth.hussey@gov.im](mailto:ruth.hussey@gov.im)

## Term of appointment

The term of appointment is for five years and will end on 31 December 2026.

## **Further information**

Information about the Public Services Commission and the Office of Human Resources, which acts as the agent of the Commission, can be found <https://hr.gov.im/about-us/public-services-commission/>

## **Registration for notification of forthcoming public appointments**

Any person who wishes to be kept informed of forthcoming public appointments from the Cabinet Office can register their details at [www.gov.im/publicappointments](http://www.gov.im/publicappointments). Persons registered will receive notification of these appointments as soon as they are advertised.

## **Role Profile**

### **Statutory Responsibility**

The Public Services Commission is constituted under the provisions of the Public Services Commission Act 2015. The Office of Human Resources acts as the agent of the Commission.

The functions of the Commission are set out in the Act and include responsibility for all aspects of the terms and conditions of service applicable to employees of the Public Services Commission

### **Structure**

The Commission consists of a Chairperson and Vice-Chairperson, who shall be members of Tynwald, and not more than three other persons, generally referred to as non Tynwald members.

All members of the Commission are appointed by the Chief Minister and hold office at the Chief Minister's pleasure.

### **Role and Statutory Functions of the Public Services Commission**

The Public Services Commission is constituted under the provisions of the Public Services Commission Act 2015.

The Commission has the following functions:

- to determine policies relating to the employment, and the terms and conditions of employment, of its employees that are consistent with the Government's human resources strategy and policies
- to employ such persons on such terms as it considers appropriate
- by agreement with such bodies as it considers to represent the interests of its employees, to establish as necessary negotiating and consultation committees that include members of such bodies
- where appropriate, to negotiate or consult with its employees or their representatives, whether via those committees or otherwise, about the employees' pay and other terms and conditions of employment
- to arrange for the recruitment of its future employees
- to organise the training of its employees
- to make arrangements for the assessment of performance and appraisal of individual employees of the Commission
- to make promotions and arrange for the transfer of its employees between the various stationed employers
- where appropriate to discipline its employees and provide for the suspension or termination of their employment
- without limiting any duties it has under health and safety legislation, to make arrangements for securing the welfare of its employees
- to make arrangements for loss of office in relation to any public sector employee

- to make arrangements, with the consent of the employee concerned, for its employees to be seconded to another employer
- to determine such other matters that may be considered reasonably necessary for the proper administration and management of its employees
- to perform such other functions as directed by the Council of Ministers

A [Governance Framework](#) sets out in detail the Commission's functions and responsibilities and related governance arrangements.

### **Key Responsibilities of Public Service Commission:**

- **Strategy** – set the Commission's strategic aims to assure high calibre, appropriately skilled, motivated and rewarded Civil Service
- **Terms and Conditions of Service** – determine the scales and rates of salary and other terms and conditions of service
- **Establishment** – to approve the numbers and grades of post
- **Performance Management** – ensure there is in place effective performance assessment and appraisal arrangements which focus on personal development and the delivery of objectives
- **Corporate Governance** – ensure that high standards of corporate governance are in place and observed
- **Values and Standards** – set the values and standards for the Commission ensuring that the Civil Service know what standards of conduct are expected
- **Communications** – ensure the Commission's strategic objectives and obligations are clearly understood by the Civil Service, pension schemes' members and recognised representative trade unions and staff associations
- **Development of Corporate Human Resources policies** – as directed by the Council of Ministers, the Commission is responsible for the development of, and consultation upon, corporate Human Resources policies on its behalf

### **Time Commitment required**

The Public Services Commission normally meets monthly (the second Monday in the month) with additional meetings being arranged to deal with urgent business or to progress personal cases, in respect of employees of the Public Services Commission, as they arise.

Meetings are normally held in Douglas usually at the offices of the Office of Human Resources at Illiam Dhone House, Circular Road, Douglas, during the working day. On occasion meetings can be held at other Government premises, usually in Douglas.

Prior to attendance at meetings it would be necessary to read briefing papers.

## Remuneration

The members of the Commission are currently remunerated in accordance with the Payment of Members Expenses Act 1989. The Attendance Allowances Order 2008 specifies a rate of £78.00 per morning or afternoon session for the members of the Commission. A maximum of £130 may be claimed by members if they attend more than one sitting in one session.

The following travel allowance is also paid, in accordance with the "Travelling Allowances Order 2014" –

Motor Vehicle	50p per mile
Motorcycle	26p per mile

## Privacy Notice

The Cabinet Office Privacy Notice can be found here: [www.gov.im/co-privacy](http://www.gov.im/co-privacy). Should you have any queries, contact the CO Data Protection Officer [DPO-CabOff@gov.im](mailto:DPO-CabOff@gov.im) (Tel: 686779)



## Person Specification

### Qualifications

- A degree or professional qualification relevant to leadership and/or management is desirable.

### Experience

- Significant experience of leadership and management in senior business, financial or legal role, preferably gained in private sector.
- Experience as a contributor to the determination of HR strategies and terms and conditions of service.
- Working and negotiating with trade unions.

### Knowledge and Skills

- Demonstrate sound judgement, command trust and respect, have discretion and ability to maintain confidentiality.
- An understanding of strategic planning, resource and risk management, and HR strategies.
- The ability to analyse and review complex issues, weigh-up conflicting opinions and identify appropriate actions.
- A good understanding of and respect for Government and business and the factors that influence them.
- Able to manage politically sensitive situations, acting with integrity.
- An appreciation of the importance of Corporate Governance and financial probity.

### Personal Qualities

- The highest standards of integrity and honesty in full compliance with the principles of public life
- Maintain independence of judgement and avoid conflicts of interest, acting in good faith and best interests of the Commission.
- The ability to develop good working relationships at political and officer levels, together with the ability to maintain the respect of the Public Service and trade union and staff association representatives.

### Circumstances

- The ability to commit to attend meetings, as agreed by the Commission and to allocate time as necessary between meetings.

# Corporate Governance

## The seven principles underpinning public life

The [Government Code](#) details the seven principles of public life, which apply to any person holding a public appointment. The principles of public life are as follows:

**1. 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 other friends.

**2. 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.

**3. 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.

**4. 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.

**5. 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.

**6. 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.

**7. Leadership**

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

All candidates who put themselves forward for public appointment must be able to demonstrate their commitment to the principles and values of public service. It is important that the candidate's commitment to the probity principle is tested and assessed at interview. One of the issues which might arise in relation to this is that of conflict of interest.

Part 6 of the Government Code can be found at **Appendix 1**.

Please note when referring to the Appendix 1 that the Public Services Commission is not a Statutory Board.

## **Conflicts of Interest**

### **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.

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 both the standing of the individual and the Body to which they are appointed that the public should have confidence in the independence and impartiality of appointees. Even a perceived conflict of interest on the part of a lay 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 lay 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 application 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, in order to give the selection panel 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 on an individual basis. If you are shortlisted for interview, the panel will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the Body 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 panel believes that the conflict is too great and would call into question the probity of the Body or the appointment, they can withdraw your application from the appointments process.

### **What happens if I do not declare a known conflict, which is then discovered by the Body after my appointment?**

Again, each case would be considered individually, but a view may be taken that by concealing a conflict of interest, you would be deemed to have breached the Seven Principles of Conduct Underpinning Public Life and your appointment terminated.

## **What happens if I do not realise a potential conflict exists?**

This situation may arise where the applicant is not familiar with the broad range of work which a Body covers and therefore does not realise that a conflict might exist. In some cases, the interview panel, with their wider knowledge of the Body, might consider that there is a potential conflict issue, based on the information on employment and experience provided by the candidate in the application form. They will then explore this at interview with the candidate.

## **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 Body 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 appointment process.

In both cases, the issue should be discussed with the Chairman and Chief Officer of the Body 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 Body, if they would have to withdraw from a considerable amount of the Body's routine business. In such cases, the member may be asked to stand down from the Body.

## **Areas where a conflict could arise**

There are five main issues, which could lead to real, or apparent, conflicts of interest. These are:

- Relevant pecuniary or other interests outside the organisation
- Relationships with other parties/organisations which could lead to perceived or real split loyalties
- Knowledge of emerging Government Policy could give unfair personal advantage to people with allied business interests – for example, access to privileged information or trade secrets
- Perception of rewards for past contributions or favours
- Membership of some societies or organisations

Some examples of potential, real or perceived, conflicts of interest are:

- You are a director of a building supplies firm and the Body to which you are seeking appointment conducts regular procurement exercises for building materials
- You could benefit personally from decisions taken by the Body
- You are a manager in a voluntary organisation, whose funding applications are considered by the Body to which you are seeking appointment

- The company or organisation for which you work or are associated with could benefit financially from decisions taken by the Body
- Your company could have access to information, which would give them a commercial advantage over their rivals
- Your appointment could be viewed as a reward for past favours
- Your appointment could be viewed as the “old boy network” in operation

In other words, 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. The above are examples only, so you should consider carefully your own circumstances to gauge whether or not a real or perceived conflict might exist.

## **Appendix 1 - Part 6 of the Government Code**

### **Part A: The Statutory Boards**

#### **Constitution**

- 6.1 The Statutory Boards are constituted under the Statutory Boards Act 1987, or by separate statute but are referred to in that Act.

#### **Corporate Status**

- 6.2 The Statutory Boards are listed in Schedule 1 to the Statutory Boards Act 1987 as follows:

The Isle of Man Office of Fair Trading  
The Isle of Man Financial Services Authority  
The Isle of Man Post Office  
The Manx Utilities Authority  
The Communications Commission  
The Isle of Man Gambling Supervision Commission  
The Public Sector Pensions Authority

- 6.3 Every Statutory Board is a body corporate with perpetual succession and a common seal.

#### **Appointment of Members**

- 6.4 Members are appointed to Statutory Boards by Council subject to Tynwald approval (except for the Financial Services Authority and the Gambling Supervision Commission whose members are appointed by the Treasury, subject to Tynwald approval).
- 6.5 A Tynwald member of a Statutory Board holds office until:
- (a) the expiry of a period of 2 years and 6 months beginning with the date on which the House of Keys was last dissolved;
  - (b) the dissolution of the House of Keys; and
  - (c) he ceases to be a member of Tynwald.
- 6.6 A non-Tynwald member of a Statutory Board holds office for a period of 5 years from the date of his appointment but he goes out of office if he becomes a member of Tynwald. Any member of a Statutory Board may be removed from office by a direction of Council or may at any time resign on giving to the Chief Minister notice in writing of his intention to do so.

#### **Payment of Members**

- 6.7 Members of Statutory Boards are eligible to be paid annual sums prescribed by the Treasury under section 2 of the Payment of Members' Expenses Act 1989. They are also entitled to claim, in respect of each meeting of the Board of committee thereof, the travelling allowance prescribed by the Treasury.

## **Statutory Functions**

- 6.8 The statutory functions of the Statutory Boards are to be found in the various Acts of Tynwald which constitute the individual Boards and in associated subordinate legislation. The Statutory Boards Act 1987 (as amended) is also important in relation to their functions.

## **Council of Ministers Directions**

- 6.9 Although in practice it is a rarely used power, the Statutory Boards Act 1987 provides that Council may, after consultation with the Board, give to any Board such directions as to the exercise of its functions in relation to any matter which appears to Council to affect the public interest, and the Board shall comply with any such directions.

## **Exercise of Functions**

- 6.10 A Statutory Board has the following key functions:

(a) to set the strategic direction of the organisation, within the overall policies and priorities of the Government;

(b) to ensure that the organisation is managed with probity and integrity;

(c) to oversee the delivery of planned results by monitoring performance against objectives, monitoring and managing risks to achieve those objectives and ensuring corrective action is taken when necessary;

(d) to ensure effective financial stewardship through value for money, financial control and financial planning and strategy;

(e) to ensure that the Board operates within the limits of its statutory authority, and in accordance with any other conditions relating to the use of public funds;

(f) to ensure that high standards of corporate governance and personal behaviour are maintained in the conduct of the business of the whole organisation;

(g) to ensure that there is effective dialogue between the organisation and the community on its plans and performance and that these are responsive to the community's needs;

(h) to ensure that effective management arrangements are in place to enable responsibility to be clearly delegated to senior executives for the main programmes of action and for performance against programmes to be monitored and senior executives held to account.

- 6.11 As a Statutory Board is a body corporate, all the Members share collective corporate responsibility for the decisions of the Board. The Chairperson of a Statutory Board is not in the same position as a Minister of a Department in whose name and on whose behalf all the functions of the Department are exercised. [The Chairperson has no authority to act or take decisions on behalf of the Statutory Board except as provided for in Schedule 2 to the Statutory Boards Act 1987 or in accordance with an authority to exercise functions approved by the Board.]

## The Role of the Chairperson

- 6.12 The Chairperson has particular responsibility for providing effective strategic leadership on matters such as:
- (a) formulating the Board's strategy for discharging its statutory duties;
  - (b) encouraging high standards of propriety and promoting the efficient and effective use of staff and other resources throughout the organisation;
  - (c) ensuring that the Board, in reaching decisions, takes proper account of guidance provided by Tynwald;
  - (d) representing the views of the Board to Tynwald and the general public; and
  - (e) providing an assessment of performance of individual Board Members, on request, when they are being considered for re-appointment to the Board or for appointment to the Board of some other public body.
- 6.13 The Chairperson should ensure that the Board meets at regular intervals throughout the year and that the minutes of meetings accurately record the decisions taken, the reasons for those decisions and, where appropriate, the views of individual Board Members. (Refer to Minute Taking Guidance Appendix 1)
- 6.14 There should be formal approval by the Board of the Accounts at regular intervals, at least every 3 months. The Board Meeting minutes must record that financial information was included in the agenda papers, and that the Chief Executive, or another Officer, reported on the Accounts.
- 6.15 When financial decisions are made about which Treasury should legally, or as a courtesy, be informed, it must be recorded in the Board Meeting minutes that Treasury has been so informed in writing. It must not be assumed by the Board that Treasury has been informed, based only on verbal assurances to that effect by an Officer. (Refer to Minute Taking Guidance Appendix 1)
- 6.16 Communications between the Board and the Minister of the sponsoring department will normally be through the Chairperson except where the Board has agreed that an individual member should act on its behalf. Nevertheless, an individual member has the right of access to Ministers on any matter which he or she believes raises important issues relating to his or her duties as a member of the Board. In such cases the agreement of the rest of the Board should normally be sought. The main point of contact between the body and the sponsor Department on day-to-day matters will normally be the Chief Executive Officer or another member of staff who is authorised to act on behalf of the body.
- 6.17 The Chairperson should ensure that all members of the Board, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities. The Chairperson and other members of the Board should each have a copy of relevant background material such as its latest Service Delivery Plan and Annual Reports and Accounts; the Financial Regulations; notes describing the body's organisational structure and statutory basis of operation; and any specific rules and procedures of the Board. The Chairperson should encourage new Board members to attend an induction course on the duties of Board members of public bodies, Corporate Governance or some other suitable form of induction. (Refer to Minute Taking Guidance Appendix 1)



## **The Role of Individual Members**

- 6.18 Board Members share the collective responsibility of the Board for the control and management of its business and are expected to exercise their best judgment in the interests of the organisation.
- 6.19 Members should regard themselves as guardians of the public interest in the Board's activities and in the discharge of its statutory duties. They should adopt a questioning approach to proposals put before the Board and should contribute independent advice and judgment, both to the Board as a whole and as appropriate to the Chairman.
- 6.20 Within the framework of collective responsibility, Members should take particular interest in seeing that challenging objectives are set and properly monitored. They should also seek to ensure short and medium term plans are considered against alternative strategies to meet the objectives set. It is important for Members to participate in regular reviews of the Board's progress against objectives, monitor and manage the risk to achieving those objectives, and should be aware of the performance of other similar authorities.
- 6.21 The members should aim to make a full contribution to the work of the Board with particular emphasis on increasing efficiency. They should not be inhibited in taking an interest in areas or aspects of the organisation's activities where they consider they can make a contribution.

## **Chairman and Chief Executive**

- 6.22 The Chair and Chief Executive Officer share in the leadership role, although there is a clear division of responsibility between the Statutory Board and its Chief Executive Officer (by whatever title he or she is known). The Chairman's role is to lead the governing body, ensuring it makes an effective contribution to the governance of the organisation, and the Chief Executive's is to lead the organisation in implementing strategy and managing the delivery of services. A good working relationship between the two can make a significant contribution to effective governance.

## **Strategic planning and control**

- 6.23 One of the main tasks of the Board is likely to be oversight of the production of the Service Delivery plan. The process of preparing such a document provides an opportunity for agreeing the policy and resources framework within which the body will discharge its duties; and for determining its key strategic objectives and targets. Such targets should normally cover areas such as the organisation's financial performance; the efficiency and effectiveness of its operations; and the quality of the services it provides. Some public bodies cannot easily measure final outputs. Where this makes it difficult to set suitable performance targets, the Board should aim to agree carefully formulated strategic objectives and milestones.

## **Authority to Exercise Functions**

- 6.24 Responsibility for day-to-day management matters should be delegated to staff with a clearly understood framework of strategic control. A model of authority to exercise functions is available in Annex 4.3. Boards will want to consider internal guidance covering those matters delegated to staff and those reserved for decision by the Board. The latter are likely to include issues of corporate strategy; key strategic objectives and targets; major decisions involving the use of financial and other resources; and personnel issues including key appointments and standards of conduct.
- 6.25 The Board may decide to delegate, where it has power to do so, responsibility for specified matters to individual members, committees or companies of the Board. Decisions taken by individual members or committees of the Board under authority to exercise functions should be recorded in written minutes available to the Board as a whole. (Refer to Minute Taking Guidance Appendix 1)

## **Financial Regulations**

- 6.26 Statutory Boards must comply with Financial Regulations. Copies of the Financial Regulations are held in the offices of all the Statutory Boards.

## **Personnel**

- 6.27 Statutory Boards recruit, train and deal with all aspects of the service of their personnel except that any civil servants who are employed on behalf of any Statutory Board are the responsibility of the Public Services Commission. The Cabinet Office's Office of Human Resources is available to provide advice on corporate personnel policies determined by Council and on employee/industrial relations issues generally.

## **Conflicts of Interest**

### **Register of Interests**

- 6.28 Members of Statutory Boards should act impartially and should not be influenced by family, social or business relationships. Board Members should not use their public position to further their private interests.
- 6.29 The Chairperson and other Board Members should declare any personal or business interests which may conflict with their responsibilities as Board Members, and those interests should be declared and recorded in a register.
- 6.30 The register should list direct or indirect pecuniary interests which members of the public might reasonably think could influence Board members' judgement. Board members are strongly encouraged to register non-pecuniary interests which relate closely to the body's activities, and interests of close family members and persons living in the same household as the Board Member.
- 6.31 Board Members should notify the Chief Executive if there is any relevant change in their personal situation or connections during the period of appointment, which may result in a conflict of interest. Board Members should in any case update the register of interests as changes occur.

- 6.32 Registers of interest should be open for inspection by Members of Tynwald, the Council, the Chief Executive Officer of the Board, Accounting Officer and other Board members and be available for inspection by the public auditors. Opening the register for public inspection would be a matter for the Board to determine, with due consideration to the Freedom of Information Act 2015, Data Protection Act 2002 and the Code of Practice on Access to Government Information.

### **Disclosing Interests**

- 6.33 Members of Statutory Boards should not participate in the discussion or determination of matters in which they have a direct pecuniary interest. When an interest is not of a direct pecuniary kind, Members should consider whether participation in the discussion or determination of a matter would suggest a real danger of perception of bias. This should be interpreted in the sense that Members might either unwittingly or otherwise unfairly regard with favour or disfavour, the case of a party to the matter under consideration. In considering whether a real danger of perception of bias exists in relation to a particular decision, Members should assess whether they, a close family member, a person living in the same household as the Board Member, or a firm, business or organisation with which the Board Member is connected are likely to be affected more than the generality of those affected by the decision in question. This would cover, for example, a decision to invite tenders for a contract where a firm with which a member was connected was significantly better placed than others to win it. (Refer to Minute Taking Guidance Appendix 1)
- 6.34 Where, in accordance with the above, Members do not participate in the discussion or determination of a matter, the interest should be declared and recorded in the minutes and the Member should withdraw from the meeting. This is because the continued presence of someone who had declared an interest might be thought likely to influence the judgement of the other members present.

### **Acceptance of Gifts, Hospitality and Travel**

#### **Gifts**

- 6.35 No Board Member should accept gifts, hospitality or services which would, or might appear to, place him or her under an obligation. The same principle applies if gifts, etc., are offered to a member of their family.
- 6.36 This is primarily a matter which must be left to the good sense of Members. But any Member in doubt or difficulty over this should seek the guidance of the Accounting Officer. The following rules apply:
- (a) Tokens, mementos of official occasions, visits or conferences are not to be regarded as gifts unless they exceed an apparent value of £50;
  - (b) Receipt of gifts should, in all cases, be reported to the Board's Chief Executive;
  - (c) Gifts of small value (i.e. up to £100) may be retained by the recipient;
  - (d) Gifts of a higher value should be handed over to the Board for disposal, except that:
    - i) The recipient may purchase the gift at its cash value (abated by £100);

- ii) If the recipient wishes to reciprocate with, and pay for, a gift of equivalent value, the gift received may be retained;
- iii) If the Board judges that it would be of interest, the gift may be displayed or used in the Board;
  
- iv) If the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, then the gift should be retained in the Board for this purpose.

6.37 Gifts given to Board Members in their capacity as Board Members become the property of the Board unless the Board Member wishes to keep the gift (if it is below the threshold of £100) or to purchase it.

### **Hospitality**

- 6.38 Travel within the Island and hospitality provided within normal bounds, which is infrequent or reciprocated cause no difficulty (e.g. attendance as a guest at formal dinner, reception, etc.)
- 6.39 Travel and hospitality, including accommodation, provided off the Island cause no difficulty if the Member is fulfilling an engagement at the request of the donor, which is of promotional or other sufficient value to the Island.
- 6.40 Where attendance at conferences, dinners, exhibitions, etc., off-Island involve offers of costs towards travel and/or accommodation which exceed an apparent value of £165, such offer should not be accepted. (Refer to Subsistence Allowances GC0036/12)

### **Travel**

- 6.41 Off-Island travel by Members should normally be arranged, so far as possible, to avoid absences from Board meetings.
- 6.42 When Members travel off-Island on official Government business their travel expenses should be borne by the Board. When any expenses are not met in this way, Members must ensure that no undue obligation is involved; recognising that accepting offers of free travel can be misinterpreted.

### **Confidentiality**

- 6.43 It is Government Policy to be as open as possible in providing information publicly about its activities. However the Freedom of Information Act 2015 provides exceptions to this which are deemed necessary to maintain a balance with the rights to privacy, effective government and value for the tax payer. These principles are noted in the Code of Practice on Access to Government Information.
- 6.44 Whilst Members are encouraged to explain and discuss openly the declared policies of the Board, as appropriate, it is important for the effective working of Boards that information in relation to developing policies or activities is not divulged prematurely so as to pre-empt a determination by the Board. Members should, therefore, be sensitive to the interests of the Board in discussing the work of the Board with others and, in the event of doubt, to discuss with the Chairman whether outside discussion would be premature. (Also refer to Electronic Communications and Social Media Policy, Standards and Guidelines at Appendix 2)

## **Interaction with the Media**

- 6.45 If a Member is approached by the media for comment on any matter or issue, the Board member should politely decline to make comment at that time and seek the advice of the Chief Executive Officer or Chairman.
- 6.46 Upon advice, the Member may make specific comment to the media as deemed appropriate based on the advice tendered by the Chairman or Chief Executive Officer.
- 6.47 The Member may however make appropriate and informed comment, if prior authority has been received from the Chairman or in the absence of the Chairman the Vice-Chairman. (This may be necessary in circumstances when a Member may be Chairman of a sub-committee of the Board).

## **Indemnity**

- 6.48 The Statutory Boards Act 1987 includes provision that the Board "may apply any money in its hands for the purpose of indemnifying itself against any costs or damages which it may incur in or in consequence of the exercise of its functions". This is achieved through the purchase of indemnity insurance which, for all Departments, Boards and Offices (except the Manx Utilities Authority and the Isle of Man Post Office) is provided by the Government's Official indemnity policy arranged by Treasury.
- 6.49 This insurance covers claims from third parties which arise from accidental errors or omissions. The cover extends to employees, political members and lay members of Departments, Boards and Offices subject to various conditions including that no indemnity will be provided to persons in respect of their own fraud, dishonesty or criminal act. The cover relates only to action taken by the Member as part of the Board's "business" and does not cover any other actions.
- 6.50 The Directors and Officers insurance policies taken out by the Manx Utilities Authority and the Isle of Man Post Office indemnify the insured against costs for which they are legally liable following a claim against them for a wrongful act. Again, these policies provide certain exclusions including acts which are found by any court to be fraudulent or dishonest or any personal profit or advantage gained to which such insured was not legally entitled.
- 6.51 Both types of policies provide for payment of damages and claimants costs and expenses for the financial loss arising as a result of a negligent act, accidental error or accidental omission. In addition the insurer will pay all costs and expenses incurred, with its written consent, in defending any claim which may be the subject of indemnity.
- 6.52 The Statutory Boards Act 1987 gives Members of Statutory Boards the same level of indemnity as that provided to officers, whereby:
  - (a) a Board Member will not be personally liable in respect of any act done by him in the performance or purported performance of his functions if he acted reasonably and in the honest belief that his duty required or empowered him to do the relevant act;
  - (b) where an action has been brought against a Member of a Board in respect of an act done by him in the performance or purported performance of his functions, and the circumstances are such that he is not legally entitled to require the Board to indemnify him, the Board may nevertheless indemnify him against the whole or any part of any damages or costs which he may have been ordered to pay or may have incurred, if the Board is

satisfied that he honestly believed that the act complained of was within the scope of his functions and his duty required or empowered him to do it.

## **General Code of Conduct and Behaviour**

- 6.53 As a member of the Board, a Member is expected at all times to exercise the highest standards of behaviour in line with the seven principles of public life as set out in Annex 2.2 of the Government Code. Members should not enter into any activity or discussion with any third party that may have the potential of bringing the Board into disrepute or compromising the reputation of the Board or the Isle of Man Government.
- 6.54 Any breach of the provisions of this Code of Conduct may result in removal from office of the Member at the direction of Council, under Section 3 (3) of the Statutory Boards Act 1987.

## **Application**

- 6.55 The principles and requirements set out above represent minimum standards which must be adhered to by Board members. Individual Boards have the freedom however to introduce more specific standards to meet any specific needs of the boards concerned.

## **Part B: Other Statutory Bodies**

### **Corporate Status**

- 6.56 Save as is otherwise provided for by statute or, by virtue of inclusion within schedules of this code, is expressly exempted, this code applies to all Government Departments, all Statutory Boards, and to all bodies or authorities (other than a local authority), constituted by any enactment for any purposes involving the expenditure of public monies or the receipt of public monies for the purposes of that body or authority or for the public revenue.
- 6.57 For the sake of completeness it is important to emphasise that many of the governance principles and requirements identified in respect of Statutory Boards, apply equally, as appropriate, to these other public bodies, principally:
- Exercise of Functions (Para 6.10)
  - The Role of the Chairperson (Paras 6.12 to 6.17; & 6.22)
  - The Role of Individual Members (Paras 6.18 to 6.21)
  - Authority to Exercise Functions (Paras 6.24 & 6.25)
  - Conflicts of Interest (Paras 6.28 to 6.34)
  - Acceptance of Gifts, Hospitality and Travel (Paras 6.35 to 6.42)
  - Confidentiality (Paras 6.43 & 6.44)
  - Interaction with the Media (Paras 6.45 to 6.47)





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