



Appointment of Seconded Head of Legal position

Guide for Seconded Applicants

Key Dates for Applicants:

Closing Date: 5.00pm 31st August 2010

Assessments: Likely to take place in Belfast in September 2010

Contents

Prior to completing the application form we recommend that secondees familiarise themselves with the contents of this information pack. The pack includes: -

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1. FOREWORD

Thank you for taking time to read this candidate information pack. I hope it gives you all the information you need to decide whether to apply for the post of Seconded Head of Legal.

This is an exciting time to work with the Utility Regulator (UR). Recent expansion has left us a stronger organisation, which increasingly punches above its weight in the formation of policy for the utilities and the NI economy as a whole. Consumer recognition of our work and our value is growing. We have a strong track-record of innovation in the interests of consumers, working smart with limited resources. We deliver solutions that suit Northern Ireland's needs, and are in some cases at the leading edge of regulatory practice in Europe. As our corporate vision puts it, we make a difference for customers by listening, innovating and leading.

I can recommend that – if you do not know Belfast – you take a look. Belfast now offers many new public spaces, shops, bars, restaurants and parks. At the same time, it offers a high quality of life - and particularly for families, with good state schools and easy access to green space.

Head of Legal at the Utility Regulator is an interesting and challenging post and we are keen to receive applications from a wide range of applicants. We have decided to offer this post to be filled through a secondment, believing this will be a valuable learning and development opportunity for the right candidate.

Thank you for your interest in this competition - I hope you will want to apply for the post.

Iain Osborne
Chief Executive

1. About Northern Ireland's Utility Regulator

We were first established in 1992, following privatisation of the Northern Ireland electricity industry, and our role extended in 1996 to cover gas. From April 2007 we also became the economic and customer service regulator for NI's water and sewerage industries.

We are a non-Ministerial government department. We are independent of Ministers, who make policy; our role is to implement that policy, as embedded in the various statutes that set out our objectives and functions.

Our board currently consists of a chairman (Prof. Peter Matthews) and six other members (Ms Etain Doyle, Dr Clive Elphick, Mr Christopher Le Fevre, Mr Philip Johnson, Mr James Oatridge and Mr Alan Rainey), plus the Chief Executive (Mr Iain Osborne). The office currently employs approximately 72 staff, with an annual budget around £8m this year.

In March 2009 we published our first five-year Corporate Strategy, as well as its Forward Work Programme for 2009-10. These documents, together with further information about the Utility Regulator's work, may be viewed at www.uregni.gov.uk.

The 2009-14 Corporate Strategy sets out for the first time the Utility Regulator's Mission, Vision and Values:

Our mission: Value and sustainability in energy and water

Our vision: We will make a difference for customers by listening, innovating and leading

Our values:

- Be a best practice regulator
- Be a united team
- Be collaborative and co-operative
- Be professional
- Listen and explain
- Make a difference
- Act with integrity

Water

The Utility Regulator Water Directorate was established on 1 April 2007 with the specific responsibility for the economic regulation of the water and sewerage industries in Northern Ireland. Our principal role is to regulate Northern Ireland Water Ltd (NIW) in a way that provides incentives and encourages the company to achieve the highest possible service for customers in terms of both quality and value.

The Utility Regulator's duties with respect to water and sewerage are broadly in line with the role currently discharged by Ofwat in England and Wales; although somewhat wider in one or two instances (e.g. we have wider functions in relation to treatment of land disposals).

The price limits for the company for the first 3 years of its existence were effectively determined by the Department for Regional Development (DRD). NIW agreed a strategic business plan (SBP) for this period with DRD and we have a role in ensuring the company delivers on its commitments as contained in that plan. We have undertaken a review of the SBP and have been monitoring the company's progress against it.

Looking ahead to the following period (2010-2013), NIW will be preparing a business plan as part of the next Price Control period (PC10). This is an expensive and extremely complicated

asset management planning process. We have been extremely active during the intervening period in providing guidance to NIW on the nature of their submission and the environmental and serviceability targets to be met. Following receipt of the company's first PC10 Business Plan on 15th June 2009 we will be focusing our analysis to drive down costs and improve performance.

The directorate has also worked with NIW to provide guidance on the content of its annual information returns for 2007 and 2008. These record the company's activity and performance in considerable detail and have been used to support the Utility Regulator's first Cost and Performance report on the NI water industry which is available on our website.

It should be noted that this work takes place in the context of the NI Executive's consideration of the findings of the Independent Water Review Panel in respect of its review of water and sewerage services in Northern Ireland. The Utility Regulator will contribute to this important debate.

Energy

The Utility Regulator's objectives are set out in the respective Electricity and Gas Orders as amended by the Energy (Northern Ireland) Order 2003. It has two main objectives:

- To protect the interests of electricity consumers with regard to price and quality of service by promoting competition in the Generation and Supply of Electricity; and
- To promote the development and maintenance of an economic and co-ordinated gas industry and to protect the interests of gas consumers with regard to price and quality of service.

The Utility Regulator also places a high priority on sustainable development in the energy sector and promotes measures which will most effectively support renewables, CHP and energy efficiency.

The electricity and natural gas industries occupy a central position in the NI economy and provide essential services for domestic, industrial and commercial electricity and gas customers.

There are around 120,000 gas customers in Northern Ireland, mostly in the Greater Belfast area. Northern Ireland's gas infrastructure is still under construction and connection rates have been high over the last decade.

Northern Ireland has around 805,000 electricity consumers with load split around 92%/08% between domestic and non-domestic customers. (Northern Ireland has significantly less energy-intensive industry than GB.) Peak load in Northern Ireland is around 1,880MW (including private generation) and total demand around 9.4GWh. This electricity is generated by three main power stations, plus a large number of smaller and renewable stations. Significant volumes are imported from Scotland through the 450MW Moyle interconnector, and there is a 500MW transmission line to the Republic of Ireland. Electricity generation on the island of Ireland is around 60% gas-fired, with peat, coal and wind also being significant fuels.

The small scale of the Northern Ireland market creates security challenges and significant cost. In 2004 the UK and Republic of Ireland governments set a policy framework for moving to an all-island energy market. A major element of this strategy is the creation of a Single Electricity Market (SEM) by 2007. It has now been decided that this market will consist of a pool, with capacity payments to create correct entry/exit signals for generators.

Further information about the 2004 framework document can be found at <http://www.detini.gov.uk/cgi-bin/moreutil?utilid=343>, and about the All-Island Project at <http://www.allislandproject.org/>.

In both electricity and gas, domestic customers currently have no choice of supplier in Northern Ireland. Our Retail Directorate is taking forward a work-programme aimed at facilitating greater customer choice.

Other Work Streams

The Utility Regulator also holds a number of competition law powers and is Northern Ireland's competition authority for the industries it regulates. The Utility Regulator is also uniquely placed as the UK's only cross-Utility Regulator and Northern Ireland's only non-ministerial government department. These facts create challenges and opportunities in equal measure which the Utility Regulator is keen to address over the coming years.

The Utility Regulator is also responsible for certain aspects of the Government's "green" agenda and works daily on administrative and monitoring aspects of Northern Ireland's Renewables Obligation (with assistance from Ofgem on an agency basis), via the issuance of Renewables Obligation Certificates. It also has a guiding role to play with the Northern Ireland's Energy Efficiency Levy. The Utility Regulator also has a role in working with the regulated companies to deliver Social Action Plans.

The Utility Regulator has quasi-judicial powers to determine certain complaints, disputes and appeals. It is expected that this role will expand over time as both industry and consumers come to terms with their regulatory rights.

3. Role Description

Role: Head of Legal (Seconded)

Responsible for:

Direct

- Two Legal Advisors

Indirect

- Responsible for effective and value-for-money management of the organisation's legal risks

Role Purpose:

- To manage the Utility Regulator's legal risks
- To lead and manage the Utility Regulator's legal team.
- To represent the Utility Regulator when appropriate in domestic and European fora.
- To contribute to the collegiate leadership of the Utility Regulator.

The role will also involve some stimulating policy work in areas with a quasi-legal content and includes leading internal policy-teams to project-manage the implementation of a new EU legal package on energy, and development of a competition law network across the office. This is a management as well as a legal role.

Key Contacts:

Internal: Chief Executive and Chairman; in-house legal team; Directors; Heads of Branch; Managers; and staff.

External: Regulated companies' legal representatives; other regulatory bodies (notably the Irish Commission for Energy Regulation, and the other concurrent regulators); law firms (particularly on our legal panel); Northern Ireland Civil Service Departments; and external agencies.

Key Areas Key Tasks

Strategic

- Develop, monitor and review Legal department's work plan and activities in a manner that will facilitate delivery of the Utility Regulator's Annual Forward Work Programme (FWP).
- Provide expert legal advice as required on Utility Regulator policy and strategy.
- Maintain focus on the Utility Regulator's mission and vision.
- Maintaining and up to date knowledge and advising the Utility Regulator as to the implications of forthcoming legislation and ensuring compliance

Governance

- Working with the Corporate Affairs directorate to develop best practice governance arrangements for the organisation
- Attending meetings of the senior management team in an invited capacity to provide legal advice and comment as required
- Attending board meetings, and providing legal advice to the Board as required
- Provide timely advice to Corporate Affairs if required regarding the legal aspects of other policy and administrative matters including Freedom of Information requests,

data protection issues, governance, procurement, records management and employment issues.

Operational

- Managing and delivering the legal function and facilitating delivery of the FWP and other routine services in conjunction with directorates within an annual budget
- Plan, manage and procure external legal services through the Legal Framework Panel of Advisors to ensure they deliver high quality services and value for money.
- Continue the development of organisational expertise in concurrency and competition law fields including ensuring that the Utility Regulator develops and discharges its National Competition Authority role (which will involve travel to London and Brussels).
- Develop and co-ordinate all island cross-border legal solutions, attending relevant committee meetings as required.
- Establish relevant performance targets for the Legal team ensuring that they are realistic and optimise delivery of organisational objectives.
- Ensure consistency of approach from a legal perspective in relation to the Utility Regulator's policies and procedures.
- Project managing the implementation of IME3

Leadership

- Instil and model the Utility Regulator's values
- Mentor and develop the Legal team

Financial Management

- Manage the adherence to the expenditure of the Legal Department budget and the Legal Framework Panel budget as appropriate.
- Produce business cases (including Value for Money) for legal resources, training schemes, and related items.
- Ensure compliance with procurement guidelines and organisational policies and procedures

Quality

- Ensure that legal advice given to the organisation is correct and solution-oriented
- Ensure a consistent approach from a legal perspective in relation to corporate governance requirements and internal policies and procedures.
- Develop the standing and reputation of a centre of excellence with respect to Northern Ireland Utility law (both within the Utility Regulator and with service providers, external agencies etc.).
- Develop and maintain an excellent understanding of the principles and practices within the organisation and the utilities industry.

Health and Safety

- Ensure that the Legal Department adheres to the Utility Regulator's and relevant legislative health and safety policies / procedures.

Risk Management

- Risk management is central to this role. Identify, report, manage and suggest solutions to legal risks across the Utility Regulator's range of objectives, duties and functions.

Networking

- Develop and maintain relationships with key stakeholders, comparable regulatory bodies, regulated companies and external agencies.

- Use strong interpersonal skills, including the ability to influence and negotiate, to ensure the achievement of positive outcomes.
- Act as a spokesperson for the Utility Regulator as required eg. attending conferences etc

4. Selection Criteria

Applicants for this secondment opportunity must meet the following essential criteria and key skills by the closing date for applications.

Essential Criteria

- A solicitor or barrister* with a recognised legal qualification** and at least 4-5 years proven PQE. Applicants must be qualified to practice in Northern Ireland, Republic of Ireland*** or England and Wales***; and
- Proven track record demonstrating expertise in public law including developing solutions to complex legal issues; and
- Experience or knowledge of regulation or regulatory law; or
- Experience or knowledge of EU energy law; or
- Experience or knowledge of Competition Law
- Proven ability of communicating effectively both orally and in writing with an organisation's Board of Directors, and with key external stakeholders.

*(*Arrangements for Barristers in private practice should be discussed with Human Resources)*

*(**An overseas qualification is only acceptable if it is fully comparable and equivalent to the UK counterpart)*

*(***A condition of appointment will be admittance to the Roll of Solicitors in Northern Ireland)*

Desirable (but not essential) Criteria

- Experience of working in or for the energy and resources industry;
- Experience of water industry regulation and relevant legislation;
- Experience of operating in the role of in-house Legal Counsel, including experience of managing legally qualified staff and / or outsourced legal services;
- Experience of negotiating effectively on behalf of an organisation;
- Knowledge of energy contracts, power purchase agreements, industry codes and related documents.

Key Skills

In addition to satisfying the above eligibility criteria, applicants will also be expected to display the following qualities and skills at interview.

- Up-to-date knowledge of a broad range of issues in relation to the regulation of gas, electricity and water industries, which may include public law, competition law, company law, European Community law, contracts, planning, judicial review, energy law, water law and environmental law. The post will involve occasional travel within the UK and EU Member States.
- A high degree of commercial acumen, along with the ability to work autonomously to high standards.
- Excellent legal drafting skills and attention to detail.
- Ability to assimilate complex technical information coupled with the ability to apply sound judgement.
- Excellent communication skills and persuasion skills.
- Strong organisational and planning skills.
- Ability to work under pressure and committed to delivering on deadlines.

5. The Recruitment and Selection Process

How to Apply

Completed application forms under cover of a letter from the managing partner or head of firm / organisation must be returned to:

**Human Resource Department
The Utility Regulator
Queens House
14 Queen Street
Belfast
BT1 6ED**

Telephone 028 9031 1575 or email cathy.doherty@uregni.gov.uk

All applications must be received at the above address by **5pm on 31st August 2010**.

Applications will be acknowledged within seven days of close of competition. Candidates with a disability who require assistance will be facilitated upon request. Candidates who wish to receive application forms and information packs in accessible formats are requested to advise of their requirements as promptly as possible allowing for the fact that the closing date for receipt remains the same for all applicants as noted above.

Monitoring Form

The UR monitors applications for secondment in terms of community background, sex, disability and race. You should note that this information is regarded as part of your application and failure fully to complete and return this part of your application will result in disqualification. The use and confidentiality of community background information is protected by the Fair Employment and Treatment (Northern Ireland) Order 1998. It will be used only for monitoring, investigations or proceedings under the requirements of the above legislation.

Application Form

Applicants must clearly and fully demonstrate on their application form how they meet the selection criteria as the evidence provided on the form will be used for shortlisting and assessment purposes as required. It is essential that applicants fully describe on the application form how they meet each of the selection criteria giving specific examples as appropriate. Do not use acronyms, complex technical detail etc. Write down clearly your personal involvement in any experience you quote. It is how you actually carried out the piece of work that the panel will be interested in. It is not appropriate simply to list the various posts which you have held. The UR will not make assumptions from the title of an applicant's post or the nature of the organisation as to the skills and experience gained.

Initial Eligibility Sift

After the closing date, the first stage in the selection process will be to conduct an initial sift of completed application forms against the essential criteria (see section 4 above). Applicants who have not fully demonstrated on their application form how they meet each of the essential eligibility criteria will not be progressed to the next stage of the process.

Shortlist

In the event of a large volume of applicants, scored shortlisting against the desirable criteria may also be used to form a shortlist.

Assessment

Following short listing, it is intended that the selection process will involve a paper sift, and may also involve a short interview and assessment or presentation against the key skills for the role.

The paper sift will score candidates on skills and experience as well as cost with weightings as shown below:

Skills and Experience	= 70%
Cost	= 30%

It is intended any interview or assessment process will take place in Belfast in September 2010.

Two referees should be provided on the application form. These referees should be named individuals you have undertaken legal work for, and who would be prepared to talk to the Utility Regulator in this context. Take up of references will be the last stage of the selection process.

Canvassing

Candidates should be aware that any attempts to enlist support for their application through any UR official except those named as a reference on their application form will result in their application being disqualified.

Secondment Opportunity

The Utility Regulator anticipates this secondment opportunity would last a maximum of 12 to 24 months (with a break at six months to assess performance).

A Secondment Agreement would be signed by the successful candidate and their sponsoring firm, a sample copy of which is enclosed with this Applicant Pack. The consent of the managing partner / head of organisation must be obtained and confirmed in the cover letter accompanying this application.

Further Information

Further information about the work of Utility Regulator can be gained by visiting <http://www.uregni.gov.uk>

Should you have any further queries about the recruitment and selection process then call Cathy Doherty on 028 90311575.

6. Terms of Appointment

A formal secondment agreement will be put in place between the Utility Regulator and the candidate's employer.

Remuneration

The successful candidate will continue to be paid by their sponsoring employer. The employer will invoice the Utility Regulator monthly for the agreed secondment fee (to be set out in the letter covering the application). All invoices will be paid within an agreed timeframe as outlined in the Secondment Agreement.

Please note that expenses will only be payable in accordance with Northern Ireland Civil Service rates.

Place of Work

The postholder will be based at Queens House, Queen Street, Belfast for the purpose of carrying out the duties of the secondment for the duration of the secondment.

Hours of Work

We anticipate that the successful candidate would be expected to devote up to four full days per week to the post. Standard hours are 9am to 5pm although the offices of the Utility Regulator are accessible 24 hours a day and 7 days a week.

Holiday Entitlement

Holiday entitlement will be as per the agreed terms and conditions of the sponsoring employer.

Probationary Period

The secondment agreement will contain a break clause at 6 months to allow a formal review of performance to take place and continued secondment will be dependent on the outcome of this review. During this period your performance will be regularly monitored and the Authority reserves the right to terminate the secondment if performance does not meet expectations.

Additional Information

As a secondee with the Utility Regulator you will be subject to various Office policies, for example, rules on shareholdings and conflicts of interest.

During and upon completion of the secondment, the secondee will continue to have a duty of loyalty to the Utility Regulator and will be bound by the confidentiality clause of the Secondment Agreement which will be signed by all parties (Utility Regulator, Parent organisation and secondee).

The Utility Regulator is committed to equality of opportunity and welcomes applications from all suitably qualified applicants irrespective of age, sexual orientation, marital status/civil partnership, dependants, religious belief, political opinion, gender reassignment, race, sex or disability.

All applications for secondment are considered on the basis of merit.