



Appointment of Head of Legal

Guide for Applicants

Key Dates for Applicants:

Closing Date: 5.00pm 21st May 2010

Interviews: Likely to take place in Belfast on 7th or 8th June 2010

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Prior to completing the application form we recommend that applicants 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 Head of Legal.

This is an exciting time to work for 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. Unusually, we have advertised this post as available to be filled either through a permanent appointment, or through a secondment.

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

Directorate: CEO Office

Reporting to: Chief Executive Officer

Responsible for:

Direct

- Two Legal Advisors

Indirect

- Responsible for effective and value-for-money management of the organisation's legal risks
- Member of Senior Management Team

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: sustainability and environmental issues, financial penalties and enforcement, competition issues, freedom of information and data protection issues, complaints, disputes and appeals processes.

The role 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

- Set strategy, 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.
- As part of the senior management team, 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 board meetings, and providing legal advice to the Board
- Provide timely advice to Corporate Affairs 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.
- Input to the negotiation of service level agreements
- 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

- As part of the senior management team, instill 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.).

- 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 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 or England and Wales; and
- Proven track record demonstrating expertise in commercial law, energy law or utilities law including developing solutions to complex legal issues; and
- Proven track record of giving direct advice on Corporate Governance, judicial reviews (and other aspects of administrative law) and / or competition law; and
- Proven ability of communicating effectively both orally and in writing with an organisation's Board of Directors, and with key external stakeholders.

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

Desirable (but not essential) Criteria

- Experience of regulation or regulatory law;
- Knowledge or experience of EU energy law;
- Experience of working in the energy and resources industry;
- 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.

- Comprehensive and up-to-date knowledge of a wide variety 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 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 21st May 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 employment 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. The UR may decide to interview only those applicants who appear, from the information they have provided on their application form, to be most suitable in terms of relevant experience and ability. It is essential therefore, 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.

Interview

Following short listing, it is intended that the selection process will involve an interview against the key skills for the role. It is intended that the interview process will take place in Belfast on 7th or 8th June 2010.

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 would also consider filling the Head of Legal role for a period by means of a secondment from a law firm. Should that option materialise a permanent appointment would not be made until after the secondment has been completed.

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 9031 1575.

6. Terms of Appointment

If the successful candidate is appointed as a Utility Regulator employee (rather than a secondee), then the following headline terms will subsequently be included (amongst other terms and conditions) in a written contract of employment between you and the Utility Regulator.

(If the successful candidate is appointed on a secondment, then a formal secondment agreement would be put in place between the Utility Regulator and the candidate's employer.)

Remuneration

A comprehensive salary and benefits package including membership of the Principal Civil Service Pension Scheme (PCPSNI) will be available to the successful applicant.

Place of Work

The postholder will be an employee of the Utility Regulator and will be based at Queens House, Queen Street, Belfast

Hours of Work

This is a full time appointment. The offices of the Utility Regulator are accessible 24 hours a day and 7 days a week and are open for business between the core hours of 7am and 7pm Monday – Friday. Due to the nature of your position you may be required to work such additional hours over and above your standard hours (37 hours per week exclusive of meal breaks) as may be necessary for the proper fulfilment of your duties for which no additional payment will be made.

Holiday Entitlement

Holiday entitlement will be 25 days per annum (rising to 30 days after two years) unless you have attained 30 days holiday by dint of your terms and conditions of service with the Northern Ireland Civil Service (or the GB Home Civil Service) – in which case your holiday entitlement per annum from your commencement date shall be 30 days. In addition you will be entitled to 12 public and privilege holidays.

Probationary Period

There will be a probationary period of 6 months and continued employment will be dependant on the outcome of this probationary review. During the probationary period your performance will be regularly monitored and the Authority reserves the right to extend your probationary period for such further period or periods as it considers reasonably necessary to assess your performance further.

Additional Information

As an employee of the Utility Regulator you will be subject to various Office policies, for example, rules on shareholdings, conflicts of interest, and future appointments.

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 employment are considered on the basis of merit.