Appointment of Legal Advisor

Guide for Applicants

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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 provides all the information you need to decide whether to apply for the post of Legal Advisor with the Northern Ireland Authority for Utility Regulation (NIAUR). My own tenure as CEO at NIAUR began in June 06 and I am pleased to report that the organisation has already embarked on a major change programme which will bring significant benefits to both staff and customers.

This is a time of great change and opportunity within the Northern Ireland utility regulation sector. This organisation is growing steadily and developing an infrastructure to meet considerable challenges such as our recent responsibility for water regulation, the management of the all-island gas and electricity programmes and the introduction of competition for all energy consumers.

The role of “multi-utility” regulator will offer new and interesting opportunities for employees. NIAUR welcomes individuals who are inquisitive, open to the ideas of others, enjoy a varied workload and are committed to the delivery of quality outputs to our stakeholders.

In playing a key role in regulating Northern Ireland’s most important utility industries, we have developed close working relationships with a number of groups including Government Departments, regulated businesses and consumer and voluntary organisations.

Should you choose to apply for the position of Legal Advisor and are successful, I am confident that you will find NIAUR a stimulating and rewarding place to work.

Iain Osborne
Chief Executive
NIAUR

2. About NIAUR

What is now NIAUR was first established (as Offer NI) in 1992, following privatisation of the Northern Ireland electricity industry. With the development of the natural gas industry in Northern Ireland, NIAUR's role was 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.

NIAUR is a non-Ministerial Government Department. It is not a policy-making Department but its role is to ensure that the utility industries in Northern Ireland are regulated and developed within the strategic policy parameters determined by Ministers.

NIAUR's board currently consists of a chairman (Prof. Peter Matthews) and six other members (Ms Etain Doyle, Dr Clive Elphick, Mr Christopher Le Fevre, Mr Alan Rainey, Mr Philip Johnson and Mr James Oatridge), and the Chief Executive (Mr Iain Osborne). This is a new team, and includes heavy-weight experience in regulation, energy, water and corporate governance.

Within the office, NIAUR currently has approximately 60 staff and an annual budget is around £7m this year. The scope and volume of NIAUR's work has expanded considerably in recent years. In recognition of this, the staff levels of the office have risen significantly during 2007, including the recruitment of a new tier of management at Director level. Our HR framework is being reviewed, as is our use of accommodation. Joining NIAUR now offers an opportunity to help shape the culture of a substantially new organisation.

NIAUR's Mission

The Authority is currently consulting on its Forward Work Programme for 2008-09. The draft programme, together with further information about the work of the Authority, may be viewed at http://niaur.gov.uk. Also available from the website, is our Interim Corporate Strategy document published in May 2007.

Energy

NIAUR's objectives are set out in the respective Electricity and Gas Orders as amended by the Energy (Northern Ireland) Order. 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 coordinated gas industry and to protect the interests of gas consumers with regard to price and quality of service.

NIAUR also places a high priority on sustainable development in the energy sector and promotes measures which will most effectively support renewables 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 100,000 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 760,000 electricity consumers with load split around 60/40 between domestic and non-domestic customers. (Northern Ireland has significantly less energy-intensive industry than GB.) Peak load in Northern Ireland is around 1,700MW and total demand around 9GWh. 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 interconnector to the Republic of Ireland.

The small scale of the Northern Ireland market creates security of supply 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 has been the creation of a Single Electricity Market (SEM) which went live on 1 November 2007. This market consists 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/.

Water

The NIAUR water group 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.

NIAUR'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 somewhat wider functions in relation to treatment of land disposals for example).

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 are currently undertaking a review of the SBP as well as developing proposals for a detailed monitoring plan.

Looking ahead to the following period (2010-2015), NIW will be preparing a business plan as part of the next periodic review (PR09). This is an expensive and extremely complicated asset management planning process. We will be extremely active during the intervening period in agreeing with NIW the nature of their submission and the environmental and serviceability targets to be met.

The group is also working with NIW to agree the content of their annual returns for 2007 and 2008. These record the company's activity and performance in considerable detail and will be used to support NIAUR's first report on the NI water industry.

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's review of water and sewerage services in Northern Ireland. NIAUR will also seek to contribute to this important debate.

Other Work Streams

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

The Authority 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. NIAUR also has a role in working with the regulated companies to deliver Social Action Plans.

The Authority 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: Legal Advisor

Group: Legal Department

Reporting to: Head of Legal

Role Purpose:

You will be involved in assisting the Utility Regulator in the discharge of its functions relating to economic and customer service regulation for Northern Ireland's electricity, gas, water and sewerage industries. This will involve the provision of advice and assistance in fields of public law, competition law, company law, energy law, water law and environmental law. The post will involve occasional travel within the UK and EU Member States.

The role itself 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 date protection issues, complaints, disputes and appeals processes with records management. The role will also carry more routine legal administration responsibilities to be carried out by the successful candidate on behalf of the Legal Department.

Key Contacts:

Internal: Head of Legal Department; Legal Consultant; Directors; Heads of Branch; Managers; and Staff.

External: External Industry Legal Representatives; Comparable Regulatory Bodies; Northern Ireland Civil Service Departments; and External Agencies.

Key Areas Key Tasks

Strategic

- Assist the Head of Legal in forward work planning and activities.
- Assist the Head of Legal in monitoring and reviewing Legal Department strategy.
- Assist the Head of Legal in providing expert legal advice as required on areas of strategic importance to the Utility Regulator.

Operational

- Assist in providing timely and effective legal advice on all aspects of regulatory law, competition law, public and administrative law, energy law and licensing regimes.
- Drafting licence modifications, legal letters, legislative interpretation advices and providing verbal briefings as and when required on a wide range of areas of law.
- Taking instruction from Head of Legal as to the co-ordination of external legal advice with the Legal Framework Panel of Advisors.
- Development of organisational expertise in concurrency and competition law fields including advising the Utility Regulator on its effective performance of its National Competition Authority role (which will involve occasional travel to London and Brussels).
- To support the Legal Department identify, report and suggest solutions to legal risks.

- To assist the Legal Department to ensure consistency of approach from a legal perspective in relation to the Utility Regulator's policies and procedures.
- Assisting with NIAUR enforcement role and advising on the powers and duties of the Utility Regulator.
- To provide legal support on specific projects such as the new legislation and licensing arrangements required to embed All Island Gas and aspects of Water Reform.
- Provide advice to the Complaints & Disputes team on quasi-judicial process.
- Assist Corporate Directorate in the co-ordination and response to Freedom of Information requests and other policy matters.

Leadership

- Assist the Head of Legal to develop the standing and reputation of the Legal Department as a centre of excellence both within the Utility Regulator and with stakeholders.
- Assist in the training and development of Utility Regulator staff as appropriate.

Financial Management

- Assist in the adherence to the expenditure of the Legal Department budget and the Legal Framework Panel budget as appropriate.
- As required contribute to the evaluation and cost appraisals (including Value for Money) for legal resources, training schemes, and related items.

Quality

- Assist the Legal Department in ensuring a consistent of approach from a legal perspective in relation to internal policies and procedures.
- Assist the Legal Department to 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 a good understanding of the principles and practices within the organisation and the utilities industry.

Health and Safety

- Assist the Head of Legal to ensure that the Legal Department adheres to the Utility Regulator's and relevant legislative health and safety polices / procedures.

Risk Management

- Contribute to identification of legal risks, & strategic risks and report to Head of Legal.

Networking

- Develop relationships with key stakeholders, comparable regulatory bodies, regulated companies and external agencies.
- Act as an ambassador for the Utility Regulator at seminars, training and conferences.

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, qualified to practice in Northern Ireland or England and Wales with proven post qualification experience; and
- Proven experience gained working in either company/commercial law or public/administrative law.

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

Desirable (but not essential) Criteria

- Knowledge or experience of EU law
- Knowledge or experience of regulation or regulatory law

Key Skills

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

- Excellent legal drafting skills and attention to detail.
- Good knowledge of technical law and the ability to assimilate complex technical information.
- Strong 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:

Executive Resourcing,
PricewaterhouseCoopers LLP,
Waterfront Plaza,
8 Laganbank Road,
Belfast, BT1 3LR

Telephone 028 9041 5069 or email pwcni.recruitment@uk.pwc.com

All applications must be received at the above address by **5pm on Monday 7th April 2008.**

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 Authority 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. NIAUR 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. NIAUR 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 essential 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 in April or May2008.

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

Further Information
Further information about the work of NIAUR can be gained by visiting http://www.niaur.gov.uk/

Should you have any further queries about the recruitment and selection process then call Claire Doody at PWC (028 9041 5069).

6. Terms of Appointment

The following headline terms will subsequently be included (amongst other terms and conditions) in a written contract of employment between you and NIAUR.

Salary

This is a permanent post. The starting base salary will be in the range of £30K to £40K depending on the individual circumstances applicable to the successful applicant. You will be paid monthly in arrears via Bankers Automated Clearing Service (BACS).

Bonus

The successful applicant for this post will also be eligible to be considered for a significant bonus linked to performance criteria each year.

Pension

Staff employed by NIAUR are civil servants, and as such are entitled to membership of the Northern Ireland Principal Civil Service Pension Scheme (PCSPS) which is a Defined Benefit pension scheme. Alternatively, if staff opt not to go into PCSPS, you shall receive an additional uplift payment in lieu of pension representing approximately 18.5% of base salary.

Place of Work

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

Hours of Work

This is a full time appointment. The offices of the Authority are accessible 24 hours a day and 7 days a week and are open for business between the core hours of 8am and 6pm 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 NIAUR 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.