

**THE DRAINAGE COUNCIL
FOR NORTHERN IRELAND**

**TERMS AND CONDITIONS OF
APPOINTMENT**

&

CODE OF CONDUCT FOR MEMBERS

June 2020

Welcome to the Drainage Council for Northern Ireland

The Department for Infrastructure recognises the important work of the Drainage Council for Northern Ireland Council (DCNI) in its role in providing independent, expert advice to the Department. The voluntary time commitment and expertise which you bring to the Council are both welcomed and appreciated.

The Northern Ireland Assembly expects all holders of public office to work to the highest personal and professional standards. This document sets out, clearly and openly, the standards expected from those who serve on NI public bodies and constitutes individual Members' terms and conditions of appointment to the Drainage Council for Northern Ireland. Any breach of those standards will be viewed as a breach of the terms and conditions of appointment.

In this document the term 'member' refers to all Members of the Drainage Council for Northern Ireland, unless explicitly stated otherwise.

1. Constitution and Role of the Council

- 1.1 The Drainage Council for Northern Ireland (DCNI) is an Advisory Non-Departmental Public Body sponsored by the Department for Infrastructure (DfI). Rivers Directorate is the Sponsor Division within the Department.
- 1.2 The Drainage Council for Northern Ireland was first established in 1947. Its current authority is derived from the Drainage (NI) Order 1973.
- 1.3 Appointments to the Drainage Council for Northern Ireland are made by the Minister for the Department and are regulated by the Commissioner for Public Appointments NI (CPA NI).
- 1.4 The responsibilities of the Drainage Council for Northern Ireland are principally laid out in Part II of the Drainage (NI) Order 1973. The purpose of the Drainage Council for Northern Ireland is to carry out a scrutiny role in relation to the Department's drainage functions, and it has a statutory duty to ensure uniformity of treatment of drainage throughout Northern Ireland.
- 1.5 In practice, the Drainage Council is responsible for ensuring the impartial and uniform application of the DfI Rivers Directorate drainage and flood protection programme throughout Northern Ireland by:-
 - determining which watercourses and sea defences should be designated for maintenance by DfI Rivers at public expense. Recommendations for designation may be put forward either by DfI Rivers or by any other Government Department or person;
 - making informed determinations if an Environmental Impact Assessment has been undertaken for a scheme, whether proposed drainage works should be approved;
 - ensuring equality of treatment in accordance with Government policies on fairness and equality (Section 75);
 - considering the Department's proposals in relation to flood defences, drainage schemes or variations to schemes;
 - considering the Department's proposals in relation to Bye-laws associated with drainage works;

- acting in a consultative capacity on other flood protection and drainage related matters such as the Department's annual maintenance programme and in the environmental assessment of proposed drainage works; and
- reviewing environmental statements and any supplementary information and reach a reasoned conclusion in accordance with the Drainage (NI) Order 1973 and provide the Department with their determination.

2. Responsibilities

Members share the responsibilities set out in the *Memorandum of Understanding between the Drainage Council for Northern Ireland and Department for Infrastructure*.

2.1 Council members shall adhere at all times to the *Code of Conduct for Members of the Drainage Council for Northern Ireland* and shall act in accordance with their wider responsibility as members namely to -

- abide by the Seven Principles of Public Life, as laid down by the Commissioner for Public Appointments for Northern Ireland;
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations; and to declare publicly and to the Department any private interests that may be perceived to conflict with their public duties;
- act in good faith and in the best interests of the Drainage Council for Northern Ireland; and
- attend meetings of the Drainage Council for Northern Ireland having made preparation by reading the previously circulated papers.

2.2 The Chair has a particular leadership responsibility in the following areas -

- formulating the Drainage Council for Northern Ireland's work plan, in liaison with the Sponsor Division, ensuring that it is consistent with Departmental priorities, aims and objectives;

- advising / liaising as necessary with the Secretary on business items and arrangements for meetings;
- ensuring that the Drainage Council for Northern Ireland, in making determinations, takes proper account of evidence and information provided by the Sponsor Department;
- promoting the efficient and effective use of resources;
- encouraging high standards of propriety;
- representing the views of the Drainage Council for Northern Ireland to the general public; and
- ensuring that the Drainage Council for Northern Ireland meets at regular intervals throughout the year and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Council members.

2.3 The Chair shall also:

- ensure that all members of the Drainage Council for Northern Ireland, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities, and receive appropriate induction training;
- advise the Department of the needs of the Drainage Council for Northern Ireland when vacancies arise, with a view to ensuring a proper balance of professional and wider expertise;
- annually assess the performance of individual Council members.

3. Appointments

- 3.1 The appointments will be for a period up to 4 years, commencing on the date advised on the appointment.
- 3.2 Under the Code of Practice for Ministerial Appointments, appointments for the same position are restricted to two terms and the maximum period in post must not exceed 10 years.

- 3.3 Members are appointed as individuals, not as representatives of the academic, business or other organisations for whom they may work.

4. Termination of Appointment

4.1 Your appointment may be terminated by the Minister if at any time you are considered unfit to continue in office or are incapable of performing your duties as a member of the Drainage Council for Northern Ireland. Should a termination be necessary, this shall be brought to the attention of the Minister by the Chair and sponsor Division jointly. An appeals process, as provided by NICS public appointment procedures, is in place.

4.2 You may be removed from office before the end of your term of appointment if you have been made the subject of a bankruptcy order.

4.3 You must notify the Chair if you become the subject of a police investigation or are arrested by the police.

5. Remuneration and Expenses

5.1 Positions on the Drainage Council for Northern Ireland are not remunerated.

5.2 Expenses incurred in relation to travel will be reimbursed in line with standard civil service rates and arrangements. Expenses incurred in relation to the care of dependants will also be reimbursed where appropriate. Expenses claims must be submitted at each meeting to the Secretariat.

5.3 You must comply with the rules set by the Department of Finance regarding remuneration, allowances and expenses. Payment and taxation of these should be in line with relevant HM Revenue and Customs and Department of Finance (DoF) guidance. Ultimately, however it is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

6. Use of Official Resources and Public Funds

6.1 You must not misuse official resources¹ for personal gain or for political purposes. You must take appropriate measures to ensure that the Drainage Council for Northern Ireland uses resources efficiently, economically and effectively, avoiding waste and extravagance.

¹ This includes facilities, equipment, stationery, telephony and other services.

7. Time Commitment

- 7.1 Members will be expected to attend meetings when they are convened; there may be additional ad hoc meetings or field visits as necessary.
- 7.2 The time commitment for each Member is expected to be equivalent to approximately 1 full day per 3 months.
- 7.3 The time commitment for the Chair is expected to be equivalent to approximately 2 full days per 3 months.
- 7.4 Council members are expected to attend a minimum of 80% of meetings.

8. Induction and Training

- 8.1 The Department will provide an induction to the Drainage Council for Northern Ireland shortly after your appointment. You may be expected to attend relevant training provided by the Department.

9. Performance Appraisal

- 9.1 As a member of the Drainage Council for Northern Ireland you should expect your performance to be appraised annually by the Chair.
- 9.2 The Director of the Sponsor Division will conduct the appraisals of the Chair.
- 9.3 Members will contribute appropriate information to their performance appraisal and sign off the agreed documents within the specified timeframes.
- 9.4 For your appointment to continue for the remainder of your term your performance appraisal report must be satisfactory. An unsatisfactory appraisal report may contribute to certain actions being taken, which could ultimately lead to termination of your appointment.
- 9.5 Departments have a duty to satisfy themselves, as far as is practicable, that those they appoint to public bodies will carry out their duties in an efficient and effective manner. For candidates who have held other public appointments this means that the appointing Department can seek information on previous performance as a member.

9.6 In the event that you apply for another public appointment, the Department (DfI) will, on request, provide the appointing Department with information relating to your performance as a member of the Drainage Council for Northern Ireland .

10. Indemnities for personal liability

10.1 The Government has indicated that an individual Drainage Council for Northern Ireland member who has acted honestly and in good faith will not have to meet out of his/her own personal resources any personal civil liability which is incurred in the execution or purported execution of his/her Drainage Council function, save where the person has acted recklessly.

11. Gifts and Hospitality

11.1 You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.

11.2 You must never canvass or seek gifts or hospitality and gifts should be declined wherever possible.

11.3 You must comply with the rules set by the Sponsor Department (DfI) on the acceptance of gifts and hospitality which are in line with current DoF guidance. You must inform the Chair and Secretariat of any offer of gifts or hospitality and provide the relevant information to allow this to be recorded in the Drainage Council for Northern Ireland register.

11.4 You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the Drainage Council for Northern Ireland into disrepute.

12. Conflicts of Interest

12.1 You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your private interests – financial or otherwise. You should note that the appearance of a conflict of interest, in terms of public perception, can be every bit as damaging as an actual conflict - both should be avoided.

- 12.2 You must declare any personal or business interests which may, or may be perceived to, conflict with or influence your judgement when performing your duties as a member of the Drainage Council for Northern Ireland. Failure to do so may lead to your appointment being withdrawn.
- 12.3 If you are in any doubt as to what you should or should not be declaring you should discuss this with the Chair and/or the Director of the Sponsor Division (Dfl). It is best to err on the side of caution and disclose information.
- 12.4 These interests will be included in an appropriate register of interests maintained by the Secretariat. Conflict of Interest declaration forms must be completed promptly on appointment and reviewed annually. You must ensure that your entries are kept up to date; non-compliance with completion of forms will be highlighted to the sponsor Department for further action. Should an issue arise subsequent to the completion of the register of interests that could give rise to a potential conflict of interest you must inform the Secretary.
- 12.5 If at a meeting of the Drainage Council for Northern Ireland a particular issue arises that could give rise to a potential conflict you must disclose your interest and withdraw from any discussion or consideration of the matter.
- 12.6 Drainage Council for Northern Ireland Members who have a conflict of interest should not use their position as a Member to try and improperly influence a decision by lobbying any other Member(s) or by contacting another Member to represent their interests at the meeting.
- 12.7 It is important that there should be a level playing field with no advantage (real or perceived) given to Drainage Council for Northern Ireland Members or to individuals or organisations with Council connections or representation.
- 12.8 It is your responsibility to ensure that you are familiar with the Department's rules on handling conflicts of interests, that you comply with these rules and that your entry in the Drainage Council for Northern Ireland's Register of Members' Interests is accurate and up-to-date.
- 12.9 Should you wish (in any capacity other than as a member of the Drainage Council for Northern Ireland) to attend a public enquiry or respond to a consultation on any matter which connects with the work of Drainage Council for Northern Ireland you must inform the Chair in advance of doing so, where practicable, or as soon as possible thereafter. The Chair will inform the Director of the support Division to determine whether this could present a conflict with the Drainage Council for Northern Ireland's role as

advisor to the Department; and discuss any specific actions / requirements which may arise from this. In undertaking any such activities, you must clearly identify who / which organisation you are representing. Should you be asked specifically about your role on the Drainage Council for Northern Ireland you must clearly state that you are not representing the Drainage Council for Northern Ireland in this instance. Should you be asked about the view of the Drainage Council for Northern Ireland on proceedings you must not offer a response but instead refer the enquirer to the Chair of the Drainage Council for Northern Ireland.

13. Political Activity²

13.1 In your public role, you should be, and be seen to be, politically impartial. You should not occupy a paid party political post or hold a particularly sensitive or high-profile role in a political party.

13.2 On matters directly related to the work of the Drainage Council for Northern Ireland, you should not make political statements or engage in any other political activity. You must disclose any potential conflicts of interest.

13.3 In your official capacity, you should be even-handed in all dealings with political parties.

13.4 Subject to the above, you may engage in political activity but should, at all times, remain conscious of your responsibilities as a DCNI Member and exercise proper discretion. You should inform the Chair and the sponsor Department (DfI) before undertaking any significant political activity.

14. Official Secrets Act and the Use of Official Information

14.1 The provisions of the Official Secrets Act 1911 to 1989 apply to public appointees.

14.2 You must not misuse information gained in the course of your public service for personal gain or for political purpose.³ Unauthorised disclosure of any

² If you are an MP, Member of the House of Lords, Member of the NI Assembly or other devolved administration or Local Councillor, you are exempt from these requirements - although you should still exercise proper discretion on matters directly related to the work of the Drainage Council for Northern Ireland and recognise that certain political activities may be incompatible with your role as a Council member.

³ Drainage Council for Northern Ireland members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation

information gained in the course of your appointment, could result in your appointment being terminated early, or even criminal prosecution.

14.3 You must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after you have left the Drainage Council for Northern Ireland.

15. Freedom of Information (FOI) and General Data Protection Regulation (GDPR)

15.1 The DCNI is defined as a public authority for the purposes of the Freedom of Information Act 2000. All requests for information will be dealt with by the Drainage Council for Northern Ireland, in line with the requirements of the legislation.

15.2 As a NDPB the Drainage Council for Northern Ireland is subject to the provisions of the GDPR. You must ensure that all correspondence and documents, including digital copies, emails etc., relating to the work of the DCNI are appropriately stored and that access to this material is appropriately restricted.

15.3 On retirement from the DCNI members will be required to either return all papers to the Secretariat for disposal or confirm that they have disposed of all papers in an appropriate manner (e.g. shredding).

16. Conduct Of Members Of The DCNI

16.1 All public appointees have a duty in relation to conduct, propriety and confidentiality. You are required as a condition of your appointment to abide by the seven principles of public life and by this *Code of Conduct for Members of the Drainage Council for Northern Ireland*. It is your responsibility to ensure that you are familiar with, and comply with, all the relevant provisions of the Code. These principles should inform your actions and decisions as a DCNI member.

16.2 You must not engage in any media activity that could be perceived to undermine the work of the Department or the Minister.

17. Key Principles Of Public Life

17.1 The key principles upon which this Code of Conduct is based are the Seven Principles of Public Life⁴. These are -

Selflessness

Holders of public office should take decisions solely in terms of the public interest.

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

⁴ *Standards in Public Life: First Report of the Committee on Standards in Public Life*. Volume 1: Report. CM 2850-I.

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

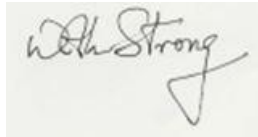
18. Responsibilities As A Drainage Council for Northern Ireland Member

- 18.1 You should play a full and active role in the work of the DCNI. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the DCNI.
- 18.2 You should conduct any dealings with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
- 18.3 You must comply with any statutory or administrative requirements relating to your post, and with the Terms and Conditions of Appointment.
- 18.4 You should respect the principle of collective decision-making and corporate responsibility. This means that, once the Drainage Council for Northern Ireland has made a decision or determination, you should support this.
- 18.5 You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.
- 18.6 Members must have due regard to value for money in relation to their Council decisions. They must at all times act in good faith and in the best interests of the Council. They should not use information gained in the course of their public service for personal gain nor seek to use the opportunity of public service to promote private interests.

19. RESPONSIBILITIES TOWARDS DEPARTMENTAL STAFF

- 19.1 You will treat any staff employed by the sponsor Department with courtesy and respect. It is expected that Departmental staff will show you the same consideration in return.
- 19.2 You will not ask or encourage Departmental staff to act in any way which would conflict with their Code of Conduct.

The Drainage Council for Northern Ireland – Terms and Conditions of Appointment and Code of Conduct for Members

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Alan Strong" with a stylized flourish at the end.

Signed by (Chair): _____

Print Name: Alan Strong

Date: 29/06/20