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18 April 2023

**The Independent Commission for Reconciliation and Information Recovery**

 **Appointments to the Board**

The Northern Ireland Troubles (Legacy and Reconciliation) Bill was introduced on 16 May 2022. The Bill passed in the House of Commons on 4 July 2022 and is currently passing through the House of Lords. This Bill represents the Government’s pledge to address the extremely complex and sensitive legacy of Northern Ireland’s past, ultimately helping society look to the future. It delivers on the Government's commitments to those who served in Northern Ireland, whilst implementing a process that provides more information for families and promotes reconciliation.

The Bill aims to deliver better outcomes for those most affected by the Troubles, including victims, survivors and veterans, while at the same time putting in place mechanisms to engage and generate reconciliation. In seeking to achieve this critical objective, the Bill establishes a new body, the Independent Commission for Reconciliation and Information Recovery (“the ICRIR”).

The ICRIR is to be led by a Board (“the Board'') consisting of a number of Commissioners, including a Chief Commissioner and a Commissioner for Investigations (as set out on the face of the Bill). The Board will have collective responsibility for setting the strategic direction of the ICRIR to enable it to deliver its functions as set out in the Bill which are:

1. *To carry out reviews of deaths that were caused by conduct forming part of the Troubles;*
2. *To carry out reviews of other harmful conduct forming part of the Troubles;*
3. *To produce reports on the findings of each of the reviews of deaths and other harmful conduct;*
4. *To determine whether to grant persons immunity from prosecution for serious or connected Troubles-related offences other than Troubles-related sexual offences;*
5. *To refer deaths that were caused by conduct forming part of the Troubles, and other harmful conduct forming part of the Troubles, to prosecutors; and*
6. *To produce a record of deaths that were caused by conduct forming part of the Troubles*

The Government recognises the need for the ICRIR to have credibility, expertise and legitimacy so that effective reviews can be carried out and information provided to people or their families as soon as possible. It acknowledges the strength of feeling in Parliament that the independence of the organisation must be underscored.

The Government believes that the success of the ICRIR will rely on its ability to function independently. This is why it is being established as an arm’s length body that will operate independently of Government. It will not be staffed by civil servants, but by public servants and will not report to Ministers, but instead to a Board of Commissioners. However, in operating independently it is important that it is accountable for its use of public funds and for its performance.

The Bill as introduced sets out that the Secretary of State for Northern Ireland will be responsible for making ICRIR Commissioner appointments. This document sets out additional considerations about the selection process which will inform the exercise of the Secretary of State’s appointment power. In doing so, the context of what the organisation needs to achieve, and how the Board can best be put together so that it can run the Commission independently of government, is important. It will be necessary to get the best skills and experience on the Board of the Commission.

In following best practice for Boards in the public and private sectors, the Commissioner roles will be split between Executive Commissioners who will be responsible for the running of the organisation and executive decision making, along with Non-Exectutive Commissioners, who will provide scrutiny, support and challenge for the running of the organisation. The Non-Executive Commissioners will not be involved in operational decisions or in the detail of reviews or other work, but will act to ensure that the overarching requirements on the organisation are duly discharged and that finances, risk and performance are monitored and meet public expectations.

In many cases families have waited for decades for comprehensive information about the death of their loved ones. The Government’s aim therefore is for the ICRIR to be operational as soon as possible in order to start delivering for society in Northern Ireland. This paper outlines the different types of role of the Commission and the requisite criteria.

Whilst remaining cognisant that the Bill is still passing through Parliament and that some of the detail in the attached appendices may still be subject to change, the Government considers it important to begin the process of advertising and selecting candidates for key Commissioner roles who would be suitable for appointment following Royal Assent in order to meet the overall timetable for the establishment of the ICRIR.

Executive Commissioners

The Chief Commissioner and Commissioner for Investigations will have specific responsibilities that are set out in the Bill. The Chief Commissioner will chair a panel that will take decisions regarding requests for immunity and the Commissioner for Investigations will have responsibility for the ICRIR’s review functions into Troubles-related deaths and other harmful conduct. In addition, another Commissioner will act as the Chief Executive, responsible for the resourcing and operation of the overall organisation and designated as the Accounting Officer for the purposes of ensuring that public money is spent properly and in line with the expectations of Parliament.

The **Chief Commissioner** will be an Executive member of the Board and Chair the organisation. They will have overall responsibility for leading and setting the strategic direction of the ICRIR in order to enable it to achieve its overarching aims and objectives. The Chief Commissioner will also be responsible for immunity request determinations along with the production and publication of final reports. The Bill sets out requirements for judicial experience of the post holder and for consultation with the relevant senior judge.

The Chief Justices of England & Wales, Scotland and Northern Ireland will be provided with the criteria and asked to advise the Secretary of State who, among the current or retired senior judges of the United Kingdom, would be in a position to fulfil the role of Chief Commissioner of the ICRIR, so that the Secretary of State can consider them for appointment.

The role will be expected to require on average 3 days per week and will be paid at the prevailing judicial rates, subject to any necessary Cabinet Office and HM Treasury approvals. Outline criteria for the role is set out at Appendix 1.

The **Commissioner for Investigations** will be an Executive member of the Board. The Bill designates them with the full powers and privileges of a constable who will be required to carry out specialist functions such as conducting reviews and making referrals to prosecutors. The Commissioner for Investigations will also have the ability to designate ICRIR staff with the powers and privileges of a constable. Outline criteria for the role is set out at Appendix 2.

The role will be advertised and subject to fair and open competition, with appointment on merit. As an executive role, selection would normally be a matter for the Non-Executive Commissioners, chaired by the Chief Commissioner, to provide a recommendation to the Secretary of State. However, for the initial appointment, the Secretary of State will appoint an independent and suitably qualified panel to make an assessment against the criteria. In doing so he will consult the identified candidate for the Chief Commissioner and that individual will be appointed to Chair the panel. The composition of the panel will also need to reflect public sector equality duty considerations. The selection panel will provide a recommended candidate for appointment to the Secretary of State.

The role will be full-time and will be paid competitively with similar senior investigatory roles, subject to any necessary Cabinet Office and HM Treasury approvals.

The **Chief Executive Officer** will be an Executive member of the Board. They will be designated by the Principal Accounting Officer at the Northern Ireland Office as the Accounting Officer for the ICRIR. They will be responsible for meeting the requirements of Managing Public Money and will be personally accountable to Parliament in this regard. They will chair the Executive Committee of the Commission and ensure that the organisation runs efficiently and effectively, discharging its functions in line with all legal requirements and galvanising all staff to work in support of the Commission’s mission. Outline criteria for the role is set out at Appendix 3.

As an executive role, selection would normally be a matter for the Non-Executive Commissioners, chaired by the Chief Commissioner, to provide a recommendation to the Secretary of State. They would be expected to run a fair and open competition, to select candidates based on merit. For the initial appointment, reflecting the set up phase of the organisation, a temporary appointment may be made by the Secretary of State following civil service processes (which are regulated externally by the Civil Service Commission). Any such appointment would be for 12-18 months to support swift establishment of ICRIR, following which the Board will conduct its own recruitment process and provide a recommendation for appointment of the new Chief Executive Officer to the Secretary of State.

The role will be full-time and remunerated against benchmarking from comparable public sector roles.

Non-Executive Commissioners

The most senior Non-Executive Commissioner will chair the Audit and Risk Committee and as a result will be required to have the requisite accounting experience. Other Non-Executive Commissioners will need to bring a range of experience and skills to provide a broad and diverse range of voices at the Board table to help improve decision making. Consideration of relevant international experience, ensuring a focus on users of the organisation and on information security are some other aspects.

Non-Executive Commissioners will be recruited via fair and open competition, in accordance with the Cabinet Office’s Governance Code for Public Appointments. The roles will be advertised publicly. The Chief Commissioner will Chair the Advisory Assessment Panel under this process.

Non-Executive Commissioners will be expected to work 1-3 days per month depending on specific role and remit and will be remunerated for the roles in line with the prevailing rates for such Non-Executive roles, subject to any necessary Cabinet Office and HM Treasury approvals. Outline criteria for the Non-Executive roles is set out at Appendix 4.



**LORD CAINE**

**PARLIAMENTARY UNDER-SECRETARY OF STATE**

**FOR NORTHERN IRELAND**

**Appendix 1**

**INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY**

**CHIEF COMMISSIONER APPOINTMENT**

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| Outline Criteria  | *Leadership and Propriety** Demonstrates the highest standards of propriety;
* Committed to the independence and public accountability of the role;
* Demonstrates that they can meet the relevant requirements of the Code of Conduct for Board Members of Public Bodies and provide visible leadership to others to meet such requirements;
* Appreciation of financial and risk management including supporting organisations to operate efficiently and affordably.

*Judicial experience** Substantial experience of overseeing complex criminal proceedings;
* Experience of handling national security sensitive information and consideration of the public interest in such sensitive matters;
* Experience of leading or designing new or novel judicial processes or reforming existing legal processes to enable efficient case management and consideration of large volumes of relevant, often sensitive, information/material;
* Motivated by a desire to deliver expeditious outcomes for society in Northern Ireland in a way that provides truth recovery and do so in a way that is sympathetic to reconciliation between communities.

*Communication and Influence** Ability to develop effective relationships with a broad range of stakeholders including victims and survivors and their representatives, veterans, the security and intelligence agencies, law enforcement officers, officers of public authorities and local and central government officers, professional and other bodies;
* Ability, either through training or experience, to participate in media interviews effectively and persuasively communicating messages with clarity and sensitivity.

**Desirable criteria*** Knowledge of the context within which the ICRIR will operate, including legislation relevant to criminal cases in Northern Ireland including: Northern Ireland (Sentences) Act 1998, Terrorism Act 2000, Terrorism (Northern Ireland) Act 2006, the Counter-Terrorism Act 2008, the Justice and Security (Northern Ireland) Act 2007, Investigatory Powers Act 2016, Regulation of Investigatory Powers Act 2000 and the Police Act 2000;
* Experience of other judicial processes which allow for partial amnesty or immunity would be desirable, including the Northern Ireland (Location of Victims’ Remains) Act 1999 and the Northern Ireland Arms Decommissioning Act 1997.
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**Appendix 2**

**INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY**

**COMMISSIONER FOR INVESTIGATIONS APPOINTMENT**

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| Outline Criteria  | * Substantial experience of leading and overseeing criminal investigations or the oversight of other complex investigations, inquiries or information gathering processes;
* Knowledge of the issues and challenges concerning victims of crime and victims’ organisations and experience supporting victims in obtaining information through non-traditional criminal justice processes;
* Experience as a senior executive board member, working through a board, of managing resources, legal compliance, risks and personnel, and; playing a leadership role in an organisation;
* Experience of taking independent, impartial and evidence-based judgements in sensitive and complex cases;
* Demonstrate excellent external and internal communication skills and have the ability to collaborate effectively and develop and maintain effective working relationships with internal and external stakeholders;
* The ability to act impartially in discharging their responsibilities, meeting the Seven Principles of Public Life and the requirements of legislation in relation to any conflicts of interest.
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**Appendix 3**

**INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY**

**CHIEF EXECUTIVE OFFICER APPOINTMENT**

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| Outline Criteria | * Ability to provide operational, cultural and strategic senior leadership and direction to a complex organisation at the relevant scale;
* A high level of personal integrity with an inclusive style of leadership which motivates staff and develops commitment;
* Board level experience of formulation, implementation, monitoring and achievement of organisational strategies and objectives including in relation to business planning, risk management, financial controls, business and people strategies and delivery assurance;
* Strong analytical skills to help make sound organisational and financial decisions, with the ability to articulate the rationale for them clearly;
* The ability to produce reports, work plans and accounts in accordance with statutory requirements including the production and implementation of strategic and operating plans within budget, reporting progress to the Board;
* Experience and ability to work collaboratively with a Board whilst providing scrutiny and challenge where appropriate. A good understanding of the effective governance necessary to provide assurance that the organisation is a well-run organisation;
* Strong interpersonal skills and an outstanding communicator with the ability to influence, command the respect of and build effective relationships with stakeholders across the public, private or voluntary sectors.
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**Appendix 4**

**INDEPENDENT COMMISSION FOR RECONCILIATION AND INFORMATION RECOVERY**

**NON- EXECUTIVE COMMISSIONER APPOINTMENT(S)**

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| Outline Criteria | * Comprehensive experience at Board level, as an Executive or Non-Executive Director, of a public or private sector body, including the ability to challenge and bring a fresh, external view;
* Excellent communication skills and collaborative working style with the ability to contribute effectively to future strategic planning and delivery;
* Appreciation of financial and risk management including supporting organisations to operate efficiently and affordably;
* Experience of providing non-executive support and challenge to those leading complex organisations.

*(Additional Criteria for Lead Non-Executive Commissioner)** Qualified accountant/auditor;
* Senior finance experience in a complex organisation;
* Relevant experience of organisational audit and risk assurance.
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