

Appointments to the Charity Appeals Tribunal
Closing Date: 15:00 on Thursday 16th December 2021

State Boards Division
Public Appointments Service
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stateboards.ie operates under the auspices of the Public Appointments Service and is committed to a policy of equal opportunity.

The Public Appointments Service (PAS), established under statute in 2004, provides an independent shared service in recruitment, assessment and selection to organisations across the Civil and Public Services. PAS also has responsibility for providing an open, accessible, rigorous and transparent system to support Ministers in making appointments to State Boards. Our dedicated website, www.stateboards.ie, is the channel through which the PAS advertises vacancies on State Boards. It is also the means through which accomplished, experienced and qualified people, including people who might not previously have been identified as available for appointment, can then apply to be considered for particular vacancies.

Membership of State Boards

High standards of corporate governance in all State Agencies, whether in the commercial or non-commercial sphere, are critical to ensuring a positive contribution to the State's overall social and economic development.

Members of State Boards are appointed to act on behalf of the citizen to oversee the running of the affairs of state bodies. State bodies must serve the interests of the taxpayer, pursue value for money in their endeavours (including managing risk appropriately), and act transparently as public entities. Members of State Boards, and the relevant management team, are accountable for the proper management of the organisation.

Board members should act on a fully informed basis, in good faith, with due diligence and care, and in the best interest of the State body, subject to the objectives set by Government. In that regard and in accordance with 13.2 of the Guidelines on Appointments to State Boards, "it is advisable that no member of a State Board should serve more than two full terms of appointment or should hold appointments to more than two State Boards."

The [Code of Practice for the Governance of State Bodies 2016](#) (the Code) provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies.

In order to be an effective contributor on a State Board it is recommended that members should:

- bring independent and objective scrutiny to the oversight of the organisation;
- be prepared to be challenging when necessary while being supportive to the delivery of organisational strategy and objectives;
- be equipped to offer considered advice on the basis of sound judgement and experience;
- be prepared to make a time commitment to their work commensurate with their role.

Appointments to the Charity Appeals Tribunal

Location:	Trinity Point, 10-11 Leinster St South, Dublin 2 or Online. (Meetings as required)
Number of Vacancies:	One Ordinary Member
Remuneration:	€360 for Ordinary members per sitting day of the Tribunal (subject to taxation). (It should be noted that in line with the 'One Person One Salary' principle, no public servant will be entitled to receive remuneration in the form of board fees, save for situations that are statutorily provided for e.g. Worker Directors). Travel and subsistence is payable at appropriate civil service rates.
Time Requirements:	It is estimated there will be a minimum 5 sittings per annum. Subject to workload it is envisaged that each sitting will be of one full day's duration.

Candidates' attention is also drawn to the provisions of the Code in relation to Audit and Risk Committee membership which can be found [here](#).

1. Background

The Charities Regulatory Authority (CRA) was established to regulate Ireland's charities in accordance with Section 13(1) of the Charities Act 2009. The Authority is responsible for the registration and regulation of all charities that carry out activities in Ireland including community groups, schools, universities, churches, healthcare providers and others providing public benefit as specified in the Act.

Where an application for registration of a charity is refused by the Authority, or a person has been removed from the register or is no longer deemed by the Authority to be registered, an appeal may be submitted to the Charity Appeals Tribunal. It is also open to the Minister to appeal a decision of the Authority to register a person. Section 75 (1) of the Charities Act 2009 provides for the establishment of the Charity Appeals Tribunal. The role of the Charity Appeals Tribunal is to hear and adjudicate on appeals against certain decisions of the Charities Regulatory Authority (the 'Charities Regulator').

The Rules for the Charity Appeals Tribunal were made under the Charity Appeals Tribunal (Charities Act 2009) Rules 2018, SI No. 209 of 2018. The Rules came into force on 4 July 2018.

All sittings of the Tribunal will be conducted by way of oral hearing and where necessary more than one hearing may be held for the purpose of determining an appeal. Proceedings before the Tribunal will be conducted in public unless the Tribunal considers it necessary to make an order directing that the identities of all or one of the parties of an appeal should not be disclosed.

The Tribunal may make one of a number of determinations on an appeal, e.g., request the person be registered, remove the person from the register or uphold the decision of the Authority. A decision of a majority of the members of the Tribunal will suffice for any purpose. Under Section 80 of the Charities Act, a party to proceedings before the Tribunal may appeal

a decision of the Tribunal to the High Court on a point of law. An appeal under this section shall not be brought without the permission of (a) the Tribunal or (b) if the Tribunal refuses permission, the High Court.

The Charities Act specifies that the Tribunal will consist of five members, two of whom have a legal background and two of whom have expertise in the charities sector.

One ordinary member vacancy has arisen on the Tribunal, further to the reappointment of four eligible members, as per the terms of the 2009 Act.

2. Functions of the Board

The Charities Act specifies that the Tribunal will consist of five members, two of whom have a legal background and two of whom have expertise in the charities sector.

The Tribunal is required as far as practicable to ensure that appeals are dealt with and determined expeditiously.

There are no sub-committees reporting to the Tribunal.

The current composition of the Tribunal is:

Name	First Appointed	Reappointed	Expiry Date	Position type	Basis of appointment
Bill Holohan	01/08/2016	01/09/2021	31/08/2025	Ordinary	Appointed by Minister
Carol Fawsitt	01/08/2016	01/09/2021	31/08/2026	Ordinary	Appointed by Minister
Karen Horgan	01/08/2016	01/09/2021	31/08/2025	Ordinary	Appointed by Minister
Patrick O'Connor	01/08/2016	01/09/2021	31/08/2026	Chairperson	Appointed by Minister

3. Person Specification

The Minister for Rural and Community Development invites applications from suitably qualified candidates to fill one vacancy on the Charity Appeals Tribunal.

Candidate's attention is drawn to the provisions of the Code in relation to the role of a Board member, where the principle states: -

- Each State body should be headed by an effective Board which is collectively responsible for the long-term sustainability of the body.
- Non-executive Board members should bring an independent judgement to bear on issues of strategy, performance resources, key appointments and standard of conduct.

Details on the role of Board Members can be found in Section 3 of the Code which can be found [here](#).

Essential

Candidates must demonstrate evidence of significant experience at an appropriately senior level in areas relating to the Irish charity sector, particularly in Governance and good practice.

Candidates must also satisfy the requirements in either the legal or financial areas below:

Legal

- Be a practising solicitor of not less than 10 years standing and registered with the Bar Council & Law Library of Ireland / Law Society of Ireland; or
- Be a practising barrister of not less than 10 years standing and registered with the Bar Council & Law Library of Ireland / Law Society of Ireland; or
- Hold or formerly held judicial office in the Superior Courts; and
- Knowledge and experience of regulatory and investigative processes.

Or

Financial

- Relevant qualification as an accountant/auditor and membership of a professional body;
- Knowledge of the funding of and accounting for charitable organisations;
- Carrying out or overseeing investigations/inspections of organisations.

Desirable

- experience of operating in a regulatory sector
- previous experience of Board/Tribunal membership/Adjudicatory body membership.
- experience in mediation and/or dispute resolution.
- knowledge of the voluntary sector

The Minister encourages applications from diverse, qualified candidates to ensure the Board is a true reflection of Irish society and shall have regard to the desirability for gender balance, diversity and inclusion on the Board as the Minister considers appropriate and determines from time to time when making appointments, in line with the updated [Code of Practice for the Governance of State Bodies 2016](#).

In order to qualify for appointment a person must not have any legal impediment or conflicts of interest likely to interfere with his/her ability to assume the role of a member of the Board. Please give careful consideration to the possibility of any potential conflict of interest that may exist and address this in your cover letter. The Assessment Panel may decide, based on the perceived level of conflict, not to forward your name for consideration.

4. Term of Appointment

The appointment to the Tribunal will be for an initial period of 5 years with an option to extend the term of engagement for a second term, subject to:

- The membership of any member of the Tribunal may be terminated by the Minister at any time, on the basis of reasons to be stated by the Minister.
- A member of the Tribunal may resign his or her membership of the Tribunal by notice in writing sent or given to the Minister, and the resignation shall take effect on the day on which the Minister receives the notice.
- Members of the Tribunal shall, subject to the provisions of this Schedule, hold office upon such terms and conditions as the Minister may, with the consent of the Minister for Public Expenditure and Reform, from time to time determine.
- The roles and responsibilities of Board Members are described in the Code of Practice for the Governance of State Bodies 2016 which is available here [Code of Practice for the Governance of State Bodies](#).
- A Tribunal member shall cease to be a member of the Tribunal if he or she is nominated as a member of Seanad Éireann, is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, elected to the European Parliament.

5. Submitting your Application

Before submitting your application, please review the self-assessment questionnaire which can be found [here](#). This questionnaire is designed to help you in considering whether to submit an expression of interest - you are not required to submit the questionnaire as part of the application process.

Having considered the general suitability criteria for membership of a State Board, you should consider carefully how your background and experience fits with the specific appointment criteria set out in the Person Specification section in this booklet.

Your submission should be made via the following link www.stateboards.ie together with your **Curriculum Vitae** and a **cover letter** (see Appendix 1 of this booklet for help with the online process).

IMPORTANT NOTE

Please take care when submitting your expression of interest. As the Assessment Panel will generally make its recommendation(s) based on consideration of the documentation which you submit, it is most important that you do the following:

1. *Ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Authority position(s) specified in this booklet, and*
2. *That you fully answer any supplementary questions which are presented to you as part of our online application process.*

This will help ensure that the Assessment Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to this State Board. **Please only include information that is directly relevant to the particular role for which you are applying.**

If you have any questions regarding the application process please email info@stateboards.ie.

6. Assessment Process

An Assessment Panel (the "Panel") will be convened by PAS to consider and assess the applications received by PAS. The Panel will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet;
- assess potential candidates further once they meet the specified appointment criteria by undertaking any or all of the following steps:
 - Consideration of the written applications; and/or
 - Meeting/conference call; and/or
 - Referee checks; and/or
 - Any other selection or verification method deemed appropriate (this may include PAS requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications).
- arrive at a shortlist of the most suitably qualified candidates (based on the information provided by the candidate) to be sent forward for consideration by the Minister.

Please note that the Public Appointments Service will not be responsible for any expenses incurred by candidates as part of our selection process.

7. Confidentiality

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes.

8. Data Protection

The Data Protection Act 2018 provides that the processing of personal data shall be lawful where such processing is necessary for the performance of a statutory function of a controller. PAS is mandated by statute under the Public Service Management (Recruitment and Appointments) Act, 2004 to act as the centralised assessment and selection body for the civil service and to carry out all the procedures necessary to undertake the recruitment, assessment and selection of suitable candidates for appointment. By submitting your personal data (including your name, address, contact details and details of your education and work history contained in your curriculum vitae and cover letter) via publicjobs.ie, you acknowledge that such data may be used by the Public Appointments Service and disclosed to and used by client departments, in connection with its statutory roles to assist and advise relevant Ministers in relation to appointments to the boards of State bodies. The information contained in your [publicjobs](http://publicjobs.ie) profile is yours to manage, amend, update or delete as appropriate. For

more detailed information on our Data Protection Policy, please see our [Code of Practice for the Protection of Personal Data in the Public Appointments Service](#).

If your application is assessed and you are considered to be suitable for appointment your c.v. and cover letter (and any additional supplementary information requested as part of the application process), will be forwarded to the State Board Liaison Officer in the relevant Department. Once it obtains your personal data, the Department will act as data controller of such data and will retain it for up to one year following the appointment/s. Unless you request the withdrawal of your application such data may be used in considering your suitability for other similar vacancies/roles that arise for a period of up to one year for this Board.

APPENDIX 1

Submitting your application:

In order to submit your application, you should take the following steps:

1. Go to www.stateboards.ie.
2. On the bar at the top of the page click on "Available Appointments".
3. This brings you to a page with all our advertised vacancies. Select whichever position you would like to apply for (you are welcome to apply for more than one position if you wish).
4. On the relevant page please click on the "apply for position" button at the bottom of the page
5. This will bring you to a page on www.publicjobs.ie and, if you already have a publicjobs.ie account, will prompt you for your username and password. If you do not have an account, you will be asked to create one.
6. Once you input your details you will be brought to a page where there is a prompt in the middle of the page which says "apply here". Click on the link to the online application form beside it.
7. A form will appear on your screen, some of the text boxes will be populated with information from your publicjobs.ie profile (Name, address etc.). You will need to complete the rest of the fields and enter your name and the date at the bottom of the form.
8. If there is a supplementary question, ensure that your response complies with the word limit and that it does not contain any special characters (i.e. %, & etc.) or you may receive an error message and will be unable to submit your application.
9. Click on "continue".
10. You will then be brought to a screen where you should upload your CV and Cover Letter. These are required documents and your application cannot be processed without them. Once you have selected these and uploaded them, please click on the "submit" button at the bottom of the page.
11. You will receive an e-mail confirmation (to the address listed in your publicjobs.ie profile) to confirm that your application has been submitted.