Executive Agencies Candidate Information Pack







Message to Candidates for Posts of Chair and Chief Executives Department for Enterprise - Executive Agencies

Dear Candidate,

Thank you for your interest in playing a key role within one of our Executive Agencies.

We welcome business leaders to be part of this exciting public-private sector approach to economic development.

You may already have some idea about the Department for Enterprise but we would like to use this document to give you a richer picture of the Executive Agency structure we have established and the Department in which it operates.

We have spent a significant amount of time determining the appropriate corporate governance framework and we have benefited from the wealth of experience and insights from external stakeholders. We have addressed the Agency board composition and working arrangements within the Terms of Reference attached to each Agency. This is a stand-alone document, available as a link from the job advertisement.

If you believe you have the experience and qualities to join us, we very much look forward to hearing from you.

Kind Regards,

Laurence Skelly MHK

Minister for Enterprise



Summary of Executive Agency Board Vacancies

Agency	Agency Board vacancies	Term of appointment	Recruitment Panel
FINANCE EM	1 Chair Open recruitment Minimum of 6 external voluntary Board members By nomination/discussion	2 years (+2 years by mutual agreement) 3 years (+ 3 years if re-nominated)	Minister, Political Member & Chief Executive DfE Chair, Political Member, Chief Executive
	1 Chief Executive Open recruitment	4 years	Chief Executive DfE Senior member of the HR division Up to 2 industry leaders
	1 Chair	2 years (1 2 years by	Minister Political Member 9
DIGITAL EM	Open recruitment	2 years (+ 2 years by mutual agreement)	Minister, Political Member & Chief Executive DfE
	Minimum of 6 external voluntary Board members By nomination/discussion	3 years (+ 3 years if re-nominated)	Chair, Political Member, Chief Executive
	1 Chief Executive Open recruitment	4 years	Chief Executive DfE Senior member of the HR division Up to 2 industry leaders
BUSINESS EM	1 Chair <i>Open recruitment</i>	2 years (+ 2 years by mutual agreement)	Minister, Political Member & Chief Executive DfE
	Minimum of 6 external voluntary Board members By nomination/discussion	3 years (+ 3 years if re-nominated)	Chair, Political Member, Chief Executive
ISLE OF MAN	1 Chair <i>Open recruitment</i>	2 years (+ 2 years by mutual agreement)	Minister, Political Member & Chief Executive DfE
	Minimum of 6 external voluntary Board members By nomination/discussion	3 years (+ 3 years if re-nominated)	Chair, Political Member, Chief Executive

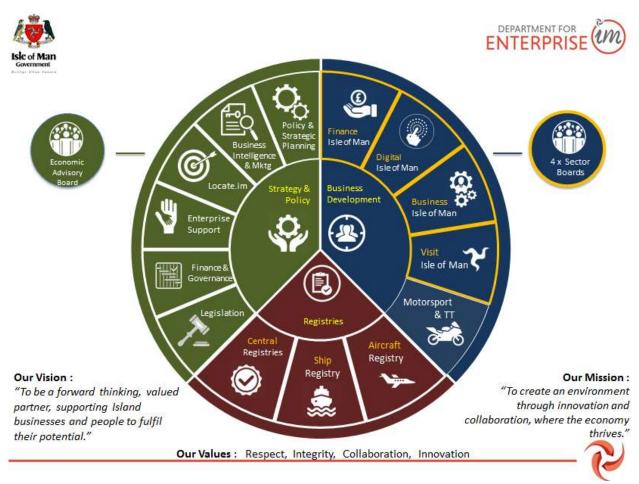
INDICATIVE TIMETABLE AND SELECTION PROCESS – AGENCY CHAIR x 4 AGENCY CHIEF EXECUTIVE X 2

Element	Date	
Closing Date	20 th March 2018	
Panel Interviews: Chair x 4	Between 27 th March and 20 th April	
Panel Interviews: Chief Executives x 2	Between 9 th April and 27 th April	
Appointment Announced	30 th April	



The Department for Enterprise

On November 22nd 2017 Tynwald approved the Transfer of Functions Order enabling the Department for Enterprise to reduce in size and scope and commence with the formation of the Department's four Executive Agencies: Finance Isle of Man, Digital Isle of Man, Business Isle of Man and Visit Isle of Man. As part of the restructuring, the Department has established a Strategy and Policy function to work closely with the Agencies, providing valuable support and market intelligence. The third feature of the Department is the Registries function, largely regulatory and a vital part of the Island's infrastructure and well-respected in the global world of registries.



Vision, Mission and Values

The Department has a Vision and Mission. Its Executive Agencies should ensure that their priorities and activities are aligned with the achievement of the Mission and the fulfilment of the Vision.

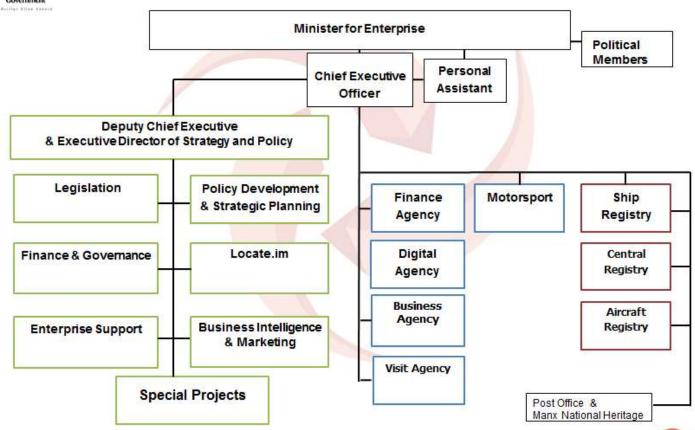
The work of the Agency is expected to adopt the Values and ensure their embodiment within all discussions, actions and decisions.



High Level Organisational chart









FINANCE ISLE OF MAN

To promote and develop the Isle of Man's significant financial and professional services industry and ensure its recognition as an international financial centre of excellence, in turn delivering long term sustainable economic growth to the Isle of Man

OBJECTIVES

To be responsible for the **shared vision** and **strategy** of the Isle of Man financial services industries and the Isle of Man as an international finance centre in order to promote it both internally and externally, in discussion with the Department, other Government Departments and the relevant regulators;

Liaising with the finance sector, to determine and allocate appropriate and available resources for agreed actions in pursuit of the Department's strategic outcomes, including private sector funding and utilising secondees from the private sector and other areas of government;

To set clear and measurable targets for success, agreed with the sector, and be transparent in reporting against these including an annual report to industry and Tynwald;

Act as the primary conduit between government and industry – helping to create the right environment for the sector to achieve sustainable growth by facilitating views and requirements to the Department and exchanging views with the regulatory bodies regarding opportunities, challenges and risks to the future success of the sector;

Act as a forum that proactively considers finance-sector related **strategic** and **policy issues**, prepares and plans for short, medium and the long-term industry growth with advice up to the Department and the Economic Advisory Board more generally.





DIGITAL ISLE OF MAN

PURPOSE

To develop and implement a **strategy** which will support **sustainable economic growth** and establish the Isle of Man as a centre of international excellence for the digital economy.

OBJECTIVES

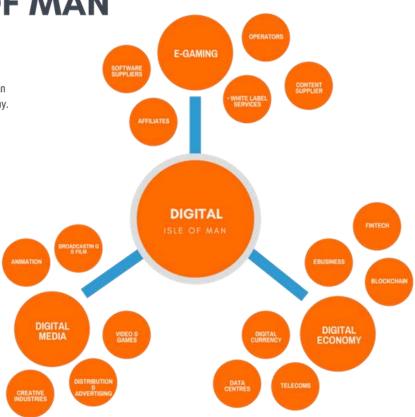
To be responsible for a **shared vision** and **strategy** of the Isle of Man as an internationally well-regarded and diverse digital nation in order to promote economic growth, domestically and internationally, in consultation with the Department and digital stakeholders;

To agree and allocate resources to the agreed actions in pursuit of strategic outcomes, within the budget and resources available, including private sector funding and the utilisation of secondees from the private sector and other areas of government;

To set clear and measurable targets for success and to be transparent in reporting against these including an annual report to industry and Tynwald;

Act as the primary conduit between government and sector stakeholders – helping to create the right environment for the sector to achieve sustainable growth by facilitating views and requirements to the Department and exchanging views with the regulatory bodies regarding opportunities and risks to the future success of the sector:

Act as a forum that proactively considers digital-sector related strategic and policy issues, prepares and plans for short, medium and the long-term sector growth with advice up to the Department, other government departments and the Economic Advisory Board more generally.







BUSINESS ISLE OF MAN

To support industries involved in the physical exporting of goods or operating within the domestic economy. Coordinating the promotion and development opportunities within the export sectors and the domestic economy in order to ensure a prosperous and vibrant place to live, work and invest."

OBJECTIVES

To be responsible for the shared vision and strategy of the liste of Man as an internationally well-regarded economic base for export business, recognised for technical and service performance and competence, underpinned by a welldeveloped infrastructure and environment conducive to the needs of the targeted sectors.

To drive new ideas, propose priorities, laise with industry and develop sector clusters to maximise opportunities for prosperity and growth, and to utilize resources, including private sector funding and secondees to achieve the Agency's strategic outcomes.

To set clear and measurable targets for success, agreed with the sector, and be transparent in reporting against these including an annual report to industry and Tynwald;

Act as the primary conduit between government and industry – helping to create the right environment for the sector to achieve sustainable growth by facilitating views and requirements to the Department and exchanging views with the regulatory bodies regarding opportunities, challenges and risks to the future success of the sector:

Inform and increase awareness and understanding in other government departments of the Business Agency sectors' needs, constraints and challenges, especially in relation to existing or intended policies, legislation and regulation.







VISIT ISLE OF MAN



PURPOSE

To realise the fullest economic growth potential of the Island as a visitor destination.

OBJECTIVES

To facilitate and strengthen collaboration and partnership, built on transparency, trust, continuity, agreed key performance indicators, developing a shared vision, strategies and proposed policies, reflecting the needs, plans and ambitions of the visitor economy sector;

To promote the Isle of Man's image and distinctive strengths to target markets by developing and updating the Destination Management Plan (DMP) and marketing plans in partnership with stakeholders, setting out PR initiatives, messaging and campaigns, which support the strategy, deliver the business plan, identify and exploit the Island's unique selling propositions (USPs) and distinctive image.

To support the creation of an exceptional visitor experience by building relationships with businesses, carriers and training providers in order to create sustainable employment opportunities for local people. To develop an action plan for the visitor economy that identifies skill needs and the strategic response needed from training providers.

To act as the conduit between government and the sector, championing the delivery of the necessary infrastructure, new investment and product development and overseeing the development of sector clusters. Communicating stakeholders' requirements to the Department for Enterprise, building awareness and understanding in other government departments regarding the sector's needs, its constraints, challenges, barriers and blockages and regularly exchanging views with regulatory bodies.

To liaise with the visitor economy sector, creating and maintaining a programme of market intelligence for directing strategy, measuring achievement and determining the required resources for agreed actions, including the utilisation of private sector funding and secondees.





Executive Agency Terms of Reference for the Agency Boards

Following extensive dialogue with external and internal stakeholders, Terms of Reference for each of the four Agencies are now available. These documents set out the purpose, objectives, board composition and working arrangements for the smooth operation of the boards. Applicants will find a link to the Terms of Reference from the advertisements for the Chair and Chief Executives' posts.

Within the four Terms of Reference, there is commonality across the objectives, with all four Agencies sharing similar themes; 1.) Create and own a shared Vision & Strategy; 2.) Prioritise and allocate resources to pursue the Vision & Strategy; 3.) Develop and implement measurable targets for success; 4.) Be the primary conduit between industry and the government for ideas; 5.) Be the forum for long-term strategic advice and policy input. The current versions of the Terms of Reference are available on request.

There is a section within the Terms of Reference addressing conflicts of interest. However, it is recognised that this is a critical success factor in the ability of the four Agency boards to function well. Therefore, Appendix 1 sets out a fuller explanation of the requirements in relation to this aspect of Corporate Governance, along with data protection and confidentiality and diversity and equal opportunities.

Frequently Asked Questions

Over the period of developing Agency Governance Framework and the Terms of Reference, the Department benefitted from the questions asked by stakeholders. The questions helped to fine-tune the Framework and the Terms of Reference and, as it is a living document, it will be reviewed and revised on a regular basis.

Below are the questions posed and responses given:-

Q1.) What is an Executive Agency?

Answer:

The Department for Enterprise is creating four Executive Agencies as part of the restructured and refocused Department for Enterprise; **Finance Isle of Man; Digital Isle of Man; Business Isle of Man; Visit Isle of Man.**

The Agencies are externally focused, partnership-based organisations, consisting of experienced, private sector professionals representing industry sectors and clusters on each Agency board, led by a Chairperson, recruited from the private sector. Each board will work closely with its respective cadre of departmental professionals with experience in the Agency's core business, led by a full-time government officers senior manager i.e. Agency Chief Executives (Finance and Digital) or Heads (Business and Visit).

The four Agencies will ensure all areas of our economy have a clear voice and, where possible, a clear plan to enable industry sectors maximize their economic potential.

Q2.) Will the Agencies be independent of the Department or Government?

Answer:

The four Agencies are not statutory bodies, single entities or limited companies. They will be part of the Department for Enterprise, acting with delegated authority from the Minister for Enterprise, i.e. the Agency boards will be exercising functions on behalf of the Minister for Enterprise.

Each of the four Agencies has Terms of Reference (TORs), developed in partnership with the respective



stakeholders from each Agency. The TORs provide a detailed picture of the purpose and objectives of the Agency, along with a description of the composition of the Agency and board, and a code of conduct for board members (very similar to the civil service code of conduct). The TORs define the relationship between the Department and the Agency.

Q3. In operational terms, what levels of delegated authority will an Agency hold?

Answer:

The Agencies' delegated authority includes determining strategy: each Agency will assess, develop and propose ideas and initiatives to help the sector sustain and grow its proposition for the benefit of the broader economy.

Localised policies, determined within the Department and not linked to government legislation, regulation or statutory requirements are within the board's remit and powers for review and change. The Department's Chief Executive will provide guidance to the Agency board in defining local policy visà-vis Governmental policy.

The Agency board may also develop robust business cases, with the active engagement of the sector through sub-committees, where Governmental policies, legislation or statutory requirements are deemed by the board to be in need of revision or repeal or where new, innovative policies are required to assist the sector's growth and prosperity. Such proposals will be presented to the Department's Minister and Political Members at the Departmental meetings as a starting point for wider political, cross-governmental consideration and sector/public consultation, if required.

Q4.) Exactly how will budgets be set and expenditure by the Agencies be managed and monitored?

Answer:

Each of the four Agencies will be responsible for its own operating budget, including marketing costs. All planned operational expenditure, including marketing costs and the procurement of external goods and services will be included within an annual Agency Business Plan, approved by the Agency's board and presented to the Minister for sign-off.

Agency budgets will form part of the Department's "Pink Book" submission, prepared by the Department's Finance Director, and all expenditure decisions will adhere to government procurement policies and financial regulations. The Agency Chief Executive / Head of the Agency is responsible for managing the budget, on behalf of the board and will provide a financial report for consideration at board meetings and is also responsible for financial reporting to the Department's Executive Board meetings.

The Agency will develop business cases to support all requests for capital funding and present to the Departmental meeting for consideration.

The Department is responsible for resourcing the Agencies and any proposed changes to the number of departmental staff and remuneration will be subject to a discussion between an Agency's Chair, Chief Executive or Head, the Department's Chief Executive (or Deputy) and the Director of Finance.

Q5.) To whom will the Agencies be responsible and accountable?

Answer:

The four Agency boards will be accountable to the Minister for Enterprise. Responsibility for the Boards' actions will also reside with the Minister. The political members sitting on the Agency boards are also accountable to the Minister and they will have the same board responsibilities and voting rights as other board members.

The Agencies' Chief Executives/Heads also have voting rights equal to the other board members but they will report into the Department for Enterprise's Chief Executive and they are accountable to the Department's Chief Executive and the Minister for their actions.



The Department's Chief Executive (or Deputy) and the in-house marketing partner will attend all Board meetings but will not have voting rights.

Q6.) How will the Chair, Board members, Chief Executives and Heads be selected?

Answer:

The Agency Chair for each Agency will be recruited from the private sector, contracted part-time for a minimum of 24 days per year. The recruitment panel for the Agency Chair will be the Minister for Enterprise, the Department's Chief Executive and the Political Member with delegated authority for the industry sector.

Board members will be identified in consultation with industry sector representative groups. The nominations process requires the proposing body to consider a person specification provided by the Department. These are non-executive voluntary roles requiring a time commitment of the equivalent of 6 days per year. If a board member resigns, his or her replacement will be sourced from the nominating organisation.

The open recruitment for the Chief Executives for the Finance and Digital Agencies will commence in March and the interview panel will consist of the Department's Chief Executive, a senior representative from the government's Human Resources team and two senior industry representatives.

The recruitment panel for the Head of Business Isle of Man included a senior representative from industry and that position is now filled.

The incumbent Head of Tourism is now the new Head of Visit Isle of Man.

Q7.) How will you ensure that the Agency boards remain relevant and representative of the industry sectors?

Answer:

A central tenet of the Agency model and the make-up of the board is industry representation.

The person specification for board members and ongoing dialogue with external stakeholder groups will ensure that the Agency boards are populated with a diverse range of professionals who are strategic thinkers, well established and respected within their industry sector and considered as proactive and innovative. The Agency's Chief Executive is also a board member and it is his or her responsibility to liaise with industry on an ongoing basis.

The term for tenure for the Chair is two years with the possible extension of another two years by mutual agreement. Industry sector bodies may determine their own length of tenure for their nominated representatives taking into account the Department's requirement for a two year minimum commitment and a maximum tenure of three years with a possibility of renewal for an additional three years if all parties agree (including the nominating body).

The Department reserves the right to make and invoke a standing order in the unlikely event that it is necessary to request a board member to leave the board should a situation arise where a board member's continued attendance will bring the reputation of the board, the Department or the Government into disrepute. This includes potential disqualification if he or she is convicted of a criminal offence at the time of joining or serving on the board or if found to have avoided disclosure of a previous offence, which is not spent. Each case will be considered by the Minister for Enterprise.



Q8.) What will the Agency board do vis-à-vis the Department's own staff?

Answer:

The private sector representatives will be appointed as Agency board members, fulfilling a strategic and decision-making role. The board will determine how the Agency's budget is allocated, taking into account statutory and regulatory service delivery obligations and current contractual commitments.

A cadre of professional and experienced Agency staff, employed by the government, will be responsible for interpreting and fulfilling the board's requirements. Led by the Agency's Chief Executive or Head, the Agency's team will translate strategic imperatives into actions, delivering a business plan consisting of an agreed budget and work programme with defined key performance indicators and targets.

Q9.) How much will this Agency approach cost?

Answer:

The Agency Chair will receive a nominal gross salary of £7500 per year. This will be taxable and there will also be a national insurance deduction at source. This post is not pensionable and is not eligible for sickness pay or annual leave.

The Department's restructuring, including the adoption of the Agency model, is cost neutral. This is achieved through a reduction of staff and reallocating budget to pay for the salaries for the Agencies' Chairs and Chief Executives.

Q10.) Is the Agency Model replacing existing Statutory bodies, Chamber of Commerce or any other trade group and is it in danger of duplication of effort?

Answer:

The answer is a definite "no". The Department wishes to be a valued partner/supporter of government and industry organisations representing/regulating the Island's economic sectors.

The work of the Agencies will not undermine the collaborative initiatives already undertaken in business sectors and it will actively avoid duplication of effort.

Joint ventures will be sought, where it is believed to be in the interests of all parties.

The Department is in the unique position to be an effective conduit between industry and government, and between government departments, for the benefit of all Agency stakeholders.

Q11.) What will prevent Agency board members operating in their own interests rather than in the interests of the industry sector and/or the Island's best interests?

Answer:

The Island's best interests will always be the determining factor in all decision making. The Agency board will determine collectively if, "what is good for an industry sector" is also "good for the Island" in terms of economic sustainability and prosperity for Island businesses and an increase in the quality of life for Island residents.

Vested interest within Agency board meetings will be diluted by the requirement for collective responsibility. Wherever possible, decisions will be reached on the basis of reaching informed consensus. However, where agreement between board members cannot be reached, a voting process will be initiated and the Chair will have the casting vote.

Significant capital expenditure proposals and all policy proposals generated by the Agencies' boards



will be tabled for the Departmental meetings, attended by the Minister, all departmental political members, all Agency Chief Executives and Heads and the Department's Chief Executive and Deputy Chief Executive. Due consideration will be given to the intent and benefits of all proposals, along with a risk and economic impact assessment.

The Department's Values – respect, integrity, collaboration and innovation – will be exercised at all times.

Q12.) Is there a risk of personal liability for a person from the private sector and are they indemnified?

Answer:

The Department for Enterprise is keen to create conditions that are conducive to potential board members joining the Agencies and this includes the provision of public liability and professional indemnity cover. The extent of that cover will be determined by the scope and nature of delegations from the Minister for Enterprise and, these, in turn are based on the purpose, objectives and working arrangements set out in the Terms of Reference.

The Agency Chair is an employee of the Department and is therefore automatically covered for both legal liabilities and indemnities whilst acting on government business within the parameters set out in the delegated authority.



Appendix 1. Conflicts of Interest, Data Protection, Confidentiality and Diversity & Equal Opportunities

POTENTIAL OR ACTUAL CONFLICTS OF INTEREST

What is a conflict of interest?

Agency Chair appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the Agency or Department should be declared.

There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict. It is important, therefore, that you consider your circumstances when applying for this post and identify any potential conflicts of interest, whether real or perceived.

Surely a perceived conflict is not a problem, as long as I act impartially at all times?

The integrity of the individual is not in question here. However, it is necessary for the standing of the individual and the Agency board that external and internal stakeholders and members of the public have confidence in board members' to be objective and act in the interests of the Agency and the sector rather than for the purpose of individual, self-interest. Even a perceived conflict of interest or bias on the part of a board member can be extremely damaging to the Agency's reputation and it is therefore essential that these are declared and explored in the same way as an actual conflict would be.

What should I do if I think I have a conflict of interest?

You will find a section on conflicts of interest in the application form for you to complete. This asks you to consider and declare whether or not you have a real, or perceived, conflict. If you are unsure if your circumstances constitute a possible conflict, you should still complete this section, in order to give the selection panel as much information as possible.

If I declare a conflict, does this mean I will not be considered for appointment?

No – each case is considered individually. If you are shortlisted for interview, the panel will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the Board and how this might be handled, if you were to be appointed. For example, it may be possible to arrange for you to step out of meetings where an issue is discussed, in which you have an interest. However, if, following the discussion with you, the panel believes that the conflict is too great and would call into question the probity of the board or the appointment, they can withdraw your application from the process.

What happens if I do not declare a known conflict, which is then discovered by the Board after my appointment?

Again, each case would be considered on its merits, but a view may be taken that by concealing a conflict of interest, you would be deemed to have breached the Agency's Terms of Reference and Code of Conduct.

What happens if I do not realise a potential conflict exists?

This situation may arise where the applicant is not familiar with the broad range of work which the Agency covers and therefore does not realise that a conflict might exist. In some cases, the panel, with their wider knowledge of the Agency, might deduce that there is a potential conflict issue, based on the information on employment and experience provided by the candidate in the application form. They will then explore this at interview with the candidate.

What happens if a conflict of interest arises after an appointment is made?

This could arise for two main reasons. The first is that the board member's circumstances may change, for example, they may change jobs and in doing so, a conflict with their work on the Agency board becomes apparent. The second is where a member is unfamiliar with the range of the work of the Agency, but after appointment, it



becomes clear that a conflict exists where none had been envisaged during the appointment process.

In the case of the Chair being conflicted, the issue should be discussed with the Minister for Enterprise, the delegated Political Member and the Department's Chief Executive. In the case of the other industry board members, the matter should be discussed with the Chair of the Agency board, in the first instance. The decision as to whether or not the member can continue to carry out their role in an appropriate manner and each case is considered individually.

It may be that the conflict is such that it would be impractical for the individual to continue on the board, if they would have to withdraw from a considerable amount of the Agency's routine business. In such cases, the member may be asked to stand down from the board.

Areas where a conflict could arise

There are five main issues, which could lead to real, or apparent, conflicts of interest. These are:

- Relevant pecuniary or other interests outside the organisation
- Relationships with other parties/organisations which could lead to perceived or real split loyalties
- Knowledge of emerging Government Policy could give unfair personal advantage to people with allied business interests for example, access to privileged information or trade secrets
- Perception of rewards for past contributions or favours
- Membership of some societies or organisations

Some examples of potential, real or perceived, conflicts of interest are:

- You are a director of a building supplies firm and the board to which you are seeking appointment conducts regular procurement exercises for building materials.
- You could benefit personally from decisions taken by the board.
- You are a manager in an organisation, whose funding applications are considered by the board or another part of the Department for Enterprise.
- An organisation external to the Department and Agency, with whom you have a professional or personal relationship, could benefit financially from decisions taken by Agency's board.
- Through your appointment, your company could have access to information, which would give them a commercial advantage over their rivals.
- Your appointment could be viewed as a reward for past favours.
- Your appointment could be viewed as the 'old boy network' in operation.

In other words, no one should use, or give the appearance of using their Agency board position to further their private interests. This is an area of particular importance, as it is of considerable concern to the public and receives a lot of media attention. The above are examples only, so you should consider carefully your own circumstances to gauge whether or not a real, or perceived, conflict might exist

DATA PROTECTION AND CONFIDENTIALITY

The Agency will be subject to the Freedom of Information Act 2015 and Manx data protection laws, including compliance with the General Data Protection Regulation (GDPR) requirements enforced on the Isle of Man. Agency Board members will be required to uphold all requirements.

It is Government policy to be as open as possible in providing information publicly about its activities. There are nevertheless, circumstances in which, for good reasons, confidentiality must be observed. Whilst board members are encouraged to explain and discuss openly the decisions of the board, it is important for the effective working of the Agency board that board members be sensitive to communication protocols and disclosures and confirm with the Chair the timing and nature of information to be shared collectively, as an Agency.



DIVERSITY AND EQUAL OPPORTUNITIES

We aim for our policies, actions and recruitment strategy to support our belief that nobody should face discrimination, or are disadvantaged in any way on the grounds of their gender, race, religion disability, age, marital status or sexual orientation.

The Isle of Man Government welcomes applications from candidates regardless of gender, ethnic origin, disability, religious belief, sexual orientation or any other irrelevant factor.

The government is bound by the Rehabilitation of Offenders Act 2001.

The Isle of Man Government complies with the provisions of the Control of Employment Act 1975. Any potential employee who is not registered as an Isle of Man worker requires a work permit before being eligible for employment in the Isle of Man.

