INDEPENDENT REVIEWER OF TERRORISM LEGISLATION

Recruitment Information Pack

August 2016
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Dear Applicant,

The UK is facing a very real and significant threat from terrorism. In August 2014, this resulted in an increase to the national threat level to ‘Severe’, meaning that a terrorist attack is now highly likely.

The core mission of the Home Office – and the primary responsibility of the government – is to keep our citizens safe and country secure. To ensure this, counter-terrorism legislation must be as robust as possible to deal with those who seek to harm our peace and security. We must ensure that this legislation is not only as effective as possible, but also that it is fair and proportionate. For over thirty-five years, the office of the Independent Reviewer of Terrorism Legislation has provided invaluable, independent scrutiny of the key counter-terrorism statutes, playing a vital role in maintaining public and Parliamentary confidence in the exercise of counter-terrorism powers.

As the new Independent Reviewer, you would report directly to the Home Secretary, and have the opportunity to set an annual work programme, to include a report on the Terrorism Act 2000 and to cover those areas within your remit that you determine are most in need of review.

This role will demand a highly talented individual of unquestionable integrity and credibility, who can demonstrate his or her ability to exercise sound judgment to balance complex information, and competing and sensitive interests.

I wish you well in your application.

Mark Sedwill
Permanent Secretary
Background

The Independent Reviewer of Terrorism Legislation (the ‘Independent Reviewer’) scrutinises the operation of the UK’s counter-terrorism laws, and reports their findings and recommendations to the Home Secretary. These reports are laid before Parliament and inform public debate on key counter-terrorism issues. They are often cited in legal cases, by Parliamentarians and the media, and their recommendations have been influential on Government policy and operational practice.

Appointed by the Home Secretary, the Independent Reviewer’s role is to monitor UK counter-terrorism legislation for its fairness, effectiveness and proportionality. The Independent Reviewer is responsible for an annual budget of circa £300k per annum and has oversight of the following statutes:

- Terrorism Act 2000;
- Part 1 of the Terrorism Act 2006;
- Counter-Terrorism Act 2008;
- Anti-terrorism, Crime and Security Act 2001 (Part 1, and Part 2 in so far as it relates to counter-terrorism);
- Part 1 of the Counter-Terrorism and Security Act 2015;
- Terrorism Prevention and Investigation Measures Act 2011; and

The Independent Reviewer may also be asked by the Home Secretary to undertake other, bespoke reviews around aspects of terrorism legislation.

Further information on the background and role of the Independent Reviewer can be found at the Independent Reviewer’s website here.
Role Description

Title: Independent Reviewer of Terrorism Legislation.

Appointed by: Home Secretary.

Duration: An initial appointment of three years.

Remuneration: £800 per day (plus VAT and reasonable expenses), however this may rise depending on the skills and experience of the successful candidate. The time commitment is expected to be 156 days per annum, which equates to three days per week, but this could vary depending on the Independent Reviewer’s programme of work.

Location: Flexible within the United Kingdom. However, the successful candidate will need to work from Home Office Headquarters in Central London on occasion, in order to review sensitive material in a secure environment, and be prepared to travel throughout Great Britain and Northern Ireland.

Purpose:

In the current climate, in which the UK is facing a real and significant threat from terrorism, counter-terrorism legislation must carefully balance the nation’s security and the need to protect the public, with the rights and freedoms that form the basis of our democratic society.

The Government is therefore seeking an experienced individual to provide independent oversight and scrutiny of UK counter-terrorism legislation as the Independent Reviewer of Terrorism Legislation.

The Independent Reviewer is appointed by the Home Secretary, under section 36 of the Terrorism Act 2006, to review the operation of key UK counter-terrorism statutes to assess their fairness, effectiveness and proportionality. The Independent Reviewer provides an important safeguard, informing the Parliamentary and public debate on counter-terrorism law and civil liberties through written reports, evidence, media and an online presence.

The Reviewer will have the opportunity to be supported by specialist assistants to help discharge the Reviewer’s statutory responsibilities.

The Reviewer’s main responsibilities are to:

- Review and submit an annual report to the Secretary of State for the Home Department on the operation of the Terrorism Act 2000.

- Set out an annual work programme by 31 January of each year, to inform Ministers of all discretionary reviews to be carried out within the calendar year of the operation of statutes falling within the Independent Reviewer’s remit, which are:
Part 1 of the Terrorism Act 2006;
- Counter-Terrorism Act 2008;
- Anti-terrorism, Crime and Security Act 2001 (Part 1, and Part 2 in so far as it relates to counter-terrorism);
- Part 1 of the Counter-Terrorism and Security Act 2015;
- Terrorism Prevention and Investigation Measures Act 2011; and

- Respond to the Home Secretary or other Ministers who may, at any time, require the Independent Reviewer to report on any matter relating to the Independent Reviewer’s functions. The Independent Reviewer may also choose to report on any matter which he or she considers to be directly related to their functions.

- In addition, counter-terrorism legislation naturally attracts significant attention and it is likely that the Independent Reviewer may be called upon to take part in public debates, to give evidence to Parliamentary Committees, the Northern Ireland Policing Board and international bodies, to consult with affected communities and to comment to domestic and overseas media on high-profile counter-terrorism issues.

**Person Specification**

It is essential in your supporting statement that you provide evidence and proven examples against each of the selection criteria in **Part One only** of the person specification, in so far as you are able. These responses will be further developed and explored with those candidates invited for interview, together with the other criteria listed in **Part Two**.

**Part One – Essential Criteria**

- Ability to demonstrate outstanding personal qualities, in particular, integrity and independence, with a strong and personal commitment to the highest standards of public life.

- A balanced appreciation of the importance of civil liberties and their interaction with laws designed to protect the public.

- Expertise in analysing the law and its operation, coupled with a broader understanding of the effects of law on society and the concerns of different groups within society.

- Scrupulous fairness in assessing complex information and competing interests, sound judgment and a willingness to accept scrutiny and challenge.

- A first class communicator with the authority and interpersonal skills to secure and retain the confidence of a wide range of challenging audiences including parliamentarians, law enforcement and legal professionals, NGOs, affected communities and the media.

- Ability to lead a small team effectively and efficiently in the conduct of reviews and production of detailed reports.
Desirable

- Senior barrister, solicitor or legal academic.
- Experience of media and social media.
- Experience of dealing with counter-terrorism issues.

Part Two – Knowledge, Skills and Abilities

- The ability to command respect quickly and to build mutually supportive relationships and networks.
- A strong intellect, analytical and written skills.
- Resilient in challenging circumstances and able to work under pressure, remaining calm but decisive.
- Comfortable operating in a political environment, whilst also being tenacious and robust.
- The ability to work on sensitive issues requiring the utmost discretion.
Response Instructions

If you wish to apply for this position, please supply the following by noon on 05 September 2016:

- A comprehensive CV setting out your career history and including details of any professional qualifications.

- A short supporting statement (maximum two sides A4, minimum 11 font) giving evidence of your ability to meet each of the selection criteria in Part One only of the person specification, in so far as you are able. These responses will be further developed and explored with those candidates invited for interview, together with the other criteria listed in Part Two.

- In addition, please also complete and return via email the forms at Annex A, relating to referees, diversity, nationality, political activity and conflicts of interest.

Completed applications should be emailed to publicappointments@homeoffice.gsi.gov.uk

If you cannot apply online, please post applications to:

Public Appointments Team
Home Office
2 Marsham Street
Ground Floor, Seacole Building
London
SW1P 4DF

Further Information: If you have any queries about this role, please contact the Counter-Terrorism Legislation Team at: IRTLapplications@homeoffice.x.gsi.gov.uk.

If you have any queries about the recruitment process for this role, please contact Will Nixon on 0207 035 5987 or email Will.Nixon@homeoffice.gsi.gov.uk.

Equal Opportunities Monitoring: The Home Office is committed to providing equal opportunities for all, irrespective of race, age, disability, gender, marital status, religion, sexual orientation and transgender.

As part of the application process we ask candidates to complete equal opportunities monitoring information (Annex A). This will help us to monitor selection decisions to assess whether equality of opportunity is being achieved. The information on the form will be treated as confidential, and used for statistical purposes only. The form will not be treated as part of your application.

Interview Access Scheme for Disabled Persons: As a member of the Employers Forum on Disability, we are committed to actively encouraging applications from people with disabilities. Applicants with a disability are guaranteed an interview if they meet the minimum criteria for the appointment, as outlined in the relevant role description. Declaring a disability for the purposes
of a guaranteed interview is your decision and is entirely voluntary. A copy of the form can be found at Annex A.

Whether you choose to apply under the Interview Access Scheme or not you can still ask us to make particular arrangements for you when attending an interview. You can also contact us if you want to discuss the criteria for the role or have questions regarding your application.

Data Protection

The Home Office takes its obligations under the Data Protection Act seriously. Any data about you will be held in secure conditions with access restricted to those who need it in connection with dealing with your application and the selection process. Data may also be used for the purposes of monitoring the effectiveness of the recruitment process, but in these circumstances will be kept anonymous. The ethnic monitoring form is used for monitoring the selection process only. If you do not wish to have these details recorded please return the form uncompleted.

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. We are required by the Commissioner for Public Appointments to retain information about the people who apply for public appointments within his remit, and make this information available to him for audit purposes, if requested to do so. Information you provide in your application may therefore be made available to the Commissioner for Public Appointments and the Commissioner’s auditors on a confidential basis in order to help fulfil the Commissioner’s formal complaints investigation role and for audit purposes.

Our data protection policy is in line with the requirements of the Data Protection Act and the requirements of the Commissioner’s Code of Practice. The Commissioner’s requirements relating to the information we collect about applicants are set out below:

- Your initial contact details, including your name and address will be held by the Home Office for a period of at least two years.
- If you submit an application form, the form and any supporting documentation will be retained for at least two years.
- Information held electronically, including your contact details and the monitoring information which you provide will also be held for at least two years.

If you would like these details to be removed from our records as soon as this recruitment exercise is complete, please contact Will Nixon on 0207 035 5987.

Please note: Expenses incurred by candidates during the recruitment process will not be reimbursed except in exceptional circumstances and only when agreed in advance with the Home Office Public Appointments Team.
Indicative Timetable

Please note that these dates are only indicative at this stage and could be subject to change. Please let us know in your application letter if you are unable to meet these timeframes.

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<tr>
<td>Advert Closing Date</td>
<td>Noon, 05 September 2016</td>
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<tr>
<td>Shortlist Meeting</td>
<td>w/c 12 September 2016</td>
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<tr>
<td>Final Panel Interviews</td>
<td>w/c 17 October 2016</td>
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<tr>
<td>Meeting with Home Secretary (if required)</td>
<td>Post interview</td>
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The formal date at which the successful candidate will take up their responsibilities is dependent on completion of the Developed Vetting process if that level of clearance is not already held (see under ‘terms of appointment’), but will be after 21 February 2017, when the fixed term for the current Reviewer comes to an end.

Selection Process

This role is being competed in accordance with the Code of Practice (April 2012), which sets out the regulatory framework for public appointments processes. The Code is based on three core principles – merit, openness and fairness.

The competition will be chaired by a Public Appointments Assessor. Their role will be to ensure that appointments are made in accordance with the Office of the Commissioner for Public Appointment’s Code of Practice. The selection panel will include Director, National Security (Home Office), Director of Counter Terrorism, PROTECT, PREPARE, CBRNE and Science and Technology (Home Office), Deputy Director, Security & Protection Group (Northern Ireland Office), and Director of Litigation (Government Legal Department).

The Home Office Public Appointments Team will acknowledge your application and keep you updated on the progress of the competition.

At the short-listing meeting the selection panel will assess each application against the essential criteria and decide who to invite for final interview.

Interviews are expected to take place in central London and will last for between 45 and 60 minutes. Further details about the format will be provided to you in advance.

1 http://publicappointmentscommissioner.independent.gov.uk/the-code-of-practice/
The decision to appoint to this role rests with the Home Secretary. Appointable candidates may be invited to meet with her, or another Minister, before a final decision is made. As a result there may be a delay in informing candidates of the outcome of the competition.

Complaints

If you are not completely satisfied with the way your application is handled at any stage of the competition, please raise any complaint in the first instance with:

Will Nixon
Public Appointments Team
Home Office
Ground floor, Seacole Building
2 Marsham Street
London, SW1P 4DF

We will reply to your complaint within 20 days. If, after receiving our response you are still not satisfied, you may contact the Commissioner for Public Appointments:

The Commissioner for Public Appointments
Room G/8, Ground Floor
1 Horse Guards Road
London SW1A 2HQ
Tel: 0207 271 0849

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. More information about the role of the Commissioner and his Code of Practice is available from
http://publicappointmentscommissioner.independent.gov.uk/

Information about the Commissioner's policy and manner in which complaints are investigated are set out in the Commissioner’s leaflet Your Guide to Making a Complaint about a Public Appointments Process which can be found at:
http://publicappointmentscommissioner.independent.gov.uk/contact

Candidate Survey

The Commissioner for Public Appointments would like to find out what you think of the public appointments process. When you have completed the process, the Commissioner would appreciate a few minutes of your time to complete this survey:

http://publicappointmentscommissioner.independent.gov.uk/candidate-survey/
Terms of Appointment

Appointment: It should be noted that this role is a public appointment; the post holder will be neither an employee of the Crown nor of HM Government. Such appointments are not normally subject to the provisions of employment law.

Remuneration:
- No allowances, such as for accommodation, will be payable and you will not be eligible for any form of bonus payment.
- The remuneration is taxable through payroll, but the appointment is not pensionable.
- The post holder can claim reimbursement for reasonable travel and subsistence costs necessarily incurred during the course of their duties at rates set centrally.
- Applicants should note that the successful candidate cannot be remunerated for this role if they are being paid for an existing full time role from the public purse, and decide to stay in that role full time.

Training: An induction programme will be provided on appointment.

Availability: The successful candidate will be encouraged to take up this appointment as soon as possible, subject to the successful completion of pre-appointment checks and security clearance.

Security clearance: The successful candidate will be required to have or be willing to obtain security clearance to Developed Vetting (DV) level.

DV is the most comprehensive form of security vetting. Carrying out the relevant checks can take a number of months. It includes:

- a basic check of identity documents and employment/education referees;
- a check against departmental/company records;
- the completion of a security questionnaire and a specific, more detailed DV supplementary questionnaire;
- a check against the criminal and security records of the UK and, if appropriate, of overseas countries;
- a credit reference check;
- the completion of a financial questionnaire;
- a detailed interview conducted by an investigating officer; and
- further enquiries, including the checking of references, in writing, by telephone or by interview, from both personal friends and employers as appropriate.

Please note, individuals should normally have been resident in the UK for 10 years preceding their application for DV clearance. The role will be offered on a conditional basis until the successful candidate has passed all checks. For further information, please follow this link: http://www.fcoservices.gov.uk/eng/ourservices/national_security_vetting.asp

Nationality: As this appointment will require dealing with national security issues, it is reserved. In order to take up this appointment you must be a UK National, i.e. British Citizen, British
Subject under Part IV of the British Nationality Act 1981 having the right of abode in the UK, or British Dependent Territories citizen acquiring citizenship from connection with Gibraltar. In order to confirm your eligibility for this post, please complete the Nationality form at Annex A.

**Confidentiality:** You will be subject to the provisions of the Official Secrets Act and required to exercise care in the use of official information acquired in the course of official duties, and not to disclose information which is held in confidence.

**Disqualification for appointment:** There are circumstances in which an individual will not be considered for appointment. They include:

- people who have received a prison sentence or suspended sentence of three months or more in the last five years;
- people who are the subject of a bankruptcy restrictions order or interim order;
- in certain circumstances, those who have had an earlier term of appointment terminated;
- anyone who is under a disqualification order under the Company Directors Disqualification Act 1986; and
- anyone who has been removed from trusteeship of a charity.

**Registration of interests:** The purpose of these provisions is to avoid any danger of the post holder being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties.

Public 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 body concerned should be declared. It is important, therefore, that you consider your circumstances when applying for a public appointment and identify any potential conflicts of interest, whether real or perceived.

There is a requirement to declare any actual or potential conflict of interest you may have in being appointed as Independent Reviewer in a separate form. Any actual or perceived conflicts of interest will be fully explored by the Panel at interview stage.

**Political activity:** The post holder will need to show political impartiality during their time as Independent Reviewer and must not undertake any party political activity during the period of their appointment. Details of the successful candidate’s declared political activity must be published by appointing departments when the appointments are publicised.

The Political Activity Declaration will be kept separate from your application and will only be seen by the Panel prior to interview – the Panel may at that stage explore with candidates any potential for conflict of interest. It is appreciated that political activities may have given you relevant skills, including experience gained from committee work, collective decision making, resolving conflict and public speaking. If, therefore, you have had such experience and you consider it relevant to your application for this post, you may if you choose also include it separately in the main body of your application.