



Home Office

APPOINTED PERSON UNDER THE PROCEEDS OF CRIME ACT 2002

CANDIDATE PACK

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About the Appointed Person

The Appointed Person plays an important role in providing reassurance to Her Majesty's Government, the Devolved Administrations and the public, that search and seizure powers are being used effectively and proportionately. Reporting annually to Parliament, the Scottish Parliament and the Northern Ireland Assembly in this tri-partite role, the Appointed Person will also make recommendations on future developments, including new provisions contained in the Criminal Finances Act.

Firstly, the cash recovery scheme within the Proceeds of Crime Act 2002 includes a search power. This is necessary to support law enforcements' abilities to discover and seize cash that is derived from, or intended for use in unlawful conduct. Secondly, there is a separate power to search for, seize, detain and sell property as payment towards a confiscation order made following a criminal conviction.

These schemes include provisions for prior judicial approval of searches. The schemes also recognise that in certain circumstances searches may occur without such approval. Accordingly, an officer can conduct a search with the prior approval of a senior officer. However, an officer may also carry out a search and seizure without prior judicial or senior officer approval. Where a search takes place without prior judicial approval (even if senior officer approval has been obtained) and no cash or property is seized or is seized but not detained for more than 48 hours, the officer must complete a report to the "Appointed Person" who provides independent scrutiny.

The officer must set out in the report why it was not practicable to obtain prior judicial approval and the circumstances which led the officer to believe that the powers were exercisable. The Appointed Person does not comment on these individual reports but submits an annual report giving his general opinion on the exercise of the search power and make appropriate recommendations, if any. There are Codes of Practice giving guidance on the powers that could be reviewed in the light of any recommendations made by the Appointed Person.

The Appointed Person to whom the reports are submitted is under an obligation to submit an annual report to the Secretary of State drawing general conclusions about the matters reported to them and making any appropriate recommendations. These reports will be laid before Parliament and be published.

The role is likely to be expanded during the duration of the post, due to the new provisions contained in the Criminal Finances Act.

Previous reports by the Appointed Person can be viewed here:

<https://www.gov.uk/government/publications/appointed-person-for-england-and-wales-2015-to-2016-report>

Role Description

Title:	Appointed Person under the Proceeds of Crime Act 2002
Reports to:	Home Secretary
Duration:	Three year appointment
Remuneration:	£477 per day, reviewed annually in April. The expected time commitment is 10-15 days per year.
Location:	Flexible within the United Kingdom

The Home Office is looking to appoint an independent person to provide effective oversight and scrutiny of reports of certain searches and seizures conducted under the Proceeds of Crime Act 2002.

The Appointed Person will produce an annual report for Ministers which will be laid before Parliament, the Scottish Parliament and the Northern Ireland Assembly. The appointee to this tri-partite role is independent of the Government and must not be employed under or for the purposes of any government department.

As the Appointed Person your responsibilities will be to:

- Carry out the statutory functions assigned to the Appointed Person as stipulated in the Act.
- Provide public reassurance that the powers are being used effectively and proportionately or, if they are not, provide meaningful recommendations.
- Provide recommendations on the development of the framework of the operation of the powers.
- Write an annual report to the Secretary of State drawing general conclusions about the matters reported to them and making any appropriate recommendations, which is laid before Parliament. A key responsibility for the Appointed Person will be to write a similar report in respect of the devolved administrations.
- Liaise with statistics departments of the Home Office, Police and other law enforcement agencies over information flowing from the Appointed Person's

statutory functions. The same will apply to Department of Justice (Northern Ireland) and Scottish Government.

- Keep abreast of wider issues relating to search (and seizure) powers generally.

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 Skills and Experience

- Knowledge and understanding of general issues relating to search and seizure powers (including the general powers under the [Police and Criminal Evidence Act 1984](#)). An awareness of the powers operation and need in law enforcement, and their effect on people and community.
- Knowledge and understanding of, or willingness to learn, [European Convention on Human Rights](#) and [Human Rights Act 1998, Article 8](#) – right to respect for private and family life; and Article 1 of Protocol 1 – protection of property.
- Knowledge of, or willingness to learn the history, and purpose of the relevant legislation in relation to England and Wales, Scotland and Northern Ireland law; and an appreciation of legal differences in the three jurisdictions.
- Exemplary writing skills.

Desirable

- Possession of a formal academic qualification in a relevant field, such as law/or a career background in addressing law enforcement power issues.

Part Two – Personal abilities and behaviours

- Able to build strong working relationships and communicate effectively, using a range of medium, to Ministers, officials, a diverse range of stakeholders, the public, and the Devolved Administrations.

- Strong influencing skills and the ability to convince through personal credibility.
- Undisputed personal integrity and a personal style that demonstrates authority and commitment to public service values, acting in accordance with the Seven Principles of Public Life - <https://www.gov.uk/government/publications/the-7-principles-of-public-life>.

Terms of Appointment

Appointment Term:

- Your appointment as the Appointed Person will be made by the Home Secretary.
- The appointment will be for a fixed period of three years.
- Re-appointments can be made at the end of the period of office for a further term of up to three years at the discretion of Ministers, subject to a satisfactory appraisal of performance and mutual agreement.
- It should be noted that this post is a public appointment; the Appointed Person is neither an employee of the Crown, Home Office, or Her Majesty's Government.
- The appointment may be terminated prior to the conclusion of the period of appointment.

Remuneration and Time Commitment:

- The remuneration is taxable through payroll but the appointment is not pensionable.
- The Appointed Person can claim reimbursement for reasonable travel and subsistence costs necessarily incurred on official business at rates set centrally by the Home Office, the Department of Justice (Northern Ireland) and Scottish Government as relevant.
- Applicants should note that the successful candidates cannot be remunerated for this role, if they are being paid for an existing full time role from the public purse.

Location: Office space within the Home Office sponsor unit and secretarial support will be made available on request. The same will apply to Department of Justice (Northern Ireland) and Scottish Government.

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 to obtain security clearance to Security Check (SC) level. Pre-appointment checks will also be undertaken on immigration and criminal convictions. It usually takes between 4-5 weeks to obtain the security clearance. The role will be offered on a conditional basis until the successful candidate has passed all checks.

Nationality: This is a non reserved post and therefore open to UK Nationals, British Nationals Overseas, British Protected Persons, Commonwealth Citizens, EEA Nationals of other member states and certain non EEA family members and Swiss Nationals under the Swiss EU Agreement. There must be no employment restriction or time limit on your permitted stay in the UK. In order to confirm your eligibility for this post, please complete the Nationality form found at the end of this candidate pack. You will not be asked to produce the evidence stated at the application stage but you will be required to do so should you be invited to the final panel interview.

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 3 months or more in the last 5 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 Companies Act 2006; and
- anyone who has been removed from trusteeship of a charity.

Standards in public life: You will be expected to demonstrate high standards of corporate and personal conduct. All successful candidates will be asked to subscribe to the Review Body's "Codes of Practice". Candidates will be expected to abide by the "Seven Principles of Public Life" set out by the Committee on Standards in Public Life.

Registration of interests: The purpose of these provisions is to avoid any danger of the Appointed Person 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 the Appointed Person in a separate form. Any actual or perceived conflicts of interest will be fully explored by the Panel at interview stage.

Political activity: The Appointed Person will need to show political impartiality during their time in office and must declare any party political activity they undertake in 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 include it separately in the main body of your application.

Response Instructions

If you wish to apply for these positions, please supply the following **by midnight on Sunday 10 September 2017**.

- A **comprehensive CV** setting out your career history and including details of any professional qualifications.
- A **short supporting statement** (maximum two sides A4) giving evidence of the strength and depth of your ability to meet the essential criteria for the role. Please provide specific examples to demonstrate how you meet each of the experience, qualities and skill areas identified in the person specification.
- In addition, please also complete and return via email the **forms attached separately**, relating to referees, diversity, nationality, political activity and conflicts of interest.

Completed applications should be emailed to:

publicappointments@homeoffice.gsi.gov.uk.

If you can not 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 Walter Da Costa on 020 7035 1556 or email Walter.DaCosta@homeoffice.x.gsi.gov.uk.

If you have any queries about the recruitment process for this role, please contact Jane Mitson on 020 7035 6219 or email jane.mitson@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. 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 is included within 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 2 years.
- If you submit an application form, the form and any supporting documentation will be retained for at least 2 years.
- Information held electronically, including your contact details and the monitoring information which you provide will also be held for at least 2 years.

If you would like these details to be removed from our records as soon as this recruitment exercise is complete, please contact Jane Mitson on 020 7035 6219.

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.

Advert Closing Date	Midnight Sunday 10 September 2017
Short List Meeting	Week commencing 18 September 2017
Final Panel Interviews	Week commencing 2 October 2017
Meeting with Minister (if required)	TBC

Selection Process

This role is being competed in accordance with the Government's Governance Code on Public Appointments¹, 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 Owen Rowland (Deputy Director of Economic and Cyber Crime Unit, Home Office), who with assessment panel will ensure the appointment is made in accordance with the Code. The panel will also include Linda Hamilton (Deputy Director, Defence Security & Cyber Resilience Division, Scotland); Karen Pearson (Deputy Director, Protection and Organised Crime Division, Northern Ireland); and Graham Smith (Grade 6, Government Legal Department) as independent member.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/578498/governance_code_on_public_appointments_16_12_2016.pdf

The Home Office Public Appointments Team will acknowledge your application on behalf of the Home Office 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 preliminary interview.

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

The decision to appoint to this role rests with the Home Secretary. Appointable candidates may be invited to meet with a Home Office 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>