



Department
for Environment
Food & Rural Affairs



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Llywodraeth Cymru
Welsh Government

Appointment of general and specialist members of the Plant Varieties and Seeds Tribunal

Briefing pack for applicants

Closing Date 30 January 2022



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Appointment Principles

The selection of general and specialist members to the Plant Varieties and Seeds Tribunal is being carried out jointly by the four UK National Authorities (the Secretary of State, the Welsh Ministers, the Scottish Ministers and the Minister for Agriculture, Environment and Rural Affairs in Northern Ireland). Appointing high-calibre people from diverse backgrounds with relevant skills, knowledge and experience to the tribunal will help us to ensure that our work is more effective, resilient and accountable.

Equal Opportunities

UK government has a policy of equality of opportunity. We aim to promote equal opportunity policies whereby no one suffers unfair discrimination either directly or indirectly, or harassment, on grounds such as race, colour, ethnic or national origin, sex, gender identity, marital status, disability, sexual orientation, religious beliefs or age.

Diversity

We positively welcome applicants from all backgrounds. All public appointments are made on merit following a fair and open competition.

Disability

We guarantee to fully consider anyone with a disability whose application meets the minimum criteria for the post. 'Minimum criteria' means you must provide sufficient evidence in your application, demonstrating that you meet the minimum level of competence required for each essential criterion, as well as meeting any of the qualifications, skills or experience required. The Cabinet Office, Defra and the devolved administrations are committed to the employment and career development of disabled people. To show this we proudly display the Disability Confident Leader logo. More information about Disability Confident Leaders is available by clicking the logo above. If a person with disabilities is put at a substantial disadvantage compared to a nondisabled person, we have a duty to make reasonable changes to our processes where possible. If you need a change to be made so that you can make your application, please refer to the ['How to apply and submit your application'](#) section below.

About the Plant Varieties and Seeds Tribunal

The Plant Varieties and Seeds Tribunal ('the Tribunal') is a statutory appeal body created by primary legislation (the Plant Varieties Act 1997). The Tribunal makes legally binding decisions about national listing of new varieties of plants, UK plant variety rights and certain forestry matters.

All varieties for which an application for UK Variety Listing is made must undergo DUS (Distinctness, Uniformity and Stability) testing and for some species VCU (Value for Cultivation and Use) testing, as outlined in the Seeds (National Lists of Varieties) Regulations 2001 (as amended) and the Seeds (Variety Lists) Regulations (Northern Ireland) 2020.

The Regulations provide that applicants are given an opportunity to make a 'representation' to the 'Appropriate Authority' challenging the proposed decision. If, after further consideration (and often the submission of further evidence) the final decision is to refuse Variety Listing, the applicants can lodge an appeal with the PVS Tribunal.

The Appropriate Authorities are:

- (a) in relation to England, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Wales, the Welsh Ministers; and
- (d) in relation to the acceptance of a plant variety onto a GB Variety List, the Secretary of State, the Welsh Ministers and the Scottish Ministers, acting jointly".

Northern Ireland has its own regulations for variety listings and they have retained an appeal process to the Tribunal.

Each Tribunal appeal consists of 3 persons:

- a Chair (with 7 years legal standing). The Chair is appointed by the Lord Chancellor (for proceedings in England and Wales), the Lord President of the Court of Session (for proceedings in Scotland) or by the Lord Chief Justice of Northern Ireland (for proceedings in NI)
- a person (selected from a panel of members) who holds a wide general knowledge in the field of agriculture, of horticulture or of forestry, and
- a person (selected from a panel of members) who holds specialised knowledge of particular species or groups of plants or of the seeds industry.

The Tribunal has not sat since 1984. We now need to appoint members to both the wide general knowledge and the specialist knowledge panels. We are looking for individuals with significant

experience and a proven track record of achievement in agriculture, horticulture and forestry and specialist species and seed experts. Successful panel members will be selected by Ministers (or if directed to do so, by the PVS Chair for a group or class of cases) to sit on specific hearings based on their knowledge of the subject matter and expertise in relation to the appeal. The successful panel members must have the energy, passion, and intellect to reinvigorate the Tribunal to a proficient standing expected of an active tribunal.

Role specification

Members of either panel, when selected to attend a hearing, will have the understanding and ability necessary to work alongside the legal Chair and other panel member. Panel members will be responsible for ensuring that the Tribunal is appropriately informed on the current technology, methodology and operations of the relevant sector (i.e. agriculture, horticulture or forestry) or the specialism. Previous Tribunal experience is not a requirement.

Selected panel members will:

- Work alongside the legal Chair and other panel members, attend hearings of the Plant Varieties and Seeds Tribunal and work to reach a consensus.
- Review and become familiar with case papers ahead of Tribunals, liaising with other members beforehand where necessary.
- Use their experience and knowledge to contribute fully to the Tribunal's formulation of its decision, reaching equitable and evidence-based judgements on cases put before it, through structured discussions of the issues.
- Maintain maturity and professionalism whilst holding an impartial viewpoint and displaying sensitivity when dealing with appellants in the public arena
- Make full and legible notes of the hearing and contribute to the drafting of the decision if requested by the Chair. The successful candidate will also be responsible for reviewing technical details in the written record of the final decision and correcting any error.
- Be independent of commercial interests in plant breeding and seeds, and of any relevant special interest groups;
- In parallel with the Chair, ensure that parties, or any representative(s) appointed, are able to present their evidence and arguments and have their cases considered fully and fairly;
- Advise the PVS Tribunal Secretary on matters arising in relation to the work of the tribunal from time to time;
- Within reason, be amenable to any change in date, time or place of the hearing as directed by the chair.

The successful candidate must abide by the Nolan¹ principles of public service and the 12 Principles of Governance for all Public Body NEDs (attached at [Annex A](#) and [Annex B](#)) and the [Code of Conduct for Board members](#).

¹ Scottish Government and Northern Ireland Assembly have their own version of these principles

Essential criteria

Candidates must be able to demonstrate the relevant essential criteria for either the 'wide general knowledge' or the 'specialised knowledge' panel membership:

For the 'wide general knowledge' panel member roles:

- significant experience, a proven track record of achievement and evidence of holding a comprehensive and current wide general knowledge of:
 - agriculture or
 - horticulture or
 - forestry;

For the 'specialised knowledge' panel member roles:

- significant experience, a proven track record of achievement and evidence of holding a comprehensive and current specialist knowledge of one or more of the following:
 - Beans;
 - Biotechnology;
 - Cereals;
 - Forage Crops;
 - Forest Seed;
 - Fruit;
 - Glasshouse Crops;
 - Grasses & Legume;
 - Oilseeds
 - Ornamentals/Hardy Ornamentals;
 - Potatoes;
 - Seed Industry;
 - Vegetables/field vegetables.
- Proven strategic thinkers with experience in making relevant sound judgement and unbiased decisions in a timely manner.
- Ability to read, understand, question and draw inferences from data sets and statistical analysis which has been presented to the Tribunal.
- Experience of working constructively with others, understanding, and valuing different perspectives, and building a consensus through pro-active contribution to discussions.
- Capable of communicating complex technical issues clearly, both in writing and verbally.
- Excellent interpersonal skills whilst showing decisiveness, independence, and strong mindedness, whilst maintaining a positive attitude.

Experience of or an ability to:

- engage in research, consultancy work or provide advice
- engage in public speaking or speaking at conferences.

Time commitment and term of office

Plant Varieties and Seeds Tribunal members should have no expectation of minimum or maximum days per year. Successful applicants will be added to the relevant panel membership as early as possible after acceptance and invited to sit at a Tribunal when approved by Ministers, based on their experience and the nature of the appeal.

An appointment as a fee-paid member is for a period of five years. At the end of the initial five-year appointment, renewal for further successive periods of five years is automatic subject to the individual's agreement unless a question of cause for non-renewal is raised, or the individual no longer satisfies the conditions for appointment.

Successful candidates should be flexible and be willing to travel to various hearing venues as and when required to meet the Tribunal's needs. These locations will, as far as possible, be located within broadly similar travel times for the Tribunal Chair, its selected Members and the appellant(s). On occasion this may not be possible and you may be required to travel further afield or hold hearings remotely, as required by the Tribunal Chair or Tribunal Secretary.

Remuneration and expenses

Panel member appointments are non-salaried. Successful members will receive a fee for day(s) (or half day) they have sat, worked in connection with the determination of any appeal, and have attended training.

The daily fee has been calculated taking into account holiday entitlement, public holidays and privilege days. The effect of this is that a pro rata allowance for annual leave, public and privilege holidays is incorporated into the daily fee and no separate payment for these days is payable.

Panel members can claim for any reasonable expenses and costs incurred over and above the agreed fee-paid amount.

The daily fee is £296.62

The recruitment process

Applicants should indicate whether they are applying to be:

a panel member with a wide general knowledge of agriculture, horticulture or forestry (and specify which of these they hold);

OR

a panel member with specialised knowledge of one or more particular species or groups of plants or of the seeds industry (and specify which specialism(s) they are applying for)

It is possible to apply for both the wide general knowledge and specialist knowledge membership should a candidate hold both.

The closing date for applications is 23:55 on 30 January 2022. We expect to have sifted applications by the end of February 2022. The application process is by written application and panel sift; there will not be an interview round for these member selections.

It is essential that your statement of suitability gives full but concise information relevant to the appointment, clearly demonstrating how you meet each of the [essential criteria](#).

At the Shortlist meeting a Panel will assess each application against the essential criteria in order to decide who will be deemed appointable to general and specialist membership.

These are Ministerial appointments and the details of all candidates deemed appointable by the selection panel will be shared with the Ministers where a final decision of Tribunal panel membership will be made.

How to apply and submit your application

To apply, please send:

- a CV of no more than two sides of A4;
- a supporting statement of up to 1,000 words (not more than two sides of A4), setting out how you meet the [essential criteria](#) – make sure you refer to the contents of this document and provide specific examples;
- e-mail addresses of two character referees;
- completed diversity and political activity monitoring form;
- completed conflicts of interest, conduct and advertising monitoring form (please note the section on [conflicts of interest and due diligence](#) below).

If you have any questions about the appointments process or for an informal discussion about the role please contact the Plant Variety and Seeds Secretary via email in the first instance pvs.tribunal@defra.gov.uk

**Completed applications should be
emailed to pvs.tribunal@defra.gov.uk**

Ineligibility criteria

You cannot be considered for a public appointment if:

- you become bankrupt or make an arrangement with creditors;
- your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors;
- you are disqualified from acting as a company director under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002;
- you have been convicted of a criminal offence, the conviction not being spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53) or Rehabilitation of Offenders (Northern Ireland) Order 1978;
- you become subject to a debt relief order or a bankruptcy restrictions order;
- you fail to declare any conflict of interest.

Conflicts of interest and due diligence

If you have any interests that might be relevant to the work of the Plant Varieties and Seeds Tribunal, and which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your application.

Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of the UK Parliament; Scottish Parliament; Senedd / Welsh Parliament; and the Northern Ireland Assembly, and the public. If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment, or cause public confidence in the appointment to be jeopardised, it is important that you bring them to the attention of the Panel and provide details of the issue(s) in your application. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media.

As part of our due diligence checks we will consider anything in the public domain related to your conduct or professional capacity. This will include us undertaking searches of previous public statements and social media, blogs or any other publically available information. This information may be made available to the Panel and they may wish to explore issues with you should you be invited to interview. The information may also be shared with Ministers and Cabinet Office.

Data protection

The National Authorities are committed to protecting the privacy and security of your personal information and does so in accordance with data protection law including the General Data Protection Regulation (GDPR). All the information you provide will be used to proceed with the public appointment listed in this information pack and in the case of diversity monitoring information may be anonymised and used solely for monitoring purposes. For more information about the way we collect and hold your information, please read the Privacy Notice accessible through the Cabinet Office's Public Appointments Website (<https://publicappointments.cabinetoffice.gov.uk>).

Annex A – The seven principles of public life

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex B – 12 Principles of Governance for all Public Body NEDs

1. Expertise

- Consider and act in the best interests of your organisation and its objectives; delivering the outcomes expected by your sponsor department, ministers and ultimately the public.
- Consider the broader mission and duties of your sponsoring Secretary of State, his or her Department and the Government.
- Ensure compliance with statutory duties and the organisation's Framework Document and act within its powers.
- Exercise reasonable care, skill and diligence in the exercise of their authority and judgement.

2. Scrutiny and challenge

- Maintain independence from the executive to allow scrutiny of management and in meetings agree goals and objectives, and monitor performance and the reporting of performance so that the public who use your organisation receive a high quality service.
- Satisfy yourself on the integrity of budget setting to deliver objectives and financial information and reporting against budgets, and that financial controls and systems of risk management are robust and defensible. Meet the requirements of [Managing Public Money](#), including supporting the Accounting Officer in fulfilling their duties to provide propriety and value for money in the use of public funds.
- Champion high standards of risk management by ensuring your organisation has effective risk reporting, controls and governance, risk expertise and risk tolerances to effectively manage risk.
- Represent your organisation to the department and to Ministers, as well as ensuring Ministers' views are considered by the executive team of the organisation, as appropriate.

3. Support

- Support the board in succession planning and be prepared to put yourself up for re-appointment, as well as promoting the need for a diverse board.
- Participate in and promote regular reviews of your organisation, as well as the board's own effectiveness, with particular focus on the organisation's purposes and its efficiency in meeting these purposes. Engage in the appraisal process, including self-reflection on your own abilities.

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- Listen carefully to, ask appropriate questions of and support management to encourage discussion in a manner that promotes a culture where all perspectives are listened to, while fulfilling the individual Director's duties and responsibilities and respecting and valuing the expertise of the executive team.
 - Promote the success of the entity having regard to the interests of all members and stakeholders, and all risks.
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