



Candidate Brief

Legal Policy Adviser



Contents

WELCOME LETTER	3
JOB PROFILE	4
PERSON SPECIFICATION	4
THE PACKAGE	7
Duration of appointment.....	7
Salary package	7
Taxation	7
Relocation	7
Flights.....	7
Pension	7
Education allowance.....	7
Access to medical/dental services.....	7
Housing.....	8
Timetable for recruitment and selection process	8
HOW TO APPLY	8
STANDARD PRE-EMPLOYMENT CHECKS	9
References	9
Professional Membership/Qualification Checks/Verification of Identity	9
Criminal Record Checks	9
Pre-Employment Health Assessment	9
THE LAW AND REGULATION DIRECTORATE	11
The Directorate	12
Our Structure.....	13
Our Mission.....	13
Our Vision	13
Our Values and Behaviours.....	13
The Legal Services Team	14
1 Services	14
2 Key drivers.....	15
The Court System.....	15
Laws of the Falkland Islands	16



Welcome Letter

Introduction

The Falkland Islands provide an extremely interesting and challenging environment for any lawyer. The Law and Regulation Directorate are a small directorate right at the centre of Government.

There is a pressing and on-going need for public policy development to underpin new legislation; and this new role is intended to support that public policy development.

The need for policy development and new legislation arises from the continuing implementation of the Islands Plan (which sets out the priorities of the elected Members of the Legislative Assembly and their goals and aspirations for the future development of the Islands). This is also an important time for the Falkland Islands as the prospect of hydrocarbon development brings with it the possibility of population and economic growth – which is also driving new policy development.

You will work closely with a range of Directorates within the Falkland Islands Government to provide support and legal advice during the policy development process and during the production of legislative drafting instructions. You will need to have a strong background in the public policy sector, and be proactive in developing this new role to meet the needs of a variety of clients within the Government.

This is a rare opportunity to make an impact; your ability to provide effective support and help clients to develop policy into legislation will be critical to the new role's success.

I hope you will be very interested in the role.

With best wishes,

Simon Young

Attorney General of the Falkland Islands and South Georgia and South Sandwich Islands

JOB PROFILE AND PERSON SPECIFICATION

Job Title:	Legal Policy Advisor [<i>initial appointment of 12 months</i>]		
Department:	Law & Regulation	Section:	Government Legal Services
Immediate Supervisor:	Head of Legal Services		
Grade:	Falkland Islands Government Grade – B		
Job Purpose			
<p>Provide support, guidance and expert advice, including legal advice, to colleagues across the Government to facilitate the development of Government policy, and in particular the implementation of policy through legislation.</p>			
Main Accountabilities:			
<ul style="list-style-type: none"> • Work closely with colleagues across the Government to provide expert advice, including legal advice; to facilitate the development of Government policy on a wide range of subjects. • Plan and conduct research and analysis in support of new policy development, which could include complex or novel legal issues/questions. • Facilitate consultation with appropriate stakeholders with regard to proposals for new legislation and the amendment and repeal of existing legislation. • Work closely with directorates across the Government to provide advice and guidance in any matter requiring a change in the law (primary and secondary legislation). In particular to provide support for the development of high quality drafting instructions. • Prepare high quality written materials for internal and external audiences including “white paper” policy proposals, “green paper” consultation papers, Executive Council papers and reports. • Engage with politicians, FIG departments and subject matter experts (which may include external experts contracted by the Directorate) throughout the process of policy development, project design and implementation. • Lead Law and Regulation Directorate policy projects as required. • Deliver training to colleagues across Government to increase their capacity and confidence to develop policy and produce drafting instructions. • Assist with the development and maintenance of guidance documents and related materials to support and strengthen the policy to legislation process. • Support colleagues to develop and implement activities to evaluate the effectiveness and quality of policies and legislation implemented. • Support the Attorney General and Head of Legislation in the management of the Government’s legislative drafting programme. <p><i>The job description is not an exclusive or exhaustive definition of your duties. You must undertake such additional or other duties as may reasonably be required by the Falkland Islands Government commensurate with your role and grade.</i></p>			

Person Specification:	Legal Policy Advisor		
Criteria	Essential	Desirable	Assessment Method
Education and Qualifications:			
A bachelor’s degree (or equivalent) in a relevant subject area which might include public policy, politics, government, international relations or law	✓		A
Qualified to practice for at least 5 years as solicitor or barrister in the United Kingdom, Ireland, or in a Commonwealth Country	✓		A
Post graduate qualification or post graduate research experience in a relevant subject area such as politics, public policy, government, international relations or law		✓	A
Knowledge/Experience/Skills:			
At least 5 years successful public sector policy experience	✓		A/I/R
Demonstrated ability to work both in teams and independently	✓		A/I
Excellent influencing and problem-solving experience	✓		A/I
Excellent verbal and written communication – ability to express ideas and impart key messages clearly, concisely and effectively	✓		A/I
Excellent report writing	✓		A/I
Excellent organisation and project management skills with experience of coordinating projects with a range of stakeholders	✓		A/I
Experience of developing high quality policies on a range of legal specialisms	✓		A/I
Good interpersonal skills with the ability to build effective working relationships and to provide advice and collaborate with individuals at all levels across government and with external stakeholders	✓		A/I
High level of analytical skills including the ability to effectively analyse complex information and use it to make robust policy recommendations	✓		A/I
Experience of organizing, developing and conducting training	✓		A/I
Proficient in the use of MS Office programmes Word, Excel and Power Point, Outlook	✓		A/I
Experience in legislative drafting or legislative process		✓	A/I

Personal Attributes:			
Ability to see tasks through to a successful conclusion, meeting challenging deadlines whilst maintaining attention to detail	✓		I/R
Highly motivated with a passion to drive forward new initiatives	✓		I/R
Capacity to multi-task and prioritise workloads, including resolving conflicting priorities	✓		I/R
Strategic thinker	✓		I/R
Proven ability to work with complete discretion and confidentiality	✓		I/R
Shows initiative and an ability to work without close supervision	✓		I/R
Tactful and diplomatic	✓		I
Aware of sensitivity of information in a small community		✓	I
Willing to work outside of normal hours if projects demand		✓	I
Willingness to travel to conferences, workshops, missions		✓	I

Method of assessment:

A - Application Form

I - Selection Interview

P – Presentation/Practical Exercise

R - Reference

The Package

Duration of appointment

The appointment would be for a fixed-term of 12 months in the first instance. It may be subsequently extended by mutual agreement with the Falkland Islands Government (**FIG**), subject to funding being made available for continuation of the post, and to operational requirements and performance.

Salary package

The salary range for the post is currently £41,829 to £56,577 per annum. Starting salary will depend on qualifications and experience.

In addition, the successful applicant will be eligible for an annual gratuity payment equal to 25% of the basic salary earned, subject to satisfactory performance. Salary at the top of the range plus gratuity would equate to £70,721 per annum. Both salary and gratuity are subject to Falkland Islands taxation which is substantially lower than in the UK.

Taxation

The Islands current tax rates are as follows:

Personal Allowance £15,000 pa

(NB The first £12,000 of chargeable income is taxed at the rate of 21%, with the remainder being taxed at 26%)

Relocation

If relocating from the UK or Europe, there is a relocation grant of £2,000 for those coming to post unaccompanied or £2,500 if accompanied by a spouse/partner; an additional £100 is awarded for each dependent child that accompanies the individual to post. If relocating from elsewhere in the world, the grant is £3,000 for those who are unaccompanied, or £3,500 if accompanied by a spouse/partner (plus £200 per dependent child coming to post).

Flights

Flights will be paid to the Islands to take up the post and to return to the place of recruitment upon satisfactory completion of the contract.

Pension

There is an option for the employee to contribute to the Falkland Island Pension Scheme (though no employer contributions will be made) with potential to transfer in funds from a recognised UK pension (subject to any residency criteria and UK pension scheme and FIPS criteria which may apply). Responsibility for confirming the eligibility of transfers sits with the employee. Employee contributions to the Islands' social security retirement pension scheme are compulsory (currently £17.75 a week).

Education allowance

Education for children up to the age of 16 years is provided free at schools in Stanley. If the successful applicant's dependent children are aged 16-18 years and undertaking GCSEs/A Levels (or their international equivalent), provision of post-16 education may be made available at a residential college in the UK. The boarding school fees will be met by FIG subject to a maximum of £8,200 per annum per child, and holiday visit flights will be provided for children attending boarding school. This allowance does not apply to any dependants undertaking any other category of studies or where a child will reside with family members, a guardian or nominated carer.

Access to medical/dental services

Staff will have access to the Falklands' Health Service. Most services, (including prescriptions) are currently free to residents of the Falkland Islands. However, charges are made for some items and the Health Service reserves

the right to alter the charges for medical services. At present charges are made for spectacles, dentures and cosmetic dentistry such as crowns and bridges. The charges are variable, based on the cost of the materials (including freight).

Housing

FIG maintains a housing stock from which appropriate housing is normally available to rent. Typical rents range from £375 for a one bedroom maisonette property to around £900 for a 4 bed detached house. Private Sector accommodation is also available although this can be limited and more expensive.

How to Apply

Learn more about working for Falkland Islands Government and complete our online application form on our recruitment microsite: www.jobs.gov.fk

If you have any questions about this vacancy and how to apply, you can contact our HR team on recruitment@sec.gov.fk.

Timetable for recruitment and selection process (*estimated)

Stage	Date/period
Closing Date for applications:	Friday 3 April 2020 – 12pm FKST/4pm UTC
Interviews:	* Week beginning 13 April
Offer made:	* As soon as possible – likely around 20 April
Typical period for immigration application process and pre-employment checks:	* 2-3 months from date of offer

Standard Pre-Employment Checks

All candidates should note that FIG carries out the following pre-employment checks prior to appointing someone to a post. Any offer of employment will therefore be made on a conditional basis, subject to satisfactory checks being received. Where checks are found to be unsatisfactory, FIG reserves the right to withdraw any offer of employment.

References

All appointments are subject to at least two satisfactory references being provided. Please be specific when providing addresses/contact details for your referees. One of the references must be from your present employer or, if not currently employed, your most recent employer.

Professional Membership/Qualification Checks/Verification of Identity

Checks will be carried out to confirm any qualifications/professional memberships which are listed as 'Essential' in the Person Specification at the interview stage.

Applicants relying on qualifications equivalent to those specified are responsible for providing evidence of how their qualifications meet the required standard. If equivalence is not immediately clear, no enquiries will be made by FIG and the candidate's application may not proceed as a result. FIG reserves the right to make the final determination on the recognition of any equivalence.

You will also be required to produce original documents to verify your identity at interview, one of which must be photographic identification.

Criminal Record Checks

(This post is regarded as a sensitive post)

All applicants for Government posts will be asked to disclose convictions upon application. Criminal records will only be considered for recruitment purposes when the conviction record is relevant. Having an 'unspent' conviction will not necessarily bar a candidate from employment. This will depend on the circumstances and background to the offence(s).

Any information given will be treated as confidential and will be considered only in relation to the post to which the application refers.

Failure by a candidate to reveal information that is directly relevant to the post applied for could lead to the withdrawal of an offer of employment.

Pre-Employment Health Assessment

The Falkland Islands has basic primary and secondary health care, but because of its geographical remoteness and size, it is not able to offer the full range of health care services.

Successful candidates will be required to undertake a pre-employment health assessment for the purposes of obtaining a work permit. The medical will normally be arranged with your own GP unless FIG advises otherwise. Such medicals will also be required for any dependants that are due to accompany you to post. The cost of these medicals will be reimbursed by FIG on production of receipts.

It is important for you to understand that if you have complex medical needs, or may need ongoing medical support that is not available in the Falkland Islands or the provision of which is not economically viable, it is unlikely that you would meet the health standards required to obtain a Work Permit for the Falkland Islands. If any of your dependants also have such needs, they may not be able to accompany you to post as dependants on your Work Permit. They would not, however, be prohibited from visiting the Islands, but this could only normally be done by means of a Visitors permit. For more information on any related Immigration issues, you can contact the Customs and Immigration Department on + 500 27340 (immigrationofficer@customs.co.fk)

If your dependants have special educational needs or if they are not able to access all aspects of the school curriculum in English without language support, this will be considered as part of the immigration process. While some support may be available, each case will be considered on its merits based on the capacity available within the particular year group in the relevant school. If your children have complex special needs which cannot reasonably be met from the resources available in the Falkland Islands, it is unlikely that immigration criteria would be met and so there may be no automatic right for them to reside in the Islands under any Work Permit issued.

For more information on the Falkland Islands, please visit: <http://www.falklands.gov.fk>

The Law and Regulation Directorate

BACKGROUND

The Directorate

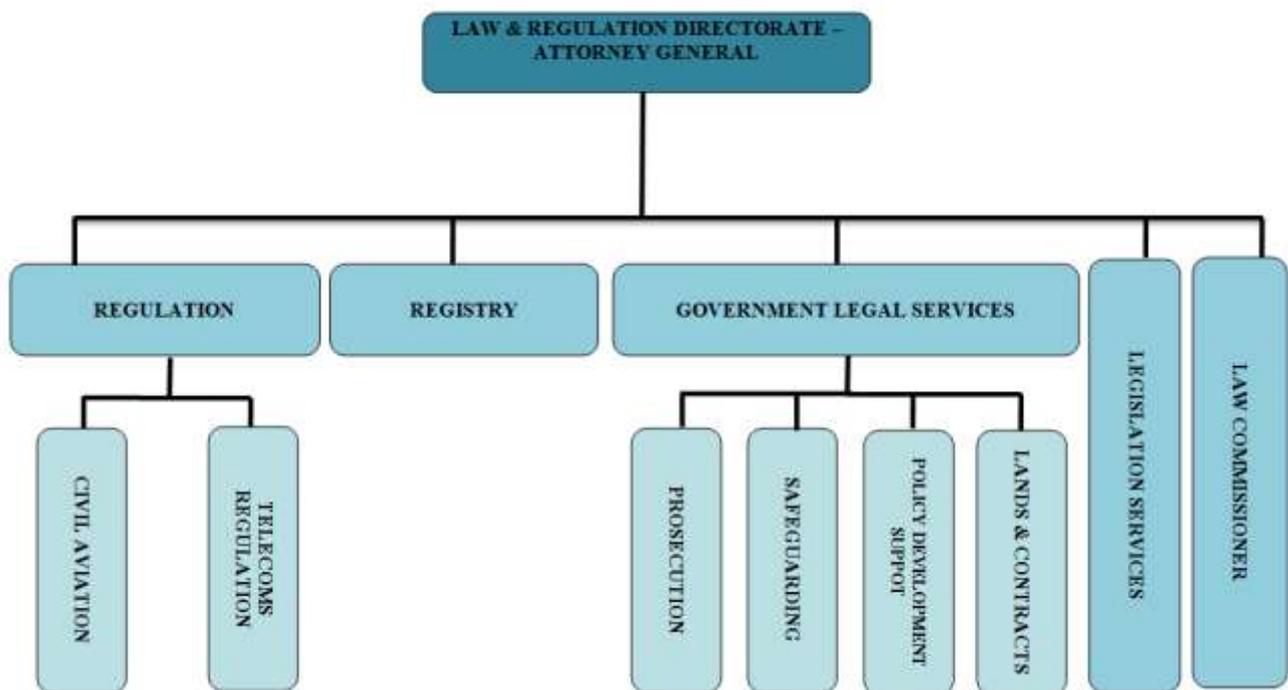
The Directorate has five services led by separate service heads who each report to the Attorney General. These services are crucial to the achievement of the Government’s ambitions.

- Government Legal and Legislation Services support Government in turning policy into legislation. We also direct and conduct public prosecutions and act for FIG in all legal proceedings and transactions. We also support the development and delivery of Government initiatives by providing legal advice.
- The Registry provides a vital service to the community, local companies and co-operatives. In addition to providing registry services, it ensures elections are fair and the will of the people is freely expressed.
- The Directorate regulates Civil Aviation and Telecommunications.

Recognising the variety of all these roles within a small directorate and the need to achieve best value with limited resources, it is important that we operate as a cohesive team. Our administrative team facilitate the work of the Directorate, and delivers civil service requirements and arranges services to the public such as notarial services.

The Directorate also provides legal advice and support, and legislative drafting services to the Government of South Georgia and the South Sandwich Islands (GSGSSI) which is a separate British Overseas Territory.

Our Structure:



Our Mission

To serve the people of the Falkland Islands by:

- being trusted advisers to the Governor and colleagues in FIG to support the achievement of objectives set by Members of the Legislative Assembly in the Islands Plan
- supporting policy objectives by drafting legislation which gives effect to them in conformity with the Constitution and international obligations
- prosecuting crime and bringing actions on behalf of the Crown robustly and impartially - bringing offenders to justice, supporting the reduction of crime and promoting public confidence in the rule of law
- promoting good governance and decision-making by FIG
- maintaining national and international confidence in electoral and registry practices
- ensuring aviation safety and the fair and effective regulation of telecommunications, monopolies and unduly dominant businesses to avoid market abuse
- providing legal advice and support to the Government of South Georgia and the South Sandwich Islands.

Our Vision

To be the best Legal, Registry and Regulation service in any British Overseas Territory, given our size and available resources and to be recognised as such by the people of the Falkland Islands and internationally.

Our Values and Behaviours

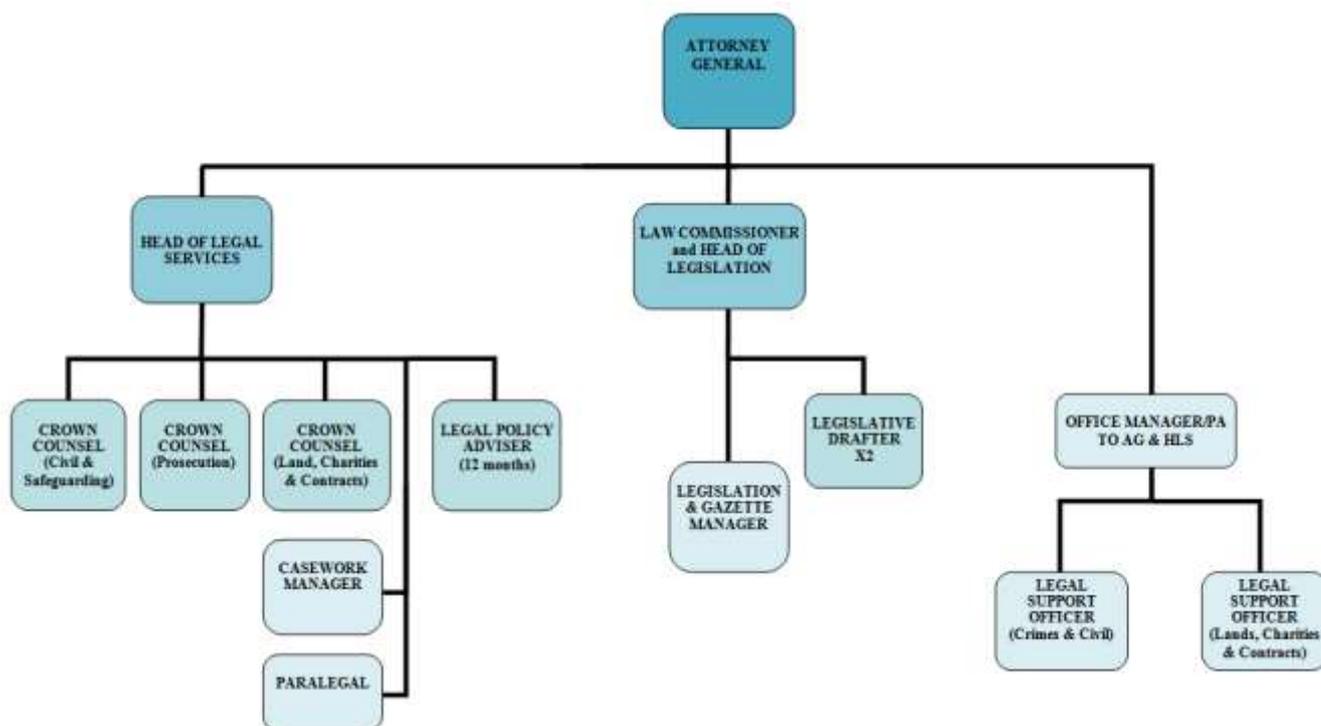
In the delivery of everything we do on a day-to-day basis, all the members of the Directorate are committed to behaving with:

- **Integrity** – we will do the right thing especially when it is the hard thing
- **Courtesy** – we will treat people courteously
- **Respect** – we will respect ourselves and show respect for others and their needs and views
- **Professionalism** – we will always seek to do things to the highest professional standards and seek to continually improve

These values underpin the way our services are delivered.

The Government Legal and Legislation Services Teams

The team consists of 15 staff (including the position on offer) and is structured as follows



1. Services

The Government Legal and Legislation Services teams provide the following services to FIG and also, to the extent relevant, to GSGSSI:-

- General legal service** - We aim to provide a high quality legal service. The service is critical to the successful implementation of the policies that FIG seeks to deliver. It includes Government contracting, land work, support on governance and decision-making and providing advice to every part of the Civil Service (including to the Chief Executive and the Governor of the Falkland Islands). This work includes the development of Government policy in the areas where the Attorney General has the leadership role. The Attorney General also discharges responsibility for the Falkland Islands Board of Trade and holds various other statutory appointments.

The service includes a role in the management of Government lands, with the Government Legal Services team currently administering FIG's Lands Committee.

The service also includes the provision of legal services and representation in support of the Government's safeguarding responsibilities (for children and adults).

The Attorney General is also the Attorney General of SGSSI and so Legal Services also support and provide legal advice to that Government.

The service is to be supplemented in 2020 by an additional team member specialising in legal advice and support in policy development – to try to address a particular need for support in this area (initially for a period of 12 months).

- **Prosecution service** - We review cases investigated by the Royal Falkland Islands Police force, but also by other departments such as Customs and Immigration, Fisheries and Environmental Planning. We carefully analyse each case to determine whether the evidential and public interest tests are satisfied, suggest any further investigation if appropriate, advise on charges, and prosecute all cases in the Summary Court, Magistrate's Court and Supreme Court of the Falkland Islands.
- **Legislative drafting service** We are responsible for the drafting of all laws (Bills and secondary legislation). Much of this is carried out in-house (and the role currently on offer is intended to play a leading part in discharging this function) although it may be outsourced to external drafters where appropriate. We manage the legislative drafting programme which is formulated each year based on the priorities of the Legislative Assembly, as approved by Executive Council. We also provide legislative drafting services to GSGSSI.
- **Statute Law Commissioner** – The Statute Law Commissioner (also Head of Legislation) maintains the Statute Law Database (on which all Falkland Islands legislation is published in consolidated and up to date form), monitors UK laws, and is responsible for a programme of law revision.
- We also publish the Falkland Islands Gazette.

2. Key drivers

Government Legal and Legislation Services are central to the effective working of Government and are involved in all levels of decision-making. The Attorney General attends the Legislative Assembly, meetings of Executive Council and the Corporate Management Team, and has representation on many other inter-departmental committees and working groups. Legal advice has regard to the Constitution, the laws of the Falkland Islands (and SGSSI) and our international obligations.

Internally we are driven by the policy ambitions of the Elected Members of the Legislative Assembly, by legal work essential to the continuing provision of services by FIG, and by our role in helping to promote good governance.

Externally we are driven by changing economic and social circumstances, the needs and actions of the population of the Falkland Islands and FIG's response to current issues.

We are committed to:-

- providing the highest quality, cost-effective, legal services that meet the needs of FIG and the Governor, and commands the confidence of the judiciary and the public, which are deliverable with the resources available
- delivering the prosecution service through the consistent, fair and independent review of cases, and through their fair and thorough presentation in court
- achieving realistic targets set for the legislative drafting programme
- reviewing and modernising laws
- providing these services with the highest standards of integrity
- developing our staff for the benefit of their own careers and in the interests of FIG
- operate using appropriate systems for workload management, client care and electronic legal research

The Court System

The Court structure consists of the following legal tiers:

- Summary Court
- Magistrate’s Court
- Supreme Court
- Court of Appeal
- Judicial Committee of the Privy Council

The Summary Court consists of one or more Justices of the Peace (in practice, there are usually three). It has jurisdiction roughly equivalent to that of a magistrates’ court in England.

The Magistrate’s Court is presided over by the resident Senior Magistrate. The Court has jurisdiction in criminal matters to deal with all offences except those which are triable only on indictment. However, indictable-only offences are much more limited in scope than in England. There are no “either way offences”, and many offences which in England would be triable only on indictment are tried in the Islands in the Summary or Magistrate’s Court. The Senior Magistrate has sentencing powers similar to those of the English Crown Court.

The Supreme Court is presided over by the Chief Justice who is resident in the UK and visits the Islands when necessary. The Senior Magistrate also occasionally sits as an acting judge in this Court, which deals with indictable criminal offences and a variety of civil matters including matrimonial causes. The Supreme Court also has appellate jurisdiction in relation to the Summary Court and the Magistrate’s Court. Appeals from it lie to the Court of Appeal, and from there to the Judicial Committee of the Privy Council.

Laws of the Falkland Islands

Primary legislation is made by the Falkland Islands Legislative Assembly (called “Ordinances”). Such Ordinances are supplemented by secondary legislation. Some English Acts and statutory instruments have been adopted by the Legislative Assembly, and some have direct application to the Falkland Islands.

Falkland Islands laws (including secondary legislation) have now been consolidated and are available online (www.legislation.gov.fk). New laws are posted as and when implemented. This website also contains references to English laws which apply to the Falkland Islands.

The Falkland Islands Government

For further information about the Falkland Islands and the Falkland Islands Government generally please visit our website: www.jobs.gov.fk.