

Head of Legal Services Post advertised September 2015

1. Post overview

The Irish Auditing and Accounting Supervisory Authority ('IAASA') is seeking a dynamic, organised and experienced person to join our senior management team as Head of Legal Services. Reporting to the Chief Executive, the Head of Legal Services will be the internal legal advisor to the Executive team and the Board and will act as the Company Secretary.

2. IAASA

The Irish Auditing and Accounting Supervisory Authority ('IAASA') is the independent body in Ireland responsible for the:

- (a) examination and enforcement of certain listed entities' periodic financial reporting; and
- (b) supervision of the regulatory functions of the Prescribed Accountancy Bodies.

As part of the recent European audit reform measures, from June 2016, IAASA will also be given responsibility to inspect the quality of audit work performed by the auditors of public interest entities.

IAASA is a company limited by guarantee and a State Body established by the Companies (Auditing and Accounting) Act 2003 ('the Act'). As such, its employees are Public Servants.

3. Essential requirements

This post provides an exciting and challenging opportunity to support the work of a regulatory authority with a broad and significant remit. The successful candidate will be a qualified solicitor or barrister and will be able to demonstrate:

- substantial and recent experience at a senior level as in-house counsel/legal adviser in an Irish company or organisation;
- knowledge of regulatory law;
- solid experience of developing and executing strategy and delivering results;
- proven ability to develop strong working relationships with a wide range of stakeholders both internally and externally;
- ability to communicate clearly and effectively, orally and in writing;
- confidence, resilience in adverse situations and the ability to robustly challenge individuals or entities subject to IAASA's remit; and
- self-motivation, commitment and energy, with a passion to serve and protect the public interest.

4. Desirable requirements

Candidates who can also demonstrate the following are likely to have a distinct advantage:

- substantial and recent experience acting as Company Secretary for an Irish company;
- experience in the accounting and/or auditing sector;
- excellent knowledge of the statutory/regulatory remit of IAASA;
- civil litigation experience particularly with regard to Judicial Review;
- relevant regulatory or disciplinary experience in the professional sphere;
- relevant risk management experience;
- employment law experience;
- experience and an understanding of Data Protection law and processes;

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- experience in the area of Freedom of Information law;
- an understanding of the law pertaining to statutory interpretation; and
- excellent IT skills.

5. Key responsibilities

The successful candidate will have lead responsibility for ensuring that IAASA complies with the law and that its operational systems are legally robust and can successfully withstand legal and regulatory challenge. The detailed responsibilities of the role are set out below. However, this outline is indicative only and duties may be altered from time to time, as considered necessary or otherwise appropriate, at the discretion of the Chief Executive and/or the Board.

Responsibilities include:

5.1. Internal legal advisor

- Providing the Authority's staff, management, Board and Board Committees, as applicable, with high quality legal and related advice and analyses, tailored to the Authority's needs, on matters pertaining to all aspects of the Authority's statutory remit and related matters;
- Providing advice to the Authority's staff, management, Board and Board Committees, as applicable, on legal strategy and related matters;
- Proactively anticipating legal issues which may arise in all aspects of IAASA's work and developing appropriate legal strategies for same;
- Managing and co-ordinating the Authority's approach towards litigation/judicial review/ other proceedings to which the Authority is party or potentially party;
- Leading in the development of statutory Regulations and related material pertaining to the Authority's statutory functions/powers etc.;
- Contributing to the preparation of draft legislation as required and interpretation of statutes;
- Liaising with other parties' legal advisors/representatives as required;
- Managing the Authority's relationships with external providers of legal services on an ongoing basis;
- Providing support and legal input in the context of the Authority's membership of the Company Law Review Group as required (CLRG);
- Implementing and managing appropriate systems and processes to ensure the Authority's, its directors' and employees' ongoing compliance with their respective responsibilities and obligations under law, regulation and other applicable codes, including, *inter alia*:
 - Implementing and managing appropriate systems and processes for identifying, and monitoring changes to, the Authority's obligations in a timely manner;
 - Apprising staff, management and the Board, as applicable, of the nature of those obligations;
 - Providing legal and related advice regarding the actions and measures necessary to secure/facilitate compliance with the aforementioned obligations;
 - Development of guidance, policies, handbooks, manuals etc., as required to secure/facilitate ongoing compliance; and

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- Where applicable, and where relevant in conjunction with other Authority staff/management, taking such actions and measures as are necessary to secure/facilitate the Authority's ongoing compliance with its obligations.

5.2. Company Secretary

- Ensuring compliance with the Authority's legal and other obligations¹;
- Discharging the statutory functions assigned to the Company Secretary by the Companies Act(s);
- Acting as Secretary to the Board and where appointed acting as Secretary to its Committees;
- Carrying out the directions of the Board;
- Ensuring that the Board and its Committees are provided with all requisite information and support enabling them discharge their functions in an effective manner;
- Ensuring that the company's and directors' respective responsibilities under company law are complied with; including, *inter alia*, those relating to:
 - maintenance of minutes of Board and Committee meetings;
 - maintenance of statutory registers;
 - filing of returns with the Registrar of Companies as required and within statutory timeframes;
 - convening of members' meetings and provision of requisite notice, as required;
 - ensuring that the provisions of the company's establishing legislation and Memorandum and Articles of Association are adhered to; and
 - management of amendments to the company's constitutional documents as required.
- Implementing and managing appropriate systems and processes to ensure the Board's ongoing compliance with its obligations under the Code of Practice for the Governance of State Bodies and UK Corporate Governance Code;
- Implementing and managing appropriate systems and processes to ensure directors' and affected employees' ongoing compliance with their respective obligations under Ethics in Public Office legislation; and
- Liaising with, and facilitating the work of, the Authority's internal and external auditors as required.

5.3. Liquidator registration

Responsibility for managing the process of registration of certain liquidators under the Companies Act 2014, including:

- Receiving, and considering applications from relevant persons for registration by IAASA as company liquidators;
- Proposing to the Board from time to time regulations for the amount and terms of professional indemnity cover for all liquidators; and
- Considering applications for recognition from professional bodies (other than the Law Society or the Prescribed Accountancy Bodies) who may in turn grant Liquidator authorisations to its members.

¹ Such obligations would include, those arising under law and regulation pertaining to employment, health & safety, disability, equality, data protection, freedom of information, official languages, taxation, procurement etc.

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5.4. General management

- Acting as an effective member of the Authority's senior management team;
- Ensuring that the Chief Executive is at all times apprised of issues or risks arising within the Legal Services unit's remit;
- Providing professional and strategic advice to the Chief Executive, Board and senior management;
- Controlling, managing and directing the activities of the Legal Services unit;
- Leading in/contributing to, as applicable, the development of other material/publications pertaining to the Authority's statutory remit as required;
- Acting as the Authority's Chief Risk Officer;
- Acting as the Authority's Health and Safety Officer;
- Acting as the Authority's Data Protection Responsible Individual; and
- Acting as the Authority's point of contact with the Standards in Public Office Commission.

6. Salary

This is a permanent position and the salary on commencement for those paying a PPC contribution (including *new entrants*²) to the public service is €85,127, rising annually following each year's satisfactory performance on the following scale:

€85,127 €88,454 €91,799 €95,136 €97,981 (Max) €100,977 (LSI1)³ €103,976 (LSI2)⁴

Increments, subject to satisfactory performance may be awarded annually.

Alternative arrangements may apply to serving public servants. The rate of total remuneration may be adjusted from time to time in accordance with government pay policy as applying to public servants generally.

7. Other terms of employment

- 7.1. *Location*: The role is based in Naas, with occasional work undertaken in Dublin and occasional travel overseas. Travel and subsistence allowances are paid in accordance with rates applicable to civil servants.
- 7.2. *Annual Leave*: The annual leave allowance is as applicable to a civil service Principal Officer (Higher), currently 30 days. This is in addition to statutory public holidays and Good Friday.
- 7.3. *Professional subscriptions and Continuing Professional Development ('CPD')*: IAASA reimburses the annual membership subscription to the incumbent's professional body, and all mandatory CPD. IAASA also supports participation in relevant training and professional development courses related to an employee's business activities including, but not limited to mandatory CPD activities.
- 7.4. *Superannuation*: All IAASA employees are members of a defined benefit superannuation scheme. Scheme membership, contributions and benefits are in accordance with terms set down by the Minister for Public Expenditure & Reform, and are dependent on personal circumstances on recruitment.

² Persons who have not, on the date of appointment, been employed in the public service on a continuous basis since 1 January 2011.

³ Following three years service on the maximum.

⁴ Following six years service on the maximum.

8. Application procedure

Persons interested in this role should complete the relevant application form, and send it together with a covering letter setting out how they meet the above requirements, to:

**The Secretary & Head of Finance & Administration
Irish Auditing & Accounting Supervisory Authority
Willow House
Millennium Park
Naas, Co Kildare**

The deadline for the receipt of applications is **midnight on Wednesday, 30 September 2015**. Late applications will not be considered.

9. Selection process

The methods used to select the successful candidate for this post may include:-

- Short-listing: on the basis of the information supplied by candidates in their application form
- Preliminary Interview: to select a number of candidates to be invited to main interview
- A competitive interview, possibly including a presentation exercise.

During any short-listing exercise which may be employed, IAASA examines the application forms and assesses them against pre-determined criteria based on the requirements of the position. **It is therefore in your own interest to provide a detailed and accurate account of your qualifications/experience.**

The onus is on all applicants to make themselves available on the date(s) specified by IAASA for interview and to make whatever arrangements are necessary to ensure that they receive communication sent to them.

10. Further information

Persons interested in having a confidential discussion regarding this role should contact IAASA on (045) 983 600. Further information on IAASA and its activities can be obtained at www.iaasa.ie.

IAASA is committed to a policy of equal opportunities and welcomes applications from people with disabilities.