

Rowlands, Sarah

From: Dorrian, Teresa
Sent: 24 November 2016 14:24
To: Birch, Anne; Dempster, Gary
Subject: Scanned from a Xerox multifunction device
Attachments: Scanned from a Xerox multifunction device.pdf

Anne/Gary

Termination letter and Handbook extract sent to Stephen Brimstone today.

Thanks

Teresa

Finance & Corporate Services
Division

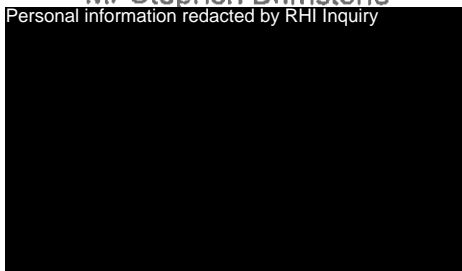


The
Executive Office

Departmental HR
Room A5.11, Castle Buildings
Stormont Estate
BELFAST BT4 3SL
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Email: gary.dempster@executiveoffice-ni.gov.uk

Mr Stephen Brimstone

Personal information redacted by RHI Inquiry



24 November 2016

Dear Mr Brimstone

The Department has received a copy of your letter dated 18th November 2016 notifying your intention to resign your appointment as Special Advisor. Your last day of service was the 18th November 2016.

I need to draw your attention to the continuing obligations beyond the end of your appointment as a Special Adviser. The provisions of the Official Secrets Act continue to apply in respect of any official information to which you had access during your employment. You will be required to comply with the rules requiring you to obtain permission from the Department before publishing any personal memoirs, books etc based on your experience as an official of the Department. In addition there is a requirement to obtain, in certain circumstances, departmental agreement before accepting any offer of employment outside the Civil Service which would start within 2 years of leaving NICS employment. If you wish to know how the rules might apply in particular circumstances, you should seek advice from me. The rules are set out in the NICS HR Handbook and I've enclosed a copy for your information along with an application form.

Please return any Departmental equipment you may have to Jeremy Gardner. This includes security passes or authorisation cards, car parking discs, computer equipment, mobile phones and keys, or any other Departmental equipment that you may have in your possession.

Civil Service Pensions will contact you in the near future to advise you of your Civil Service Pension entitlement (if any), and to outline your options regarding transfer of your pension rights into other schemes.

Please note you will have received a full month's salary for November and as a consequence will be overpaid by 12 days. However, you have 6 days untaken leave and this will be offset against the overpayment. HRConnect will be contact with you

about the overpayment in due course and your P45 will be issued to your home address.

I would be grateful if you would sign the enclosed acknowledgement slip and return it to me to confirm that you are aware of your continuing obligations.

Finally may I take this opportunity to thank you for your service to the Department, and to wish you well for the future.

Yours sincerely,



Gary Dempster
Departmental HR



To: Gary Dempster
Departmental HR
The Executive Office
Room A5.11
Castle Buildings
Stormont Estate
BELFAST
BT4 3SL

I confirm that I have read and understand my continuing commitments following my resignation as Special Adviser.

Signed Date

Standards of Conduct

ANNEX 4

Rules on the Acceptance of Outside Business Appointments, Employment or Self-Employment by Civil Servants after leaving the NI Civil Service**1. Introduction**

1.1 The rules apply to all Civil Servants who propose to take up an outside business appointment, employment or self-employment up to two years after the last day of paid Service.

2. Aim

2.1 The aim of the rules is to maintain public trust in the Civil Service and in the people who work in it, and in particular:

- a. to avoid any reasonable concerns that the advice and decisions of a serving officer might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b. to avoid the risk that on leaving the Civil Service, a former civil servant might improperly exploit privileged access to contacts or sensitive information; or
- c. to avoid the risk that a particular firm or organisation might gain an improper advantage by employing someone who, in the course of their official duties, has had access to:
 - I. information relating to unannounced or proposed developments in Departmental policy, knowledge of which may affect the prospective employer or any competitors; or
 - II. commercially valuable or sensitive information about any competitors.

2.2 Applications may be approved unconditionally, or approved subject to a waiting period or other conditions. The imposition of conditions does not imply anything improper in a Civil Servant's relationship with the prospective employer, or by self-employment. Rather, it is an indication that an immediate move from the Civil Service to the employer, or self-employment without conditions, might be open to criticism or misinterpretation.

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3. Who Must Apply, When And How

3.1 The requirement to seek approval applies to all serving civil servants and former civil servants, and remains in force up to two years after the last day of paid service, depending on grade and/or if any of the circumstances set out at paragraph 4.2 apply.

- Permanent civil servants;
- Civil servants on fixed term contracts;
- Civil servants on secondment to other organisations;
- Special Advisers. However, an application is not required when a Special Adviser takes up a role with a political party when they leave the Civil Service.

3.2 These rules apply whether or not the business appointment, employment or self-employment is full-time, part-time or fee-paid employment in the United Kingdom, or overseas.

3.3 Before accepting any new business appointment, employment or self-employment all serving or former civil servants must consider whether or not an application under the rules is required, and approach their Departmental Human Resources (DHR) as early as possible. DHR will have a process in place for handling business appointment/employment applications. This involves completion of an application form which will need to be countersigned by the appropriate line manager, and a decision made by either a Grade 7 or above, depending upon the applicant's grade and whether or not they are still employed in the Department, see paragraphs 7.1 to 7.4. The applicant should send the completed application form to their Departmental Establishment Officer or Senior HR Business Partner, who will arrange for the application to be countersigned and processed.

3.4 The application form is available for downloading at Annex 5, and it can be obtained from HRConnect, or DHR.

3.5 Notification of decisions on applications will be made through the relevant DHR branch.

4. When Approval is Required**4.1 Applications must be made by Serving or Former Civil Servants:**

- a. If they are the Head of the Northern Ireland Civil Service, Permanent Secretaries (including equivalent grades), during the two year period after leaving office and without exception;

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- b. If they are in the Senior Civil Service, Grade 3 or Grade 5, (and equivalents), or Special Advisers, during the two year period after leaving office, if the individual's circumstances match one or more of those outlined at paragraph 4.2.
- c. If they are Grade 6 and below, the Rules normally apply for one year after the individual's last day of paid service, if the individual's circumstances match one or more of those outlined at paragraph 4.2.

4.2 Circumstances for applications at Senior Civil Service Grade 3 and below

- a. If they have had any official dealings with their prospective employer during either the last year, or two years of Civil Service employment depending upon their grade (see paragraphs 7.1 to 7.4); or
- b. If they have had official dealings of a continued or repeated nature with their prospective employer at any time during their period of Civil Service employment; or
- c. If they have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties; or
- d. if their official duties during either the last year, or two years of Civil Service employment, depending upon their grade (see paragraphs 7.1 to 7.4) have involved advice or decisions benefiting their prospective employer, for which the offer of employment could be interpreted as a reward, or have involved developing policy, knowledge of which may be of benefit to the prospective employer; or
- e. if they are to be employed (or self-employed) on any consultancy basis and they have had any dealings of a commercial nature with outside bodies or organisations in either the last year or two years of their Civil Service employment depending upon their grade (see paragraphs 7.1 to 7.4); or
- f. the applicant has been involved in developing policy affecting their prospective employer, or have had access to unannounced Government policy or other privileged information affecting their prospective employer, at any time in either the last year or two years of employment in the Civil Service, depending upon their grade (see paragraphs 7.1 to 7.4); or

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- g. they have been responsible for regulatory, or any other decisions, affecting their prospective employer, at any time in either their last year or two years in the Civil Service depending upon their grade (see paragraphs 7.1 to 7.4); or
 - h. the proposed appointment or employment would involve making representations to, or lobbying the Government on behalf of a new employer.
- 4.3 In circumstances where an individual is undertaking a role on a temporary promotion immediately prior to leaving the Civil Service, it will be the temporary grade that will determine how the Rules are to be applied.
- 4.4 An individual should contact his/her DHR branch, and if required, submit an application before any commitment is made to take up an outside business appointment, employment or self-employment. Only in exceptional circumstances should an individual make a retrospective application(s). Exceptional circumstances may be for example due to a family crisis, or sickness.

5. Applications

5.1 Staff and Departments must ensure that application forms are completed for all requests for approval of appointments which fall within these rules. For this purpose:

- a. the applicant must be asked to supply:
 - i. full details of the proposed employment;
 - ii. details of any official dealings with a prospective employer or with any other related organisation, including any competitors of the prospective employer; and
 - b. Departments must ensure that the application is fully completed and that they seek the comments of a countersigning officer who can verify, as far as possible, the information supplied by the applicant. The countersigning officer is normally a manager within the applicant's last civil service branch/unit, who has knowledge of the applicant's previous role and responsibilities.
- 5.2 The application form is available for downloading at Annex 5 or can be obtained from DHR or HRConnect.

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5.3 DHR must retain records of all applications received and ensure that key Departmental staff are advised of any conditions imposed on individual applications.

6. Terms of Approval

6.1 Applications under these rules will be approved either:

- a. unconditionally; or
- b. subject to conditions which may apply for up to two years from the final day in Civil Service employment. Approval will not normally be given to start a paid appointment with a new employer before completion of the last day of paid service.

6.2 Conditions may include:

- a. a waiting period before taking up the appointment/employment/self-employment;
- b. an absolute or qualified ban on the involvement of the applicant in dealings between the prospective employer and the UK Government or any devolved administration;
- c. a ban on the involvement of the applicant in dealings between the prospective employer and a named competitor (or competitors) of that employer;
- d. in the case of consultancies, a requirement to seek official approval before accepting commissions of a particular nature, or from named employers;
- e. if the Decision Officer believes that the appointment/employment/self-employment is unsuitable, he/she may add advice to its recommendation that the application be subject to a waiting period of up to two years and that advice will be available for publication;
- f. a two year ban may be applied by the Decision Officer on lobbying Government on behalf of the applicant's new employer, which can be modified/reduced if justified due to the particular circumstances of an individual application.

Standards of Conduct**ANNEX 4 (Cont'd)**

6.3 In cases where it is proposed to impose a waiting period or other conditions, applicants should be given the opportunity of having an interview with the Decision Officer if they so choose, before a final decision is made.

6.4 Special Advisers will have the right of an independent informal appeals process, in which they can discuss a proposed departmental decision to apply a condition on their application with a Departmental Independent Board Member. This informal process can be conducted by the applicant either meeting with a Departmental Independent Board Member, or discussing his/her concerns about the impending decision by telephone. The Departmental Independent Board Member will engage with the Departmental Decision Officer as necessary. The outcome of this informal appeals process is determined by the Departmental Independent Board Member, and his/her decision is final.

7. Procedures for Dealing with Applications**7.1 Head of the Northern Ireland Civil Service (HOCS)**

7.1.1 The Rules apply for two years after the last day of paid service. The new HOCS will consider applications before making a recommendation to the First Minister and deputy First Minister for their approval. In doing so the new HOCS may seek advice from relevant personnel in Whitehall.

7.1.2 In view of their access to policy issues at the highest levels, an application is subject to an automatic waiting period of three months between leaving Civil Service employment and taking up an outside business appointment, employment or self-employment. The First Minister and deputy First Minister have the discretion to waive this minimum waiting period if the appointment/employment/self-employment is one, which is unconnected with the applicant's official knowledge and no questions of propriety or public concern arise.

7.1.3 The maximum waiting period which can be applied is two years, or the First Minister and deputy First Minister may exceptionally decide that the appointment, employment or self-employment is unsuitable.

7.1.4 As a general principle, there will also be a two year ban on the applicant, lobbying Government on behalf of his/her new employer. The former HOCS should not engage in communication with Government, including Ministers, Special Advisers and officials with a view to influencing a Departmental decision or policy in relation to their own interests, or the interests of their new employer or any organisation to which they are contracted. The First Minister and deputy First Minister may decide to modify/reduce this ban if it is justified to do so, based on the circumstances of an individual application.

7.2 All Permanent Secretary Posts, and Specialists of Equivalent Standing

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7.2.1 The Rules apply for two years after the last day of paid service. The decision on an application is made by HOCS. If an application is approved by HOCS, the decision is subject to Ministerial approval, and the relevant Department should submit a recommendation to their Minister.

7.2.2 In view of their access to policy issues at the highest levels, all applications are subject to an automatic minimum waiting period of three months between leaving Civil Service employment and taking up an outside business appointment, employment or self-employment. The Head of the Civil Service has the discretion to waive the minimum waiting period if the appointment is one, which is entirely unconnected with the applicant's official knowledge and no questions of propriety or public concern arise.

7.2.3 Taking account of the maximum waiting period of two years that may be applied, HOCS may, exceptionally decide that the business appointment, employment or self-employment is unsuitable.

7.2.4 As a general principle, there will also be a two year ban on applicants, lobbying Government on behalf of his/her new employer. The former civil servant should not engage in communication with Civil Service departments, including Ministers, Special Advisers and officials, with a view to influencing a Government decision or policy in relation to their own interests, or the interests of their new employer or any organisation to which they are contracted. The two year lobbying ban may be modified/reduced by HOCS, if it is justified to do so, based on the circumstances of an individual application.

7.3 Other Post holders in the Senior Civil Service (includes Grade 5 and Grade 3), Special Advisers, and Specialists of Equivalent Standing

7.3.1 The Rules apply for two years after the last day of paid service. An application is required for any new business appointment, employment or self-employment that they wish to accept, **only** if one or more of the circumstances apply as outlined in paragraph 4.2. Decisions are made by the relevant Departmental Permanent Secretary. If the applicant is SCS Grade 3 (including specialists of equivalent standing), and the application is approved by the Permanent Secretary, the decision is subject to Ministerial approval. The relevant Department should therefore submit a recommendation to their Minister.

7.4 Staff Outside the Senior Civil Service - Grade 6 and below

7.4.1 The Rules normally apply for one year after the individual's last day of paid service, however Departments have the discretion to apply the Rules up to two years if there is an exceptional case for doing so. An application is **only** required if the individual's circumstances match one or more of those outlined in paragraph 4.2. Applications are considered by and a decision made by the relevant manager, who is normally someone within the applicant's former line management.

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Advice from DHR or CHR

7.4.2 DHR will provide advice on whether or not an application is required.

7.4.3 Where a case appears to sit outside the policy, Departments may refer an application to the Department of Finance and Personnel, Corporate Human Resources (CHR) for advice.

7.4.4 When referring cases to CHR for advice, Departments must submit:

- a. a copy of a completed and countersigned application form; and
- b. a covering letter, giving their own assessment of the application, including the outcome of any consultations with competitors of the prospective employer and their proposed or recommended course of action.

7.4.5 Guidance for Departments considering applications for departmental approval is provided in Annex 5.

8. Reporting Offers of Employment

8.1 If, under the rules, approval is required and an approach has been made from an outside employer, all serving members and former members of the NICS are required to report such approaches to either their line manager, or DHR for those staff who have left the NICS .

8.2 Staff in sections concerned with procurement or contract work should report any such approach or offer of employment, particularly when it emanates from an outside employer/organisation with whom they or their staff have had official dealings, whether or not they are considering taking it up.

9. Procedures for Departments

9.1 Making Staff Aware of the Rules

9.1.1 While the Department of Finance and Personnel will draw to the attention of staff the existence of the HR handbook for new entrants, Departments are advised to:

- a. take special care to explain to staff recruited from outside the Civil Service their position under the rules on appointment;

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- b. include a copy of the rules in Departmental staff handbooks, such as staff induction packs;
- c. remind all staff of the rules and issue the application form to staff, if requested:
 - i. on retirement;
 - ii. on resignation;
 - iii. at the end of a limited-period appointment; and
 - iv. Voluntary Exit.

9.1.3 Departments are advised to take every opportunity, provided by letters of resignation, and requests for references, to check whether an application under the Rules is necessary.

9.1.4 The relevant Permanent Secretary (or equivalent) is responsible for the effective operation of the Business Appointment Rules within their Department.

9.2 Transparency

9.2.1 In addition to notifying the applicant of the outcome of their application, the Department must also inform prospective employers of any conditions which have been attached to the approval of the business appointment, employment or self-employment.

9.2.2 Departments should make public on their external departmental websites summary information in respect of applications from SCS Grade 5 and above, including equivalent grades, and Special Advisers. This summary information should include the applicant's name, former Department, role, grade, new appointment details and the advice given including any restrictions imposed upon them. Before publishing information on external departmental websites, Departments need to ensure compliance with the Data Protection Act.

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ANNEX 5

Model Application for Permission to Accept an Outside Business Appointment, Employment or Self-Employment

1. It is in the public interest that people with experience of public administration should be able to move into business or other bodies and that such movement should not be frustrated by unjustified public concern over a particular business appointment, employment or self-employment. It is equally important that when a former Civil Servant takes up an outside business appointment, employment, or self-employment there should be no cause for any suspicion of impropriety.
2. Before completing this application form, you should consult the rules governing the acceptance of outside business appointments, employment or self-employment as set out in Annex 4.
3. You should complete all sections within Parts 1 and 2 of the form and return it to your Departmental Human Resources Branch (DHR), which will ensure that Part 3 is completed by the appropriate Departmental countersigning officer. It is in your own interest to submit the application as soon as possible and to ensure that all relevant information is provided.
4. If you are seeking approval to take up more than one appointment, you should complete Part 2 in respect of each appointment. If you are setting up an independent consultancy you should complete a separate answer to sections 6 and 7 for each company/organisation from whom you are proposing to accept commissions.
5. The form should be completed in black ink. If there is insufficient space on the form, please continue on a separate sheet of paper.
6. Enquiries about this application and requests for extra copies should be made to your Establishment Officer, Senior HR Business Partner, or line manager.

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ANNEX 5 (Cont'd)

Model Application Form

Part 1 To be completed by the applicant

[1]

Name (including any titles, decorations)

Payroll Number

Last/Present grade/job title

Date of birth

Reasons for leaving the Civil Service (please tick, if applicable)

Retirement

Resignation

Other (give details)

Address for correspondence:

Post Code

Daytime telephone number _____

Email address _____

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|2|

Date of last day in Civil Service employment

Date of last day in post if different from above

Proposed starting date of outside appointment/employment/self-employment

|3|

Please state below posts held during last 5 years of Civil Service employment beginning with the most recent:

Department, Division/Unit, Branch	Job Title	Dates		Rank/grade	Brief description of duties
		From	To		

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ANNEX 5 (Cont'd)

Part 2 *To be completed by the applicant*

Please complete section 4 if you are proposing to join a company or organisation (either full-time or part-time or as a consultant). If you are proposing to set up an independent consultancy you should proceed to section 5. All applicants should answer sections 6 and 7.

4 **Appointment with a Company/Organisation**

Company/Organisation's
Name

Nature of
business

Full address

Post Code

Name of contact in
Company/Organisation

Position

Telephone
Number

Company's parent
company or group

Department's relation with Company/Organisation (*please tick*)

Contractual

Non-
contractual

None

Not
known

Job title and description of your proposed duties

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ANNEX 5 (Cont'd)

Is the proposed appointment full or part-time? (please tick)

Full-time	<input type="checkbox"/>	Part-time	<input type="checkbox"/>
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If part-time, please state how much time is likely to be involved

days per week/month/year
(delete as appropriate)

Will you be paid?
(please tick)

Salary	<input type="checkbox"/>	Retainer	<input type="checkbox"/>	Fee	<input type="checkbox"/>	Unpaid	<input type="checkbox"/>
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Did you apply for an advertised post (please tick)

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If **No** state how the offer of the post arose

Is the appointment likely to include any contact or dealings with your former Department or Civil Service more generally

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please give full details, including any involvement you will have in business involving the Department or Civil Service, in lobbying Ministers or officials or advising on how to represent the interests of the new employer

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ANNEX 5 (Cont'd)

[5] Self-Employed/Freelance Consultancies

State nature of proposed consultancy work

Give the name of the companies/organisations whose commissions you wish to accept and complete a separate answer to 6 and 7 below in respect of each.

[6] Dealings with prospective employer

Have you, or those for whom you were responsible, over the last 2 years of service:

(Please tick)

Yes No

Dealt with the receipt of tenders or the awarding of contracts between your prospective employer (including, if applicable its parent company or any subsidiary company) and the Department?

Administered or monitored such contracts?

Advised professionally/technically on contracts before they were awarded?

Advised professionally/technically on contracts after they were awarded?

If you have answered 'Yes' to any questions above please state how many contracts were involved.

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ANNEX 5 (Cont'd)

For each contract show:

Nature of contract(s)	Value*	Date awarded	Name of the official immediately responsible for letting the contract and the nature of your role

**It is very important to state the value of contract(s).*

Have you ever had any official, including non-contractual, dealings with your prospective employer, other than those detailed above?

Yes No

If you have answered 'Yes', please give details indicating frequency of contract (continue on a blank sheet if necessary).

Have you been involved in decisions during your last 2 years of service (other than those about contracts) which might affect the employer's business with the Department?

Yes No

If you have answered 'Yes' please give details

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ANNEX 5 (Cont'd)

[7] Dealings with other companies

Please give the following information about any other companies with which you have dealt in the last 2 years' of service

Name of company	The nature of the dealings you have had with the company	Is the company a competitor of your proposed employer?	
		Yes	No

Are any of the above a competitor of your proposed employer, or perceived to be a competitor of your proposed employer? and

Yes No

through your official duties have you had access to commercially sensitive information about any competitors of your prospective employer?

Yes No

If you have answered 'Yes' please give full details of this information. It would be helpful if you would also give the addresses of competitors and the name of a contact in each, if known.

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8| Policy, Regulatory and Other Matters

Have you been involved in the development or administration of any Departmental policy or in policy decisions which have affected (or could affect) your prospective employer or its competitors? Yes No

If yes, please give full details.

Have you been involved in any other work, such as regulatory or the award of grants which have affected (or could affect) your perspective employer or its competitors? Yes No

If yes, please give full details.

Please state below if you are aware of any other factors which could affect the perception of your appointment/employment once it has been taken up or announced.

Please satisfy yourself that you have included all the available details and then sign and date the form.

Signature of applicant

Date

You should now pass this form to your Establishment Officer, former Department's Establishment Officer, or Senior HR Business Partner.

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ANNEX 5 (Cont'd)

Part 3 To be completed by the appropriate Departmental Officer

PLEASE DEAL WITH THIS PROMPTLY AND ANSWER THE FOLLOWING QUESTIONS IN AS MUCH DETAIL AS POSSIBLE. YOUR ANSWERS SHOULD MAKE A VALUABLE CONTRIBUTION TO THE DEPARTMENT'S EVALUATION OF THE APPLICATION. CONTINUE ON SEPARATE SHEETS IF NECESSARY

In making a decision on this application the Department has to be satisfied that it could rebut criticism of the appointment, employment or self-employment, however unjustified, that the applicant had been influenced in his or her official dealings with the company by hopes or offers of employment, or in the course of official duties had been given access to information which the prospective employer's competitors might regard as being commercially sensitive.

It is in the applicant's best interest for you to deal promptly with this application form. When you have completed this part please return it to the appropriate Departmental Establishment Officer, or Senior HR Business Partner.

[1]

With the above factors in mind, are you able to confirm that the relevant particulars in Parts 1 and 2 are accurate and complete? *(please tick)*

Yes

No

If 'No' please give your reasons

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ANNEX 5 (Cont'd)

2

If the applicant's answers to Part 2, question 6, show previous involvement in official dealings with the company, please indicate how much influence he or she had in decisions affecting the prospective employer or its competitors, please indicate how much influence he or she had in decisions affecting them. Also, could the appointment/employment/self-employment be perceived as a reward?

3

Please refer to the applicant's answer at 7 of Part 2. If he or she had access to information which could be regarded as being commercially valuable or sensitive? Note: If yes, competitors should normally be consulted about the application. In your view could competitors justifiably object to the appointment/employment/self-employment and what grounds, if any, would there be for overruling their objections?

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ANNEX 5 (Cont'd)

4 Has the applicant had access to policy or other departmental information, knowledge of which could give the prospective employer an unfair advantage? If so, please explain how and to what extent this knowledge might benefit the prospective employer. What steps, if any, could be taken to safeguard the appointment/self-employment/employment against criticism?

5 Have you any reservations about his or her application being approved? Please explain in full. Your contribution is important in helping the Department reach and defend its decision.

PLEASE SIGN BELOW GIVING THE RELEVANT INFORMATION REQUESTED

Signature

Name in Capitals

Rank/Grade/Job Title

Branch/Unit/Division/
Department

Telephone Number

Date