



**Commissioner for Public Appointments for
Northern Ireland**

Eleventh Report

2005-2006

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FELICITY HUSTON

The Commissioner's Foreword

I am pleased to present this Annual Report which covers my first year, or rather my first eight months, as Commissioner for Public Appointments in Northern Ireland. It gives a summary of the activities of my Office, as well as the performance of Government departments, during the year ended 31 March 2006.

In an environmentally friendly move I have decided that this year's report should be published on our web site only.

Since taking over this role in August 2005 I have been impressed with all of the work and efforts undertaken by my predecessor Baroness Fritchie DBE and her team. My intention is to build on that progress and to review and develop the OCPA NI Code of Practice.

I will be using this report to inform you of:

- progress made during the year
- developments with our team of Independent Assessors, my Office and Government departments as already mentioned
- some issues that re-enforce the independence of my Office
- positive issues arising from this year's audit and
- steps taken to assist departments on issues of best practice.

As the first native of Northern Ireland to be appointed to this post, my intention is to bring a local perspective to the public appointments process. Living and working here places me in the ideal situation to regulate and ensure that a fair and open process is applied. I am also on hand to deal with matters as they arise and to provide direct advice on the interpretation of the OCPA NI Code of Practice.

Moving forward into the full implementation of the Review of Public Administration (RPA) will mean that the number of bodies regulated by my Office will almost double. I will expand on this issue in the section covering the OCPA NI Plan 2006/07.

Another issue that will impact on the work of my office in 2006/07 is the commitment given to Government by the Department of Finance and Personnel regarding appointments to the boards of third party organisations.

In May 2006 the Public Accounts Committee (PAC) published its '*46th Report from the Public Accounts Committee Session 2005-06 on Governance Issues in the Department of Enterprise Trade and Investment's former Local Enterprise Development Unit.*' This Report raised concerns about the serious conflicts between public and private interests and highlighted a case where, in the opinion of the Committee, every one of Lord Nolan's seven principles of public life had been breached.

Conclusion's 6 & 9 of the report requires that in future Government funding of "Third Party Organisations" should be dependent on appointments to the boards of such bodies being compliant with the OCPA NI Code of Practice.

In its response to the Report, in July 2006, the Department of Finance and Personnel gave the following commitments: -

Response to Conclusion 6 - "DFP agrees with the need for a rigorous process for appointments to the Boards of public bodies and with the need for departments to have robust processes in place to ensure that those appointed or re-appointed to Boards can clearly demonstrate that they meet the probity principle. Although the Code is restricted to executive NDPB's and health and personal social services bodies, departments have agreed, as far as is practicable (and with due regard to proportionality), to apply the Code to all public appointments"

Response to Conclusion 9 – “DFP notes that the Committee has sent a copy of its report to the Commissioner for Public Appointments in Northern Ireland. The Northern Ireland Treasury Officer of Accounts has met with the Commissioner to ensure that she is apprised of all relevant facts and to discuss the implications of the Committee’s recommendation for the wider public sector. As noted in the response to Conclusion, the Code of Practice issued by the Commissioner does apply, as far as is practicable (and with due regard to proportionality), to all public appointments. Similarly, compliance with the Code will be a condition of future offers of funding to Third Party Organisations.

As a result of these commitments, DFP is currently leading an exercise to identify all Third Party Organisations defined as “organisations which have been set up, and significantly funded, by a public body to deliver public services or, organisations being used as a vehicle for disbursing funds to other recipients”.

I believe this is a positive development and I am working with my team, OFMDFM and DFP in developing systems to manage the handling of such appointments.

In the course of the past year, easily the most controversial manifestation of the issue of public appointments arose from the case of the appointment of the Interim Victims’ Commissioner (IVC) by the Secretary of State.

I should stress that I had no role whatsoever in the eventual appointment, as the post had not been created by statute and was outwith my formal remit of regulation. However, my staff had appraised departmental officials of the procedures which could have been followed, under the monitored Kitemark scheme, and there are other examples where departments have successfully followed these procedures, without challenge.

In the case of the challenge to the appointment of the IVC, Mr Justice Girvan decided in favour of an applicant for Judicial Review of the decision on a

combination of grounds. On the principles of public appointments, with which I am concerned, the Judge determined *inter alia*:

'...I am satisfied that the appointment powers in this case were not carried out with regard to the principle of merit, which as the Ministerial Code makes clear ... means choosing the person considered to be the best qualified for the position.

'...the appointment being in breach of the accepted merit norms applicable to public appointments and in breach of the Ministerial Code of Practice...in the circumstances the appointment was in breach of the power of appointment under the Royal Prerogative.'

A further Inquiry has been commenced by the Attorney General, the conclusion of which has not yet been reached; nor has the application for a remedy to the case been adjudicated.

I am delighted that the appointment for the new Victims' Commissioner will be regulated by my office. I and my team will be more than happy to work with the Office of the First Minister and Deputy First Minister to ensure that the Code of Practice is applied.

The case of the IVC has done nothing to build public confidence in the Appointments Process. An open, transparent and scrutinised competition for the new Victims' Commissioner may help redress the balance.

I look forward to reporting progress during the next full year and would encourage everyone to visit our website on www.ocpani.gov.uk.

Felicity Huston
Commissioner

CHAPTER 1 Where are all the women?

Table 1: All Public Appointments held by gender from 1996-2006 (Compared to NI Population)

| Year | Public Appointments | | NI Population | |
|---------|---------------------|-----|---------------|-------|
| | M | F | M | F |
| 1996/97 | 65% | 35% | 49% | 51% |
| 1997/98 | 65% | 35% | 49% | 51% |
| 1998/99 | 66% | 34% | 49% | 51. % |
| 1999/00 | 68% | 32% | 49% | 51. % |
| 2000/01 | 68% | 32% | 49% | 51. % |
| 2001/02 | 68% | 32% | 49% | 51. % |
| 2002/03 | 68% | 32% | 49% | 51. % |
| 2003/04 | 69% | 31% | 49% | 51. % |
| 2004/05 | 68% | 32% | 49% | 51. % |
| 2005/06 | 68% | 32% | 49% | 51. % |

Source: OFMDFM Central Appointments Unit Reports 96-97 to 05-06 and Mid year population Estimates, NISRA

Table 2: Chair Appointments held by gender from 1996-2006

| Year | Gender | |
|---------|--------|-----|
| | M | F |
| 1996/97 | 72% | 28% |
| 1997/98 | 70% | 30% |
| 1998/99 | 68% | 32% |
| 1999/00 | 74% | 26% |
| 2000/01 | 73% | 27% |
| 2001/02 | 74% | 26% |
| 2002/03 | 73% | 27% |
| 2003/04 | 73% | 27% |
| 2004/05 | 69% | 31% |
| 2005/06 | 75% | 25% |

Source: OFMDFM Central Appointments Unit Reports 96-97 to 05-06

Table 5: GB All Appointments held by gender 2005-06

| Male | Female |
|------|--------|
| 64% | 34% |

Source: OCPA Annual Report 2005-06

Table 6: Scotland All Appointments held by gender 2005-06

| | Male | Female |
|---------|------|--------|
| Chair | 83% | 17% |
| Members | 63% | 37% |

Source: OCPAS Annual Report 2005-06

It has been the practice in previous Annual Reports from this Office to include data published by the Central Appointments Unit of OFMDFM.

I have decided in this report to focus on one specific area – that of gender balance within appointments actually held.

For further detailed analysis on appointments made during the year by department, remuneration levels etc, please click on the link www.ofmdfmi.gov.uk/index/making-government-work/public-appointments.htm

The statistics set out above paint a gloomy picture. I have included some figures from GB and Scotland for comparison.

In 1996/97 men held 65% of all public appointments and 72% of chair positions. In 2005/06 men hold 68% of all public appointments in NI and 75% of chair appointments.

There has been a great deal of attention over the years regarding the community breakdown of our public appointments and whether they really reflect Northern Ireland society.

It is not possible to make an exact read-across to the balance of community background vis-à-vis appointments held for several reasons including the fact that many applicants decline to specify their community.

However the following can be evidenced. The most recent estimates for community background of the Northern Ireland population, age 16 and over, show Protestants at 52.5 %, Catholics at 38.5% and other / none at 9%. *Source: Labour Force Survey, April – June 2006*

Appointments made in the year 2005/06 were Protestants 46%, Catholics 40% and others/not known 14%.

The most basic analysis shows that the significant imbalance comes out in gender.

The questions that must therefore be asked are:

- Why - after 10 years of hard work by various Commissioners for Public Appointments – have things apparently got worse?
- Why are 75% of all public bodies chaired by men?
- Why do women make up less than 1/3 of our board members?

The Short Term Working Group on Diversity developed and published recommendations for addressing diversity in public appointments in July 2005. I have noted this for follow up in the incoming year. Further details can be found on page 24.

CHAPTER 2: Review of the Year

Since taking over as Commissioner in August 2005, I have met with a number of people in Northern Ireland who are involved in and interested in the Public Appointments process. I see this networking as a key and vital element of my role particularly as my job is no longer an add-on to that of the Commissioner for England and Wales. I can devote my time in the job fully to the people of Northern Ireland. I have appreciated the opportunity to meet all our current Government Ministers including the Secretary of State. I have talked to senior staff, including the Head of the Northern Ireland Civil Service and all of the Permanent Secretaries in the various Government departments. I have met with all the Party Political spokesmen on Public Appointments and I have also made contact with different groups and organisations in my efforts to raise awareness of the Public Appointments system and of my role as regulator. I outline below summary details of some of the events I have been involved in and where they have a direct impact on the workings of my office.

Review of Public Administration –

(1) Pathways to Access and Participation Conference - September 2005

This conference was an opportunity for me to introduce myself and to give a personal insight of my own experience of applying for appointments and serving on public bodies.

(2) “Better Government for Northern Ireland – Final Decisions of the Review of Public Administration”

The above paper was published in March 2006. I am listing this as an event because of the impact it will have on my Office. The Secretary of State in this document gave the following undertaking: -

“Board members must be chosen solely on the basis of the skills and expertise necessary to do the job. All appointments are to be made on

merit and no one should be appointed to any position solely because they hold a particular position in another organisation. For the future, all Board members will be appointed under the guidelines laid down by the Commissioner for Public Appointments”

I welcomed this announcement on TV and radio and in the written media. One of the roles of my post is to improve public confidence in the Appointments Process. I believe that by making all appointments truly open to competition the public's confidence will be boosted. By insisting that all appointments are made under the guidelines of my office the Government clearly signals its wish to have appointments carried out following the highest possible standards and best practice.

The impact of this announcement will be twofold. As mentioned earlier the number of bodies regulated by my Office will increase dramatically. Also an exercise will be undertaken to revoke statutory nominations to those bodies listed with my Office and will result in those positions becoming true Public Appointments.

I look forward to the challenges this presents.

Chairpersons' Forum and the Chief Executives' Forum

In October 2005 I attended the Chairpersons' Forum meeting. I gave a commitment that effective governance in the Public Appointments process would be promoted through my Office.

This was followed up in January 2006 when I spoke at a joint conference of the Chairpersons' Forum and the Chief Executives' Forum. The theme of this event was 'Improving Public Sector Confidence' and my speech focused on my intentions to improve public confidence in the Public Appointments process. The list of attendees at this conference was impressive and it was an ideal

opportunity for me to highlight that Public Appointment posts should be filled in an open and transparent manner, with people who have the skills and experience required to do the job. As part of my speech I suggested that those involved in setting up bodies should look at the skills and experience they really need and what the body is trying to do.

Are five years' Board experience really required/needed and what talent does that indicate? In Northern Ireland the public are not fully represented in terms of diversity on Boards. More consideration over what is really required in order to fulfil the role will ensure that a wider and more diverse pool of applicants can apply and good candidates will not be eliminated before a competition gets underway.

The Chairpersons' Forum have advised me that they would take the issues raised to their work plans for the 2006/07 period and I look forward to reporting progress on this in my next report.



The Commissioner speaking at a joint conference of the Chairpersons' Forum and the Chief Executives Forum

Women into Politics Annual Awards Ceremony and International Conference

The Women into Politics Annual Awards Ceremony was held in the Long Gallery in Stormont on 26th October 2005. The event was hosted by Norah Beare MLA. It was my pleasure to present the certificates as well as being the guest speaker. Women politicians from all the five political parties attended the event to support the 37 women receiving their awards. The women had successfully completed OCN accredited political education skills training from levels 1 to 3. The training was delivered in women's centres in Poleglass, Greenway, Mosside, Omagh, Newry and Mourne, Dungannon and Canal View. The presentation of certificates was followed by a debate in the Senate Chamber, chaired by Patricia Lewsley MLA. The debate topic was 'Positive Action Measures' to enable women to move into decision making roles in public and civic life.

The Women into Politics International Conference was held on 7th March 2006 in the Lagan Valley Island Centre in Lisburn. The theme was "New Perspectives". This is particularly relevant to the Public Appointments arena especially in light of the impact of the Review of Public Administration. The speech I delivered to the Conference is available on the OCPA NI website and I would invite you to access it for further details.

Independent Assessors

My office has responsibility for the recruitment, training and allocation of 40 Independent assessors (for details of the individuals involved see our website www.ocpani.gov.uk).

During the period of this report I instigated a series of informal lunchtime seminars where assessors can meet, listen to a speaker and then hold a round table discussion. The first lunchtime seminar was held on 28th February 2006 and the speaker was a recruitment consultant from the private sector who brought an added perspective to the appointments process.

Training for Assessors will continue to be a priority in the next year, and I have advised my team of Assessors that my intention will be to hold two formal training events each year. In the interest of good governance, best practice and public confidence, all the Assessors will be required to attend at least one of the training sessions in order to maintain their OCPA NI accreditation.

CHAPTER 3: Audit Report and Complaints

Audit Arrangements

I am required to audit policies and practices of departments in making public appointments, to establish whether the OCPA NI Code of Practice is being observed and applied. In 2005-06 PricewaterhouseCoopers continued in their role as independent auditors working on behalf of OCPA NI.

This year's audit work commenced at the end of March 2006 and the final report was received from the auditors at the end of October 2006.

The 2005-2006 Audits

During this year, the auditors visited, on my behalf, four Northern Ireland departments. These were the Department of Education (DE), the Department for Health Social Services and Public Safety (DHSSPS), the Department of Enterprise, Trade and Investment (DETI) and the Department of Environment (DOE).

The objective of the visits was to evaluate whether Ministerial public appointments, which fall within the OCPA NI remit, were made in accordance with the Code of Practice and Guidance. The visits involved:

- reviewing any departmental guidance;
- testing for compliance all appointments which were made by four departments during 2005/06 and which fall within the OCPA NI remit;
- reviewing appointments made under the Monitored Kitemark scheme, which is a voluntary regulation process for Ministerial appointments that are not regulated in legislation by my Office.

The auditors apply a ranking based on risk to the audit process, where issues of compliance are assigned a priority rating, which reflects the level of risk to the department, if they are not addressed. The ratings are:

Priority 1: High Risk – requires action as a matter of urgency

Priority 2: Medium Risk – should be addressed as soon as is practicable

Priority 3: Low Risk – of low risk to the department, but nonetheless, still needs to be addressed

Each department audited received a detailed report, giving the results of their audit, including recommendations for improvements to their procedures. These recommendations are formulated in line with the priority ratings, which should assist departments to devise an action plan for the way forward on public appointments.

Department of Education (DE)

The DE makes appointments to a wide range of public and other bodies in the education sector. This is the third audit of this department; it was audited in 2000/01 and in 2004/05. Previously the auditors made a number of recommendations to improve the department's appointment processes. These focused on the lack of central guidance within the department for appointments issues; sponsor branches were individually responsible for their processes, which meant there was no cohesion across the department. This caused a number of compliance issues to arise. The recommendation to the department was that one branch should be given central responsibility for appointments guidance. This would allow for a build-up of knowledge and experience of good practice, which could be shared across the department and bring a measure of quality and consistency to DE's processes.

In the year 2005/2006 the department made a total of 424 appointments of which 158 appointments, 27 re-appointments and 15 extensions fell directly within my remit. The number of appointments was large primarily because of the

reconstitution of the 5 Education and Library Boards. Each of the Boards has a total membership of 35 members made up of a mixture of independent and statutory nominees.

In the 2005/06 audit I was delighted to see considerable progress by the department since the previous audit reports. I commend the establishment of a dedicated appointments unit as well as the introduction of a Public Appointments manual. These steps appear to be tackling the high level of non-compliance issues and poor practice highlighted in the earlier reports.

Some areas that still require attention are: -

- Inconsistencies in the handling of late applications
- Assessment forms for re-appointments and extensions were incomplete. This is the department's only priority 1 ranking. I believe it is essential however that assessment forms are given the attention they deserve. These forms are not just for reporting on performance but are used as a basis for re-appointments and extensions. In other words another part of the appointments process. The department has assured me that steps are being taken to address the future handling of performance assessments. For my part I will be reviewing the OCPA NI Code of Practice and this is one of the areas that I intend to make more robust.
- Documenting decisions. The auditors have highlighted gaps in individual panel members' interview notes, gaps in individual panel members' scoring and gaps in agreed summary evidence/comments for each criterion.

Department of Health, Social Services & Public Safety (DHSSPS)

The DHSSPS has responsibility for 405 public appointments, of which 363 are regulated by OCPA NI.

In the year 2005/2006 the department made 68 appointments, 70 re-appointments and 16 extensions that fell within my remit as well as 16 appointments and 3 re-appointments that fell within the Monitored Kitemark Scheme.

I was again delighted to see considerable progress by the department since the 2003 audit and I have commended the department for all of their efforts.

I feel that I must comment however on the appointment of a Chairperson to the Sperrin Lakeland HSS Trust as this issue resulted in the department receiving its only priority one rating. This appointment was made outside the OCPA NI Code of Practice with the Chairperson being appointed without a competition being advertised. I wrote to the department personally confirming my decision not to give an exemption to the normal appointments process in this case. I still remain to be convinced that a suitable candidate could not have been sourced through an open competition. Had the department consulted with me at an earlier stage we could have discussed the most appropriate way forward. I have told the department that in future I want to be kept abreast of issues as they arise so that a similar priority 1 situation can be avoided.

As with the department of Education, the DHSSPS needs to give some attention to the issue of documenting decisions.

Department of the Environment (DOE)

The DOE is responsible for two Executive Non Departmental Public Bodies which fall within my remit. These are the Local Government Staff Commission for Northern Ireland and the Northern Ireland Local Government Officers' Superannuation Committee. The department is also responsible for three

Advisory Non Departmental Public Bodies. These are the Council for Nature Conservation and the Countryside, the Historic Buildings Council and the Historic Monuments Council.

In the year 2005/2006 the department made 1 Chair and 5 member appointments and 9 re-appointments which fell within my remit and 17 member appointments and 16 re-appointments including 1 Chair and 1 Deputy Chair under the Monitored Kitemark Scheme.

I was particularly pleased to see that this department complies with the OCPA NI Code of Practice in most respects and that in addition, there was evidence of the use of good practice measures in their public appointment processes.

Some areas that require attention are: -

- Inconsistencies in the handling of late applications
- Documenting decisions. The auditors have highlighted gaps in individual panel members' interview notes, gaps in individual panel members' scoring and gaps in agreed summary evidence/comments for each criterion.

This department received one priority 1 ranking for not updating its departmental guide. The department has been reminded to ensure that departmental guidance is updated regularly to take account of amendments to the OCPA NI Code of Practice.

Department of Enterprise, Trade and Investment (DETI)

DETI is responsible for four Executive Non Departmental Public Bodies, which fall within my remit. The department is also responsible for the Northern Ireland Authority for Energy Regulation.

In the year 2005/2006 the department made 12 appointments, sixteen re-appointments and one extension, falling within my remit and 1 appointment, 1 re-appointment and one extension which fell under my monitored Kitemark scheme.

I was delighted to see progress made by the department since the 2003 audit particularly with regard to the development of information packs and timetables. Unfortunately in this year's audit the department has received a Priority 1 status in three areas and I will cover those individually.

- **Inconsistencies in the handling of late applications** - This was an issue raised against three of the departments audited this year. DETI however was the most serious of the three. One late application was received and accepted one month after the initial closing date! The department advised that extenuating circumstances applied in these cases and that the department did perceive itself in to be in compliance with the OCPA NI Code of Practice at the time. As a result of the audit, and consultations with us, the department is now revising its policy for handling late applications.
- **Departmental Guidance** - The auditors highlighted that the departmental guide was last updated in January 2005. A change in the Code of Practice in August 2005 was therefore not reflected in the departmental guidance. I have advised that departmental guides must be updated to reflect changes in the OCPA NI Code of Practice.
- **Selecting a Shortlist** – After the original applications for a competition have been shortlisted, the department implements a quality assurance spot check to ensure that those deemed as meeting, or not meeting, the competition criteria are correctly interpreted by the initial sift panel. This is an excellent idea when implemented consistently. A spot check on one of the department's competitions highlighted an inconsistency during the initial sift. In other words the judgement by the initial panel was poor. As a

result of the spot check a number of people initially rejected by the original sift panel were invited to interview. The department did not however decide to apply a more in-depth check for the remaining rejected candidates. With such inconsistencies a further and more in-depth check should have been conducted. I have advised the department that this approach could lead to a challenge of the department's decision. I have also reminded the department to ensure that all applications should be treated with a consistent and fair approach and with equality of opportunity for all being the key priority.

The documentary evidence of decisions taken was also an issue for DETI. The auditors highlighted gaps in individual panel members' interview notes, gaps in individual panel members' scoring and gaps in agreed summary evidence/comments for each criterion.

Audit Report Action Points

Whilst it is up to the individual department to put in place measures to address issues raised in the audit, I issued more robust guidance on the matter related to the handling of late applications. The new guidance was issued recently, as a revision to the Best Practice Guide, to all the departmental contacts. I believe this will help departments in the management and handling of late applications.

Complaints

I am required to investigate complaints and regard an easily accessible complaints system as a fundamental part of an open and transparent appointments process. Members of the public who have a complaint about an appointment to a particular body - whether about the process by which it was made or the way in which they, as an applicant, were treated - should first contact the department concerned. In such cases, I expect to receive notification of the complaint from the department, in the form of copies of the correspondence, once the complaint has been dealt with. Only if the complainant has been through the department's own complaints procedure, and is still not

satisfied with the outcome, can they write to OCPA NI and ask for the complaint to be investigated. Whilst I can deal with complaints about the appointments process, I cannot deal with complaints about a body itself or how it is run, the actions of its members, or the levels of remuneration.

This year, my Office carried out one formal investigation. The complaint was not upheld. I also received a number of letters querying various aspects of the appointments process, but these were general points of procedure and were not formal complaints. All candidates for appointment receive a copy of the OCPA NI complaints leaflet as part of their information pack, so there is a high level of awareness of the complaints procedure. Whilst there was only one formal complaint in this Financial Year, I have recently received increasing numbers of complaints on which I will report in my next Annual Report.

CHAPTER 4: OCPA NI Plan 2006/07

As mentioned earlier I want to outline some of the challenges that OCPA NI intends to work on in the 2006/07 period. The following is a list of the main issues with a brief summary of actions proposed. In raising these issues at this point I am setting the target and the benchmark against which I will report in the 2006/07 report.

- OCPA NI Code of Practice – I propose to review the Code to make it more robust and definitive. Some areas of the Code are very open to interpretation. Whilst this is necessary to a degree, it can lead to ambiguity. I will be working with key stakeholders in taking this forward.
- Liaison with the Commissioners for Public Appointments for England and Scotland – Liaison with my colleagues in England and Scotland has resulted in positive working relationships and shared best practice. My intention is to build on this and work closely with my counterparts in the coming year. My next report will highlight the areas of shared practice and what Northern Ireland public appointments gain from the relationship.



Commissioners; Janet Gaymer, Felicity Huston and Karen Calton

- Regulated Bodies and the Monitored Kitemark – In March 2006, as part of the final decisions of the Review of Public Administration, the Secretary of State gave a commitment that “*All appointments are to be made on merit and no one should be appointed to any position solely because they hold a particular position in another organisation. For the future, all Board members will be appointed under the guidelines laid down by the Commissioner for Public Appointments*”. An exercise is being completed to identify bodies that fall outside the remit of OCPA NI and to bring those identified into my remit through a legislative amendment. My intention is to remove the Monitored Kitemark scheme for Ministerial Appointments that are not moved into the regulated category. I will report on this specifically in my 2006/2007 annual report.
- Advertising Public Appointments – Whilst it has been the general practice of departments, advertisements for public appointments **do not** have to be placed in the Public Notices section of newspapers. They are much more likely to be seen if placed in the Recruitment section or developed as a campaign-style ad or placed in the main paper. I have been working with the Executive Information Service and the departments regarding this issue. I believe that in order to generate a wide and diverse range of candidates that the public appointment advertisement must be striking enough to reach the target audience. Some of the advice given to departments this year by my Office has had very positive results. I would like to thank the Executive Information Service for their efforts and advice to date and I look forward to continuing to work with them on this issue.
- Short Term Working Group on Diversity – The recommendations developed by this group for addressing diversity in public appointments were published in July 2005. The Head of the Civil Service, Nigel Hamilton asked the Central Appointments Unit to take forward with departments’ detailed consideration of the various recommendations and to produce an

appropriate Action Plan. I will be following this up shortly to see what steps the departments' are taking to implement these recommendations. I want departments' to consider the recommendations and take steps now regarding any areas that have not already been implemented.

- OCPA NI Resources – I have been in discussion with the Head of the NI Civil Service regarding the location of my office and the resources required in order to regulate public appointments. I believe it is essential in order to maintain independence that my team has a more neutral location in the Stormont Estate as well as the staff needed to do the job. The detail of this is still being worked on. For anyone interested in the issue of how one creates a truly independent regulator I recommend “Time for coherence: Parliament and the Constitutional Watchdogs” by Oonagh Gray former House of Commons Librarian
- Independent Assessor Training and Departmental Awareness Training - As a result of audit feedback, the Independent Assessor training in September 2006 included a session on the need for robust and consistent documentary evidence. The Independent Assessors found the training very useful and are now in a better position to give advice in this area. Evidence that is clearly documented provides the rationale and a sound basis for decisions taken. My intention is to develop training for the departments on issues of this nature. I also intend to hold a seminar with the departments once the OCPA NI Code of Practice has been revised.
- Audit – Three departments will be audited for the 2006/07 period.
- Preparing People for Public Service – BIFHE with the support of DEL, OFMDFM, CIPFA and OCPA NI, have piloted a programme entitled, “**Get On Board**”. This is the first accredited course of its kind in the UK aimed at preparing people for public life. I cannot stress enough the potential this

programme will have in increasing diversity and enabling more people in Northern Ireland to go forward for public service. Of the original twelve participants 11 completed the course (8 female and 3 male). There are a further two courses underway at present and I hope to report on the DEL evaluation of this course in my next annual report.

Course details can be found on the Institute website at the following address:

www.belfastinstitute.ac.uk/courses/course_search/detail.asp?course_id=171



CERTIFICATE PRESENTATION FOR THE PILOT OF THE BIFHE 'GET ON BOARD' COURSE

- Third Party Organisations – I have covered some of the detail of this in my foreword and work is ongoing on this topic.
- Special Project to Raise Awareness of the Public Appointments System – Recommendation 7 of the Short Term Working Group stated “*we recommend that departments explore ways to make it easier for potential applicants to understand and meet the commitments associated with a public appointment.*” My intention is to work on a project to raise awareness of the system both from the public appointments aspect and from the perspective of increasing diversity in public appointments.

Annex 1

The work of the Commissioner for Public Appointments for Northern Ireland

The Commissioner's role

The post of Commissioner was established in 1995 in response to a recommendation by the Nolan Committee¹, to provide effective external scrutiny of the public appointments' process and to introduce a mechanism for issuing guidance to, and reviewing the work of, individual Departments. The Government of the day accepted this recommendation and subsequently created two posts: one to cover Northern Ireland and an equivalent post for Great Britain. In Northern Ireland, the Commissioner's role is to monitor, regulate and provide advice on departmental appointments procedures for ENDPBs and HPSS bodies. The Commissioner is independent of the Government.

I was appointed as Commissioner for Public Appointments in August last year and I am the first person from Northern Ireland to hold the position.

1 Standards in Public Life, First Report of the Committee on Standards in Public Life (Cm 2850, May 1995)

The Code of Practice and Guidance for Public Appointments

A Code of Practice and a guidance document were published by the first Commissioner, Sir Len Peach, on 1st July 1996. It reflected the recommendations made by the Nolan Committee in its First Report and is based on seven principles. These are set out in Annex 3.

A new Code of Practice was produced in April 2002, comprising more detailed and wide-ranging guidance for departments and included a new section on Frequently Asked Questions. This version was also updated in January 2004 and August 2005. The Code of Practice is currently being reviewed with consultation to commence shortly.

The Commissioner's Publications

Please note that the following documents can be accessed on our website at www.ocpani.gov.uk

| | | |
|---|-----------|------|
| Code of Practice for Public Appointments Procedures | August | 2005 |
| Commissioner for Public Appointments: | | |
| • First Report, Dec 1995 – June 1996 | November | 1996 |
| • Second Report, July 1996 – March 1997 | July | 1997 |
| • Third Report, April 1997 – March 1998 | August | 1998 |
| • Fourth Report, April 1998 – March 1999 | September | 1999 |
| • Fifth Report, April 1999 – March 2000 | January | 2001 |
| • Sixth Report, April 2000 – March 2001 | December | 2001 |
| • Seventh Report, April 2001 – March 2002 | December | 2002 |
| • Eighth Report, April 2002 – March 2003 | September | 2003 |

| | | |
|--|-----------|------|
| • Ninth Report, April 2003 – March 2004 | December | 2004 |
| • Tenth Report, April 2004 – March 2005 | July | 2005 |
| Complaints Leaflet | August | 2000 |
| Probity and Conflicts of Interest – A Guide for Candidates | September | 2003 |

Annex 2

Profile of Felicity Huston

Felicity is a Partner in Huston & Co LLP Tax Consultants in Belfast - a practice she runs jointly with her husband Adrian.

Before moving to the private sector, she was an HM Inspector of Taxes, having joined the service as a Direct Entrant Inspector. During her time in the Revenue, she specialised in the investigation of tax fraud and evasion.

Felicity has a wide and varied experience of public life. For many years she has had a particular interest in Consumer Issues; serving on:

- The Personal Investment Authority's Consumer Panel in London
- The Post Office Users Council for Northern Ireland
- The General Consumer Council for Northern Ireland – as deputy Chairman
- Northern Ireland Consumer Committee for Electricity – as Chairman

In May 2000, she was appointed by the Prime Minister to be an Independent Member of the House of Lords Appointments Commission. The Commission is tasked with recommending individuals for appointment to the Cross-benches of the Upper House and with vetting the nominations made by party-political leaders. The Commission is made up of three Independent Members and three political Peers – Lord Hurd, Lord Dholakia and Baroness Dean. It is chaired by the well known businessman Lord Stevenson.

- [Access further information on the House of Lords Appointments Commission](#) 
- [Access the House of Lords Appointments Commission Annual Report \(PDF 304 KB\)](#) 


As part of her portfolio of public appointments, she also serves as a General Commissioner for Income Tax and represents Northern Ireland on the National Advisory Body.

Felicity has served on the Board of Clifton House – Belfast Charitable Society (BCS), for almost 10 years and was, until November 2005, its Honorary Treasurer. During this period, BCS has celebrated its 250th anniversary, built a state-of-the-art nursing home for 100 residents at Carlisle Circus and renovated and developed the historic Clifton House in partnership with BIH housing association.

- [Access information on Belfast Charitable Society](#) 

Her interest in energy matters led to her becoming a non-executive director of Northern Ireland Energy Holdings Ltd and its associated companies, including Moyle Financing PLC. NIEH is a company limited by guarantee, set up in the interests of Northern Ireland energy consumers. Felicity is chairman of the company's audit committee.

Felicity was brought up in Portadown and Belfast. Her husband Adrian is a farmer's son from Co Londonderry, so she has wide experience of life in rural and metropolitan Northern Ireland. She was educated in Northern Ireland – being one of the few women who can claim to be an Old Campbellian - before attending Nottingham University, where she graduated with a BA Hons in Politics.

Given her life long interest in animal welfare, Felicity is delighted to have recently become a trustee of [Assisi Animal Sanctuary](#)  in Newtownards.

Away from work Felicity has two sons. Her interests revolve around feeding her family and pets.

Felicity's entry in Who's Who

HUSTON, Felicity Victoria; Commissioner, House of Lords Appointments Commission, since 2000; Commissioner for Public Appointments for Northern Ireland, since 2005; Partner, Huston & Co. LLP, Tax Consultants, since 1994; *b* 28 may 1963; *d* of Jim McCormick and Joy McCormick (*nee* Day); *m* 1992, Adrian Robert Arthur Huston, JP; two *s*. *Educ*: Strathearn Sch., Belfast; Campbell Coll., Belfast; Nottingham Univ. (BA Hons 1985). HM Inspector of Taxes, 1988-94. Director: Cassandra Consulting (NI) Ltd, 2003-; Moyle Hldgs Ltd; Moyle Interconnector (Financing) plc, 2003-; Moyle Interconnector plc; NI Energy Hldgs Ltd, 2005-; NI Gas Transmission Ltd, 2005-; Premier Transmission Ltd, 2005-. Gen. Comr of Income Tax, 2002- (Chm., NI Reg., Assoc. of Gen. Comrs of Income Tax). Mem., Industrial Tribunals Panel, 1999-2000. Member: Consumer Panel, PIA, 1996-98; PO Users' Council, NI, 1996-2000; Gen. Consumer Council, 1996-2000 (Dep. Chm., 1999-2000); Chm., NI Consumer Cttee for Electricity, 2000-03. Member Board: NI Charities Adv. Cttee, 1998-2000; Clifton House (Belfast Charitable Soc.), 1995- (Hon. Treas., 2000-). Dir, Team NI Ltd, 2004-. Chm., Point Fields Th. Co., 1996. *Recreations*: cookery, family, pets. *Address*: c/o Huston & Co. LLP, 481 Upper Newtownards Road, Belfast BT4 3LL. *T*: (028) 9080 6080;

Annex 3

The Commissioner's Seven Principles

The Principles

All appointments to Executive Non-Departmental Public Bodies (ENDPBs) and Health and Personal Social Services (HPSS) bodies must be based on the following seven principles. A list of those bodies which fall within the Commissioner's remit can be found in Annex 4.

Ministerial Responsibility

The ultimate responsibility for appointments is with Ministers.

Merit

All public appointments should be governed by the overriding principle of selection based on merit, by the well informed choice of individuals who through their abilities, experience and qualities match the needs of the public bodies in question.

Independent Scrutiny

No appointment will take place without first being scrutinised by an independent panel or by a group including membership independent of the department filling the post.

Equal Opportunities

Departments should sustain programmes to promote and deliver equal opportunities principles.

Probity

Board members of ENDPBs and HPSS bodies must be committed to the principles and values of public service and perform their duties with integrity.

Openness and Transparency

The principles of Open Government must be applied to the appointments process, its working must be transparent and information must be provided about appointments made.

Proportionality

The appointments procedures need to be subject to the principle of “proportionality”, that is, they should be appropriate for the nature of the post and the size and weight of its responsibilities.

Annex 4

Executive non-Departmental Public Bodies and HPSS Bodies in Northern Ireland, which currently fall within the Commissioner's remit

Department of Agriculture & Rural Development

Agricultural Research Institute of Northern Ireland
Agricultural Wages Board for Northern Ireland
Livestock and Meat Commission for Northern Ireland
Fishery Harbour Authority (Northern Ireland)
Pig Production Development Committee

Department of Culture, Arts & Leisure

Arts Council of Northern Ireland
Fisheries Conservancy Board for Northern Ireland
National Museums and Galleries of Northern Ireland
Northern Ireland Museums Council
Sports Council for Northern Ireland

Department of Enterprise, Trade & Investment

General Consumer Council for Northern Ireland
Invest Northern Ireland
Northern Ireland Tourist Board
Health & Safety Executive for Northern Ireland

Department of Education

Council for Catholic Maintained Schools
Education and Library Boards:
 Belfast Education and Library Board
 North Eastern Education and Library Board
 South Eastern Education and Library Board

Southern Education and Library Board
Western Education and Library Board
Northern Ireland Council for the Curriculum, Examinations & Assessment
Staff Commission for Education and Library Boards
Youth Council for Northern Ireland

Department of the Environment

Local Government Staff Commission for Northern Ireland
Northern Ireland Local Government Officers' Superannuation Committee

Department for Employment & Learning

Construction Industry Training Board
Enterprise Ulster
Labour Relations Agency
Ulster Supported Employment Ltd

Department of Health & Social Services & Public Safety

Fire Authority for Northern Ireland
Health and Social Services Boards:
 Eastern
 Northern
 Southern
 Western

Health and Social Services Councils:
 Eastern
 Northern
 Southern
 Western

Health and Social Services Trusts (*19 bodies*)
Health & Personal Social Services Regulation & Quality Improvement Authority
Mental Health Commission for Northern Ireland
Northern Ireland Practice and Education Council for Nursing and Midwifery

Northern Ireland Blood Transfusion Service Agency

Northern Ireland Central Services Agency for the Health and Social Services

Northern Ireland Guardian Ad Litem Agency

Northern Ireland Health Promotion Agency

Northern Ireland Medical and Dental Training Agency

Northern Ireland Regional Medical Physics Agency

Northern Ireland Social Care Council

Department for Regional Development

Northern Ireland Transport Holding Company

Department for Social Development

Laganside Corporation

Northern Ireland Housing Executive

Office of the First Minister and Deputy First Minister

Commissioner for Children & Young People

Strategic Investment Board Ltd

Annex 5

Abbreviations used in this report

The following abbreviations are used in this Report:

| | |
|----------|--|
| DARD - | Department of Agriculture & Rural Development |
| DCAL - | Department of Culture, Arts & Leisure |
| DE - | Department of Education |
| DEL - | Department of Employment & Learning |
| DETI - | Department of Enterprise, Trade & Investment |
| DHSSPS - | Department of Health, Social Services & Public Safety |
| DOE - | Department of the Environment |
| DRD - | Department for Regional Development |
| DSD - | Department for Social Development |
| OFMDFM | Office of the First Minister and Deputy First Minister |
| N/K - | Not Known |
| P - | Protestant |
| RC - | Roman Catholic |
| NISRA - | Northern Ireland Statistics & Research Agency |