

**THE COMMISSIONER FOR PUBLIC APPOINTMENTS FOR
NORTHERN IRELAND**

CODE OF PRACTICE

FOR

MINISTERIAL APPOINTMENTS TO PUBLIC BODIES

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Contents

Chapter 1 : Introduction	
	Page
The role of the Commissioner	5
The purpose of the Code of Practice	5
Complementary guidance on the public appointments process:	6
a) The Central Appointments Unit’s Best Practice Guide for Departments in Northern Ireland	6
b) Departmental Guidance	7
Chapter 2 : Principles	8
The Principles	9
Ministerial responsibility	9
Merit (and diversity)	9
Independent scrutiny	10
Equal opportunities	11
Probity	12
Openness and Transparency	13
Proportionality	13
Chapter 3 : The Appointments Process	15
The Procedure	15
Introduction	15
Stage 1: Planning	15
Initial Ministerial involvement	15
Nature and timescale for the administrative process	16
Joint departmental Bodies in Northern Ireland	16
Appointments made by GB departments, where NI nominees are sought	16
Consultation with public bodies	16
Promotions to Chair and Deputy Chair	17
Experts	17
Emergency appointments	17
Role and person specifications	18
Reappointments	18
Performance assessment	19
Terms and criteria for reappointments:	19
Reappointments Involving a Promotion	20
Retiring Members	20

Monitoring reappointments	21
Extensions	21
Stage 2: Preparation	22
Publicising vacancies	22
OCPA NI Kitemark	22
Other sources of candidates:	
a) departmental lists	23
b) targeting of individuals	23
c) nominating bodies	24
d) Other organisations	24
e) external consultants	25
Information packs	25
Application forms	25
Monitoring forms	26
Political Activity Forms	26
Closing date for applications	27
Stage 3: Selection	28
The role of OCPA NI Assessors	28
Selection panels	29
Selecting a shortlist	30
Interviews and Conversations with a purpose	30
Other considerations at this stage	31
The Ministerial Submission:	32
a) Merit Order	32
b) Suitable/Unsuitable	32
Final Ministerial decision	33
Non-Compliance with the Commissioner's Code Of Practice	33
References	34
Publicising appointments	34
Chapter 4 : Audit	36
Routine audit	36
Retention of documents	37
Other audit work	37
Chapter 5 : Complaints	38
Complaints to departments	38
Complaints to the Commissioner	39
Complaints Handling	39
Reporting the Commissioner's findings	40
Ongoing complaints	40
The final report to the complainant	41

	What should the department receive?	41
	Remedial action by the Commissioner	41
Chapter 6 :	Statistics and Information	43
	Appointees to public bodies within the Commissioner’s remit	43
	Advertisements and press releases	44
Annex A :	The Seven Principles of conduct underpinning Public Life	45
Annex B :	OCPA NI ‘Regulated’ & ‘Monitored’ Kitemarks	46
Annex C :	Probity and Conflicts of Interest – A Guide for Departments	49
Annex D :	OCPA NI Assessor	53
	Role Specification	53
	Skills, knowledge and experience	55
Annex E :	Validation Certificate	56
Annex F :	Political Activity Question	61
Annex G :	When should you contact OCPA NI	63
Annex H :	Frequently asked questions	65
Annex I :	The Central List of OCPA NI Assessors – including OCPA NI Assessors’:	74
	o Fees and Performance Appraisals	75
	o Evaluation Form	77

CHAPTER ONE : INTRODUCTION

THE ROLE OF THE COMMISSIONER

1.1 The post of Commissioner for Public Appointments for Northern Ireland was established in November 1995, on the recommendation of the Committee on Standards in Public Life, then popularly known as the Nolan Committee.

1.2 The Commissioner is appointed by the First Minister and Deputy First Minister, in exercise of the prerogative powers of Her Majesty, under the Commissioner for Public Appointments (Northern Ireland) Order 1995, as amended by the Commissioner for Public Appointments (Amendment) Order (NI) 2001 and is independent of both the Government and the Civil Service. The Commissioner's role is to regulate, monitor and report on Ministerial appointments to executive non-departmental public bodies (ENDPBs) and health and personal social services (HPSS) bodies.

1.3 The Commissioner's remit is restricted to the Ministerial appointments within the bodies listed above. There are many other public appointments in the wider sphere, all of which fall outside the Commissioner's remit. These include appointments to advisory bodies and tribunals. The Northern Ireland Departments have agreed, however, to apply the Code of Practice to these appointments, as far as is practicable and with due regard to proportionality (see Annex B)

1.4 The generic terms 'public body' and 'public appointment process', when used in this Code of Practice, refer only to those appointments that fall within the remit of the Commissioner.

THE PURPOSE OF THE CODE OF PRACTICE

1.5 This Code of Practice sets out the regulatory framework for the public appointments process and is based upon the seven principles, as recommended by the Committee on Standards in Public Life (See Annex A). It aims to provide departments with a clear and concise guide to the steps they must follow in order

to ensure a fair, open and transparent appointments process that produces a quality outcome and can command public confidence.

1.6 With this in mind, the main body of the Code of Practice is arranged in two sections: Chapter 2, which defines and interprets the Code Principles in relation to the process and Chapter 3, which charts the procedure to be followed from start to finish. Additional information, including an FAQ section, is set out in Annexes A to H.

1.7 The procedure takes account of two important factors: it recognises the need both for proportionality and to allow departments the flexibility they require to deal efficiently and effectively with the diverse range of appointments they make. As the range of appointments is so varied, occasionally a situation may arise which is not covered within the Code of Practice. If this happens, the Office of the Commissioner for Public Appointments for Northern Ireland (OCPA NI) must be informed. Similarly, any significant proposed departure from the prescribed process must be discussed with OCPA NI and the outcome of the discussion duly recorded.

COMPLEMENTARY GUIDANCE ON THE PUBLIC APPOINTMENTS PROCESS

1.8 Other complementary guidance is available to Departments. This is:

a) The Central Appointments Unit's Best Practice Guide for Departments in Northern Ireland

The Central Appointments Unit in the Office of the First Minister and Deputy First Minister has produced internal guidance for departments on adopting best practice in appointment procedures. Departments are encouraged to refer to it in conjunction with the Code of Practice.

b) Departmental Guidance

Departments may find it helpful to develop their own internal guidance for staff involved in the appointments process; if such guidance is produced, it must supplement, rather than replace or change, the Commissioner's Code of Practice. It must be able to demonstrate that it is compliant with the Code in policy and practice and must be kept up-to-date. It must also be available to any organisation that has a statutory nominating function. OCPA NI is happy to provide comments or advice on draft internal guidance.

CHAPTER TWO : PRINCIPLES

Ministerial Responsibility

The ultimate responsibility for appointments lies 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 body in question.

Independent scrutiny

No appointment will take place without first being scrutinised by an independent panel, or by a group which includes 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 workings must be transparent and information must be provided about the 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.

• The Principles •

2.1 These are the seven principles that underpin the Code of Practice. They come directly from recommendations by the Committee on Standards in Public Life (Nolan: First Report, May 1995). They are the foundations of the public appointments process and are designed to ensure appointment on merit and a quality outcome.

2.2 The relevant procedural points relating to each principle are set out below.

MINISTERIAL RESPONSIBILITY

2.3 Ultimate responsibility for appointments rests with Ministers. To ensure Ministers can fulfil their role properly, departments must:

- agree appointment criteria and the process to be followed with Ministers at the outset, to avoid disruption of the process at a later stage;
- ensure that once the process is under way, these criteria are not changed; and
- ensure that all candidates put to the Minister for approval meet the criteria and the standards required by the principle of probity.

MERIT (AND DIVERSITY)

2.4 Appointment on merit is the overriding principle within the appointments process. However, in line with the Nolan Committee's original recommendations, criteria for selection can take account of the need to appoint boards which include a balance of skills and experience. Nonetheless,

- departments must guard against positive discrimination,
- political activity cannot be used as a criterion for selection, unless there is a statutory requirement to do so.

2.5 To ensure that existing board members standing for reappointment meet the current criteria and can compete, when appropriate, in an open competition, departments must have in place a meaningful performance appraisal system.

INDEPENDENT SCRUTINY

2.6 Independent scrutiny is a mandatory element of every competition. No appointment may be made, unless an OCPA NI Assessor has been involved in the process. At the beginning of August 2004, OCPA NI took over from Departments the responsibility for the selection, training and administration of OCPA NI Assessors, in order to increase public confidence in the system of independent scrutiny and ensure that there is a consistent approach to payment and performance appraisal across all Departments. Further details of the new process can be found at Annex I, but the broad principles of the new system are set out below.

- The Commissioner has set up a central pool of OCPA NI Assessors, recruited through open competition, using a competence-based selection process, which included an interview. OCPA NI Assessors undergo induction training before they can act in the Assessor capacity.
- All appointments run under either the Commissioner's "Regulated" or "Monitored" Kitemark schemes (see Annex B) must include the involvement of an Assessor from the central pool. Departments can no longer recruit their own Assessor for these competitions.
- At the initial stage of setting up of a competition, Departments should contact OCPA NI staff, who will then allocate an Assessor to that competition. Assessors are allocated by OCPA NI on a rotational basis, as far as is possible.
- Departments continue to be responsible for paying OCPA NI Assessor's fees.

- There is an appraisal system to monitor the performance of OCPA NI Assessors.

EQUAL OPPORTUNITIES

2.7 The principles of equal opportunity and diversity are not only socially just, but will benefit any board to which they are applied. Individuals from all sections of society may have much to offer a public body, by virtue of their diverse experience and background. Departments should ensure, in the appointments process, that they comply with the statutory duty under section 75 of the Northern Ireland Act 1998, to have due regard to the need to promote equality of opportunity (between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without) and that they have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, or racial group.

2.8 The principles of equal opportunity and diversity must be inherent within the appointments process.

2.9 Departments must also take care not to unlawfully discriminate against any group.

2.10 Departments should take appropriate action, wherever possible, to attract suitable candidates from all sections of society, and this in turn, should lead to wider representation on public bodies. Those involved in the appointments process must, however, ensure that any initiative or action they take to encourage or achieve wider representation is within the law.

PROBITY

2.11 Departments should ensure at interview that candidates demonstrate that they are committed to, and have an understanding of, the value and importance of the principles of public service (see Annex A). The problem most likely to arise is that of actual, or perceived, conflict of interest. Therefore, as early as possible in the recruitment process i.e. application stage, all candidates must be asked to disclose information or personal connections which, if they were to be appointed, could be misconstrued or cause embarrassment to the appointing authority. Best practice is to include a question in the application form, along the following lines:

"Have you, or your immediate family, any other interests which might be construed as being in conflict with the appointment for which you have applied and might, in future, be raised in public? If yes, give appropriate details below."

If it appears that a possible conflict might exist, or arise in the future, this must be fully explored with the candidate to establish whether it is sufficiently significant to prevent the individual from carrying out the duties of the post. This should be done by the Panel at the interview, or during the conversation with a purpose, whichever is being held. The discussions and decision must be fully documented and the department must be able to justify its decision publicly, if necessary.

2.12 Candidates must be assessed on merit and not treated more or less advantageously because of the activities, associations or employment of a partner or friend, nor must that relationship influence their actions, if appointed. Again, relationships should not automatically preclude appointment, but departments must be sensitive to the situation that might create an actual, or perceived, conflict of interest.

2.13 Appointees must be made aware of the need to notify the department, if there is any relevant change in their situation, or connections, during the period of the appointment.

2.14 Further guidance is set out in Annex C. “Probity & Conflicts of Interest – A Guide for Departments”.

2.15 A copy of the leaflet “Complaints and Conflict of Interest Information Guidance” must be included in all information packs.

OPENNESS AND TRANSPARENCY

2.16 To gain public confidence, the workings of the appointments system must be clearly visible. All stages of the process, including relevant conversations, must be documented and the information should be readily available for audit. All information should be stored for a minimum of 2 years. However:

- personal information about applicants and panel members must remain confidential, unless the individual concerned gives permission for its release;
- data protection legislation must be considered in relation to all recorded information.

PROPORTIONALITY

2.17 A degree of proportionality is built into the appointments process. It indicates that any activity carried out as part of the appointment process should be in proportion to the nature of the post and the size and weight of its responsibilities. For example, Departments should balance the cost and scale of advertising a vacancy, with the relative significance of the vacancy concerned. High profile, or well-paid appointments would generally be subject to a full-scale advertising campaign, while unpaid, lower profile appointments may not. However Departments must also ensure their chosen form of advertising helps rather than hinders the diversity of applicants.

2.18 This Code of Practice sets out the minimum measures that departments are required to implement. However, within this framework, departments have the flexibility to adopt the approach they consider to be most suitable and effective. A number of factors will influence that approach. These will include:

- the nature of the appointment, for example, if it is particularly high profile, or potentially contentious;
- availability (or non availability) of sufficient suitable candidates;
- special circumstances relevant to the appointment (e.g. the need to appoint quickly, or in unusual circumstances).

2.19 Proportionality arguments must not be used to circumvent proper procedures. All deviations from the process set out in this Code of Practice must be fully recorded and departments are advised to consult OCPA NI, in advance of any significant departure.

2.20 The Commissioner can grant specific exemptions, where it is judged they are justified by exceptional circumstances.

CHAPTER THREE : THE APPOINTMENTS PROCESS

• The Procedure •

INTRODUCTION

3.1 For ease of reference, the process is described in this chapter under three stage headings:

Stage 1	Planning
Stage 2	Preparation
Stage 3	Selection

The regulatory requirements, which reflect the relevant Code Principles, are set down at each stage. The requirements apply to all appointments within the Commissioner's remit.

3.2 Throughout the process, the Commissioner expects departments to frame their procedures in a considerate and timely manner.

3.3 Departments are also encouraged to apply the principle of proportionality, wherever possible, within the broad regulatory framework.

• Stage 1: Planning •

INITIAL MINISTERIAL INVOLVEMENT

3.4 Ministers must be consulted very early in the planning stage. In particular, it is important that they agree the selection criteria and the way the process is to be conducted. If Ministers wish to suggest candidates for consideration, they should do so at this stage.

3.5 Departments may also wish to consult Ministers and confirm with them how they would like the final submission to be presented (see Paragraphs 3.37 & 3.38).

NATURE AND TIMESCALE FOR THE ADMINISTRATIVE PROCESS

3.6 Within the regulatory framework set out in this Code of Practice, departments have the flexibility to design a selection process most appropriate to their needs. However, at the planning stage, departments must:

- decide the nature of the process and draw up a firm timetable; and
- contact OCPA NI for allocation of an OCPA NI Assessor. The OCPA NI assessor must be included from the drafting of the person specification onwards and briefed regarding the business the appointments he or she will be dealing with.

JOINT DEPARTMENTAL BODIES IN NORTHERN IRELAND

3.7 Arrangements for joint departmental appointments must be agreed at the start of the process, in order to avoid the risk of subsequent difficulty or delay. It is, therefore, essential that the sponsoring departments contact the relevant departments to agree and record, in advance, the approach they intend to adopt and/or their respective level of direct involvement. The agreement should cover how to proceed in the event of a difference of opinion at any stage and should have the full support of all the relevant Ministers.

APPOINTMENTS MADE BY GB DEPARTMENTS, WHERE NI NOMINEES ARE SOUGHT

3.8 As with appointments to joint departmental bodies above, when nominees are sought from NI to sit on GB-wide bodies, the NI department(s) involved should ensure that they agree in advance the approach which will be adopted by the sponsoring GB department. As in paragraph 3.7 above, they should also agree how to proceed in the event of a difference of opinion.

CONSULTATION WITH PUBLIC BODIES

3.9 As part of their planning of the appointment process, departments may wish to seek the views of the chairs of the bodies concerned, on issues such as selection criteria and the balance of the board. Any such consultation must be at

the beginning of the process. Decisions on all such matters, however, remain with Ministers.

PROMOTIONS TO CHAIR AND DEPUTY CHAIR

3.10 Unless there is statutory, or other legally binding provision, for members to elect a chair from their own number, or a candidate has been selected and appointed as chair designate, promotion to chair is subject to the full appointments process. However:

- where there are urgent and compelling reasons for promoting a member (e.g. the death or sudden resignation of a chair), OCPA NI may agree to an exemption, on condition that all existing members of the board have the opportunity to express their interest and all candidates assessed as being suitable are considered for the post. Taking into consideration the circumstances and the need to address the vacancy quickly on a short term basis, the Department should write to all non – executives of the body explaining that the vacancy is on a short term basis until a full competition can be organised and seeking their interest in applying for the temporary position. An abbreviated application form should be enclosed for self nomination. The letter should also clearly cover the timescale for the competition.
- The process for selection can be decided and agreed with OCPA NI once the level of interest has been ascertained.

EXPERTS

3.11 The Commissioner accepts that, very occasionally, there are posts that require such a rare combination of skills and experience that it is impractical to try to fill them through the usual procedure. These posts are diverse and the only practical approach is to deal with them on an individual basis. Therefore, if a department thinks that a particular appointment falls into this category, it can present its case to OCPA NI for “expert” designation.

EMERGENCY APPOINTMENTS

3.12 Departments will, on occasion, face emergencies where a public appointment needs to be made very quickly indeed and in politically sensitive circumstances. In such cases, either the Minister or the Permanent Secretary of the

sponsoring department must contact the Commissioner personally to discuss the options available.

ROLE AND PERSON SPECIFICATIONS

3.13 Role and person specifications must be produced for each and every appointment as member, chair or deputy chair of a public body. These must be reviewed each time a post becomes vacant and not automatically assumed to have remained unchanged since the last time an appointment was made. In setting the selection criteria, departments must ensure that:

- these do not discriminate unlawfully against any group, or groups, in society;
- role descriptions are comprehensive and include details of any remuneration, allowable expenses, conditions of service and a realistic indication of the time commitment required. Any specific issues which are relevant to the post must be highlighted (e.g. a particular residential qualification);
- the person specification addresses the qualities, experience, background, competencies and, where applicable, the professional qualifications sought;
- the person specification does not contain unnecessary requirements that will rule out applications from a particular group within society;
- where action is taken to attract applications from a particular group, Departments must ensure that they avoid anything which might constitute positive discrimination.

REAPPOINTMENTS

3.14 Once the number of forthcoming vacancies has been identified, departments will need to establish how many of the members whose terms of

office are due to end, are eligible for a further term of appointment and meet the current requirements of the board. The benefits of reappointments include continuity, the retention of skills and experience and the economy of avoiding a full competition. However, these should always be balanced against the advantages of having ‘new blood’ and fresh ideas introduced to a body. There is no guarantee of any reappointment being favourably considered and reappointments will be governed by the time and performance criteria set out below. Decision to reappoint must be taken in a timely manner and in all cases before the current term expires.

PERFORMANCE ASSESSMENT

3.15 Departments must have in place performance assessment processes that will provide the necessary, robust evidence for considering reappointments. A performance assessment should be carried out annually for each Chair and board member:

- no one can be reappointed unless they have performed satisfactorily during their current term;
- it is essential that, for audit purposes and the investigation of complaints, all performance assessments are fully recorded and documented;
- performance assessments for the deputy chair and the members must be completed by the Chair.

TERMS AND CRITERIA FOR REAPPOINTMENTS

3.16 Appointments are restricted to 2 terms. The length of these terms will be determined by any statutory constraints, or be a matter for decision by Ministers, but the **maximum period in office must not exceed 10 years on the same board**. Only in very exceptional circumstances will the Commissioner agree an appointment term which extends beyond the 2 term restriction or the total service beyond the 10 year limit. This agreement must be sought prior to any approach to an appointee to discuss such an extension.

The requirements for reappointments are as follows:

Reappointment a to second term

A reappointment (i.e. a second term of office in the same role) may be made, subject to a satisfactory performance assessment, as set out in paragraph 3.15.

REAPPOINTMENTS INVOLVING A PROMOTION

3.17 If a reappointment involves a promotion to Chair or Deputy Chair, the following guidelines apply:

- where a board member has been promoted from within the board to deputy Chair, this still counts as a member appointment and therefore terms of office as set out at 3.16 still apply.
- where a board member is appointed Chair or deputy Chair through open competition or elected under statute from amongst the membership, it counts as a new appointment. The terms set out at 3.16 will then recommence as their service as a member does not count for the purposes of calculating their eligibility for reappointment.
- Those who have served their 2 appointment terms on a board cannot apply through open competition for the same position.

RETIRING MEMBERS

3.18 Members who will not be invited, for whatever reason, to serve for a further term, must be notified once the formal decision has been taken and before any action is taken publicly to replace them.

MONITORING REAPPOINTMENTS

3.19 All processes and decisions relating to reappointments are subject to the same information requirements as initial appointments and to review by the auditors.

EXTENSIONS

3.20 Where a full term reappointment is not appropriate (e.g. pending a merger or review), departments may consider an extension to the current term. These will be exceptional and must not be seen as a means of circumventing the appointments procedure or 10 year rule. Extensions:

- must be agreed, in writing, with OCPA NI in advance;
- must be publicised (e.g. through a press release) if the extension is for a period in excess of 12 months;
- must not normally exceed 18 months; and
- should not normally be followed by a reappointment without open competition, although OCPA NI may consider this in exceptional circumstances.

• Stage 2 : Preparation •

3.21 The requirements at the preparatory stage are governed primarily by the need to ensure a demonstrably fair and open process that is appropriate to the nature and degree of responsibility attached to the post being filled. It is recognised that diversity is an essential element on public bodies and that reaching out to a wide range of potential appointees from different backgrounds is the best way to achieve this.

PUBLICISING VACANCIES

3.22 To demonstrate the openness of the system, people must be made aware that an appointment is available through some form of publicity. Advertising is one way, but may not necessarily be the most effective, or proportionate, mechanism:

- all competitions to fill chair posts, posts that are paid, have a high profile, or have responsibility for managing significant public funds must involve a proportionate form of advertising;
- unpaid posts must be publicised in some way e.g. websites, issuing notices of forthcoming appointments to interested groups etc., but departments have the discretion to do so in the most effective and proportionate way. However Departments must also ensure their chosen form of advertising helps rather than hinders the diversity of applicants.

OCPA NI KITEMARK

3.23 All advertisements for posts within the Commissioner's remit must display the "*OCPA NI Regulated*" Kitemark and copies of the advertisement must be sent to OCPA NI.

OTHER SOURCES OF CANDIDATES

3.24 Departments should announce all vacancies, which are to be publicly advertised, on the Central Appointments Unit's six-monthly list of forthcoming vacancies.

3.25 Departments may also seek candidates through other sources, such as:

a) Departmental lists

The names of people who have expressed an interest in learning about future vacancies may be kept by Departments at their discretion. Such lists should be updated regularly and generally with a time limit of no more than 3 years.

b) Targeting of individuals

- Anyone can suggest or put forward the names of potential candidates. This should be done at the beginning of the appointments process. Regardless of the way in which the individual is targeted, applications must go through the same formal process as those from any other source. This includes completing an application form;
- Ministers and officials are equally free to suggest names of possible candidates, but where they wish to do so, applications from these candidates must be received by the same closing date as for applications from any other sources. The Minister must then take no further part in their selection process, though Ministers will, obviously, be involved at the point of final decision;
- Ministers should not approach potential candidates directly. The Sponsor Division should write to these potential candidates, informing them that

their name has been put forward. The letter should make it clear that the Department are only seeking expressions of interest at this stage, that the appointment will be advertised (whether in the press or through other media) and that there is no guarantee they will be appointed on this occasion.

- If the sifting process does not produce a strong shortlist, a department can seek additional applications, providing their reasons are fully recorded and notified to OCPA NI in advance.

c) **Nominating bodies**

This term refers **solely** to organisations which have a statutory right to have their interests represented on a particular public body. Such nominees are assessed against the criteria and only against others nominated from the same organisation, but not against candidates who apply through open competition. Departments must request at least 2 nominees for each statutory vacancy on a body and encourage such nominating bodies to comply with this request, as it upholds the principle of Ministerial choice. However, the Commissioner recognises that this might not be practicable in some exceptional circumstances and so Departments may accept one nomination, if necessary, after consultation with OCPA NI, which will be monitoring these exceptions.

d) **Other organisations**

In some Departments, custom and practice has led to some organisations being asked if they wish to put forward names for some appointments. Such bodies have no statutory right to a seat on the board. These individuals must be treated exactly like other candidates and be assessed in open competition with them. If they are not found suitable, their names cannot go forward to the Minister.

e) **External consultants**

If a department chooses to use external consultants, the requirements of the Commissioner's Code of Practice still apply and it is the department's responsibility to ensure that the consultants have followed them fully, including the appropriate use of an OCPA NI Assessor. In particular, this includes the requirement for all applicants to complete an application form, prior to the specified closing date. At the end of the process, all relevant papers should be handed over to the Department to complete the audit trail.

INFORMATION PACKS

3.26 Information packs must be sent out to all applicants and, as a minimum, must contain:

- the application form;
- role and person specifications;
- a realistic indication of the time commitment;
- details of remuneration and expenses relating to the appointment;
- full details of the body;
- information on the process and how long it will take;
- a copy of the OCPA NI leaflet "Complaints and Conflict of Interest Information Guidance" must be included in all information packs.
- details of expenses to be reimbursed, in relation to the selection process.

In the interests of diversity, and bearing in mind the principle of proportionality, departments must be prepared to respond to requests for this information on audio tapes, in Braille, or in large print etc.

APPLICATION FORMS

3.27 Departments will wish to design their own application forms, but these must cover all the information and statistics required by the Commissioner for monitoring purposes (see Chapter 6). However, they should also be simple and straightforward and ask only what is required. In particular:

- applicants should be made aware that some of the information will be placed in the public domain, if they are successful;

departments must ensure that both the monitoring section and the political activity section of the form are removed before the application form is seen by the Panel. Not to do so would constitute a serious breach of the Code.

- the application form should be designed in such a way that candidates can easily describe their skills and experience against the criteria and panels can easily assess candidates' response against the criteria. This will facilitate the consideration of applicants equally (including those from non-traditional backgrounds).

MONITORING FORMS

3.28 As Northern Ireland Departments and the Commissioner have a policy of monitoring public appointments, for the public interest, candidates should be encouraged to supply the information requested in the monitoring section of the application form, in order to support this policy. Candidates who do not complete the monitoring section initially should be given a second opportunity to do so. If this is not completed, however, Departments should not reject the application but should ensure that the request and refusal is recorded.

POLITICAL ACTIVITY FORMS

3.29 A political activity declaration form will not be sent to applicants. The form, please see Annex F, will be completed by successful candidates once the appointment has been made by the Minister and the information must be included in the public announcement of the appointment. Failure to include this information in the announcement of the appointment will be deemed a serious breach of this Code.

CLOSING DATE FOR APPLICATIONS

3.30 Application forms, or the covering letter, should specify the closing date for the competition:

- This should also feature in advertisements, or any other form of publicity, where applications are sought;
- Once the closing date has been advertised, it must be maintained. If there are exceptional reasons for extending a deadline, these must be discussed and agreed with OCPA NI in advance, before an extension is made and must be documented.
- Departments should draw up a clear policy on handling late applications, apply it consistently and ensure that all candidates are treated equally. For example, Departments may agree to accept a late application, if officials consider the reasons for the delay to be sufficiently compelling.

• Stage 3 : Selection •

3.31 This stage covers the identification and selection of appointees. The requirements are governed primarily by the need to maintain the principles of appointment on merit and equal opportunities and to ensure diversity within boards. The requirements are set out under individual headings, as follows:

THE ROLE OF OCPA NI ASSESSORS

3.32

- a) Independent scrutiny underwrites the integrity of the whole appointments process and departments are, therefore, required to involve OCPA NI Assessors as early as possible. The OCPA NI Assessor is an expert in the appointments process and need not have specialist knowledge in the subject matter dealt with by the body on which there is a vacancy but must be briefed on the role of the body as preparation for the process.
- b) OCPA NI Assessors must be directly involved from the drafting of the person specification and criteria stage of the process onwards as well as shortlisting and interviewing. This is likely to be as a member of a selection panel and their role in this respect is described in the context of the overall requirements for these panels, which are set out in paragraph 3.33;
- c) OCPA NI Assessors' involvement in planning the appointment will include a review of the role description and the person specification as well as the appointment plan. The OCPA NI Assessor will also be given a draft copy of the application pack which is to be provided to applicants to confirm compliance with the Code.
- d) Appointments will not be publicised in any way until the OCPA NI Assessor has approved the final version of the items described in paragraph 3.32 (c). This does not preclude the inclusion of the vacancy in bi-annual Central Appointments Unit 'On Board' publication.

SELECTION PANELS

3.33 The key stages of an appointments process must be overseen by a panel, rather than an individual:

- The panel membership will normally include an official from the department, a representative from the public body or other interested group as appropriate, but must include an OCPA NI Assessor. If, for substantive reasons, it is not appropriate to include a representative from a body, the department can substitute another departmental official.
- When a panel is convened for a particular competition, it should comprise the same members throughout. In extenuating circumstances, representatives or officials on the panel may vary, but the OCPA NI Assessor must not normally be changed. On occasions where the need for change appears unavoidable, departments may apply in advance to OCPA NI for an exemption;
- A representative of the public body or interest group cannot be designated as the OCPA NI Assessor;
- The OCPA NI Assessor is expected to take a full and active part, but cannot chair the panel;
- Departments must consider membership of panels in terms of diversity;
- No appointment can be recommended to Ministers unless the candidate has been scrutinised by the panel, even if this means reconvening the panel (e.g. in exceptional circumstances, to look at agreed late entrants).

SELECTING A SHORTLIST

3.34 All those involved must be familiar with the Code principles and be confident that the shortlist is being compiled on the basis of merit. No candidate can be shortlisted, unless they have been satisfactorily assessed against the publicised criteria. **All decisions, including those to reject, must be fully documented.**

INTERVIEWS AND CONVERSATIONS WITH A PURPOSE

3.35 The requirements for interviews are as follows:

- No individual should be appointed on the basis of written evidence alone. Departments have the discretion to decide the most appropriate approach at this stage. Formal interviews should be held for high profile or paid appointments;
- For unpaid, lower profile appointments, a documented paper sift selection by a senior official and one other person, followed by conversations between the senior official and the short-listed candidates to confirm and validate the outcome of the paper sift is permissible. There should be full involvement of the OCPA NI Assessor at the very beginning of the process and the OCPA NI Assessor must be present when the conversations with a purpose are being conducted. Before names are submitted to the Minister, there will be an overview to ensure compliance, by the OCPA NI Assessor of the paperwork for the whole process (but with no direct involvement in the sift or selection unless it transpires the process has been non-compliant). This must be fully recorded.
- Departments are allowed this flexibility of approach, but must adopt a clear policy on interviewing, in order to ensure a consistent approach within, and between, individual competitions. This approach must be documented;
- All decisions arising from interviews or conversations, including those to reject, must be fully documented;

- Agree with the OCPA NI Assessor the procedures to be followed during the selection process, including the criteria against which candidates will be assessed and the scoring system that will be used at interview. Candidates must only be assessed against the criteria which has been included in the role and person specifications;
- The OCPA NI Assessor must see the final draft Ministerial Submission prior to it being submitted to the Minister;
- The OCPA NI Assessor must receive notification of the Minister's final decision on who is appointed (the press release, for example).

OTHER CONSIDERATIONS AT THIS STAGE

3.36 Before the Ministerial submission, departments which have not already done so, must ensure:

- that candidates are fully aware of the standards of probity required of public appointees (see paragraphs 2.11 to 2.15);
- that the questions of conflict of interest has been explained to and explored with the candidate (see Annex C)
- that all the monitoring information has been provided; and
- that they themselves have taken account of the statutory disqualifications which apply in respect of MPs, MEPs and members of the Devolved Administrations.
- That the OCPA NI Assessor has certified their satisfaction or otherwise, that the process up to the stage of Ministerial submission has conformed to the requirements of the Code of Practice (see Annex E – Validation Certificate. This Certificate must be included in the Ministerial submission and copied to OCPA NI).

THE MINISTERIAL SUBMISSION

3.37 It is for Departments to decide how this should be presented, although a Minister may make his/her preferences known at the beginning of a competition (see Paragraph 3.5). There are two main approaches to this – Departments, with the Minister’s agreement, should decide which is most appropriate for the appointment concerned.

(a) Merit Order

In this case, the Panel provides a list of the candidates, in merit order, based on scores for performance at interview. Some background information on the candidates may also be included. The Sponsor Branch presents these to the Minister for their decision.

(b) Suitable/Unsuitable

This is a less strictly defined approach, where the Panel has set prior to interview an agreed pass mark for candidates. Those candidates found to be above the line are recommended to the Minister, but they are not ranked in order, nor are the interview scores given. Candidates may be divided into Suitable and Highly Recommended, if the Panel believes such a distinction is warranted. In addition, the Minister must have some supporting background information on each of these candidates, perhaps highlighting skills or experience which would prove particularly valuable to the Board and its balance.

3.38 Information on political activity should not be included in the Ministerial submission, unless it has a bearing on the appointments being made.

FINAL MINISTERIAL DECISION

3.39 Where Ministers will expect to be offered a choice of candidates, it is for departments to decide how this should be done. However:

- the overriding principle remains appointment on merit and no candidate can be recommended to Ministers, unless they have been judged as suitable against the established selection criteria;
- ministers will wish to balance boards in terms of diversity of skills and experience as set out in the role description and person specification at the commencement of the process;
- under **no** circumstances, however, should a candidate who has been judged unsuitable for an appointment be recommended in order to achieve that balance on a board.

NON-COMPLIANCE WITH THE COMMISSIONER'S CODE OF PRACTICE

3.40 If a Minister wishes to set aside any of the provisions of this Code, the department is advised to consult the Commissioner as early as possible:

- if there is no scope for agreement and the Minister still decides to proceed, the department must inform the Commissioner, in writing, before an announcement is made;
- similarly, if a Minister rejects an entire list of recommended candidates, the department must inform the Commissioner immediately, in writing;
- where instances of non-compliance with the Code of Practice occur, the Commissioner may decide to comment publicly on the decision, or require any announcement made by the department to make it clear that the required procedure had not been followed.

REFERENCES

3.41 It is for departments to decide if they require references and how, and when, they take them up. In reaching this decision, they should employ best practice and a consistent approach.

PUBLICISING APPOINTMENTS

3.42 In keeping with the principle of openness and transparency, all appointments to public bodies must be publicised in an appropriate way, normally through a press release. This should include:

- a short description of the body to which the appointment has been made and its functions;
- a brief summary of the appointee's career/experience;
- length of appointment and whether it is a paid post or not. If paid, the amount should be given;
- a list of other Ministerial appointments held and any remuneration received. If none, this should be clearly stated;
- A statement that the appointment(s) have been made in accordance with the OCPA NI Code of Practice;
- A statement that "All appointments are made on merit and political activity plays no part in the selection process. However, in accordance with the original Nolan recommendations, there is a requirement for the political activity of appointees (if any declared) to be published." This statement should be followed by details of the appointee's response to the political activity question. If no political activity has been declared, this should be made clear.

In all cases, the OCPA NI Assessor involved must be informed of the final outcome.

3.43 OCPA NI must be provided with a copy of the publication of the appointment (generally, the press release).

CHAPTER FOUR : AUDIT

ROUTINE AUDIT

4.1 Under the 2001 Order, the Commissioner is required to audit appointments within their remit, for compliance with the Code of Practice. The arrangements are as follows:

- Based on the findings of an in-depth **risk analysis**, the auditors will conduct a rotating plan of visits to all departments over a three year cycle;
- Audits will generally take place as soon after a competition has finished as is practicable;
- Follow up visits will be made to departments, if the Commissioner considers it necessary;
- The rotational plan will be updated annually to ensure that it remains appropriate and takes account of any significant developments in the meantime;
- Departments due to be audited during that year will be informed by the Commissioner's Office of the intended schedule of visits and be asked to agree a commencement date with the auditors;
- Individual audit reports will be issued to the relevant departments, via the Commissioner's Office, as soon as possible after the departmental audit has been completed;
- The Commissioner's Office will issue a summary report of the year's audit work to all departments.
- The names of the Departments audited will be published in the Commissioner's annual report, with a summary of the audit findings.

RETENTION OF DOCUMENTS

4.2 To facilitate the work of the independent auditors, departments are required to ensure that a full and complete audit trail of records is readily available. All documentation (including any paperwork handled by recruitment consultants and interview evaluation forms) must be held by the Department for at least 2 years. In the event of a query or complaint, the papers can be returned to the panel member, if necessary, so they can refresh their memory of the competition, or provide comment. However, the papers must be returned to the Department after use.

OTHER AUDIT WORK

4.3 The Commissioner's Order states that "The Commissioner may from time to time conduct an enquiry into the policies and practices pursued by a Department in relation to any public appointment or description of any public appointment" and therefore in addition to the routine audits described above, the Commissioner may decide to ask her auditors to carry out ad hoc audits. These may cover issues arising out of a previous audit, or relate to an individual complaint, or a series of complaints or an issue the Commissioner becomes aware of that is pertinent to the public appointments process. The Commissioner may also ask her auditors to conduct thematic reviews at any time.

CHAPTER FIVE : COMPLAINTS

5.1 The Commissioner will not deal with any complaint relating to an appointment made more than 1 year previously i.e. from the date specified in the letter of appointment, other than in exceptional circumstances.

5.2 Subject to this time limit, the Commissioner will investigate all complaints relating to the appointments procedure that concern:

- i) an individual's experience as an applicant;
- ii) the way a department has handled an appointment's process; or
- iii) a challenge to the appointment of the successful candidate only if it appears that the process has been breached.

5.3 The Commissioner has **no remit** to investigate complaints relating to non-selection or non-reappointment, unless it appears that the selection process has breached the Code of Practice.

5.4 The Commissioner **does not deal** with complaints relating to the way in which a public body is run, the actions of its members, or remuneration.

COMPLAINTS TO DEPARTMENTS

5.5 As a general rule, all complaints must be dealt with first by the department concerned. Therefore, providing it is appropriate, any complaints made directly to the Commissioner will be redirected to the department concerned. If a complainant is dissatisfied with the department's response, they may then ask the Commissioner to consider initiating an investigation.

5.6 It is, therefore, essential for departments to have effective systems in place for handling complaints.

5.7 Departments must also keep a full record of all correspondence and any relevant documentation, such as minutes of meetings and telephone conversations. These must be available for audit, if required.

5.8 For the purposes of recording in the annual report, OCPA NI must be notified of the precise number and the broad details of complaints that a department has received over the relevant period.

COMPLAINTS TO THE COMMISSIONER

5.9 If the Commissioner has agreed to investigate a complaint, it will be dealt with in one of two ways. OCPA NI may carry out the investigation alone or, in appropriate circumstances, may seek the assistance of an independent auditor to assist the Commissioner in investigating the complaint. The procedures followed will be fundamentally similar in either case, but for clarity are set out individually, and in full, below:

COMPLAINTS HANDLING

5.10 Once the decision to investigate a complaint is taken, OCPA NI will:

- a) Contact the Department concerned asking for all papers related to the appointment to be submitted for examination by OCPA NI.
- b) Within ten working day's of receipt OCPA NI will acknowledge the complaint and give the complainant an estimated date for completion of the investigation. If the estimate proves inaccurate OCPA NI will write to the complainant with a revised schedule for completion.

- c) write to the department concerned:
 - setting out the complaint and asking if they wish to add further background to the case;
- d) write to the OCPA NI Assessor:
 - setting out the complaint and asking for their comments,

REPORTING THE COMMISSIONER'S FINDINGS

5.11 The Commissioner's findings will be communicated to the complainant, the Permanent Secretary of the relevant department and the OCPA NI Assessor involved in the competition, in the form of individual letters setting out:

- the key conclusions and the reasons behind them; and
- any action that the Commissioner intends to take, or recommends the department should take, in light of the investigation.

ONGOING COMPLAINTS

5.12 It is possible that the complainant may not be content with the outcome of the investigation.. In such situations:

- **OCPA NI will not** enter into protracted discussion with the complainant about the outcome of the investigation; and
- **OCPA NI will only reopen** the investigation, if, in the Commissioners opinion relevant new evidence has come to light;

THE FINAL REPORT TO THE COMPLAINANT

5.13 The guiding principle here is that, whilst both the complainant and the department may be justified in challenging the factual accuracies in a case, it is not for them to judge the Commissioner's conclusions.

5.14 The auditors' report is for the Commissioner only. The Commissioner's formal response to the complainant will draw heavily on the auditors' report. It will be in the form of a letter, setting out the key conclusions of the investigation and any subsequent action that OCPA NI intends to take. This will include the Commissioner's recommendations to the department on the action it should take.

WHAT SHOULD THE DEPARTMENT RECEIVE?

5.15 The Permanent Secretary will receive a letter from the Commissioner, setting out the findings and the reasons behind them. It will draw extensively on the conclusions in the auditors' report.

REMEDIAL ACTION BY THE COMMISSIONER

5.16 If a complaint is upheld, the Commissioner cannot require that an appointee be removed from their post. The Commissioner may, however:

- require a department to make changes to its processes to ensure that another such complaint does not arise;
- name the Department in the complaints section of her annual report;
- in exceptional cases, the Commissioner may air the issue in public, naming the Department and Minister concerned.

5.17 Paragraph 4.3 refers: The Commissioner's Order states that "The Commissioner may from time to time conduct an enquiry into the policies and practices pursued by a Department in relation to any public appointment or description of any public appointment" and therefore in addition to the routine audits described above, the Commissioner may decide to ask her auditors to carry out ad hoc audits. These may cover issues arising out of a previous audit, or relate

to an individual complaint, or a series of complaints. The Commissioner may also ask the auditors to conduct an enquiry into a particular appointment process separate from the audit round or a complaint.

CHAPTER SIX : STATISTICS & INFORMATION

APPOINTEES TO PUBLIC BODIES WITHIN THE COMMISSIONER'S REMIT

6.1 Detailed information is required for inclusion in the Commissioner's annual report at the end of the financial year. Departments will be consulted in advance of any change to this requirement.

6.2 The information relates to **new appointments made between 1 April and 31 March**. Appointments which fall within the Commissioner's remit should be included. OCPA NI Regulated and OCPA NI Monitored Kitemark should be produced as a joint figure and should not be split. The statistics should cover reappointments, but not extensions and should be divided into Chair or Member categories. For the purpose of this exercise, deputy chairs are counted as members. In relation to these categories, the information required is as follows and relates to appointees only:

- number of appointments made
- gender*
- community background*
- ethnic minority*
- age
- disability
- political activity by party (includes details about levels of political activity)
- number of reappointments
- whether the appointee holds more than one appointment

6.3 Although OCPA NI will not routinely collect the information, for the purpose of audit and possible complaint, departments must also record:

- the source of an appointee; and
- any recorded potential conflict of interest.

ADVERTISEMENTS AND PRESS RELEASES

6.4 Copies of all advertisements and press releases must be kept on file for audit purposes.

THE SEVEN PRINCIPLES OF CONDUCT UNDERPINNING PUBLIC LIFE

The seven principles are:

Selflessness	Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or other friends.
Integrity	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
Objectivity	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
Accountability	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
Openness	Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
Honesty	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership	Holders of public office should promote and support these principles by leadership and example.

**THE KITEMARKS – “OCPA NI REGULATED”
“OCPA NI MONITORED”**

AIM

The aim of the OCPA NI Kitemarks is to give brand recognition, by highlighting the fact that many public appointments are made in accordance with OCPA NI procedures. Its use indicates to potential applicants that there is a properly regulated and audited process, where everyone will be treated equally and fairly.

“OCPA NI Regulated”

This kitemark was introduced in September 2001 and covers appointments to all bodies which fall within the Commissioner’s remit. It must be included in public advertisements for all such appointments. Departments are free to use this on any other associated documentation, such as application forms, information packs and so on. OCPA NI must be sent copies of both the advertisement and the press release.

“OCPA NI Monitored”

This kitemark was introduced in October 2002 and can be applied to appointments to bodies falling outside the Commissioner’s remit, though its use is purely voluntary. Many Departments use the Code of Practice to make appointments to such bodies and by using the ‘Monitored’ kitemark, they are publicly demonstrating their commitment to the Code.

USING THE “OCPA NI MONITORED” KITEMARK

Departments should complete a pro forma for each “monitored” competition (see copy overleaf), which confirms that the process will be run in accordance with the Commissioner’s Code of Practice. The process will be proportionate to the importance of the appointments concerned, but must involve an OCPA NI Assessor, who will be allocated by OCPA NI. The form should be signed by an official of at least Grade 7 level in the Sponsor Branch, or Public Appointments Unit and sent to OCPA NI. On receipt of this, the lower section will be signed and a copy sent to the department for the record.

COMPLAINTS AND AUDIT

When a Department agrees to use the Monitored kitemark, OCPA NI have the right to audit the appointments and to investigate any complaints about the process.

FLEXIBILITY AND A PROPORTIONATE APPROACH

Procedures for appointments to such bodies need not be as rigorous as those for Regulated bodies. It is for Departments to decide as to what is appropriate for a particular set of appointments, but they should bear in mind the proportionality principle. Some things to consider are:

- Are the Chair and/or members paid and if so, how much?
- What is the workload i.e. how many days are the Chair and members expected to work?
- Is the body responsible for the dispersal of public money?
- Is the appointment likely to attract, for whatever reason, public or media interest?

The Commissioner recommends, however, that where posts are paid, or where the appointment is likely to attract public interest, the Department uses a more rigorous approach, akin to the processes used for Regulated appointments. Departments should also note that all processes must be documented and retained.

Other areas to consider are:

OCPA NI ASSESSORS

While an OCPA NI Assessor must be involved in the process, as a minimum, they need only review it, up to and including shortlisting, though this must be done before final decisions are taken.

ADVERTISING

While the Commissioner requires that appointments be publicised, this does not necessarily require full advertisements in the local papers.

PANELS

While the key stages of an appointment should not be overseen by one individual, a full panel is not essential.

INTERVIEWS

While no candidate should be appointed on the basis of written evidence alone, interviews are not always necessary; a conversation with a purpose between the candidate and a senior civil servant will suffice.

OCPA NI is happy to advise on the appropriate approach.

STATISTICS

Appointments made under the OCPA NI Monitored Kitemark should be included in the annual statistical return to OCPA NI.



Office of the Commissioner for Public Appointments for Northern Ireland

**NOTIFICATION OF A “MONITORED KITEMARK”
PUBLIC APPOINTMENTS PROCESS**

DEPARTMENT : _____

APPOINTMENTS TO : _____

Appointments to the above body will be made in accordance with the Northern Ireland Commissioner for Public Appointments’ Code of Practice. The Monitored Kitemark will be used to indicate this commitment.

SIGNED : _____

DATE : _____

BRANCH : _____

GRADE : _____

.....

FOR OCPA NI USE ONLY

The Commissioner for Public Appointments for Northern Ireland has noted that the above competition will be run as a “monitored kitemark” process.

SIGNED : _____

DATE : _____

PROBITY & CONFLICTS OF INTEREST – A GUIDE FOR DEPARTMENTS

THE “PROBITY” PRINCIPLE

“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”

- Commissioner for Public Appointments for Northern Ireland Code of Practice

This is one of the Commissioner for Public Appointments’ principles and is a cornerstone of the appointments process. All candidates who put themselves forward to be considered for public appointment must be committed to the principles and values of public service. The Commissioner’s Code of Practice states that it is the responsibility of Departments to ensure that the individuals they appoint can demonstrate that they meet the probity principle. This is highlighted in paragraph 2.3 of the Code, which states:

‘To ensure Ministers can fulfil their role properly, departments must . . . ensure that all candidates put to the Minister for approval meet the criteria and the standards required by the principle of probity’

It is important that the candidate’s commitment to the probity principle is tested and assessed at interview.

THE SEVEN PRINCIPLES UNDERPINNING PUBLIC LIFE

In 1995, the Committee on Standards in Public Life defined seven principles, which should underpin the actions of all who serve the public in any way and which support the probity principle cited above. A copy of these is attached at Annex A.

CONFLICTS OF INTEREST

One of the issues which might arise in relation to this is that of conflict of interest. Public Appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the body concerned should be declared.

There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, as the appearance of a conflict could be as damaging as the existence of a real conflict.

It is important, therefore, that prospective candidates are asked to identify any potential conflicts of interest, whether real or perceived, at the beginning of the process. This should be included as a question in the application form.

Even if a candidate does not declare a conflict of interest in their form, the Panel should raise this at interview in any case, as a cross-check. There are two reasons for this:

- Some time may have elapsed since the form was completed and the candidate's circumstances may have changed;
- It is possible that a candidate may not discern that a potential conflict exists. The Panel, however, with their wider knowledge of the work of the body, could identify a potential conflict, based on the information provided in the application form on experience and background. In such cases, they must explore this with the candidate.

The interview provides a good opportunity to cover such issues openly.

A GUIDE FOR CANDIDATES

OCPA NI has drawn up a Guide for Candidates on this issue, which provides information on conflicts, including some examples, which we hope will help them evaluate whether or not they have a potential conflict. A copy of this Guide should be included in every information pack. The Guide includes the following:

AREAS WHERE A CONFLICT COULD ARISE

The Commissioner has identified a few examples of what might constitute a conflict of interest which could lead to real or apparent conflict:

- relevant financial or other interests with the organisation concerned
- relationships with other parties/organisations which could lead to perceived or real split loyalties
- perception of rewards for past contributions or favours
- membership of some societies or organisations.

Some examples of potential, real or perceived conflicts of interest are:

- a candidate is the director of a building firm and the board to which he/she is seeking appointment conducts regular procurement exercises for building materials – *they could benefit personally from decisions taken by the board*
- a candidate is a manager in a voluntary organisation, whose funding applications are considered by the board to which they are seeking appointment – *the body for which they work could benefit financially from decisions taken by the board*

- a candidate is the director of a pharmaceutical company and the board to which he/she is seeking appointment will be directing policy on medical research - *their company could have access to information which would give it a commercial advantage over its rivals*
- a candidate has, in the past, contributed or lent significant funds to the political party to which the appointing Minister belongs – *the appointment could be viewed as a reward for past favours*
- the candidate and a member of the Selection Panel are both members of an organisation whose membership is kept secret - *the appointment could be viewed as the “old boy network” in operation.*

These are examples only. Please remember that declaring a conflict does not necessarily preclude a candidate from appointment. The selection panel should consider carefully the individual circumstances to gauge whether or not a real or perceived conflict might exist and discuss it in more detail with the candidate if he/she is successful in reaching interview stage. The panel must take appropriate steps to deal with unworkable conflicts e.g they can withdraw a conflicted candidate from the competition.

Departments should note that candidates must be assessed on merit and not treated more or less advantageously because of the activities, associations or employment of a partner or friend, nor must that relationship influence their actions, if appointed. Again, such relationships should not automatically preclude appointment, but departments must be sensitive to a situation that might create an actual or perceived conflict of interest. and

GENERAL PRINCIPLES

The following General Principles should be adhered to when handling the issue of conflicts of interest:

- Recognition and declaration at the earliest possible opportunity;
- Openness and transparency in discussing the conflict;
- Individual accountability and a clear reporting chain;
- Appropriate procedures for segregation of individual involvement on projects.

HANDLING A DECLARED CONFLICT OF INTEREST

If a candidate declares a conflict, but otherwise meets the selection criteria, they should be invited to interview. However, the Panel will be required to explore with the candidate the potential consequences of the conflict and assess whether or not it is serious enough to warrant withdrawing them from the competition. We recognise that this could be time-consuming and could delay the interview process for other candidates on the day. If the Chair believes that the issue will take some time to explore, the candidate should be asked if they would return at a mutually agreed time, to discuss the issue further.

If the Panel believes that the conflict is manageable, and the candidate is found suitable for appointment, their name should go forward, but it is then for the Department and the

NDPB concerned to agree with the candidate any measures which will need to be taken to handle this conflict, in the event of them being appointed.

The Panel should ensure that all discussions about conflicts of interest are fully documented.

Where a panel believes such a conflict to be unworkable or in breach of the Principles of Public Life that candidate can be withdrawn from the competition

KEEPING THE MINISTER INFORMED

Such information must be included in the submission to the Minister, to ensure he or she can make an informed decision on whether or not the candidate should be appointed.

RELEVANT SECTIONS ON CONFLICTS OF INTEREST IN THE CODE OF PRACTICE

The Commissioner's Code of Practice makes reference to these issues in the following paragraphs: 2.14, 2.15, 3.26 and this annex.

OCPA NI ASSESSOR: ROLE SPECIFICATION

TITLE

OCPA NI Assessor of the Public Appointments Process

OBJECTIVES

- to assist Ministers in the task of making effective public appointments that command public confidence;
- to provide an assurance that the appointment process has conformed with the principles and practice set out in the Code of Practice issued by the Commissioner for Public Appointments; and, in particular,
- to be able to provide an assurance that appointments have been made on merit after a fair, open and transparent process.

MAIN DUTIES

- to play a full, visible and active part in the appointment process, in order to ensure that the procedures employed by the department are transparent, fair and applied consistently to all candidates;
- as appropriate, to act as a member of an advisory panel to review the documented procedures relating to the selection of candidates before recommendations are put to Ministers, and/or as part of a selection panel established for individual appointments. As part of a selection panel, an OCPA NI Assessor may be involved in shortlisting and interviewing candidates;

- to ensure that the Commissioner for Public Appointments' Code of Practice, together with the principles underlying it, have been applied throughout the selection process;
- whenever necessary, to raise concerns about any shortcomings in the process with the selection panel, responsible officials in departments, or the Commissioner, as appropriate.

OCPA NI ASSESSOR: SKILLS, KNOWLEDGE AND EXPERIENCE

As an OCPA NI Assessor, your role is to assist Ministers in the task of making effective public appointments that command public confidence. In particular, to provide an assurance that the appointment process has conformed to the principles and practice set out in the Code of Practice, issued by the Commissioner for Public Appointments.

To fulfil that role effectively, you will already have some familiarity with recruitment processes and selection techniques. You may have gained this knowledge through experience in a variety of fields – perhaps by profession, though relevant knowledge and skills acquired through non-traditional employment patterns are equally valued and formal qualifications are not a requirement. If you have experience as a committee member, if you can work effectively as a member of a team, if you have experience of management, or of decision-making in other areas, you may be able to put that to good use as an OCPA NI Assessor. Previous knowledge of public appointment procedures, though useful, is not a requirement: any existing knowledge should be supplemented by the Department.

You will be a good communicator and a good listener, able to make reasoned judgements on the relative merits of candidates for appointment, on the basis of agreed selection criteria. You will be able to advance your opinions convincingly, whilst being flexible enough to acknowledge when others' views carry greater force. You will be able to bring common sense to bear on sometimes difficult issues and deal with them sensitively.

Above all, you will have the public interest at heart and you will not be afraid to speak up, if you feel that the principles underpinning the Commissioner's Code of Practice are being compromised.

APPOINTMENT PROCESS VALIDATION CERTIFICATE

Competition: _____

Department: _____

Chair of Panel: _____

Regulated process*

Monitored process *

(* Tick as appropriate)

The Commissioner for Public Appointments' Code of Practice stipulates that independent scrutiny is a mandatory element of every competition. No Chair or Non-Executive Member appointment to a public body within the Commissioner's remit may be made unless an OCPA NI Assessor has been involved in the process to ensure that the procedures set out in the Code are applied.

Please confirm as indicated, your involvement in the following appropriate key stages associated with the above appointments process. Please also give your opinion, for those areas in which you have been directly involved in, that the OCPA NI Code of Practice for Public Appointments has been applied.

NOTE: Please initial and record the date when you did the following. Provide comments on any deviation from the OCPA NI Code of Practice, including reasons for the deviation and how you dealt with them (including issues raised and resolved).

Commented on (please put ✓ or ✗ beside each point);

- Role Specification.
- Person Specification.
- Timetable.
- Planned Publicity.

Comments:

OA Initials _____ Date _____

Scrutiny of the application pack, including information provided in the pack; (this may be done retrospectively)

Comments:

OA Initials _____ Date _____

Scrutiny of applications received; (this may be done retrospectively)

Comments:

OA Initials _____ Date _____

*Agreeing/scrutiny of the shortlist for interviews with the other panel members, ensuring a fair and consistent approach is taken to select candidates on the basis of merit;

Comments:

OA Initials _____ Date _____

*Delete as appropriate

Participation in the formal interviews, including conversation with a purpose and any subsequent decision-making stages to ensure a fair and consistent approach is taken to assess candidates on the basis of merit;

Comments:

OA Initials _____ Date _____

Scrutiny of selection procedure; (i.e. did the panel members prepare for and conduct the process equitably and efficiently?)

Comments:

OA Initials _____ Date _____

Approving the 'candidate assessment summary' for inclusion in the Ministerial submission that summarises the outcome of the appointments round;

Comments:

OA Initials _____ Date _____

Please also provide comments on the following:

Were the processes followed proportionate and adequate to the competition?

Comments:

OA Initials _____ Date _____

In your opinion was your contribution recognised and your opinions taken on board during the process?

Comments:

OA Initials _____ Date _____

Please take this opportunity to make any additional comments about the process for the competition:

.....
.....
.....
.....
.....

Signed (OCPA NI Assessor):

Name (block capitals):

Date:

NOTE: This form must be –

- 1. Completed by the OCPA NI Assessor and returned to the department as soon as possible after the last interview is completed
- 2. The department will include this form as an attachment to the Ministerial Submission
- 3. The department will copy the completed form to OCPA NI
- 4. The original form will be kept by the department for their records

Political Activity Question

All successful appointees for a public appointment should complete the question below.

This question is asked because it enables the monitoring of political activity of those appointed to a public appointment, in so far as it is already in the public domain. Neither activity, nor affiliation, is a criterion for appointment (except where statute dictates specific representation).

If you are a successful candidate the information provided will be published with the announcement of your appointment.

Please indicate which of the following activities you have undertaken during the past five years by ticking the appropriate box and by providing details of your involvement. Name the political party or body for which you have been active. If you have been, or are an Independent, or have sought or obtained office as a representative of a particular interest group, you should state this. You should tick all relevant categories.

- Obtained office as a District Councillor, MP, MEP, MLA etc
- Stood as a candidate for one of the above offices
- Spoken on behalf of a political party or candidate
- Acted as a political agent
- Held office such as Chair, Treasurer or Secretary of a local branch of a political party
- Canvassed on behalf of a political party, or helped at elections
- Undertaken any other political activity which you consider relevant
- Made a recordable donation to a political party ¹
- None of the above activities apply

Details of involvement:

Name of Party for which activity undertaken:

¹ Part IV of the Political Parties, Elections and Referendums Act 2000 imposes restrictions on the sources of donations to political parties registered in the UK. The Electoral Commission is required to publish a register of recordable donations i.e. donations from any individual totalling £5,000 or more or £1,000 or more if made to a constituency association, local branch, women's or youth organisation. Donations to Northern Ireland political parties are confidential until 2010. Only tick this box if you have made a recordable donation to a political party **not** on the register of political parties for Northern Ireland.

NAME.....SIGNATURE.....

DATE.....

WHEN SHOULD YOU CONTACT OCPA NI?

There are a number of situations when the Code of Practice requires a Department to seek OCPA NI's approval for a course of action, to notify us of a course of action or where we require documentation to be sent to us. These are set out below as an aide memoire. The references in brackets relate to the Code of Practice.

DEPARTMENTS MUST SEEK OCPA NI'S APPROVAL:

- To appoint an individual where their term will exceed the 10 year limit. (*Para. 3.16*)
- To extend a current term of appointment. (*Para. 3.20 & FAQ 5*)
- To designate an appointment as falling within the 'expert' category i.e. if a post requires such a rare combination of skills and experience that it would not be appropriate to apply the Code. (*Para. 3.11*)
- To make an emergency appointment. (*Para. 3.12*)
- To seek additional applications. (*Para. 3.25b*)
- To extend the closing date of a competition. (*Para. 3.30 & FAQ 2*)
- To change the OCPA NI Assessor mid-process. (*FAQ 1*)
- To make a second reappointment without going to open competition. (*Para. 3.16(b) ii & FAQ 5*)
- To appoint a candidate from a reserve list – 6 months after the original appointment has been made. (Departments can appoint from a reserve list up to the 6 month deadline, without reference to OCPA). (*FAQ 5*)
- To depart significantly from the prescribed process. (*Para's. 1.7,2.19 & FAQ 5*)
- To use the monitored kitemark. (*Annex B*)
- For an exemption from the Code i.e. to agree to a member's reappointment without open competition because a major reconfiguration of the body is anticipated shortly and it would not be feasible to recruit a new member for an uncertain future. (*Para. 2.20*)

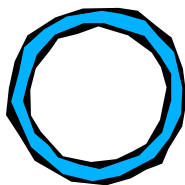
DEPARTMENTS MUST NOTIFY OCPA NI:

- If a Minister proposes to act independently of the Code. (*FAQ 5*)
- If a Minister rejects a list put forward by a Panel as unsuitable and wishes to appoint someone else. (*Para. 3.40 & FAQ 5*)
- If a statutory nominating body insists on submitting a single nomination. (*Para. 3.25c*)
- If a situation arises which is not covered in the Code of Practice. (*Para. 1.7 & FAQ 5*)

DEPARTMENTS MUST SEND TO OCPA NI:

- Copies of advertisements (including those where the monitored kitemark has been used). (*Para. 3.23*)
- Copies of Press Releases. (*Para. 3.43*)

(Both of these requirements apply to OCPA NI Regulated and Monitored processes.)

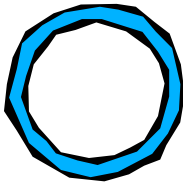


..... **FREQUENTLY ASKED QUESTIONS**

I have a question about.....

Look in Section:

Applicants – minimum number	6
Closing dates	2
Conversations with a purpose	1
C.V.s	2
Departing from the Code	5
Extension to an appointment	5
Feedback	4
OCPA NI Assessors	1
Issue not covered in the Code	5
Late applications	2
Limited suitable candidates	5
Ministerial Choice	5
Ministerial Involvement	5, 6
Minister rejecting a List	5
Monitoring sections	2
Nominating Bodies	3
Number of public appointments held	6
Panel membership	1
Performance appraisals	4
Political Activity Sections	2
Reconvening the panel	1
References	2
Reserve lists	5
Selection panels	1
Ten Year Rule	3
Validation Certificate	6



..... **FREQUENTLY ASKED QUESTIONS**

Section 1 : Panels, Interviews & Conversations with a Purpose

Q What is the procedure if a Department wishes to make a change to the composition of a selection Panel?

A Normally, a panel should comprise the same members throughout the process, but, in extenuating circumstances, the Department may change the panel membership. The reason for the change should be recorded, but it is not necessary to inform OCPA NI. However, if the Department wishes to change the OCPA NI Assessor, this should be cleared in advance with OCPA NI.

Q Panel membership normally includes an official from the Department. How senior does this official have to be?

A The official does not have to be a member of the Senior Civil Service. As long as the official has sufficient knowledge, experience and training in appointments to make a sound judgement, they can be of any rank the Department feels is suitable.

Q What happens if the OCPA NI Assessor knows one or more of the candidates?

A Given the scale of Northern Ireland, this is quite a frequent occurrence. This is not a problem, as long as the Assessor declares the relationship and it is recorded. However, if there is likely to be a conflict of interest, the Assessor should declare it and may have to step down.

Q Is a Department obliged to accommodate a candidate's request for a change in the date of an interview, especially in cases where it would mean reconvening the Panel?

A Although this is a matter for Departments and each Department should have a clear policy on this issue and apply it consistently, OCPA NI consider that it is up to the candidate to make themselves available on the dates specified and Departments are not obliged to make alternative arrangements. They may, however, wish to consider each case on its merits; for example, where the candidate provides a sufficiently compelling reason for requesting an alternative date, the Department may wish to accommodate them. They should, however,

consider the proportionality principle - is it worth the additional time and expense to reconvene the interview panel, particularly if there is already a wide field of candidates? The Department should also take into account whether they provided sufficiently reasonable notice of the anticipated interview date.

Q What is a "conversation with a purpose" and how is it conducted?

A "conversation with a purpose" can be used for lower profile appointments, where a formal interview is not deemed necessary, but the OCPA NI Assessor must be involved in deciding when a conversation with a purpose will suffice. Such a conversation will be carried out by an official from the Department and will explore such areas as the candidate's relevant experience, their availability, their commitment and to ensure that the individual understands what they will be required to do. The conversation can be held by telephone, but it is best practice to conduct this in person. Notes should be taken and should be available to the OCPA NI Assessor.

Section 2 : Application forms & Closing dates

Q If a candidate refuses to complete the monitoring section of the form, should they be barred from any further part in the process?

A This is a matter for departments, but they will wish to consider all the relevant information, including the possibility that the decision could be open to challenge. It may be advisable to consult the Departmental Solicitor for advice. Departments should, however, ensure that such a refusal is recorded.

Q If an appointee refuses to complete the political activity section of the form, should they be barred from taking up appointment?

A No, but the refusal must be recorded and the Department should speak to the individual to explain the need for the information and to encourage compliance .

Q What form should references take and when should they be taken up?

A Paragraph 3.40 of the Code states that it is for Departments to decide if they require references and how and when they take them up. If references are being requested the Department needs to establish first of all whether they are seeking information on the candidate's "standing" (e.g. honesty, governance issues, etc), or whether they are testing for professional capability. The reference request should then ask specific questions that are relevant to the details being sought. The Department should also make clear to candidates whether they are seeking personal references or references relating to capability so that the names of appropriate referees are provided.

Departments should have a policy on when references will be taken up and should make this clear to candidates and panel members. Best practice indicates that references should be sought for candidates who are successful at the interview stage, but this may vary depending on the type of appointment being filled. It is Departments to decide an appropriate approach.

Q What is the procedure if a Department wishes to extend the closing date of a competition?

A This should only be done for exceptional reasons and such an action has to be agreed in advance with OCPA NI.

Q How should a late application form be handled?

A This is a matter for Departments, though each Department should have a clear policy on this issue, apply it consistently and ensure that all candidates are treated equally. (Special consideration might be applied, for instance, where there is evidence that the delay has been caused by postal problems or other reasons outside the candidate's control).

Q Is it acceptable to consider a c.v. in lieu of an application form, or to consider an application form that relies heavily on an attached c.v.?

A All candidates should complete an application form. The Department must decide in advance whether they will accept application forms plus c.v.s, or whether they will only consider application forms and will disregard any accompanying c.v. Whatever decision they reach, this must be clearly communicated to prospective candidates so that none are disadvantaged. Any assessment panel will need to be able to compare "like for like" and only the presentation of applications in a similar format will make this possible.

It is also possible that a standard c.v. will not provide evidence of how the candidate meets the specific criteria or competencies demanded. It is not reasonable to expect a panel to sift through and glean the information it requires from amidst other unrelated information in a c.v. when the same information can be readily identified and evaluated from a standard application form.

Section 3 : Nominating Bodies & the 10 Year Rule

Q Nominating bodies - can the process be applied to nominees e.g. District Councillors? If so, how is this conducted?

A Nominating bodies should be urged to comply with the process as fully as possible and must be encouraged to put forward several candidates, in order to give the Minister a choice. It is best practice for these nominees to go through the same selection process as candidates applying through the open competition (for example, they should be assessed against the criteria and appear before a Panel if one is used). This will enable the names of those found suitable to be passed to the Minister for a final decision on the appointment. Such nominees, however, are in competition with one another only and are not in direct competition with those applying through the open competition. It is also best practice for nominating bodies to have written procedures laid down, which sets out their selection process.

Q Why is there a restriction on the total length of time for which a person may serve on the same board (that is, the “10 year rule”)?

A This reflects the spirit of the Code as it is considered vital to the good governance of any public body to refresh the membership regularly, to encourage ‘new blood’ and new ideas and to give other people an opportunity to serve on the body.

Section 4 : Feedback & Performance Appraisals

Q If a candidate asks for feedback, what is the best way to approach this?

A It is best practice for the Department to invite a short-listed candidate for a short chat on why they were not successful. This may not always be practical; the candidate may live at a considerable distance, or there could be a large number of candidates who have requested feedback and it would not be practical to meet with everyone. In such cases, a telephone conversation will suffice. The Department may wish to write to the candidate, but experience shows that a conversation is usually more effective - queries from the candidate can be dealt with at the time, for example, rather than instigating an exchange of letters. In order to facilitate this, the Panel should ensure that full notes are made on the candidate's performance, so that documentary evidence is available to substantiate feedback.

Q Should a Department give the candidate details of how they scored against each criterion?

A *This is a matter for the Department, although often there is little to be gained by it. The candidate may be told what the pass mark was and what their total score was, but this is only really meaningful when compared with that of other candidates, and they cannot, of course, be given this information. It is more helpful for the candidate to be told in which areas they performed well and against which criteria they did not score highly enough.*

Q What form should the performance appraisal take?

A *Performance appraisal should be regular and open and should not be conducted only at the time of reappointment. Members should have an awareness that they are being appraised, the standards against which they will be appraised, and have an opportunity to contribute to and view their report.*

The Commissioner is of the view that on-going assessment of members is vital, not only for compliance with the Code of Practice, but also to meet best practice and provide members with feedback; to recognise their contribution; to motivate them; and, where necessary, to provide them with advice on improving their performance.

The assessment may cover such aspects as attendance at meetings; whether the member has read the papers in advance; whether they challenge constructively; their contribution at meetings; general performance; whether they make appropriate visits; whether they undertake tasks as appropriate and in line with other members, etc. However, the formality should be proportionate to the size of the body, frequency of meetings, and other appropriate factors.

Q Who is responsible for carrying out performance appraisals?

A *This is a matter for Departments, but generally the Chair of the body will assess the members and a senior official from the Department will assess the Chair.*

Section 5 : Departures from the Process

Q What is the procedure if a Department wishes to extend an appointment?

A *Extensions to a period of appointment must be cleared in advance with OCPA NI, in writing.*

Q How long can a reserve list for a particular appointment remain "live"?

A *Candidates who were recommended to the Minister, but who were unsuccessful in the initial round of appointments, can be appointed to fill a vacancy on the Board, if it falls within six months of the original set of appointments being made and the selection criteria remain the same. After the six months is up, Departments may*

seek OCPA NI's approval to appoint a candidate from the reserve list, but only in exceptional circumstances. Each will be considered on a case-by-case basis.

Q What is the procedure if a Department wishes to depart significantly from the prescribed process?

A Any significant departures from the process must be approved in advance with OCPA NI and must be duly recorded.

Q What is the procedure if a Minister proposes to act independently of the Guidance?

A The Department is advised to consult the Commissioner as early as possible, to try and resolve the issue. If the Minister insists on proceeding, the Department must notify the Commissioner, in writing, before the appointment is announced publicly. Any subsequent announcement or press release must contain a sentence which indicates that the appointment process did not comply with the Commissioner's Code of Practice. The Commissioner may decide to take further action, such as commenting publicly on the appointment.

Q What is the procedure if a Minister rejects a list put forward by a Panel as unsuitable and wishes to appoint someone else?

A The Department must inform the Commissioner, in writing, immediately.

Q If a situation arises which is not covered by the Code of Practice, what steps should the Department take?

A In such a situation, the Department must consult OCPA NI.

Q What happens if a Minister states specifically that he/she does not require a choice of candidates?

A If a Minister states specifically that they do not want a choice of candidates, then the appointments panel need only submit one name for consideration. However, if that Minister moves on, the new Minister would need to be asked whether they wish to be given a choice in future.

Q What can a Department do if they have run an open competitive process but have only managed to identify one appropriate candidate to present to the Minister?

A As in the above question, it must first be established whether every effort has been made to identify potential candidates for the post in question. However, it is recognised that, for certain specialised posts, there may be very few appropriately experienced or skilled applicants. In very few cases, it might be impractical to try

to fill such positions through the usual procedure. These can be dealt with on an individual basis and, if a Department thinks that a particular appointment falls into the “expert” category, it can present its case to OCPA for consideration. This should be done before the appointment process begins.

Alternatively, if the Department is confident that every effort has been made to identify potential candidates but this has resulted in a lack of choice, a case may be made to the Minister for their consideration of only one candidate. The submission should detail the steps taken to publicise the vacancy, the reasons why any alternative candidates failed to come through the process and take their mind on whether they would be prepared to make an appointment without a choice of candidates. It does remain the Minister’s right, however, to refuse to accept a single candidate and to ask that the Department re-run the process.

Section 6: General Queries

Q Is there a minimum number of applicants which is acceptable to be considered for a post?

A The calibre of the applicants is more critical than the total number of applications received. However, if too few applications are received, it may prove difficult to provide a choice to Ministers at the end of the selection process. If only a few applications are received, consideration needs to be given to whether every effort has been made to identify potential candidates for the post in question. (Was the publicity wide enough? Were the person and role specifications appropriate and did they only demand essential criteria to enable the applicant to carry out the duties? Were all interested parties contacted to see if they were aware of potential candidates who could be encouraged to apply? Was there any reason for an apparent lack of response, such as advertising during the holiday season?) Departments should consult OCPA NI to discuss whether an alternative approach is possible, or if it is permissible to continue the competition with a limited field of candidates.

Q Is there a limit to the number of public appointments a candidate can hold at any one time and should this be taken into account when considering them for another appointment?

A Technically, there is no limit to the number of appointments which a candidate can hold at any one time. However, if a candidate already holds an appointment(s) and the Department has concerns about whether a candidate would be over-stretched by taking on a further appointment, the interview panel should explore this with the candidate to ensure that they can commit themselves fully to the additional appointment.

Q Some Ministers like to have sight of shortlists before interviews. Can they substitute candidates or add or delete candidates at this stage?

A *No, only in the very exceptional circumstances when there is a limited field, Ministers may be consulted about the shortlist to see if they want to broaden the field. In such cases, additional candidates must be sought and assessed in accordance with the Code of Practice.*

Q Why has the Commissioner introduced the requirement for the OCPA NI Assessor to sign a Validation Certificate before the submission goes to the Minister?

A

- *This is for the OCPA NI Assessor to confirm that they are content that each stage of the process in which they have been involved has complied with the Code;*
- *It is to give Ministers confidence that the process has been “signed off” by the OCPA NI Assessor when they are presented with a submission asking for their decision;*
- *It gives departments a more clearly documented audit trail.*

The Central List of OCPA NI Assessors

INTRODUCTION

In August 2004, OCPA NI took over responsibility for the selection, administration and training of OCPA NI Assessors. The Commissioner appointed a central pool of OCPA NI Assessors (OAs), who successfully completed a selection process, which involved a criteria-based application form, interview and references. They have also received induction training.

HOW WILL THIS AFFECT DEPARTMENTS?

Competitions run under both the Regulated and Monitored Kitemark schemes must be referred to OCPA NI, which will allocate an OA to that process. Departments should no longer approach OAs on their own account for these competitions. It is left to the discretion of departments to decide whether they also use the central pool for appointments which are neither regulated nor monitored. In the interests of consistency, however, the Commissioner encourages departments to do so.

Forward planning is essential; OCPA NI should be contacted early in the process, so that we are given as much notice as possible to appoint an OA. We will need to know in what stages of the process the OA will be involved i.e. will they be required to scrutinise draft documentation, or carry out the sift process, as well as taking part in the selection panel. Clearly, this will affect the amount of time which the OA will need to set aside for the competition and so we will have to be able to confirm their availability at the time of allocation. We also need a broad indication of when the OA will be required e.g. late November, or first 2 weeks in January. It can cause difficulties if firm dates are set in advance of the OA being allocated, as it may not be possible to identify an OA who will be available on these days.

In the past, it has been common practice for departments to use the OA to balance the selection panel. We will be allocating OAs in rotation, to ensure that all OAs are given an equal chance to participate in the process. OCPA NI cannot guarantee, therefore, that we will be able to allocate an Assessor with a given gender or community background, so the Commissioner has asked that departments should endeavour to ensure the panel is balanced before approaching OCPA NI for an Assessor. Alternatively, Sponsor teams may be allocated the OA first and then select other panel members accordingly. If this is not possible, we will do our best to accommodate you, but departments should not rely on this.

Please note that this new process applies only to OCPA NI Assessors who are working on public appointments. Other Assessors, such as those for Appeals Panels and so on, are not affected.

FEES

Central Pool OCPA NI Assessors are currently paid a set fee of £250 per day, or £125 per half day, which will be paid by the department. This should normally be paid for time spent in the department on sifting, shortlisting and interviewing and would cover any small amounts of administrative work, which the OA does at home. It would also cover brief visits to the department, for example, a 10-15 minute visit to sign off a process.

However, there are occasions in large competitions where an OA may spend a good deal of time working at home and in such cases, the OA should be paid the set fee for this, in addition to work within the department. If this is likely to be the case in a particular competition, OPCA NI recommends that Sponsor Branches agree this with the OA in advance. OAs are also entitled to travelling expenses at the civil service rate.

All fees paid to OAs by departments are taxable and the relevant department will apply PAYE deductions in respect of income tax and national insurance.

Whilst some departments can manage the payments this way, most do not have appropriate systems for doing so. Where this is the case Departments may continue to make payments to the OCPA NI Assessors in line with previous practice and in instances such as this the OCPA NI Assessor has a responsibility for meeting any tax and NIC obligations that apply.

PERFORMANCE APPRAISALS

Performance appraisals are an important factor in the management of the central pool, particularly as they will be used to assess whether or not OAs shall be re-appointed in due course. They will also inform the Commissioner as to how new entrants to the pool are performing and help indicate whether further training is necessary. To this end, a short performance appraisal pro forma should be completed after every competition and submitted to OCPA NI. This will then be sent to the OA for information and they will have the opportunity to add their comments to this form.

A copy of the standard form is attached for information and details on how to complete this are set out below. This should be completed at the end of each competition by the Chair of the interview panel, or, if a conversation with a purpose is being held, by the official who conducts the conversation

The Performance Appraisal Form Section One

The first section asks for the following:

Competition

State which body the competition is for, whether it is for Chair or member appointments and for the latter, how many appointments are being made.

Regulated Process/Monitored Process

Tick the relevant box to indicate whether the appointments are regulated or monitored by OCPA NI.

OCPA NI Assessor:

Insert the name of the OA being appraised.

Completed by:

Insert the name and contact details of the person completing the appraisal.

Finally, the form should be signed and dated.

The Performance Appraisal Form Section Two

The appraiser should consider each of the criteria listed and assess how strongly they agree or disagree with each statement, for the OA's contribution at both selection stage and interview stage. Selection stage covers the OA's involvement from the beginning of the process to the shortlisting stage. Interview stage covers the interview and subsequent recommendations. If the appraiser strongly disagrees with any of the statements, the Commissioner requires them to support this with comments in the box provided. They may, of course, provide comments in any case, if they wish.

The appraisal should be carried out immediately after the competition is complete and should be sent to OCPA NI within 2 weeks

THE ROLE OF THE OCPA NI ASSESSOR

If you are interested in reading more about the role of the OA, information can be found in the OCPA NI document "A Guide for OCPA NI Assessors in the Public Appointments Process", which is available on our website at www.ocpani.gov.uk.

OCPA NI Assessor Review Form



To be completed by the Chair of the Selection Panel

Department: _____

Name : _____

Competition: _____

Contact Number : _____

Signature: _____

Independent Assessor _____

Date: _____

Please rate the contribution made by the Independent Assessor during this competition.

Did the Independent Assessor.....

	Strongly Agree	Agree	Disagree	N/A	You may wish to consider the following when answering this question. Did the IA.....
1. advise effectively on the Code of Practice and uphold its principles?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Offer guidance to the department/panel on interpreting the Code to ensure compliance? • Seek guidance from OCPA NI as necessary?
2. demonstrate appropriate skills during the planning, shortlisting & interviewing stages?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Provide informed advice on the publicity & application packs? • Establish rapport? • Question effectively?
3. work effectively as a panel member and with the Department?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Give timely responses to correspondence & communication? • Contribute to the panel as an equal member?

	Strongly Agree	Agree	Disagree	N/A	You may wish to consider the following when answering this question. Did the IA.....
4. challenge constructively?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Demonstrate they were prepared to question others on the interpretation of the Code? • Raise concerns at potential breaches of the Code?
5. work pragmatically?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Bring practical solutions to difficult situations? • Adopt a proportionate approach throughout the appointment round?

We welcome your comments on any aspect of the Independent Assessor's performance. Thank you.

Please return the completed form within 2 weeks of the competition's close to :
 OCPA NI, Room A5.34, Castle Buildings, Stormont Estate, Belfast, BT4 3SR