

- 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.