

**From the Permanent Secretary  
Dr Malcolm McKibbin**

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Commissioner for Public Appointments for  
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Your reference:  
Our reference: PSDRD 237/10  
21 September 2010

Dear *Felicity*

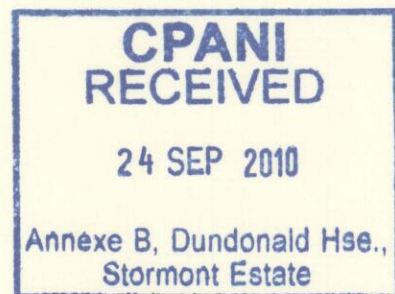
You wrote to Paul Priestly on 20 May setting out the arrangements for the completion of Annual Compliance Statements during the introductory period for your new Code.

As requested, I attach a compliance statement for the Department for Regional Development which covers appointments and reappointments initiated and completed in the period 1 February to 31 July 2010.

Yours sincerely

*Malcolm*

**D M McKIBBIN (Dr)  
Permanent Secretary**



**STATEMENT OF COMPLIANCE WITH THE COMMISSIONER FOR PUBLIC  
APPOINTMENTS FOR NORTHERN IRELAND CODE OF PRACTICE FOR  
MINISTERIAL APPOINTMENTS TO PUBLIC BODIES**

I certify that all public appointment processes within the remit of the Commissioner for Public Appointments for Northern Ireland conducted during the period 1 February 2010 to 31 July 2010 by the Department for Regional Development have been carried out in accordance with the Commissioner's Code of Practice save as set out below.

I am aware of the following issues of non-compliance with the Commissioner's Code during the relevant period and have taken or plan to take the actions indicated below, in order to rectify or, if not rectifiable, deal with the issues concerned.

**INSTANCES OF NON-COMPLIANCE:**

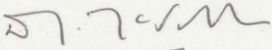
The arrangements for the appointment of four interim Non-Executives in NI Water, (three Non-Executives appointed on 21/06/2010, and one Non-Executive on 30/06/2010) were not in accordance with the CPANI Code of Practice. Although outside the timescale of the compliance statement, the subsequent appointment of an interim Chairman on 9/08/2010 was also not in accordance with the Code.

The assessment of the candidates included a demonstrable element of independent participation.

In accordance with Paragraph 1.10 of the CPANI Code of Practice an exception was requested in advance in writing and the Commissioner's written agreement was obtained on 24 March 2010. The Press Release highlighted that the process was discussed with CPANI and classified as an exception to the Code of Practice.

**ACTION TAKEN OR PLANNED TO DEAL WITH NON-COMPLIANCE:**

The interim process, as agreed with CPANI, was conditional on a full appointment process being conducted as soon as possible in line with the Code of Practice. The Minister made an oral statement to the Assembly on 13 September 2010 on the future governance of NI Water. He emphasised that these were interim appointments pending the running of a full appointments process. He outlined his intention to commence the process as soon as possible. He explained that the full appointments process would take between six and nine months and would be carried out in an open, transparent and independent manner in accordance with the CPANI Code of Practice.

**Signed:**  [Permanent Secretary/~~Other Appropriate Officer~~]

**Date:** 21.9.10

\* Delete as appropriate