

CPANI

The Commissioner
for Public Appointments
Northern Ireland

Code of Practice for Ministerial Public Appointments in Northern Ireland

01 February 2010

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1. Introduction

The Commissioner

1.1 The post of Commissioner for Public Appointments in Northern Ireland was established in November 1995. The Commissioner's role is to regulate, monitor, report and advise on the way in which Ministers make appointments to the boards of many public bodies in Northern Ireland. The Commissioner's key concern is to ensure that these appointments are made in ways which are open, transparent and merit-based. The Commissioner is appointed by the First Minister and deputy First Minister and is independent of both the Government and the Civil Service.

The Northern Ireland Executive & Ministerial Responsibility

1.2 The ultimate responsibility for appointments rests with the relevant Minister.

1.3 The Northern Ireland Executive Ministerial Code states: -

“the responsibilities of the First and deputy First Minister include public appointments policy”

- 1.4 (a) The Northern Ireland Executive Ministerial Code also refers to objectivity and states *“In carrying out public business, including making public appointments, holders of public office should make choices on merit”*.
- (b) For clarification purposes it should be noted that Section 3 of the Ministerial Code applicable in **England** states that *“Ministers have a duty to ensure that influence over public appointments is not abused for partisan purposes”*. It also states that *“Public appointments should be made in accordance with the requirements of the law and, where appropriate, the Code of Practice issued by the Commissioner for Public Appointments”*

The Code of Practice for Ministerial Public Appointments, for Northern Ireland

- 1.5 The Commissioner is required, by law, to prescribe and publish a Code of Practice to regulate the process by which public appointments are made. The Code sets out the principles and practices which the Commissioner requires Government Departments to adopt. It provides Departments with a clear and concise guide to the steps they must follow in order to ensure a fair, open and transparent appointments process.

Who is the Code for?

- 1.6 The Code is for those appointments that fall within the remit of the Commissioner for Public Appointments for Northern Ireland. This Code will be of relevance to Ministers, public bodies, Government Departments, current and potential public appointees and the general public.

Departmental Responsibility

- 1.7 It is the responsibility of Northern Ireland Government Departments to ensure the principles and practices contained in the Commissioner's Code are upheld throughout the process.

The Legislative Basis for the Code

- 1.8 The statutory authority for the Commissioner's role is contained within the Commissioner for Public Appointments (Northern Ireland) Order 1995, as amended by the Commissioner for Public Appointments (Amendment) Order (NI) 2001 and further amended by The Commissioner for Public Appointments (Amendment) Order (NI) 2008. This can be viewed at: www.publicappointmentsni.org/index/our-role.htm

Interpretation of the Code

1.9 The responsibility for interpreting this Code of Practice rests with the Commissioner, whose decision will be final.

Guidance issued by the Commissioner

Any guidance issued by the Commissioner shall be treated as part of this Code and is mandatory unless otherwise specified.

Exceptions to the Code

1.10 If a Department wishes to request an exception to the Commissioner's Code of Practice the Department must request such in advance, in writing, including sufficient information to enable the Commissioner to take a view on the proposed course of action. No deviation from the Code can be made without the Commissioner's written agreement. The following are examples of what may be considered as exceptions. This is not however an exhaustive list:

- Emergency appointments
- Extension of appointment term
- Expert posts

2. The Principles of the Code

2.1 Seven key principles underpin this Code. These principles form the basis of the public appointments process in Northern Ireland. The principles have been tailored and updated to reflect the needs of our devolved administration and society.

Merit

2.2 All public appointments will be made on the basis of merit. Only those individuals judged to best meet the requirements of the post will be appointed to our public bodies.

Diversity

2.3 Currently, the make-up of the boards of our public bodies fails to reflect the make-up of our population. The opportunity to appoint the best people is greatly increased when every potential applicant is attracted and encouraged to apply and when individual differences are truly valued. Everyone involved in the public appointments process has a duty to encourage a pool of applicants as diverse as the people of Northern Ireland. By their actions throughout the public appointments process, Departments will demonstrate their commitment to this principle.

Equality

- 2.4 The appointments process will ensure equality of opportunity and treatment of all applicants at every stage.

Openness, Transparency and Independence

- 2.5 The practices employed by Departments at every stage in an appointment round must be open, transparent and consistent with the recognised principles of open government.
- 2.6 All public appointment competitions must include a demonstrable element of independent participation in the assessment of applicants.

Integrity

- 2.7 Public appointees must be people who understand, apply and are committed to the principle of integrity and will perform their duties with moral rigor and honesty without personal or corporate gain.

Proportionality

2.8 Whilst the Commissioner's Code must be followed for every appointment, the procedures applied at each stage of an appointment should be proportionate to the size and purpose of the public body and to the posts to be filled. The proportionality principle must not be used to circumvent proper procedures or avoid good practice.

Respect

2.9 Everyone engaged in the public appointments process must show respect for all others involved in the process. Departments will promote and demonstrate their commitment to this principle.

3. The Appointments Process

Ministerial Responsibility and Involvement

- 3.1 As Ministers in the Northern Ireland Executive are responsible for the work of our public bodies and those appointed to these bodies, they must determine in advance of each appointment process the related criteria, skills and personal qualities required on the board of the public body.
- 3.2 Once the Ministers have agreed the role profile, person specification and appointment timetable, they will not be actively involved in the appointment process again until assessments have been concluded and they have received the Ministerial submission (see paragraph 3.5).
- 3.3 During the planning stage, Departments must also consult Ministers and confirm with them how they want the final submission of suitable for appointment applicants to be presented.

Planning

- 3.4 The Department should, where appropriate, seek the views of the chair of the body on issues such as e.g. selection criteria and the balance of the board. Such consultation should be at the beginning of the process (to inform paragraph 3.5).

- 3.5 The Department, will prepare, for agreement with the Minister:
(as at paragraph 3.2)

The role profile: this will describe the nature, purpose and responsibilities of the role in the context of the public body concerned. It will state the length of the appointment term, any remuneration, allowable expenses and give a realistic indication of the time commitment required.

The person specification: this will detail the characteristics required to discharge the responsibilities of the role. Where multiple appointments are to be made there is an expectation that person specifications will vary to reflect to the full range of skills and experiences required on the body in question.

The person specification will contain the essential criteria for appointment and may contain applicable desirable criteria. The criteria must not contain unnecessary or unjustifiable conditions or standards. The person specification and role profile must be reviewed each time a vacancy occurs and updated for each appointment process.

When drawing up criteria for a public appointment those involved must recognise the validity of non-traditional career paths to encourage applications from as diverse a range as possible.

3.6 To assist the planning of the appointment process in full the Department will prepare an appointment plan.

The appointment plan will include:

- a. the content of publicity and methods of publicising the appointment;
- b. a mechanism to deal with, in a timely and courteous manner, any requests for publicity material, applications forms etc, in alternative formats e.g. Braille, audio readings etc;
- c. the closing date for applications, assessment and proposed interview date(s), and the planned date of appointment;
- d. the process or processes to be used for sifting and/or short listing and final assessment of applicants;
- e. the composition and names of the selection panel and arrangements for interviews/or other assessments;
- f. how applicants will be informed of the progress and outcome of their application;
- g. a clear procedure on handling late applications, which will be applied consistently to ensure all applicants are treated equally and fairly;
- h. a clear procedure to handle an applicant's query regarding his or her omission from the short list or interview list;
- i. a clear procedure where an applicant is unable to attend for assessment on the published date(s).

The Selection Panel

3.7 Every appointment process will involve a selection panel, taking into consideration the requirements at paragraph 2.6. The Department will determine the Department's membership of the selection panel at the planning stage. See paragraph 3.10. The selection panel will normally comprise:

- a. a senior official of the Department, who may chair the selection panel;
- b. the chair, or a representative, of the public body;
- c. other individuals as the Department think proportionate or appropriate.

3.8 Members of the selection panel will remain the same throughout the appointment process, unless extraordinary circumstances require substitution. All panel members must take part in all stages of the selection process.

3.9 Members of the selection panel must be fully briefed on the work of the relevant public body, the Commissioner's Code of Practice and have ready access to the Code.

3.10 All selection panel members chosen by the Department must have received, prior to the commencement of the competition, appropriate training on:

- the requirements of this Code of Practice;
- diversity and equality issues;
- current interviewing techniques.

This training must be up to date and undertaken no more than 24 months prior to the commencement of the pertinent appointment competition.

It is recognised that when this Code of Practice is implemented Departments may not be in a position to fully comply with this paragraph. Departments must prepare for full compliance with this paragraph by January 2011.

Revisions to the Appointment Timetable

- 3.11 Once the appointment timetable has been agreed, it will not be varied except in exceptional circumstances as agreed with the panel members. If the timetable must be varied all applicants must receive an explanation for any variation which may affect them.

Encouraging Applications

Publicising the Appointment

- 3.12 There is no statutory requirement regarding where advertising for public appointments must be placed.

- 3.13 Publicity should be designed to ensure as wide and diverse an audience as possible is made aware of the appointment. The location and timing of publicity will take into account the nature of the post and the skills and experience sought.
- 3.14 All publicity, information and application forms must display the “*CPA NI Regulated*” Kitemark clearly in the specified font and point, and copies of the advertisement must be sent to OCPA NI at the time of publication. See weblink:
www.publicappointmentsni.org/index/departmental_guidance
- 3.15 All competitions to fill chair posts, appointments which are paid, have a high profile, or have responsibility for managing significant public funds must be advertised sufficiently widely to attract an appropriate field of applicants.
- 3.16 Unpaid posts must be publicised. Departments should do so in the most effective and appropriate way.
- 3.17 Departments must ensure their chosen form of advertising helps rather than hinders the diversity of applicants.
- 3.18 Publicity will enable potential applicants to make an informed decision about whether they meet the requirements of the post or not. Publicity must accurately reflect what skills/experience etc are required and should encourage applicants from as wide a field as possible.

3.19 The publicity will clearly demonstrate the realistic time commitment required and will state whether the post is remunerated and the rates paid.

3.20 On request, publicity will be made available in appropriate formats (see paragraph 3.6 b).

Information Packs

3.21 The Department will prepare an information pack which will be provided to everyone who requests one. The minimum requirements for an information pack are:

- the application form;
- role and person specifications;
- a realistic indication of the time commitment;
- details of remuneration and expenses relating to the appointment;
- information about the body concerned;
- information on the process and how long it will take including the dates for interview;
- a copy of the CPA NI leaflet “From Felicity Huston, Commissioner for Public Appointments”;

- details of expenses to be reimbursed, in relation to the selection process;
- a telephone contact point where potential applicants can obtain relevant information regarding the appointment process as well as the progress of their own application.

Application Forms

3.22 Departments must remember that applicants may not be familiar with completing application forms. Therefore all application forms must be simple, straightforward and ask only what is truly required. The design of the form should enable applicants to describe easily their skills and experiences against the criteria. Arbitrary restrictions on the use of technology in completing application forms are discriminatory and should not be included. The design should enable the panel to assess easily the applicant's responses to the criteria. Information requested on the application form must be the same as that stated in the advertisement, the information pack and the person specification.

Departments must ensure that they facilitate applications by all those individuals who wish to apply (see paragraph 3.6 b).

3.23 Monitoring forms may be used by the Departments but are not a requirement of this Code of Practice. Departments who chose

to use monitoring forms must ensure that such forms are removed before the application form is seen by the panel.

- 3.24 Applicants should be made aware on the application form, that, if successful, some of the information they have provided on their application form will be placed in the public domain.

Processing and Assessing Applications

Closing Date

- 3.25 Once the closing date has been advertised, it must be maintained. Any alteration to the original closing date e.g. when a competition has failed to produce a suitable pool of applicants or has failed to produce a suitable appointee, must be agreed with CPA NI in advance.

Informing Applicants of progress

- 3.26 Everyone who applies will be kept informed of the progress and ultimate outcome of their application in a timely and courteous manner.

Selection of Applicants

3.27 The panel will undertake all sift exercises including any assessment of the applicant's compliance with any administrative requirements.

3.28 Selection will be based on merit i.e. on how an applicant's skills, knowledge, experience and qualities, as displayed throughout the entire application form, meet the criteria. Any selection or short listing exercise must be carried out on the basis of merit and not to fit a predetermined timetable for interviews or other Departmental restrictions.

3.29 Skills, knowledge and experience can be achieved throughout a person's life either in a personal capacity, work or through voluntary experience. When determining an applicant's merit, cognisance must be taken of non-traditional career-paths and lifestyles, to ensure individuals are not discriminated against either directly or indirectly.

3.30 When assessing applicants at any stage of the appointments process, it must not be assumed that applicants have expertise in:

- the public appointments process;
- the jargon and terminology of the Northern Ireland Civil Service;

- current assessment genres ;
- the technology employed by the Northern Ireland Civil Service.

3.31 Full contemporaneous records of all the assessment procedures, deliberations and outcomes must be kept.

3.32 Departments will ensure they have a system in place to re-assess applicants who query, challenge, or raise a complaint, during the appointment process. Departments will also interview applicants assessed as suitable for interview as a result of the outcome of the query, challenge or complaint. This procedure should also allow for inclusion on the list of those applicants found suitable for appointment for submission to the Minister, if applicable. NB: *Given that all applicants receive details of interview dates etc, Departments are not expected to delay an appointments process where such a query etc has not been received in a timely manner.*

3.33 Any such query or possible challenge will be dealt with in a timely, fair and courteous manner.

Final Assessment

3.34 No individual may be appointed or judged suitable for appointment on the basis of written evidence alone.

- 3.35 The formal interview is the most common method of final assessment to determine which applicants are suitable for appointment.
- 3.36 Any alternative method of assessment must comply with the principles of the Commissioner's Code.
- 3.37 When determining the method of final assessment and carrying out that method, cognisance must be taken of non-traditional career-paths and lifestyles to ensure individuals are not discriminated against either directly or indirectly.
- 3.38 At all stages of assessing applicants, those involved must remember that applicants may not be familiar with the method of assessment used by the Department e.g. the formal interview or competency based assessment.

Integrity and Potential Appointees

- 3.39 All those involved in the assessment of applicants must be familiar with how conflicts of interest and matters of integrity can affect the workings of a public body. They should also be familiar with the recommendations of both the Westminster and Northern Ireland Public Accounts Committees relating to conflicts of interest and the public appointments process. These can be viewed by accessing the links below:

- www.niauditoffice.gov.uk/pubs/reports.asp

- www.niassembly.gov.uk/public/accounts.htm
 - http://www.parliament.uk/parliamentary_committees/committee_of_public_accounts/committee_of_public_accounts_reports_and_publications.cfm
- a. Conflicts of interest may not be a barrier to appointment but both real and perceived conflicts must be discussed with all applicants by the selection panel. This is to ensure that the public can have confidence in the board's independence and impartiality and the integrity of the potential appointee.
- b. The selection panel will ensure that:
- i. each applicant is fully aware of the standards of behaviour required of public appointees and can demonstrate his or her understanding of the issue;
 - ii. conflicts of interest have been explained to and explored fully and robustly with each applicant.
- c. Whether an applicant has made reference or not to any conflict of interest they must still be asked whether there are any real, perceived or potential conflicts of interest between their circumstances and the appointment for which they have applied.

- d. Applicants must also be asked to declare whether or not they are, or have in the past been involved in activities that could call into question their own reputation and/or damage the reputation of the Body to which they are applying. The panel must consider fully the answers and if necessary question further or challenge the applicant.
- e. The panel members will make an assessment on whether there is an integrity or conflict of interest issue, and if so how it will be dealt with. The panel must document the discussion and any decisions made. If the conflict is irreconcilable or, given the circumstances it would be inappropriate to proceed with the applicant's application the panel must advise the applicant of their decision and remove him or her from the competition.
- f. If the applicant fails to demonstrate an understanding of or clear commitment to the principle of integrity he or she should be judged not suitable for appointment.
- g. The Ministerial submission must include clear written reference to any perceived or actual conflicts of interest or integrity issues connected to any applicant put forward as suitable for appointment. It must include sufficient information to ensure that the Minister is fully aware of any of these matters and can make an informed decision.

Appointment

Informing the Minister of the Applicants Suitable for Appointment

3.40 No applicant can be recommended to Ministers unless that applicant has been deemed suitable for appointment by the selection panel.

3.41 The applicant summary will be agreed by the selection panel prior to submission to the Minister.

3.42 The Department will provide the Minister with an applicant summary containing relevant background information on all applicants judged suitable for appointment.

3.43 The applicant summary will provide the Minister with an objective analysis of each applicant's skills and experience, based on the information provided by each applicant during the appointment round and the selection panel's assessment of that applicant. See also paragraph 3.39 g.

3.44 As per paragraph 3.3 the Department should agree with the Minister how he or she wishes to have the list of suitable for appointment applicants presented in the final Ministerial summary. However the list is presented, Departments must ensure the Minister is aware of the implications of e.g. presenting the names in any form of 'merit order'. Also boards

may only be balanced in terms of community or similar where the legislation relating to that board specifically demands such balance.

The Minister's Decision

3.45 The Minister may choose to meet the applicants suitable for appointment prior to making the appointment decision.

The Department will retain a written summary of the content of such meetings as part of the audit trail for the appointment;

- the Minister's decision on which applicant(s) is (are) to be appointed, will be recorded and retained as part of the audit trail for the appointment process;
- selection panel members must be informed of the Minister's final decision before any public notification of the appointment is made.

Post Ministerial Decision

Political Activity Forms

3.46 The form recording political activity will only be issued by the Department to be completed by the successful applicant once the Minister's decision is made (See Appendix B) and the information must be included in the public announcement of the

appointment. If no political activity has been declared, this will also be included in the public announcement.

Feedback

3.47 Timely feedback must be offered by the Department to all applicants, who request it. Feedback will be based on the contemporaneous records kept by the Department of the assessment of the applicant. It will provide a clear jargon free explanation for the decisions taken in regard to the applicant at each stage of assessment. Such feedback will be provided by phone or email if requested by the applicant. Each request for feedback will be complied with when received. Departments must ensure they have a process in place to provide feedback. A process which reflects the principles of this Code.

3.48 The purpose of feedback is to provide applicants with useful pertinent information on their performance during the entire assessment process.

Feedback must not be delayed until the end of the process for administrative convenience.

Announcing the Appointment

3.49 In keeping with the principle of openness and transparency, public announcements are required for all appointments, re-appointments and extensions to appointment. Such announcements will include:

- a. a short description of the body to which the appointment has been made;
- b. a brief summary of the skills and knowledge that the individual will bring to the role;
- c. the length of the appointment term and whether it is remunerated; if remunerated the amount will be included;
- d. a list of all other ministerial public appointments held and any related remuneration received;
- e. a statement that the appointment has been made in accordance with the CPA NI Code of Practice – if applicable;
- f. a statement that “All appointments are made on merit and political activity plays no part in the selection process. However, the Commissioner for Public Appointments for Northern Ireland requires the political activity of appointees 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.

3.50 The public announcement will be issued as a press release and will appear on appropriate websites. The public announcement must also be copied to CPA NI at time of publication.

3.51 Departments must ensure that unsuccessful applicants are notified of the outcome of their application prior to the above public announcement.

4. Continuing Appointment

Re-appointment

4.1 A member may be re-appointed for a second term in the same role without open competition, subject to:

- evidence of effective performance;
- continued adherence to the principles of public life:

www.public-standards.gov.uk/About/The_7_Principles

4.2 No individual can be considered for a second term of appointment if either of the above have not been clearly demonstrated.

4.3 All re-appointments will be publicised.

4.4 All processes and decisions relating to re-appointments are subject to the same information requirements as initial appointments and to review by the Commissioner.

Performance Assessment

4.5 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.

Number of Terms Served

4.6 Appointments for the same position 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 the post must not exceed 10 years on that same board.

Those who have served their two appointment terms on a board cannot apply through open competition for the same position.

5. Compliance

Statutory Obligation

5.1 The Commissioner has a statutory obligation under the Commissioner for Public Appointments (Amendment) Order (NI) 2001 to review the policies and practices of Departments in making public appointments to establish compliance with this Code.

Department

5.2 The official responsible as accounting officer for the propriety of public appointments made by the relevant Department (usually, the Permanent Secretary) must complete a statement, confirming that all relevant public appointments processes conducted during the period to which the statement relates have complied with this Code and, if not, identifying the instances of non compliance and indicating the action which has been taken or is planned, in order to deal with the non-compliance. This statement is set out in Appendix A to this Code. This form should be completed and submitted to the Commissioner by the 30th June following the end of the financial year to which it applies.

Monitoring Compliance

Retention of Documents

- 5.3 Departments will ensure a full and complete audit trail is readily available including all pertinent contemporaneous records. The unit administering the process will be responsible for collating all appropriate records from throughout the Department etc. and making them available for audit or as requested by the Commissioner. Such records must be kept, for the purposes of this Code of Practice, for two years from the date of completion of the competition. Departments will be responsible for complying with other relevant data legislation.
- 5.4 When material non-compliance with the Commissioner's Code is not addressed by the Department then the Commissioner will take such action as deemed appropriate under the relevant statutory powers.

Reporting Non Compliance

- 5.5 The Commissioner will act upon all instances of material non-compliance.
- Where material non-compliance occurs and action to address this is not implemented by the Department or if appropriate, the Minister, within a reasonable time, the Commissioner will report on the matter in the manner deemed appropriate.

- 5.6 The Commissioner may decide to comment publicly on the non compliance issue, and will require that any announcement by the Department makes clear that procedure has not been followed in accordance with this Code.
- 5.7 If an appointment has been made using a process which is not compliant with this Code the public announcement (see paragraph 3.49 et seq) will highlight this.

Audit

- 5.8 It is the responsibility of the Commissioner under the Commissioner for Public Appointments (Amendment) Order (NI) 2001 to put in place an audit process which reviews appointments to determine whether the Commissioner's Code has been followed. The guiding principle here is that, whilst the department may be justified in challenging the factual accuracies in an audit, compliance review or investigation, it is not for them to judge the Commissioner's conclusions.

Complaints to the Commissioner

- 5.9 Complaints regarding the appointments process will normally in the first place be dealt with by the relevant Department.

- 5.10 The Commissioner may decide to investigate a complaint which has come to her directly. In such a situation the Department will be involved as appropriate.
- 5.11 If a complainant is dissatisfied with the Department's response, that individual can ask the Commissioner to consider investigating the matter.
- 5.12 Following completion of the investigation of a complaint, the Commissioner will not enter into protracted discussion with the complainant about the outcome of the investigation.
- 5.13 A breach of the Commissioner's Code is the main issue upon which complaints will normally be investigated. Other complaints may deal with for example:
- an individual's experience as a applicant or;
 - the manner in which the Department has conducted the appointment process.
- 5.14 Information on complaints and investigations conducted by the Commissioner will be summarised in the Commissioner's Annual Report. Investigation and complaints reports will be published on the website unless the complainant requests otherwise.

Complaints to Departments

5.15 Government Departments will have an effective system in place for handling complaints and for recording and documenting details of each complaint. Complainants must be made aware of their right to ask the Commissioner to investigate if they are unhappy with the Department's response.

5.16 Departments will ensure full contemporaneous records of any complaint received and its subsequent investigation are kept for audit purposes.

An annual return of the number of complaints received between 1st April and 31st March each year will include:

- i. official complaints received;
- ii. challenges to decisions made (anytime throughout the process);
- iii. complaints regarding the standard of service an applicant has received from a Department throughout the process.

The annual return referred to in this paragraph will be forwarded to the Commissioner by the following 1st September.

CPA NI Complaints Handling

5.17 The CPA NI Leaflet 'From Felicity Huston Commissioner for Public Appointments NI' outlines the complaints handling process undertaken on request by CPA NI.

www.publicappointmentsni.org/index/publications

5.18 On completion of an investigation of a complaint, the Commissioner's findings will be communicated to the complainant, the Minister and the Permanent Secretary of the relevant Department setting out:

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

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.

Investigation

5.19 The Commissioner has a legislative right/duty to carry out investigations. The Commissioner's Legislation is available on CPA NI's website: www.publicappointmentsni.org/index/our-role

6. General Issues

Statutory Nominations

6.1 A statutory right to nominate applicants for appointment arises where a public body's founding legislation or constitution states that an organisation has the right to have their interests represented on a particular public body.

Applicants for nominated positions will be subject to a selection process that complies with this Code of Practice.

At the short listing and interview or other final assessment stages of the competition the applicants for these nominated posts will be assessed against others applying for the same posts.

External Recruitment Consultants

6.2 Departments may choose to involve external recruitment consultants in the appointments process. It is a Department's responsibility to ensure that the consultants follow the Commissioner's Code in full. This applies to, amongst other things, all records kept by the consultants which must be made available for audit by CPA NI.

Joint Departmental Bodies in Northern Ireland

- 6.3 Some public bodies in Northern Ireland are managed by two or more Departments. Competitions for appointments to such bodies are known as joint Departmental appointments.
- 6.4 Arrangements for joint Departmental appointments must be agreed at the start of the process and must be compliant with the Commissioner's Code of Practice.

Use of Social Media/Online Technologies

- 6.5 The use of social media and online technologies is encouraged throughout the entire public appointment process.
- 6.6 The use of such technologies will be, amongst other things to:
- Ease the application process for applicants;
 - Encourage diversity;
 - Reach a wider audience;
 - Increase the speed of feedback to applicants etc.
- 6.7 All use of such technologies must be fully compliant with this Code of Practice

APPENDICES

**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 April [] to 31 March [] by [insert name of Department or other relevant organisation] 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

ACTION TAKEN OR PLANNED TO DEAL WITH NON-COMPLIANCE

Signed

[Permanent Secretary/Other Appropriate Officer]

Date

*Delete as appropriate

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 applicant 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 applicant for one of the above offices

- Spoken on behalf of a political party or applicant

- 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:

NAME.....**SIGNATURE**.....

DATE.....

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 totaling £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.