



The Commissioner  
for Public Appointments  
Northern Ireland

**“Guardian of the Public Appointment Process”**

**Annual Report 1920/20**

[www.publicappointmentsni.org](http://www.publicappointmentsni.org)



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# 1. Commissioner's Introduction

This report covers my fifth year as Commissioner for Public Appointments from April 2019 to March 2020. In it I had hoped to record that the recent time of great uncertainty in the public sphere of Northern Ireland had come to an end with the resumption of the Northern Ireland Executive and Assembly in January 2020. But instead the period of this report, which commenced during our local political crisis, ends at the beginning of a global crisis of unparalleled impact and uncertain duration. Northern Ireland, along with the rest of the world, now faces a huge public health crisis with the associated economic constrictions resulting from the Covid-19 pandemic.

The challenges which faced Northern Ireland departments and arm's length bodies as a result of the fall of the Northern Ireland Executive, had impacted adversely on the public appointments system. In the years preceding 2019 a backlog of vacant or overdue Board appointments had built up and multiple short term extensions of the appointment terms of sitting Directors were being resorted to on a wide scale. This was a situation which, the longer it went on, increasingly undermined the public appointments system and the proper functioning of public boards in Northern Ireland. The implementation of the Northern Ireland (Executive Formation and Exercise of Functions Act) 2018 Act had eased matters significantly by enabling Permanent Secretaries and the Secretary of State to commence and make certain public appointments.


By the time the Executive resumed in January this year Departments had already begun to address the backlog, appointments were being made and a number were in progress. CPANI for its part had increased its advisory work with



Departments during 2019 in order to get the public appointments system back at full output under the new arrangements. The need for better engagement between my office and Departments has been consistently highlighted in my audit reports. At the outset of the reporting year adverse publicity in the case of a sensitive appointment round along with the settlement in favour of complainants in a number of legal cases relating to a different public appointment competition, served as a wakeup call for Departments to look more carefully at how they were handling public appointments.

Accordingly, during the reporting year across Departments there was an increased willingness to seek advice from my office earlier and more often. Greater involvement by CPANI during the course of a public appointment process is, I believe, the right way forward. I am happy to report that this improved engagement with my office reflected positive support on the part of many officials of the culture of transparency, inclusiveness and accountability in public appointments promoted by my office.

In addition to an increased advisory role during 2019 and early 2020, the audit work carried out by CPANI over a number of years indicated that officials running public appointment competitions and selection panel members needed better and more focussed training. This understanding formed the basis of an initiative by my office during the period of this report to build capacity within Departments. In furtherance of this CPANI, during the reporting year, began working with The Executive Office to develop a training and development initiative to be rolled out from 2020 onwards. In the meantime, throughout the year my office provided panel training when requested by individual Departments. I see this training and capacity building as crucial in ensuring that




our public appointments system continues to strengthen and retain public confidence.

The outreach and promotion work conducted by my office also continued and during the year seven free public workshops led by Pat Neeson of CPANI were undertaken. These workshops which aim to give an insight into the public appointments system with guidance on the application process have proved popular involving 60 participants, many of whom have not previously applied for or held a public appointment.

These initiatives while creating a bigger demand on CPANI resources during the reporting year, have contributed to a growing culture of officials and CPANI working towards shared objectives. The objectives of meritorious, diverse and excellent public appointment processes.

In January 2020 when the Northern Ireland Executive and Assembly returned we might have reasonably looked forward to a public administration and public bodies which were in a better position to focus on the challenges and the opportunities created by the UK's departure from the European Union. Grappling with the health and economic impacts of Covid-19 from February/ March 2020 onwards has, however, understandably consumed the attention of our Ministers and many of our public officials. Departments have to now develop new protocols and procedures for managing our public administration with most officials working from home and where social distancing is required. My office will work with Departments to advise on the conduct of public appointments in these new circumstances and to ensure the Public Appointments Code is upheld. Although there will be an adjustment period required I expect that the momentum in the public appointment system can



resume with preparation work taking place through electronic means and interviews possible being held under social distancing restrictions. The training and development can continue similarly through distance learning.

Against this background my statement of key objectives for previous years remains. The two key objectives are for CPANI to promote the furtherance of diversity and good governance on public boards.


### **Diversity**

From the outset of my tenure I have promoted the objective of diversity on public boards in Northern Ireland. I do so for reasons of fairness, good governance and to support the delivery of quality public services.

The evidence shows that where board membership is drawn from a wide range of backgrounds and skills and where there is a strong representation of women then that board is likely to function at a higher level than one which lacks these attributes. The evidence available points to diversity in decision making being an important part of good governance. We all have a vested interest in the delivery of high quality public services in Northern Ireland. A high functioning public board committed to good governance will provide the leadership and direction necessary to ensure its public body delivers effective and quality public services.

To a large extent because of the lack of a functioning Executive in recent years the Northern Ireland Executive target of gender equality in public appointments by end year 2020/21 (for all appointees in post with equality reflected in board membership and at chair level) will not now be achieved.

Nevertheless the promotion of these Northern Ireland Executive diversity targets continued to be a key objective for my office. This approach was




reflected across a number of our activity areas during 2019/20 including those relating to audit and compliance monitoring, training of Independent Assessors and liaison with stakeholders. During the year of this report CPANI also began increased activity in supporting and encouraging a greater representation of people with disabilities on our public boards. This included holding a workshop specifically aimed at informing people with disabilities about public appointments and encouraging applications and ensuring that specific references to disability awareness was incorporated into the training documents.

### **Promoting good governance**

All of CPANI'S work during the reporting year is linked to the promotion of good governance in public bodies. The good governance objective is also closely linked to that of diversity at board level. Good governance is critical to the success of organisations in the public, private and voluntary sectors. In promoting high standards of governance we hope to see our public bodies leading the way for other sectors. The 'big picture' challenge is to develop Northern Ireland's reputation as a high functioning administration with a strong, sustainable economy and an equal society as set out in the New Decade, New Approach document. The objectives of diversity and good governance in our public boards align readily with a number of Programme for Government outcomes including high quality public services, a shared society that respects diversity and creating a place where people want to live and work, to visit and invest in.

CPANI works with other interested bodies in promoting good governance across our public sector bodies. This includes the Northern Ireland Audit Office that






published its Board Effectiveness Good Practice Guide in 2016, the Department of Finance which published the 'Partnership between departments and arm's length bodies: Code of good practice' earlier this year, the Public Chairs' Forum and the Chief Executive's Forum. In the private sector CPANI will continue to build exchange and rapport through organisations such as the Institute of Directors.

### **Reporting conclusion**

Despite the political and administrative challenges that we have experienced and continue to face in Northern Ireland and the difficulties in some of our appointment rounds alluded to here, I am happy to report that overall we have a sound, fair and transparent system of public appointments. Indeed there are many practises in the Northern Ireland system which are exemplars of best practice when compared with those in our neighbouring jurisdictions. This is something to be proud of.

Undoubtedly there is more work to do to attract a wider field of candidates to these posts so that Ministers have a strong and diverse field of candidates from which to make appointments. And in turn to encourage Ministers to take the opportunity afforded by a more diverse field to broaden the range of appointments made to our public boards. I will continue to advocate for this, working with departments and others towards the common goal of excellent public services for Northern Ireland. I will also continue to vigorously pursue without fear or favour, the non-partisan scrutiny role of my office to ensure that our public appointments continue to be made in a fair and transparent way based on merit, that Departments and Ministers are held accountable for their



decisions in this area and that our public appointments system commands public confidence.

Finally, I want to thank the very able staff of CPANI who have risen with admirable commitment to the challenges and increased demands experienced during the period of this Annual Report. There is even more uncertainty and challenges in the year ahead and I am glad to have the support of such a dedicated and knowledgeable team.

Judena Leslie



Commissioner

## 2. Executive Summary

### **Section 1 - Commissioner's Introduction**

- The return of the Northern Ireland Executive.
- Challenges facing Departments and the impact on the public appointments system.
- Increased departmental engagement with CPANI.
- Training and capacity building.
- Achieving greater diversity on the boards of public bodies
- Promoting good governance across public sector bodies.

### **Sections 3 and 4 – Vision, Values and Role of CPANI**

These are set out for readers.

### **Section 5 – The Code of Practice**

Introduction to the Code of Practice.

### **Section 6 – Independent Assessors**

- This sections explains the role of the Independent Assessor and how they are managed.
- Arrangements to allow a panel of Independent Assessors to conduct the sift of applications.

### **Section 7 – Public Appointment Activity 2019/20**

- The return of Northern Ireland Ministers.
- 113 public appointment positions advertised by departments.
- 135 reappointments.
- 268 terms of appointment were extended in 2019/20.
- Many exceptions granted to allow senior departmental officials to assume responsibilities of a Minister.
- The Commissioner granted eight other exceptions to the Code.



## **Section 8 – CPANI Activity 2019/20**

- Strong outreach programme continued by the Commissioner.
- Engagement with departments and the public leads to the early resolution of issues and complaints.
- Capacity building programme comprising of:
  - the public appointments workshop;
  - the promotion of participation in public life for people with disabilities;
  - training for public appointment practitioners and selection panels; and
  - the Graduate Mentoring Scheme.
- The Commissioner published two audit investigation reports in the 2019/20 year.

### **Annexes**

The Report ends with four annexes.

- I. List, from each government department, of bodies to which regulated and unregulated appointments are made
- II. CPANI Operating Plan 1st April 2020 to 31st March 2021
- III. Statement of Expenditure
- IV. List of Independent Assessors for Public Appointments



## 3. Vision and Values of CPANI

### 3.1. Vision

The CPANI vision is that all public appointments are made on merit, in a fair and transparent manner and that opportunities to serve on the boards of public bodies are open to the widest possible field of candidates.

### 3.2. Values

The core values of CPANI are those that are also expected of Ministers and their departments in making public appointments. They are:

- Merit
- Diversity
- Equality of Opportunity
- Openness, Transparency and Independence
- Integrity
- Proportionality
- Respect

## 4. Role of CPANI

### 4.1. Legislation

The post of Commissioner was established in 1995 by the 'Commissioner for Public Appointments (Northern Ireland) Order' (the Public Appointments Order) following the recommendations of the Committee on Standards in Public Life (Nolan Report). The legislation has been amended on two occasions to take account of the progressive devolution of powers and duties to the Northern Ireland Executive.

### 4.2. CPANI Mission Statement


- To regulate and monitor the policies and procedures of Ministers and their departments in making public appointments.
- To ensure that departments operate systems that allow every citizen who has skills and experience to contribute and who has the motivation and integrity to serve, to put herself/himself forward for appointment.
- To ensure that applicants are treated, throughout the public appointment process, in a manner that is fair, considerate, consistent, open and transparent, with the goal of selecting the best candidates, on merit, for board service.
- To promote good governance including diversity in our public boards.

### 4.3. What does the Commissioner do?

The Commissioner regulates and monitors the compliance of departments with the Commissioner's 'Code of Practice for Public Appointments in Northern Ireland' (the Code). She also provides advice and guidance on the process of selection for public appointments and she investigates complaints.

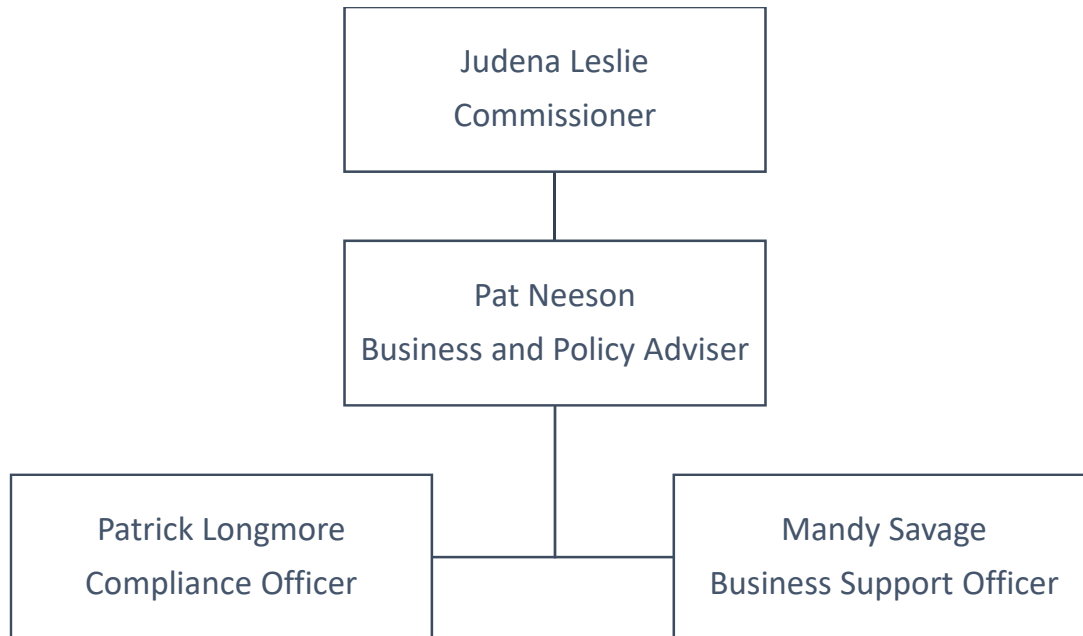
### 4.4. How does the Commissioner regulate public appointments?

The Public Appointments Order, which can be viewed on the CPANI website on the 'Our Role' page, sets out formally the statutory duties of the Commissioner as:

- 
1. The Commissioner shall in the manner she considers best calculated to promote economy, efficiency and effectiveness in the procedures for making public appointments, exercise her functions with the object of maintaining the principle of selection on merit in relation to public appointments.
  2. The Commissioner shall prescribe and publish a Code of Practice on the interpretation and application by Departments of Government on the principle of selection on merit for public appointments and shall adopt and publish from time to time such additional guidance as the Commissioner shall think fit.
  3. The Commissioner shall carry out an audit to review the policies and practices of departments in making public appointments to establish whether the Code of Practice referred to in paragraph 2 is being observed.
  4. The Commissioner may require any department to publish such summary information relating to selection for public appointments as she may specify in writing.
  5. The Commissioner may from time to time conduct an inquiry into the policies and practices pursued by a department in relation to any public appointment or description of any public appointment.
  6. The Commissioner shall publish an annual report which shall include;
    - a. information as to the application by departments of the principle of selection on merit in relation to public appointments and as to the observance by departments of the Code of Practice, and
    - b. an account of the audit of policies and practices of departments in making public appointments.

#### 4.5. CPANI Organisation Structure

The Commissioner operates with a team of three officers. In addition a team of twenty-nine Independent Assessors is managed by the Commissioner. Section 6 of this report deals with Independent Assessors.







## 5. The Code of Practice

### 5.1. Introduction

The Public Appointments Order requires the Commissioner to ‘prescribe and publish a Code of Practice on the interpretation and application by departments of the principle of selection on merit for public appointments’. CPANI regulates and monitors the work of the departments to ensure they comply with the Code.

### 5.2. Regulated and Unregulated Bodies

Public appointments can be ‘regulated’ by the Commissioner or ‘unregulated’. Annexe I gives the latest list of public bodies, supplied by the departments, showing which are regulated and which are unregulated.



## 6. Independent Assessors

### **6.1. Role of the Independent Assessor**

All public appointment competitions must include a demonstrable element of independent participation in the assessment of applicants. The Commissioner manages and trains a panel of Independent Assessors who provide independent scrutiny as part of the process of appointing to Boards of public bodies. The selection panel for every public appointment process must include an Independent Assessor. A list of the current panel of Independent Assessors can be found at Annexe IV of this report. The Commissioner holds regular training seminars for the Assessors and the office updates the panel throughout the year through the circulation of news bulletins.

### **6.2. Independent Assessor sift panel**

The sift stage of a public appointment process, especially where there are a large number of applicants, can remove senior departmental officials from their routine responsibilities for a significant period of time. In light of this departments may employ a panel of three Independent Assessors to conduct the initial sift of written applications for a public appointment. The decision to employ the Assessors in this way rests with each department.

One of the three Independent Assessors will remain on the selection panel throughout the selection process and any decisions taken by the Assessors must be reviewed and agreed by the interview selection panel.

## 7. Public Appointment Activity 2019/20

This year saw the return of the Northern Ireland Executive in January 2020 and with it the return of Ministers with defined responsibility to make public appointments. Previous to this the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 (the 2018 Act) allowed a senior officer of a department to make decisions in respect of public appointments in the absence of a Minister if the officer was satisfied that it was in the public interest to do so. This was the case where the governing legislation referred to the departments making the appointments. In addition the legislation enabled the Secretary of State and the Lord Chancellor to make appointments to those public boards where the legislation required the appointment to be made by a Northern Ireland Minister. The legislation was an important stop gap during the period of political impasse and allowed departments, to an extent, to begin to address the backlog of public appointments caused by the absence of Ministers.

The return of Ministers is welcome and following their return the Commissioner is keen to see the initiation of more public appointments and more public appointment decisions made.


### 7.1. Appointments and Reappointments

As the figures below show, 248 public appointment positions were available for appointment or reappointment during the year. An increase from 116 in the previous year.

**113 public appointment positions were advertised in 2019/2020 and departmental press releases showed 135 reappointments in 2019/2020**

### 7.2. Extensions

The Code states that an appointment term may in exceptional circumstances be extended for a short period. Departments are required to notify the Commissioner of all extensions, together with the reason for the extension; a public announcement is also required.



Prior to the return of the NI Executive in January 2020 departments often had no choice other than to extend terms of appointments. Over the year there were a total of 268 extensions of appointment. While this is a reduction on the 312 extensions in 2018/19 the number does not compare favourably with the 37 extensions in the year prior to the fall of the NI Executive.

The large number of extensions is understandable and is an expected consequence of the prolonged absence of Ministers. Departments have been left with a backlog of public appointments which in some cases may take between eighteen and twenty-four months to address. In such circumstances extensions are often the logical and proper way to ensure that boards are functioning and remain quorate.

The Commissioner has, however, made it clear to all departments that extensions must not be made where it is possible to initiate an open competition and to make appointments to a board.

### **7.3. Exceptions to the Code**

Departments wishing to depart from any aspect of the Code must obtain written permission from the Commissioner to do so. Every case is carefully considered and exceptions are not granted lightly.

The 2018 Act clarified the authority of a senior officer of a department in certain circumstances to exercise a function of the department in the absence of a Minister. The Code is written on the basis that Ministers make public appointments but in light of the 2018 Act the Commissioner granted a large number of exceptions to allow senior officials to assume the responsibilities of a Minister for initiating a selection process and making decisions in terms of new appointments, reappointments and extensions of terms of office. Such exceptions are no longer applicable following the return of Ministers.

In addition eight exceptions were granted by the Commissioner in the 2019/2020 year. These are set out in the following table.

<b>DEPARTMENT</b>	<b>PUBLIC BODY</b>	<b>NATURE OF EXCEPTION</b>
DfC	NI Housing Executive	Emergency Appointment of a Board member.
DfC	Local Government Staff commission	Appointment of Chair from within the existing membership.
DfE	Northern Regional College	Emergency appointment of interim Chair and four members.
DfE	Tourism NI	Extension of reserve list.
DfI	NI Transport Holding Company	Appointment of an interim Chair from within existing membership.
DoF	NI Building Regulations Advisory Committee	Amendment to application process.
DoH	Western Health and Social Care Trust	Extension of Reserve List.
TEO	NI Judicial Appointments Commission	Amendment to scoring mechanism mid-competition.

## 8. CPANI Activity 2019/20

### 8.1. Introduction

CPANI continues to operate an open door approach for departments and others seeking advice and guidance on public appointments. This approach strengthens existing relationships and ensures that potential problems with appointment processes are resolved at the earliest opportunity. It is more helpful to departments and ultimately to candidates for appointment. CPANI will continue to offer this service to all who require it.

#### **Commissioner's outreach included speaking at:**

- **Chairs' Forum**
- **Launch of QUB/UUJ Mentoring Scheme**
- **EEF Employers' Association Annual Conference**
- **Women Stepping Forward event for International Women's Day**

During the reporting year CPANI worked with The Executive Office to develop a training programme for officials running public appointment competitions. CPANI has also developed and conducted selection panel training (see below). We have begun work with the Executive Office and the Department of Finance to develop a holistic strategy for the conduct of public appointments and the support and training and development for Board members. This work, which continues, is linked to the Department of Finance Code of Good Practice on Partnerships with Arm's Length Bodies.

The Commissioner has continued the CPANI outreach programme engaging with a wide range of organisations and individuals interested in public appointments.



Pictured left: The Commissioner spoke at an event to mark International Women's Day along with the Minister for Communities Deirdre Hargey MLA

This outreach is intended to target currently under-represented groups, as well as people from a wider business, industry and third sector background, to inform them of the opportunities available across the boards of public bodies. This is designed to tackle the problem of under-representation faced by Departments and the boards for which they are responsible.

The Commissioner's policy of making herself and her officials available to organisations, to explain what public appointments are, how to identify opportunities and how to go for them, resulted in many requests for meetings and for the Commissioner to speak at events.



Pictured right: The Commissioner speaking at the Equality Commission's International women's Day event

## **8.2. Engagement with the Secretary of State**

Up until the return of NI Ministers in January 2020, the Commissioner continued to engage with the Northern Ireland Office and the Secretary of State providing advice and guidance for those public appointments within their appointment remit.

## **8.3. Advice, Guidance and Queries**

Throughout the year the Commissioner continued to respond to requests for advice and guidance, and queries from applicants for public appointments and current members of public boards. Such engagement has allowed the Commissioner to identify and deal with many potential complaints at an early stage and resolve these to the mutual satisfaction of all parties. As more and more public appointments are made following the return of Ministers this will continue to be an important aspect of the Commissioner's work.

Further to this, engagement from the departments with the CPANI office has continued. The Commissioner is keen to encourage such engagement from departments as it allows for many problems and issues to be identified and dealt with at a much earlier stage reducing the likelihood for any negative impact on applicants.

## **8.4. Capacity Building**

In this year the Commissioner began to expand the training and development programme for public appointment practitioners and selection panel members. In addition the work continues to increase the understanding of public appointments among members of the public and especially within those groups currently underrepresented on public boards.

### Public Appointments Workshop

As a means of encouraging a wider range of people to apply for a public appointment the Commissioner has continued to run a free half day workshop that explains:

- What is a public appointment and why you should consider applying;



- What the appointment process entails and how to complete an application; and
- How long the process takes and who makes the final decision.

In this reporting year CPANI has delivered seven workshops with 60 attendees. Feedback from participants has helped CPANI improve the format of the workshop in order to make the event as useful and relevant as possible. It is hoped that as more public appointment competitions get underway those who have attended the workshop will take the opportunity to put what they learnt into practice.

CPANI has delivered this workshop to outside organisations and groups and this is something the Commissioner continues to encourage and facilitate where there is a demand.

Information on the workshops can be accessed on the CPANI website, [www.publicappointmentsni.org](http://www.publicappointmentsni.org).

#### Diversity and Disability in public life

As part of the ongoing effort to address the under-representation of people with disabilities in public appointments the Commissioner in partnership with the Equality Commission Northern Ireland (ECNI) held a pilot public appointments workshop specifically for disabled people. The event took place in Belfast City Hall on 25 September 2019. The Commissioner addressed attendees highlighting the work the CPANI office is undertaking to address the under-representation of disabled people in public appointments.



Pictured Left: The Commissioner pictured with Kellie Armstrong MLA and Michael Wardlow at the public appointment workshop held in Belfast City Hall

The event was opened by Kellie Armstrong MLA, the Alliance Party MLA for Strangford, who updated attendees on the benefits and barriers she faces as a public representative with a disability.

Pictured Right: Commissioner with Attendees at the Public Appointments Workshop




In addition the Equality Commission Chief Commissioner Michael Wardlow spoke to raise awareness of the ECNI's policy Priorities for Action as they relate to disabled people and public appointments.

The Commissioner will continue to work to promote participation in public life to people with disabilities, with the goal of making boards more fully representative of the people of Northern Ireland. It is hoped that further workshops for people with a disability will be held in the future.

#### Training for public appointment practitioners and selection panels

Through audit and complaint investigations the Commissioner has identified a number of training requirements for public appointment practitioners and selection panels. These requirements are being addressed through the development of specific training courses for both groups.

Throughout the year CPANI has provided, upon request from departments and where resources allow, training to selection panels focusing on the applicant summaries a selection panel provides to a Minister. It is upon these applicant summaries that a Minister bases any appointment decision. The Commissioner continues to develop this training on this crucial stage of a public appointments



selection process and will continue to provide this service to departments when it is required.

In addition the Commissioner is working with representatives from department to develop a training package for public appointment practitioners. Work on this training package continues to progress.

#### Selection panel training for Department of Health (DoH) officials

Following a request from the Department, CPANI developed and delivered a training course for DoH officials intending to sit as selection panel members for public appointment selection processes. The training provided an overview of public appointments and dealt with common problems encountered by selection panels. This training was not a substitute for the training on diversity and equality issues and current interviewing techniques which all selection panel members must undertake.


#### Graduate Mentoring Scheme

The mentoring scheme, which is facilitated by CPANI, pairs a graduate student from Queens University Belfast (QUB) and the University of Ulster with a mentor from a public board.

The objectives of the scheme are as follows.

- To provide postgraduate research students with an increased knowledge of public governance.
- To increase postgraduate research students' awareness of relevant skills for public sector, committee and management careers.
- To develop links and networks between researchers and public sector departments.
- To increase engagement of the diverse community represented by postgraduate students in the NI public sector.

Following two successful schemes with students from QUB the third scheme was extended to include students from the University of Ulster. This scheme launched in February 2020 with ten pairings.



The Commissioner is grateful for the generous response by the participating boards. The willingness of Chairs and public board members to share professional expertise and enable access to the boardroom experience is an example of true public spiritedness.

List of Boards involved.

- Arts Council
- NI Blood Transfusion Service
- NIFRS
- Southern Health and Social Care Trust
- Council for Nature and Countryside Conservation
- NI Judicial Appointments Commission
- NI Housing Executive
- Local Government Staff Commission
- Labour Relations Agency

### **8.5. Business Planning**

CPANI creates an operating plan each year, in which objectives are identified and for which resources are sought. The CPANI team conducts regular reviews of its performance against the plan and takes corrective action. The operating plan can be found at Annexe II of this report.

### **8.6. Audit and Compliance programme 2019/20**

CPANI completed the following audits of public appointment processes during the year. Departments are required to deal with all issues identified.

All audits can be viewed in full in the 'Investigations and Compliance' page of the website.

Department	Public Body	Competition	Publication Date
DoJ	The Probation Board	Appointment of Chair and twelve members	May 2019
DoF	The Utility Regulator	Appointment of two members	December 2019

Both audits identified a number of areas where the appointment process could be improved some of which have been recurrent audit issues across the range of public appointment rounds and across Departments. CPANI has characterised these as presenting a training need and work began in 2019/20 on a training package for administrators and selection panel members. Further information on this training is available at section 8.4 of this report.

### **8.7. Dealing with complaints**

The Commissioner has a duty to investigate complaints about public appointment processes. In most cases, she will require the complainant to have referred the complaint, in the first instance, to the department concerned. If the complainant is dissatisfied with the department's handling of the complaint, he/she may refer it to the Commissioner for investigation.

Each department reports, annually, to the Commissioner, details of complaints and challenges received and handled by them. The departmental reports for 2019/20 show that six departments handled a total of 48 challenges. A total of four complaints were submitted across four departments. In the 2019/20 year, no official complaints were submitted to the Commissioner.

### **8.8. Independent Review**

The Commissioner carried out an independent review of the selection process for the appointment of members to an unregulated departmental panel. This review was requested by the department following a request from an applicant for a review of the appointment decision and the overall selection process.



## **8.9. The CPANI Website**

The website continues to function as a much used source of information on public appointments and on the work of CPANI. It contains information on the role of CPANI, the latest version of the Code and unabridged versions of CPANI reports (the only exception being that complaint reports are published anonymously if the complainant asks for this).

## ANNEXE I – List of Public Bodies

List, from each Government Department, of bodies to which regulated and unregulated appointments are made.

### **Department of Agriculture, Environment & Rural Affairs (DAERA)**

DAERA Regulated	DAERA Unregulated
<ul style="list-style-type: none"><li>• Agricultural Wages Board for NI</li><li>• Agri-Food and Biosciences Institute</li><li>• Council for Nature Conservation and the Countryside</li><li>• Fishery Harbour Authority (NI)</li><li>• Livestock and Meat Commission for NI</li></ul>	<ul style="list-style-type: none"><li>• CAFRE College Advisory Group</li><li>• NI TB Eradication Partnership</li></ul>

## Department for Communities (DfC)

DfC Regulated	DfC Unregulated
<ul style="list-style-type: none"> <li>• Architecture &amp; Built Environment Ministerial Advisory Group for NI</li> <li>• Armagh Observatory &amp; Planetarium Board of Governors</li> <li>• Armagh Observatory &amp; Planetarium Management Committee</li> <li>• Arts Council of NI</li> <li>• Charities Advisory Committee</li> <li>• Charity Commission for NI</li> <li>• Historic Buildings Council</li> <li>• Historic Monuments Council</li> <li>• Libraries NI</li> <li>• Local Government Staff Commission</li> <li>• National Museums NI</li> <li>• NI Local Government Officers' Superannuation Committee</li> <li>• NI Museums Council</li> <li>• NI Housing Executive Board</li> <li>• Sport NI</li> <li>• Ulster Supported Employment Ltd</li> </ul>	<ul style="list-style-type: none"> <li>• Vaughan's Charity Trustees</li> <li>• WhoWhatWhereWhenWhy (W5) Ltd</li> </ul>



## Department of Education (DE)

DE Regulated	DE Unregulated
<ul style="list-style-type: none"><li>• Comhairle Na Gaelscolaíochta</li><li>• Council for Catholic Maintained Schools</li><li>• Diocesan Education Committees of the Council for Catholic Maintained Schools</li><li>• Education Authority</li><li>• General Teaching Council for NI</li><li>• NI Council for Integrated Education</li><li>• NI Council for the Curriculum, Examinations and Assessment</li><li>• Youth Council for NI</li></ul>	<ul style="list-style-type: none"><li>• Exceptional Circumstances Body</li><li>• Middletown Centre for Autism Ltd</li></ul>

## Department for the Economy (DfE)

DfE Regulated	DfE Unregulated
<ul style="list-style-type: none"> <li>• Certification Officer for NI</li> <li>• CITB – Construction Skills NI</li> <li>• Consumer Council</li> <li>• Governing Bodies of Further Education Colleges               <ul style="list-style-type: none"> <li>– Belfast Metropolitan College</li> <li>– Northern Regional College</li> <li>– North West Regional College</li> <li>– South Eastern Regional College</li> <li>– Southern Regional College</li> <li>– South West College</li> </ul> </li> <li>• Health &amp; Safety Executive</li> <li>• Invest NI</li> <li>• Labour Relations Agency</li> <li>• NI Screen</li> <li>• St Mary's University College</li> <li>• Stranmillis University College</li> <li>• Tourism NI</li> </ul>	<ul style="list-style-type: none"> <li>• Fair Employment Tribunal</li> <li>• Industrial Tribunals</li> <li>• Industrial Court</li> <li>• NI Co-operation Overseas</li> <li>• Reinstatement Committee for Reserve Forces in Civil Employment</li> </ul>

## Department of Finance (DoF)

DoF Regulated	DoF Unregulated
<ul style="list-style-type: none"><li>• NI Authority for Utility Regulation</li><li>• NI Building Regulations Advisory Committee</li><li>• Legal Services Oversight Commissioner</li><li>• NI Statistics Advisory Committee</li></ul>	<ul style="list-style-type: none"><li>• NI Civil Service Pension Board</li></ul>

## Department for Infrastructure (Dfi)

Dfi Regulated	Dfi Unregulated
<ul style="list-style-type: none"><li>• Belfast Harbour Commissioners</li><li>• Drainage Council for Northern Ireland</li><li>• Londonderry Port and Harbour Commissioners</li><li>• NI Transport Holding Company</li><li>• NI Water</li><li>• Warrenpoint Harbour Authority</li></ul>	

## Department of Health (DoH)

DoH Regulated	DoH Unregulated
<ul style="list-style-type: none"><li>• Business Services Organisation</li><li>• Health and Social Care Board</li><li>• Health and Social Care Trusts<ul style="list-style-type: none"><li>– Belfast HSC Trust</li><li>– Western HSC Trust</li><li>– Southern HSC Trust</li><li>– Northern HSC Trust</li><li>– South Eastern HSC Trust</li><li>– NI Ambulance Service Trust</li></ul></li><li>• NI Blood Transfusion Service</li><li>• NI Fire and Rescue Service</li><li>• NI Guardian Ad Litem Agency</li><li>• NI Medical and Dental Training Agency</li><li>• NI Practice and Education Council for Nursing and Midwifery</li><li>• NI Social Care Council</li><li>• Patient and Client Council</li><li>• Public Health Agency</li><li>• Regulation and Quality Improvement Authority</li><li>• Safeguarding Board for NI</li></ul>	<ul style="list-style-type: none"><li>• Health and Social Care Pension Board</li><li>• Pharmaceutical Society</li></ul>

## Department of Justice (DoJ)

DoJ Regulated	DoJ Unregulated
<ul style="list-style-type: none"><li>• Criminal Justice Inspection NI</li><li>• NI Policing Board</li><li>• NI Police Fund</li><li>• Office of the Police Ombudsman for NI</li><li>• Probation Board NI</li><li>• Royal Ulster Constabulary George Cross Foundation</li><li>• Police Rehabilitation and Retraining Trust</li><li>• NI Law Commission</li><li>• Advisory Committee on Justices of the Peace</li><li>• Independent Assessor of Police Service of Northern Ireland Recruitment Vetting</li></ul>	<ul style="list-style-type: none"><li>• Independent Monitoring Boards</li><li>• Parole Commissioners</li><li>• Prisoner Ombudsman for NI</li></ul>

## The Executive Office (TEO)

TEO Regulated	TEO Unregulated
<ul style="list-style-type: none"><li>• Commissioner for Children and Young People</li><li>• Commissioner for Older People</li><li>• Commission for Victims and Survivors for NI</li><li>• Maze/Long Kesh Development Corporation</li><li>• NI Judicial Appointments Commission (Lay member)</li><li>• Office of the Police Ombudsman for NI</li><li>• Strategic Investment Board Limited</li></ul>	<ul style="list-style-type: none"><li>• Attorney General for NI</li><li>• Commissioner for Public Appointments</li><li>• NI Community Relations Council</li><li>• Victims and Survivors Service</li><li>• Historical Institutional Abuse Redress Board</li><li>• Commissioner for Survivors of Institutional Childhood Abuse</li></ul>

## ANNEXE II – Operating Plan

CPANI Operating Plan 1st April 2020 to 31st March 2021

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p>1. CPANI Code of Practice</p> <p>To prescribe and publish, and update as necessary, a Code of Practice on the interpretation and application by Departments of the principle of selection on merit for public appointments. This includes the effective maintenance, development and promotion of the Code of Practice and associated guidance.</p>	<ul style="list-style-type: none"> <li>• Monitor the implementation of the Code in recruitment processes. This takes place through a number of mechanisms: the audit and complaints procedures and the internal CPANI policy development process. To effect any necessary changes to the Code arising from these mechanisms within two months of publishing an audit or complaint report or finalisation of a new CPANI policy. This is continuous.</li> <li>• Liaise closely with Department Public Appointment Units and recruitment practitioners including Independent Assessors. This is continuous.</li> </ul>
<p>2. Audit and Compliance Monitoring</p> <p>A CPANI programme of audit, and a compliance monitoring regime, designed to ensure that appointment processes are carried out effectively, fairly, openly, efficiently and proportionately and in line with the Commissioner’s Code.</p>	<ul style="list-style-type: none"> <li>• We will conduct audits to review the policies, practices and actions of Departments in making public appointments. This audit programme is based on the CPANI risk analysis which has an emphasis on diversity factors. We will report on findings, produce recommendations and publish. Such reports will issue promptly at end of each audit. We will carry out at least two full audits every year.</li> <li>• Carry out diversity spot checks on competitions that are considered high risk. Carried out in line with competition timetables.</li> <li>• To conduct regular compliance checks on documentation and processes used and issued by Departments, including Advertisements and Press Releases. Carried out in line with competition timetables.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p>3. Complaints</p> <p>To conduct effective inquiries into Department policies, practices and actions on any public appointment process. The establishment, maintenance, publication and implementation of an effective and objective complaints system.</p>	<ul style="list-style-type: none"> <li>• Investigate and report on complaints presented to CPANI. We will complete a complaint report within three months of commencement of the investigation of the complaint.</li> <li>• Follow up necessary action with Departments. Six monthly following publication of complaint report.</li> </ul>
<p>4. Annual Report</p> <p>The provision and publication of a comprehensive annual report which serves the requirements of the internal and external stakeholders of CPANI, including the political and administrative systems of Government and the general public.</p>	<ul style="list-style-type: none"> <li>• Collate relevant information for the year and publish annual report. Annual Report to be published no later than the end of June.</li> <li>• Provide First Minister and deputy First Minister with an advance copy of report at least two weeks before the proposed publication date.</li> <li>• Present report to NI Assembly following publication. Immediately following publication.</li> </ul>
<p>5. Advice and Guidance</p> <p>To provide advice and guidance in the conduct of effective and fair public appointment procedures that are compliant with the Code. To provide prompt and high quality responses to queries on the Code and its application, from panel chairs, Independent Assessors and other relevant parties.</p>	<ul style="list-style-type: none"> <li>• Provide regular updates, advice, guidance and training to Independent Assessors, Departmental representatives and other relevant parties. Such advice and guidance will be provided within 10 working days of request.</li> <li>• Provide advice to Departments and others on the pursuit of diversity within public appointments. Such advice and guidance will be provided within 10 working days of request.</li> <li>• To provide advice and guidance where relevant within one month of publication of an audit or complaint report.</li> <li>• To provide an update on any relevant developments in public appointment diversity policy to the Public Appointments Forum. This will be done quarterly.</li> <li>• Provide an “open door” for queries from all sources. This is continuous.</li> <li>• Maintain a system for handling, managing and recording all queries. This is continuous.</li> </ul>



ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p>6. Capacity Building</p> <p>To contribute to the planning and implementation of a training and development programme for public appointment practitioners and selection panel members. To build greater understanding of and access to public appointments among the public and especially within underrepresented groups.</p>	<ul style="list-style-type: none"> <li>• Provide training to departmental public appointment practitioners where the need arises or when requested by a Department. This is continuous.</li> <li>• Provide training to selection panel members where the need arises or when requested by a Department. This is continuous.</li> <li>• The provision of free public workshops to promote understanding of the public appointment system and provide support to potential applicants with a focus on under-represented groups. Continue to work with Departments in the delivery of the workshops. Hold at least four workshops during the business year.</li> </ul>
<p>7. Independent Assessors</p> <p>The effective management and monitoring of a trained, competent and experienced team of Independent Assessors who provide an effective and efficient service in all public appointment recruitment processes. These Assessors are independent of Government and the Commissioner.</p>	<ul style="list-style-type: none"> <li>• Manage, train, allocate and monitor a team of Independent Assessors. Meetings to be held with Assessors every six months.</li> <li>• Provide training and advice to enable Independent Assessors to play a role as diversity champions within the appointments process. To provide at least one training seminar per year for Independent Assessors.</li> <li>• Provide all necessary forms of support and guidance to Independent Assessors. To issue at least four information bulletins per year to Independent Assessors.</li> <li>• Provide timely response and advice to Assessor requests.</li> <li>• Implement effective administrative procedures and records with regard to the management of the Assessors. This is continuous.</li> <li>• Maintain the monthly operation of the system of payment for Independent Assessors. This will be done monthly.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p>8. Budget</p> <p>In co-operation with TEO Sponsor branch, to establish, implement and monitor the CPANI budgetary process and financial regime. To adhere to all financial and budget guidance issued by TEO, and successfully manage the budgetary and financial processes set out in the Financial Memorandum and other relevant documents.</p>	<ul style="list-style-type: none"> <li>• Implement effective, efficient and accurate processes of budgetary and financial management. This is reviewed monthly.</li> <li>• Process payments, in a timely and accountable manner, using Account NI. This is continuous.</li> <li>• Ensure that all procurement is compliant with the regulations stipulated by TEO sponsor branch. This is done on every instance of procurement.</li> <li>• Ensure that the necessary resources are secured to meet the full requirements of CPANI and its customers, allowing for levels of complaints, issues arising from audit and compliance work, ad hoc legal advice and research requirements. This takes place when setting the budget and is ongoing throughout the year.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p>9. Liaison with stakeholders including provision of relevant information to the public</p> <ul style="list-style-type: none"> <li>• To raise the profile of CPANI and its functions, within and without the political and administrative systems of Government, in order to: <ul style="list-style-type: none"> <li>– promote public appointment opportunities to a wide field of potential candidates;</li> <li>– promote diversity in public appointments in particular to promote the Executive targets for gender equality at Board member and Board chair levels.</li> <li>– increase public confidence in the fairness and openness of the public appointments system;</li> <li>– ensure that the public is aware of the independent functions provided by CPANI and of the right to avail of the CPANI complaints procedure.</li> </ul> </li> <li>• An increased awareness, by all internal and external stakeholders, of public appointment opportunities and of a fair and open merit-based recruitment process.</li> <li>• Promotion of the NI Executive gender targets for appointment of members and Chairs of public boards.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain strong working links with Ministers, Special Advisers and MLAs. Hold at least one meeting per month to discuss latest developments in public appointments with a Minister, Special Adviser or MLA.</li> <li>• Maintain strong working links with senior Civil Service and Department contacts, and other bodies eg NI public sector Chairs Forum, Institute of Directors, Women’s groups, Professional and Business networks. Hold at least one profile raising/networking meeting/discussion per month with a relevant body.</li> <li>• Continue to work in partnership with Departments on the promotion and development of public appointments. This is continuous.</li> <li>• Continue proactive outreach programme. This will include meeting with under-represented groups to provide information on public appointments. Hold at least two profile raising/information provision meetings during the business year with an underrepresented group.</li> <li>• Development of CPANI website to ensure it provides relevant information in a user friendly and engaging format. Keep website updated on a fortnightly basis.</li> <li>• Contribute to the development and implementation of The Executive Office (TEO) strategy for promoting the NI Executive gender equality targets. This is continuous.</li> <li>• Liaise with TEO on actions to deliver the strategy. This is continuous.</li> <li>• Participate in the strategy delivery committee sub groups. This is continuous.</li> <li>• Continue to support the Mentoring Scheme involving collaboration between the Queen’s University Belfast, The University of Ulster and Northern Ireland’s public sector. This is continuous.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p>10. Administrative Support</p> <p>To plan and co-ordinate the work of the Commissioner's office to meet the Business Plan targets in the most effective, efficient and value-for-money manner. To provide an efficient and effective service to the Commissioner and all stakeholders.</p>	<ul style="list-style-type: none"> <li>• Monitor progress in line with each business plan key target, measure and action. This will be done on a quarterly basis. This is continuous and reviewed quarterly.</li> <li>• Fulfil the requirements of the sponsor branch as set out in the Memorandum of Understanding and other relevant documents. This is continuous and reviewed quarterly.</li> <li>• Manage the Commissioner's diary. This is continuous.</li> <li>• Ensure that all Personal Performance Agreements are up to date and in line with current procedures. To be in place by April 2020, in year review carried out September 2020 and end year review by March 2021.</li> <li>• Ensure that all staff are provided with appropriate training opportunities to help them fulfil their respective roles and meet their business objectives. Reviewed with setting of PPA/PDP and again at in and end year reviews.</li> <li>• Address the ongoing absence of administrative support staff, and increased work pressures for the office. This is ongoing.</li> </ul>
<p>11. Northern Ireland Executive Asset Management Strategy</p> <p>To provide a commitment to the objectives of the Northern Ireland Executive Asset Management Strategy</p>	<ul style="list-style-type: none"> <li>• To provide a commitment to the objectives of the Northern Ireland Executive Asset Management Strategy. This is to be reviewed annually to determine any action needed.</li> </ul>
<p>12. Information Management</p> <p>To ensure all information managed and stored by CPANI is in line with all relevant legislative requirements and Departmental policies.</p>	<ul style="list-style-type: none"> <li>• Monitor information assurance procedures. This takes place quarterly.</li> <li>• Continue to implement data sharing arrangements with all Departments. This is continuous.</li> <li>• Ensure compliance with the General Data Protection Regulation (GDPR). This is continuous.</li> </ul>

## ANNEXE III – Statement of Expenditure

Whilst being independent of the Government and the Civil Service in the exercise of its statutory functions, CPANI is part of TEO financial and resource management arrangements. The Commissioner, as a statutory post holder described as ‘Senior Accountable Officer’, has a duty to ensure that all resources are used economically, efficiently and effectively. All expenditure and procurement by CPANI is routinely monitored and is in line with TEO guidance and requirements.

### CPANI Costs 2019/2020

Rent	£12,090
Cleaning	£4,269
Maintenance	£9,286
Energy Costs	£4,192
Other Premises Costs	£913
Contingencies	£955
Assessor Training	£450
Hospitality	£444
Computers/IT/Phones	£1,080
Subscriptions	£355
Staff Travel and Subsistence	£493
Non Staff travel and subsistence	£703
Annual Report	£128
Legal Costs	£1,623
Total	£36,981

The Statement of Expenditure above does not include remuneration which is as follows:

The Commissioner is contracted to commit 75 days per year to her post and receives remuneration of £23,877. The seconded officers who make up the Commissioner’s staff are remunerated at their respective Civil Service rates.



## ANNEXE IV – List of Independent Assessors

- Douglas Bain
- Joan Ballantine
- James Beatty
- David Best
- Angela Coffey
- Rosemary Cowan
- William Halliday
- Mary Hanratty
- Bronagh Hinds
- Tom Irvine
- Karin Jeffrey
- Cindy Mackie
- Kate Magee
- Maeve Marnell
- Caroline McGarvey
- Emma McIlveen
- Audrey McKeown
- Bronagh McKeown
- Danielle McMahan
- Stephen McVey
- Wesley Mitchell
- Anne Montgomery
- Raymond Mullan
- Nathan Nathan
- Dolores O'Reilly
- Katrina Ramsden
- Anne Rowe
- Mary Shaw
- John Woods