



The Commissioner
for Public Appointments
Northern Ireland

Code of Practice for Ministerial Public Appointments in Northern Ireland

Version JL2

December 2016

Contacting us

If this document is not in a format that meets your needs please contact the CPANI office. This document is also available on the CPANI website at www.publicappointmentsni.org.

You can contact us at the address below or by:

E-mail: info@publicappointmentsni.org

Telephone: 028 9052 4820

Commissioner for Public Appointments for Northern Ireland

Annexe B

Dundonald House

Stormont Estate

Belfast

BT4 3SB

Contents

Important Notice	2
1. Introduction	3
2. The Principles of the Code.....	6
3. The Appointment Process.....	9
4. Continuing Appointment.....	28
5. Compliance	30
6. General Issues.....	36
APPENDIX A – Compliance Statement.....	39
APPENDIX B – Political Activity	40
APPENDIX C – Confidentiality Agreement.....	42

Important Notice

This Code is prescribed and published by the Commissioner for Public Appointments for Northern Ireland, in discharge of her functions under the Commissioner for Public Appointments (Northern Ireland) Order. It serves as the basis for ensuring that public appointments are made on merit.

It is important for all those engaged in public appointment processes to note also that anti-discrimination laws apply to public appointments.

Guidance on this issue can be found in the 'Frequently Asked Questions' section of the CPANI website at www.publicappointmentsni.org.

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 that are open, transparent and merit-based. The Commissioner is appointed by the First Minister and deputy First Minister and is independent of Government and the Civil Service.

The Northern Ireland Executive & Ministerial Responsibility

- 1.2. Responsibility for appointments rests with the relevant Minister.
- 1.3. The Northern Ireland Executive Ministerial Code states: -

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

and “In carrying out public business, including making public appointments, holders of public office should make choices on merit”.

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

1.4. 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 principles and practices which the Commissioner requires Government Departments to adopt. It provides Departments with a guide to the steps they must follow to ensure a fair, open and transparent appointment process.

Scope of the Code

1.5. The Code covers appointments that are regulated by the Commissioner for Public Appointments for Northern Ireland. It is of relevance to Ministers, public bodies, Government Departments, current and potential public appointees and the general public. Public appointments not regulated by the Commissioner should reflect the principles and practices of the Code.

Departmental Responsibility

1.6. Northern Ireland Government Departments have the responsibility of ensuring that the principles and practices contained in the Commissioner's Code are upheld throughout every public appointment recruitment competition.

The Legislative Basis for the Code

1.7. The statutory authority for the Commissioner's role is set out in the Commissioner for Public Appointments (Northern

Ireland) Order 1995, as amended by the Commissioner for Public Appointments (Amendment) Order (NI) 2001, The Commissioner for Public Appointments (Amendment) Order (NI) 2008 and The Commissioner for Public Appointments (Amendment) Order (Northern Ireland) 2010. These can be viewed on the CPANI website at www.publicappointmentsni.org/our-role.

Interpretation of the Code

- 1.8. Responsibility for interpreting this Code of Practice rests with the Commissioner, whose decision is final.

Guidance issued by the Commissioner

- 1.9. 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 an exhaustive list:

- Emergency appointments
- Expert posts

2. The Principles of the Code

2.1. Seven key principles underpin this Code. These principles determine the nature of the public appointment process in Northern Ireland:

Merit

2.2. All public appointments must be made on the basis of merit. Only those individuals judged to best meet the requirements of the post will be recommended to Ministers for appointment to public bodies.

Diversity

2.3. The make-up of the Boards of Northern Ireland public bodies does not adequately reflect the make-up of the population. The opportunity to appoint the best people is greatly increased when every potential applicant is attracted and encouraged to apply and when individual attributes and differences are valued. Departments should ensure, as far as possible, that Boards are balanced in terms of skills and experience, and that opportunities to apply for positions on Boards are open to the communities they serve.

Equality

- 2.4. Departments must ensure equality of opportunity and equal treatment of all applicants at every stage of the appointment process. The 'Important Notice' at the start of this document highlights the importance of adherence to anti-discrimination law. It is for Ministers and their Departments to ensure that they are fully versed in these matters.

Openness, Transparency and Independence

- 2.5. The practices employed by Departments at every stage in the appointment process must be 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 who 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. Throughout the public appointment process, candidates should be treated with respect; this applies from the first contact with the Department through to completion of the appointment process.

3. The Appointment Process

Ministerial Responsibility and Involvement

- 3.1. Ministers in the Northern Ireland Executive are responsible for the work of public bodies and those appointed to these bodies. They must determine, in advance of each appointment process, the criteria, skills and personal qualities required on the Board of the public body.
- 3.2. Once a Minister has agreed the role profile, person specification and appointment plan, he or she will not be actively involved in the appointment process again until assessments have been concluded and the Minister has received the 'applicant summary' (see paragraphs 3.39 to 3.43).
- 3.3. During the planning stage, Departments must also consult the Minister to confirm whether he or she requires an alphabetical list of a pool of candidates (unranked) deemed suitable for appointment, or a merit-ordered list (ranked), in the Ministerial submission (see paragraph 3.43).

Planning

- 3.4. The Department should, where appropriate, seek the views of the Chair of the body on issues such as 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 must prepare, for agreement with the Minister (see 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 and allowable expenses, and give a realistic indication of the time commitment required for the post-holder to fulfil the role.

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 the range of skills, experience and perspectives required on the public body.

The person specification will contain essential criteria for appointment and may contain relevant 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 as necessary 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. The Department must prepare an appointment plan, which will include:
- a. the content of publicity, together with the methods and spread of publicising the appointment;
 - b. a section on diversity which sets out what steps (in outreach and process) will be taken to achieve the best possible spread of applicants and, ultimately, appointees;
 - c. details of the gender breakdown of the current membership of the board to which appointments are being made;
 - d. arrangements to deal with requests for documents in alternative formats e.g. Braille, audio readings etc;
 - e. the closing date for applications, proposed assessment and interview date(s), and the planned date of appointment;
 - f. the process to be used for sifting and/or short-listing and final assessment of applicants;
 - g. the composition and names of the selection panel and arrangements for interviews or other assessments;
 - h. an indication of how applicants will be informed of the progress and outcome of their application;
 - i. a clear procedure for handling late applications, which will be applied consistently to ensure all applicants are treated equally and fairly;

- j. a clear procedure for handling an applicant's query regarding his or her omission from the short-list or interview list;
- k. 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 requirement for independent participation at paragraph 2.6. 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. an Independent Assessor allocated by the Commissioner (whose participation does not remove the Departmental Responsibility cited in paragraph 1.6).
- 3.8. The Members of the selection panel must remain the same throughout the appointment process, unless extraordinary circumstances require substitution. All panel members must take part in all stages of the appointment process.
- 3.9. The selection panel members must be fully briefed on the work of the relevant public body, and the Commissioner's Code of Practice, and must 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 36 months prior to the commencement of the appointment competition.

Revisions to the Appointment Timetable

3.11. Once the appointment timetable has been agreed, it must not be varied other than in exceptional circumstances as agreed with the panel members. If the timetable must be varied all applicants must receive notice and an explanation of any variation which may affect them.

Encouraging Applications

Publicising the Appointment

3.12. There is no statutory direction on where advertising for public appointments must be placed.

3.13. Publicity should be designed to ensure that a wide and diverse audience is made aware of the appointment and encouraged to apply. The targeting, spread and timing of publicity should

take into account the nature of the post and the skills, experience and perspectives sought.

- 3.14. All competitions to fill Chair posts, appointments which are paid, appointments with a high profile, or those with responsibility for managing significant public funds must be advertised sufficiently widely to attract an appropriate field of applicants.
- 3.15. Unpaid posts must be publicised. Departments should do so in the most effective and appropriate way.
- 3.16. Publicity for all posts must state clearly a realistic estimate of the time commitment required to do the job and must state whether the post is remunerated, citing the rates paid and any allowable expenses.
- 3.17. Publicity and information for candidates should enable potential applicants to make an informed decision on whether they meet the requirements of the post and must accurately reflect the skills and experience required whilst encouraging applicants from as wide a field as possible.
- 3.18. All publicity, information and application forms for CPANI regulated competitions must display clearly the “CPANI Regulated” logo, in the specified font and point, and copies of the advertisement must be sent to CPANI at the time of publication.
- 3.19. On request, and as far as reasonably practicable, publicity should be made available in alternative formats.

Information Packs

3.20. The Department must 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 profile and person specification;
- information about the body concerned;
- information on the process (including in what form the Minister has requested the applicant summary – ranked or unranked) and how long it will take including the planned dates for interview;
- a copy of the CPANI leaflet “CPANI Guidance on Conflicts of Interest, Integrity and How to Raise a Complaint”;
- details of expenses to be reimbursed, in relation to the selection process;
- a telephone number for applicants/potential applicants to obtain information about the appointment process and the progress of their application.

Application Forms

3.21. Departments should recognise that applicants may not be used to completing application forms. All application forms must be clear and straightforward and should 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 may be discriminatory and should be avoided.
- Information requested on the application form must match that referred to in the advertisement, the information pack and the person specification.
- Alternative formats should be provided when required.

3.22. Monitoring forms used by Departments are not a requirement of this Code of Practice. Departments that use monitoring forms must ensure that they are removed before the application is seen by the panel.

3.23. Applicants should be made aware on the application form that, if they are appointed, some of the information they have provided will be placed in the public domain.

Processing and Assessing Applications

Closing Date

3.24. Once the closing date for receipt of applications has been advertised, it should be maintained. Any alteration to the original closing date e.g. when a competition has failed to produce a suitable pool of applicants, must be agreed with CPANI in advance.

Informing Applicants of progress

3.25. Everyone who applies for a post must be kept informed by the Department of the progress and ultimate outcome of his or her application in a timely and courteous manner.

Selection of Applicants

3.26. The panel must undertake all sift exercises.

3.27. Selection must be based on merit i.e. on how an applicant's skills, knowledge, experience and other qualities, as displayed throughout the application form, meet the criteria. The Merit Principle must not be abandoned to fit a predetermined timetable for interviews or other Departmental restrictions.

3.28. Skills, knowledge and experience can be acquired throughout a candidate's life in a personal capacity, at work or through voluntary experience. When determining an applicant's fit with the requirements of the post, the panel should take cognisance of non-traditional career-paths and backgrounds to ensure that there is no direct or indirect discrimination

against applicants and that diverse attributes are recognised and valued.

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

- the public appointment process;
- jargon and in-house terminology;
- current assessment genres;
- specific technologies employed by Government and its Departments.

3.30. Departments must keep full contemporaneous records of all the assessment procedures, deliberations and outcomes.

3.31. Departments must ensure that they have a system in place to reassess applicants who submit a query, challenge the process or the results of the competition or any of its parts, or make a complaint. Departments must also interview, and progress as normal, applicants assessed as suitable for interview as a result of the outcome of the query, challenge or complaint. Departments are not expected to delay an appointments process where a query, challenge or complaint has not been received in a timely manner.

3.32. Any query, challenge or complaint must be dealt with in a timely, fair and courteous manner.

Final Assessment

- 3.33. No individual may be appointed or judged suitable for appointment on the basis of written evidence alone.
- 3.34. The formal interview is the most common method of final assessment to determine which applicants are suitable for appointment.
- 3.35. Any interviews, or alternative method of assessment, must comply with the requirements of the Commissioner's Code.
- 3.36. When determining and implementing the method of final assessment and carrying out that method, cognisance must be taken of non-traditional career-paths and backgrounds.
- 3.37. At all stages of assessing applicants, those involved should recognise 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

3.38. All those involved in the assessment of applicants should be familiar with how conflicts of interest and matters of integrity can affect the workings of a public body. They should be familiar with the recommendations of the Westminster and Northern Ireland Public Accounts Committees relating to conflicts of interest and the public appointment process.

- a. Some manageable conflicts of interest will not be a barrier to appointment, but the selection panel should discuss all real, perceived and potential conflicts with all applicants.
- b. The selection panel must:
 - i. determine whether each applicant is aware of the standards of behaviour required of public appointees and can demonstrate his or her understanding of the issue;
 - ii. ensure that conflicts of interest have been explained to, and explored with, each applicant.
- c. Whether or not an applicant has made reference to any conflict of interest, he or she must still be asked whether there are any real, perceived or potential conflicts of interest between his or her circumstances and the appointment applied for.
- d. Applicants must also be asked to declare whether or not they are involved, or have 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. When dealing with matters of conflict of interest, or integrity issues, the selection panel must consider fully the answers

and if necessary question further or challenge the applicant, particularly if the panel is aware of issues that have been in the public domain.

- e. The selection panel members must assess whether there is an integrity or conflict of interest issue, and how it will be handled. The panel must document the discussion and conclusions arrived at. If the conflict appears to be irreconcilable or, given the circumstances it would be inappropriate to proceed with the application, the panel must advise the applicant of its decision and may either remove him or her from the competition, or ensure that the issue is fully explained in the records, and in the applicant summary to the Minister should the applicant be otherwise suitable for appointment.
- f. The applicant summary to the Minister must include clear written reference to any perceived, actual or potential 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 these matters and can make an informed decision.
- g. If an 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.

Appointment

Informing the Minister of Applicants Suitable for Appointment

- 3.39. No applicant can be recommended to a Minister unless that applicant has been deemed suitable for appointment by the selection panel.
- 3.40. The Department must provide the Minister with an ‘applicant summary’ containing relevant information on all applicants deemed suitable for appointment.
- 3.41. The applicant summary must be agreed by the selection panel prior to submission to the Minister.
- 3.42. The applicant summary should 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 3.38f).
- 3.43. As stipulated in paragraph 3.3, the Department must agree with the Minister how he or she wishes to have the list of ‘suitable for appointment applicants’ presented in the applicant summary. However the list is presented, Departments must ensure that the Minister is aware of the implications of (1) presenting the names in merit order (‘ranked’), potentially removing flexibility from the Minister in attempting to achieve the best mix of skills and experience, or (2) presenting the names in an ‘unranked’ list, requiring a clear

and cogent record of Ministers' reasons for choice of appointee(s).

Also, it should be noted that when a Department is under a statutory duty to secure, as far as practicable, that a Board is representative (or reflective) of the community, the Department must not discriminate unlawfully when fulfilling this duty. Further guidance on this issue, together with a list of the key anti-discrimination laws, can be found in the 'Frequently Asked Questions' section of the CPANI website.

- 3.44. The Department must provide the Minister, at the same time as the applicant summary, with a gender breakdown of the current membership of the board to which appointments are being made. The Department must ensure that the Minister is aware of the agreed Executive targets for diversity in public appointments.

The Minister's Decision

- 3.45. The Minister's decision on which applicant(s) is (are) to be appointed, must be recorded and retained as part of the audit trail.

The selection panel members must be informed of the Minister's final decision before any public notification of the appointment is made.

When the Minister has made the decisions on which candidates(s) to appoint, the reasons for those decisions must be recorded. The Department must also hold sufficient

information to provide meaningful feedback to unsuccessful candidates.

Candidates, from the list of those deemed suitable for appointment and who are not appointed at this stage, may be included by the Minister in a 'reserve list' (see paragraph 3.53).

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

The Department must retain a written summary of the content of such meetings as part of the audit trail.

Should the Minister choose to make no appointment from the list of the appointable candidates, the reasons for this decision must be recorded. This requirement also applies to a decision not to appoint candidates from a reserve list.

Post Ministerial Decision

Political Activity Forms

3.46. The form recording political activity must 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 must likewise be included in the public announcement.

Feedback

- 3.47. Departments must ensure that they have a process in place to provide feedback to applicants.
- 3.48. Timely and informative feedback should be provided by the Chair of the selection panel to applicants who request it. If, in exceptional circumstances, the Chair is unable to do this, another member of the selection panel may be substituted. Feedback must be based on the contemporaneous records kept by the panel of its assessment of the applicant. It should provide a clear, jargon-free explanation of the decisions taken with regard to the applicant at each stage of assessment. Such feedback should be provided in writing, by phone or by e-mail as requested by the applicant.
- 3.49. The purpose of feedback is to provide applicants with useful and pertinent information on their performance during the entire assessment process. Feedback must not be delayed until the end of the process for administrative convenience. If an applicant does not use the term 'feedback' but it is obvious that this is what has been requested, paragraphs 3.48 and 3.49 will apply.

Announcing the Appointment

3.50. In keeping with the principle of openness and transparency, public announcements are required for all appointments, reappointments and extensions to appointment. Such announcements must 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, for reappointments and extensions, the length of previous terms; whether the appointment is remunerated; if remunerated the amount must be included;
- d. a list of all other Ministerial public appointments held by the appointee and details of any remuneration received;
- e. a statement that the appointment has been made in accordance with the CPANI Code of Practice – if applicable;
- f. a statement as follows: “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.

- 3.51. The public announcement should be issued as a press release and should be placed on appropriate websites. The public announcement must also be copied to CPANI at the time of publication.
- 3.52. Departments must ensure that unsuccessful applicants are notified of the outcome of their application prior to the public announcement.
- 3.53. A Minister may wish to create a reserve list operative for one year from the date of the Minister's decision. Where a reserve list is created candidates must be notified, at the same time as unsuccessful candidates are notified of their result, that their names have been placed on a reserve list for one year from the date of the Minister's decision.

During that one year period, the Minister can, without a further recruitment process, make appointments to the Board from the reserve list, subject to the requirements on recording of process, decision making and public announcement as detailed in the Code. Any appointment from a reserve list must take effect within the one year period.

4. Continuing Appointment

Reappointment or Extensions

- 4.1. A public appointee may be reappointed for a second term (or the appointment term may, in exceptional circumstances, be extended for a short period) in the same role without open competition, subject to:
 - Evidence of effective performance.
 - Continued adherence to the principles of public life (these are available at www.public-standards.gov.uk).
- 4.2. No individual can be considered for a second term of appointment or for an extension if either of the above has not been clearly demonstrated and recorded.
- 4.3. Departments must publicise all reappointments.
- 4.4. All processes and decisions relating to reappointments 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 provide evidence for the consideration of reappointments. A performance assessment should be carried out annually for each Chair and Board member.

- No one can be reappointed unless he or she has performed satisfactorily during his/her current term.
- For audit purposes and for the investigation of complaints, it is essential that all performance assessments are fully 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. Those who have served two appointment terms, of whatever length, on a Board are ineligible to apply for the same position.

- The length of appointment terms will be determined by statute, or be a matter for decision by Ministers.
- Notwithstanding the length of individual appointment terms, the maximum period in a post must not exceed 10 years.

5. Compliance

Statutory Obligation

- 5.1. The Commissioner has a statutory obligation under the Commissioner for Public Appointments (Northern Ireland) Order 1995 (as amended) to review the policies and practices of Departments in making public appointments, to establish compliance with this Code.

Departmental Statement of Compliance

- 5.2. The official responsible, as accounting officer, for the propriety of public appointments made by each Department (usually the Permanent Secretary) must complete a statement confirming that all relevant public appointment processes conducted during the period to which the statement relates have been compliant with this Code, identifying any instances of non-compliance and indicating action taken, or planned, to deal with the non-compliance. The Statement of Compliance is set out in Appendix A to this Code. It should be completed, and submitted to the Commissioner, by 31st May following the end of the financial year to which it applies.

Monitoring of Compliance

Retention of Documents

- 5.3. Departments must ensure that a complete audit trail is readily available including all pertinent contemporaneous records. The unit administering the recruitment process is responsible for collating all appropriate records from throughout the Department and its arms-length bodies 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 are responsible for complying with all other legislation relating to data.
- 5.4. When material non-compliance with the Commissioner's Code is not addressed by the Department 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 proper procedure has not been followed as stipulated in this Code.

- 5.7. If an appointment has been made using a process which is not compliant with this Code the public announcement (see paragraphs 3.50 to 3.52) must mention this.

Audit

- 5.8. The Commissioner has a responsibility, under the Commissioner for Public Appointments (Northern Ireland) Order 1995 (as amended) to put in place an audit process to review appointments and to determine whether the Commissioner's Code is being observed.

Complaints

- 5.9. Complaints regarding the appointment process will normally in the first instance be handled by the relevant Department, to which the initial complaint should be referred.
- 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, he or she may ask the Commissioner to investigate the matter.
- 5.12. Government Departments must have an effective system in place for handling complaints and for documenting the details of each complaint. The Department must make Complainants

aware of their right to ask the Commissioner to investigate if they are dissatisfied with the Department's response.

- 5.13. Departments must ensure that full contemporaneous records of any complaint received, together with its subsequent investigation, are kept for audit purposes.

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

- i. complaints received;
- ii. challenges to decisions made (at any stage of the recruitment and appointment 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 is to be forwarded to the Commissioner by the following 1st May.

- 5.14. The CPANI Leaflet 'CPANI Guidance on Conflicts of Interest, Integrity and How to Raise a Complaint' outlines the complaint handling process undertaken on request by CPANI. It is also available on the CPANI website at www.publicappointmentsni.org/publications.

5.15. An alleged breach of the Commissioner's Code is the main issue upon which complaints will normally be investigated by the Commissioner. Other complaints may deal with, for example:

- an individual's experience as an applicant, or;
- the manner in which the Department has conducted the appointment process.

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

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

5.17. Information on complaints and investigations conducted by the Commissioner will be summarised in the Commissioner's Annual Report. Anonymised reports on investigation and complaints will be published on the CPANI website unless the complainant requests otherwise.

5.18. Following completion of the investigation of a complaint, and a determination by the Commissioner, the Commissioner will not enter into protracted discussion with the complainant or the Department about the outcome of the investigation.

Investigation

5.19. The Commissioner has a legislative right and duty to carry out investigations. The Commissioner's legislation is available on the CPANI website at www.publicappointmentsni.org/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 its interests represented on the Board of the public body. Applicants for nominated positions are required to undergo 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 appointment process. It is a Department's responsibility to ensure that the consultants follow the Commissioner's Code in full, including full documentation of the process, and to ensure that all records kept by the consultants are made available for audit or investigation by CPANI.

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 between the Departments 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 public appointment process, to:
- ease the application process for applicants;
 - encourage diversity;
 - reach a wider audience; and
 - increase the speed of feedback to applicants.
- 6.6. All use of such technologies must be fully compliant with this Code of Practice.

Confidentiality

- 6.7. Recruitment processes for the boards of public bodies necessarily deal with personal and professional information relating to candidates and with other confidential information relating to the process. It is essential that this information is treated as being strictly confidential, for dissemination to, and use by, participants in the recruitment process only.
- 6.8. Every participant in every recruitment process is required to preserve this strict confidentiality by not divulging confidential information to any source outside the recruitment process, before, during or after the process. The only such information to be divulged is that contained in the formal announcement

of the appointment. These strictures on information do not refer to information required to be divulged in the course of any legal proceedings emanating from an appointment process.

- 6.9. All civil servants owe a duty of confidentiality to their employer, the Northern Ireland Civil Service (NICS) and must exercise care when handling information that has come into their possession in the course of their official duties. Official information that is held in confidence must be protected. Further information on the Official Secrets Act and Data Protection Act can be found in the NICS HR Handbook.
- 6.10. All panel members, must, at an early stage in the process and before handling confidential information, sign a form committing them to observing confidentiality. Failure to sign will cause that person to be debarred from participation in the process. A template is provided at Appendix C.

APPENDIX A – Compliance Statement

Statement of compliance with the Commissioner for Public Appointments for Northern Ireland Code of Practice for Ministerial appointment 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 [*insert year*] to 31 March [*insert year*] by [*insert name of Department or other relevant organisation*] have been carried out in accordance with the Commissioner's Code of Practice.

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 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:

(NB: This form is included here for information only. The form for use by Departments can be downloaded from the CPANI website.)

APPENDIX B – Political Activity

Political Activity Question

All successful appointees for a public appointment should complete the question below. This question is asked because it enables 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
- Stood as a candidate for one of the above offices
- Spoken on behalf of a political party or candidate
- Acted as a political agent
- Held office such as Chair, Treasurer or Secretary of a local branch of a political party
- Canvassed on behalf of a political party, or helped at elections

Undertaken any other political activity which you consider relevant

Made a recordable donation or loan to a political party¹

None of the above activities apply

Details of involvement:

Name of Party for which activity undertaken:

NAME:

SIGNATURE:

DATE:

¹ Special provisions prevent the disclosure and publication by the Electoral Commission of loans and donations made to political parties in Northern Ireland. You do not have to tick this box if you have made a recordable donation or loan (i.e. from any individual or organisation totalling more than £7,500, or more than £1,500 if made to an accounting unit, in any calendar year) to a political party on the Northern Ireland register of political parties.

APPENDIX C – Confidentiality Agreement

I understand that all information, including personal and professional information on candidates, entrusted to me in the course of this recruitment competition, must be treated in strictest confidence, to be used only for the purposes of this public appointment process.

I will ensure that all confidential information is held securely and I agree not to divulge any such information to any unauthorised person, before during or after this public appointment process.

Signed (Chairperson):

Signed (Panel Member):

Signed (Panel Member):

Signed (Panel Member):

Date: