

CPANI

The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

ANNUAL REPORT 2013/14

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1. Commissioner's Introduction

I am pleased to present my report for the year to March 2014.

The year was a busy one and I am indebted to my staff, who have provided consistent and high-quality support to me, and to everyone dealing with CPA NI [the Office of the Commissioner for Public Appointments for Northern Ireland].



Learning from mistakes

As always, the Departments of Government, and my office, have continued to learn from mistakes and weaknesses in public appointment processes. Some consequent changes in my 'Code of Practice for Ministerial Public Appointments in Northern Ireland' [the Code], are highlighted in Section 5 of this report. The changes relate to anti-discrimination law, planning for diversity, and observing confidentiality in public appointment competitions.

CPA NI reports, on Ministerial Decision-Making and Diversity in Public Appointments

My office completed two important pieces of research during the year: the December 2013 'Report on Decision-Making by Ministers in Public Appointment Competitions' and the January 2014 report 'Under-Representation and Lack of Diversity in Public Appointments in Northern Ireland'. An overview of these reports is presented in Sections 8.6 and 8.7 following, and the full reports can be accessed on the CPA NI website.

www.publicappointmentsni.org.

The major message from the Ministerial decision report is that the standard of processes employed and the quality of records kept by Ministers and their Departments vary greatly. There is a need for more consistency and better sharing of best-practice between Departments.



The main message from the Diversity report is that, in the last sixteen years, there has been no general improvement in the compositional diversity of the boards of public bodies. The proportion of women, young people, people with a disability and people from the ethnic minority communities has not increased on our boards. There is a growing international body of evidence that more diverse boards produce better results.

There is an urgent need for the diversity issue to be given greater priority and for Government to produce policy, targets and action to address the issue.

CPA NI profile

An important goal of the year's work was to improve the profile of CPA NI so that people with an interest in public appointments know where to come with their queries and complaints, learn how to identify public appointment opportunities, and understand what they must do to compete for them successfully. With that in mind, I attended many meetings and events with a wide range of organisations, from those representing the interests of women to those representing the third sector and the business community. It is important that the Departments also step up *their* activities in reaching out to potential candidates for public appointment.

Public concern about public appointments

It was made clear to me, by all of the organisations I visited, that there is still much concern about the public appointment process, mainly centred on the belief that public appointment opportunities are not opened up to everyone in our community who has something to contribute to public life. Some Departments are working to improve this situation, and the Public Appointments Forum, set up by OFMDFM [the Office of First Minister and deputy First Minister] is working to ensure that best-practice is shared across all twelve Departments; but there is still much work to do, both in outreach to more potential candidates and in improving the recruitment processes in ways that give all types of candidate a real prospect of being appointed.

The pace of change in our public appointment system is much too slow.

Year after year the process winds on with little change and as long as the



Departments keep their recruitment competitions compliant with my Code many of them seem to think that is enough.

But it is not enough, and the public says it is not enough.

OFMDFM, which is responsible for developing policy on public appointments, and each of the other eleven Departments, need to take the messages from this report and turn them into public commitment to change, through the generation of policies, targets and actions that open up the opportunities and generate real public confidence in the recruitment process. If the public sees that the First and deputy First Ministers are dedicated to the necessary change, if the commitment is expressed in the Programme for Government and the business planning of every Department, and people can see the results being monitored and reported annually, it will go a long way to changing the current culture of stasis.

If this does not happen, change will not happen and Government will be signalling that it does not care. I would strongly exhort Government to step up to the challenge.

All-Party Working Group on UNSCR 1325

The concern about public appointments was not confined to local organisations; Section 8.2 of this report contains an account of my appearance as a witness at the All-Party Working Group on United Nations Security Council Resolution 1325 concerning the role of women in decision-making roles since the advent of the peace process. My report to the All-Party Group does not make comfortable reading for those whose responsibility it is to ensure that women are fairly represented on our public boards; there is an urgent need for action on this front.

Need to eliminate error and spread best-practice

CPA NI audits of recruitment competitions have highlighted the problem of twelve Departments separately trying to operate a consistent, high-quality and error-free public appointment process. A proposal during the tenure of my predecessor, to centralise administration of the process by setting up a 'central public appointments unit' to replace the individual Departmental



ones, was rejected.

If this option is not to be pursued, the work of the Public Appointments Forum should be stepped up a gear. The Forum, a group of civil servants charged with the task of identifying and disseminating best-practice across the Departments, needs to start delivering real change and should be given the authority and resources to do so.

Review of the Commissioner's remit

The 'Commissioner for Public Appointments [Northern Ireland] Order', which established the Commissioner post and set out its functions and responsibilities is now eighteen years old. It is about to be reviewed by OFMDFM to ensure that it is up-to-date and relevant to today's needs. I believe that, in addition to 'tidying up' the Order, the reviewers should consider the more fundamental matter of the powers given to the Commissioner post. I have tabled, with OFMDFM, a list of issues which I believe must be addressed [see Section 4.1]

The present remit falls short of allowing the Commissioner to effectively intervene if he becomes aware of a Department conducting a public appointment competition in a way which is non-compliant with his Code. He can use public exposure after the event, to highlight the Department's non-compliance and he can produce recommendations, designed to prevent reoccurrence of the problem; but he cannot halt the competition and thereby prevent the infringement.

In creating the founding legislation for its Commissioner in 2003, the Scottish Government addressed the matter by imposing a duty on the Commissioner to report all material breaches of the Code to the Parliament and giving him discretionary authority to delay a competition which is not yet completed, when he has major concerns about its conduct.

Conclusion

Despite the difficulties, the public appointment process has resulted in the appointment of many capable and motivated individuals who serve the public with distinction.



Serving on a public board can be a fulfilling and worthwhile pursuit, as many appointees have learned. There is always room for improvement in the processes used by Ministers and their Departments to populate those boards. My team and I look forward to being part of the continued drive for such improvement in 2014/15. I hope that members of the public who have the aptitude and motivation to contribute to the work of public boards will feel encouraged to apply for positions and will feel they have been treated fairly, and judged on merit, in every recruitment competition.

John Keanie
Commissioner

2. Executive Summary

Section 1 - Commissioner's Introduction

- Commissioner's thanks to staff for consistent, high-quality support.
- 'Learning from mistakes' has led to Code changes regarding anti-discrimination law, planning for diversity and observing confidentiality.
- CPA NI produced two reports:
 - [1] 'Report on Decision-Making by Ministers in Public Appointment Competitions' [December 2013]
Main message from report is that the standard of processes and records kept by Ministers and their Departments varies greatly; there is a need for more consistency and better sharing of best-practice.
 - [2] 'Under-Representation and Lack of Diversity in Public Appointments in Northern Ireland' [January 2014]
Main message is that the diversity of board membership has not improved in the sixteen years since the Good Friday Agreement. There is a pressing need for policy, targets and action to address the diversity issue.
- CPA NI worked throughout the year to increase its profile; Departments should step up *their* activities in reaching out to potential candidates for public appointment.
- Public concern continues about public appointment opportunities not being opened up to everyone. The pace of change is too slow. OFMDFM and the other Departments must develop policies, targets and actions for change. Without this level of commitment, change will not happen.
- The All-Party Working Group on UNSCR 1325 has concerns that the appointment of women has not improved since the Good Friday and St. Andrews agreements.
- The CPA NI audit programme is still exposing too many mistakes by



Departments in public appointment competitions. The Public Appointments Forum should be resourced to start delivering real change.

- The Commissioner's remit is being reviewed. This should do more than just 'tidy up' the 'Commissioner for Public Appointments Order' and should consider giving the Commissioner authority to take preventative measures when he is aware of a competition going wrong.
- Despite the difficulties, many good appointments are being made.
- The Commissioner hopes the public will feel encouraged to apply for positions.

Sections 3 and 4 - Vision, Values and Role of CPA NI

These are set out for readers.

Section 5 - The Code of Practice

- Changes to the Code during the year are highlighted. They refer to:
 - Anti-discrimination laws.
 - Planning for diversity.
 - Preserving confidentiality in the public appointment process.
- The Commissioner highlights his lack of authority to investigate complaints from candidates in unregulated competitions, saying this is unjust to complainants and should be reviewed.
- Concern is expressed about the level of errors by some Departments in public appointment competitions.
- The need for intelligent forward planning of recruitment is highlighted. This prevents overuse of extensions of term of existing board members.

Section 6 - Independent Assessors [IAs]

This section explains the role of IAs and how they are managed, trained and monitored. It refers to the renewal of the team of 39 IAs which is now



complete.

IAs allocated to 60 public appointment competitions.

Section 7 - Public Appointment Activity 2013/14

- 176 public appointment positions were advertised by Departments.
- There were 31 reappointments.
- 5 Departments granted a total of 33 extensions to terms of appointment of board members.
- 6 exceptions to the Code were granted to 5 Departments by the Commissioner.

Section 8 - CPA NI Activity 2013/14

- High demand for CPA NI advice and guidance; CPA NI handled 320 formal queries.
- CPA NI engaged in much outreach activity; Commissioner attended 66 meetings and spoke at a wide range of events.
- Commissioner gave evidence to All-Party Working Group on UNSCR 1325, regarding the lack of progress on appointing more women to public boards.
- CPA NI achieved all of the objectives identified in its 2013/14 Operating Plan.
- CPA NI completed its programme of auditing six public appointment recruitment competitions; it also completed the six-month 'follow-up' reviews on seven previous audits. All CPA NI recommendations were implemented by the Departments concerned.
- The Commissioner investigated two complaints:
 - [1] A complaint from a candidate for Chair and Member of ILEX, the Derry/ Londonderry development company, that the selection panel treated the candidate unfairly in its assessment. The Commissioner did not uphold the complaint.



[2] A complaint from Mr. John Corey, Secretary General of the Northern Ireland Public Service Alliance [NIPSA], concerning the DHSSPS Minister's decision not to appoint him, as a trade union representative, to the Northern Ireland Social Care Council. The Commissioner upheld three parts of the six-part complaint - [i] that there was a breach of the equality principle in that the Department failed to ensure 'equality of opportunity and treatment of all applicants at every stage', [ii] that there were breaches of the principle of openness and transparency, and [iii] that the Minister's action breached paragraph 2.9 of the Code of Practice – the requirement to treat the candidates with respect throughout the public appointment process.'

- Section 8 concludes, at 8.5 and 8.6, with outlines of the two CPA NI reports mentioned above, on Ministerial Decision-Making and Diversity.

Annexes

The report ends with three annexes:

- [i] List, from each Department, of bodies to which regulated and unregulated appointments are made.
- [ii] CPA NI Operating Plan April 2014 to March 2015
- [iii] Statement of Expenditure



3. Vision and Values of CPA NI

3.1 Vision

The CPA NI vision is that all public appointments are made on merit, in a fair and open 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 CPA NI 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 CPA NI

4.1 Legislation

The post of Commissioner was established in 1995 by the ‘Commissioner for Public Appointments [Northern Ireland] Order’ [the Order], which has been amended on two occasions to take account of the progressive devolution of powers and duties to the N.I. Executive.

A review of the Order is currently underway, to ensure that the remit of the Commissioner is up-to-date and relevant to current requirements. Matters being considered are:

- the outdated definition of ‘public appointment’ which should be amended to include extensions of appointment and reappointments;
- the need to include the Commissioner’s diversity work in the formal remit of his office;
- the need to ensure that public appointments are ‘regulated’ [i.e. under the regulatory remit of the Commissioner] unless there are specific, transparent reasons for them being ‘unregulated’ [see 5.3];
- the need to examine how the Commissioner might be given the authority to investigate complaints regarding unregulated competitions [see 5.3].

The Commissioner believes also that it would be appropriate for the review to consider the strength of his remit in terms of intervening to prevent bad practice and breaches of his Code. He has drawn to the attention of the Office of First Minister and deputy First Minister [OFMDFM], the Department responsible for the review, the arrangements that exist in Scotland which make it mandatory for the Commissioner to report all material breaches of the Code to the Parliament and give him discretionary authority to delay the competition if it is not complete when he discovers the breach.

4.2 CPA NI 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 himself/herself forward for appointment, and
- to ensure that applicants are treated, throughout the public appointment process, in a manner that is fair, consistent, open and transparent, with the goal of selecting the best candidates, on merit, for board service.

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]. He also provides advice and guidance on the process of selection for public appointments and he investigates complaints.

4.4 How does the Commissioner regulate public appointments?

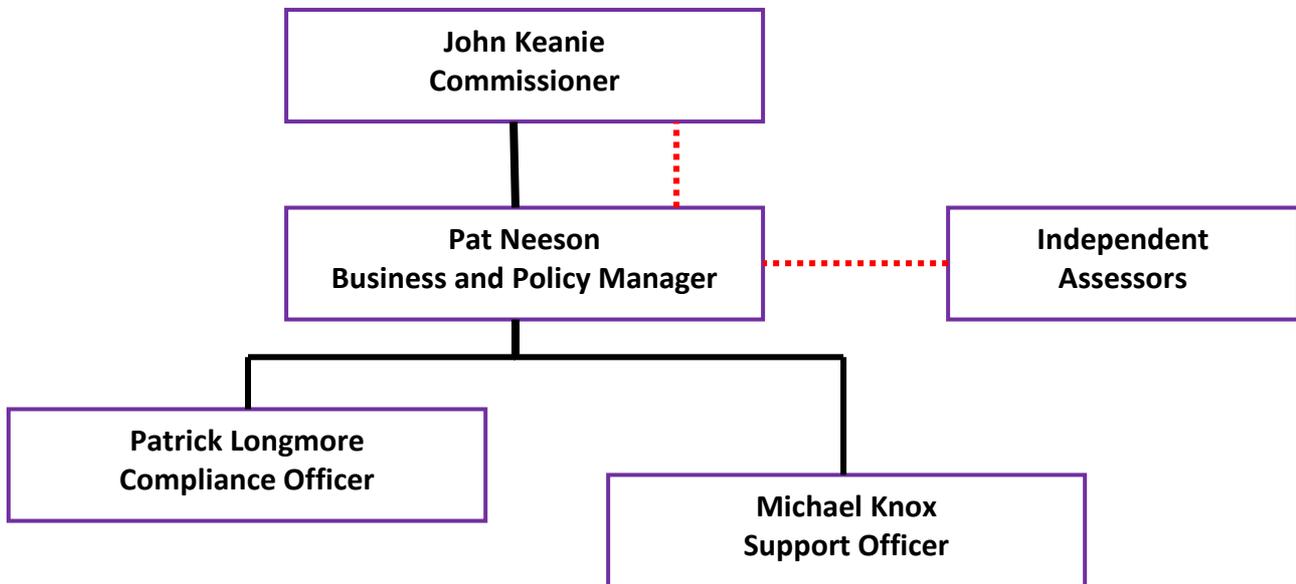
The Order, which can be viewed on the CPA NI website on the 'Our Role' page, sets out formally the statutory duties of the Commissioner as:

1. The Commissioner shall in the manner he considers best calculated to promote economy, efficiency and effectiveness in the procedures for making public appointments, exercise his 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 he 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 CPA NI Organisation Structure

The Commissioner operates with a small team of officers who report to him through the Business and Policy Manager. In addition, a team of around 39 Independent Assessors is managed by the Commissioner. Section 6 of this report deals with Independent Assessors.



The Office team

[Left to right – Patrick Longmore, Pat Neeson and Michael Knox]



5. The Code of Practice

5.1 Introduction

The 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’. CPA NI regulates and monitors the work of the Departments to ensure that they comply with the Code.

5.2 Changes to the Code

The Commissioner amends the Code from time to time to ensure that it is up-to-date and relevant. The current version of the Code is ‘JK4’, which was issued in February 2014. The latest version can always be found on the homepage of the CPA NI website.

Changes in the latest version include:

- Page 2, ‘Important Notice’ which highlights the requirement for those engaged in public appointment processes to note that anti-discrimination laws apply to public appointments, and which provides access to guidance on these laws.
- Page 11, Paragraph 3.6b which requires Departments to provide, in the appointment plan for each competition, a section on diversity that sets out what steps [in outreach and process] the Department will take to achieve the best possible spread of applicants and, ultimately, appointees.
- Page 37/38, paragraphs 6.7 to 6.10, which deal with Confidentiality, requiring every participant in every public appointment competition to preserve strict confidentiality and, as a condition of serving on the recruitment panel, to sign a form committing themselves to confidentiality.

Additional guidance, interpretation and answers to questions about the Code and the public appointment process in general can be found in the ‘Frequently Asked Questions’ section of the website.

5.3 Regulated and unregulated competitions

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

As mentioned in last year's report, the Commissioner has encouraged Departments to treat unregulated competitions in a manner similar to regulated ones, and to employ an Independent Assessor, allocated by CPA NI. This helps provide assurance to the public that all public appointment competitions are dealt with in a consistent and fair manner, whether they are 'officially regulated' or not. In the year to March 2014, all Departments responded to this call and most unregulated public appointment competitions were run 'in the spirit of the Code' and employed an Independent Assessor from CPA NI.

As reported last year, CPA NI still does not have a remit to investigate complaints from candidates who feel they have been unfairly treated in an unregulated competition, a situation which, in the Commissioner's view, is intrinsically unjust. The Commissioner has asked for this to be included in the impending review of the Order.

5.4 Compliance with the Code in 2013/14

Whilst there was generally a high level of compliance with the Code across the Departments during the year, CPA NI has concerns about the number of administrative errors and instances of 'less than best-practice' it has identified, some of which had the potential to skew the results of competitions and lead to unfair treatment of candidates.

In its audits of six recruitment competitions, CPA NI produced a total of 45 recommendations requiring the Departments concerned to effect improvements in their processes. Most competitions generated five to seven such recommendations; one, a competition by the Department of Finance and Personnel [DFP] to appoint seven members to the N.I. Statistics Advisory Committee, required 17 recommendations to address a range of inadequacies, some of which were due to the Department's management of its relationship with a third-party provider contracted to run the competition for the



Department.

This level of error is clearly unacceptable and Departments should ensure that they take the necessary steps to rectify the matter. Also, the Public Appointments Forum, set up by OFMDFM to ensure that best-practice methods are identified and shared across Departments, should by now, if it is operating effectively, be having an influence on how Departments conduct their public appointment competitions and this should be seen in a reduction in errors and instances of poor practice.

The audit follow-up programme

In the seven 'audit follow-up' investigations conducted by CPA NI [see note below] all the Departments concerned had addressed all of the recommendations made to them by CPA NI. The Commissioner views this as evidence that the audit programme is effective in identifying errors and problems and having them corrected for future competitions. CPA NI will continue its audit and follow-up programme rigorously and will continue to gauge the programme's effectiveness in generating change and improvement in Departmental processes.

Note: Last year the Commissioner introduced a six-month review to follow up every audit. Six months after an audit is published, CPA NI returns to the Department to assess how the recommendations from the audit are being implemented.

Forward planning of appointments

A lack of intelligent forward planning is highlighted from time to time. A current concern of CPA NI is the lack of effective planning by the Department of Justice [DOJ] in setting up the new board of the Northern Ireland Police Fund [NIPF]. Despite having received 'Code exemptions' from the Commissioner, to enable recruitment to proceed during the 2013/2014 year, lack of proper planning has resulted in major delays to the process and lengthy extension of the tenure of the Chair and another board member of the existing Company.

6. Independent Assessors

6.1 Role of the Independent Assessor

Independent Assessors play an important part in the public appointment process. They serve on every regulated public appointment recruitment panel, bringing expertise, independence and experience in recruitment matters and on the Commissioner's Code. They also serve on the panels of most unregulated competitions. They serve as full voting members of the panels and are required to be engaged from the planning stages of the recruitment competition. They help the Department to get the planning and documentation right and to sift and short-list candidates. They take part in interviews. They also jointly approve, with the other panel members, the applicant summaries that go to the Minister recommending candidates suitable for appointment.

CPA NI allocated Independent Assessors to 60 public appointment competitions in 2013/14

Independent Assessors have a duty to challenge the panel and the Department when they identify deviation from the Code and from best-practice, and to refer the problem to the Department and to the Commissioner as necessary.

All Independent Assessors are committed to the merit principle and to fair treatment of candidates. They have open access to the Commissioner and his team to ensure that difficulties encountered by Departments and panels are dealt with promptly and effectively.

Independent Assessors are allocated to each competition by CPA NI. They are managed, trained and monitored by CPA NI.

6.2 Performance of Independent Assessors and feedback from Departments

It is important that Independent Assessors add value to recruitment panels and that their work is assessed on an on-going basis. To this end, the Commissioner receives, from the Department at the end of each competition, a formal brief assessment of the Independent Assessor's performance and



contribution to the work of the panel. Issues arising from these assessments are discussed with the Independent Assessor and may result in individual or collective training.

It is also valuable to have the Independent Assessor's view of how each competition is run. The Independent Assessor provides the Commissioner with a brief summary of the competition. Issues arising are discussed with the Department.

This process has continued to deliver improvement and it is apparent from the feedback and comments of officials that the Departments place a high value on the input of the Independent Assessors.

6.3 Recruitment of new team

The Independent Assessor team currently consists of 39 assessors who are employed on an 'on-call' basis as competitions arise. Over the past two years the original team of assessors has been replaced, in two tranches, by a new team. The new team has been trained and is operating well.

7. Public Appointment Activity 2013/14

7.1 Appointments and reappointments

The 'public appointment marketplace' continued to be a strong and active one, with many public appointment opportunities arising during the year.

176 public appointment positions advertised in 2013/2014

Department Press Releases showed 31 reappointments in 2013/2014

7.2 Extensions

Extensions of appointment are organised by Departments in a range of situations, for example when an organisation is being reconstituted and it would be inappropriate to recruit new board members until the reconstitution is completed. The concerns expressed by CPA NI in last year's report, about extensions being used by Departments to cover for inadequate succession planning, have largely been allayed; most Departments plan effectively, discuss their extension requirements with the Commissioner and set out the reasons why such extensions are necessary. This was the case during the 2013/14 year with the exception of the DOJ example referred to in Section 5.4. It is important that Departments control the use of extensions. Overuse of extensions reduces new recruitment opportunities for potential fresh candidates. CPA NI will continue to monitor the situation.

5 Departments granted a total of 33 extensions in 2013/2014

7.3 Exceptions to the Code

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

Six exceptions were granted by the Commissioner, in five Departments, in the 2013/14 year. These were:

DEPARTMENT	PUBLIC BODY	NATURE OF EXCEPTION
DCAL	Northern Ireland Screen	Member co-opted to Board of NI Screen
DEL	North West Regional College	Emergency appointment of temporary Chair to Governing Body of North West Regional College
DEL	CITB Construction Skills NI	Extension of time limit for reserve list
DETI	Health and Safety Executive	Extension of time limit for reserve list
DOE	Local Government Staff Commission	Emergency Appointment of Chair made from appointable candidates from previous competition
DOJ	RUC George Cross Foundation	Emergency Appointment, to position of Chair, of existing board member.

8. CPA NI Activity 2013/14

8.1 Introduction

The 'open-door' approach of CPA NI has resulted in a continuing increase in Departments and others seeking advice and guidance from CPA NI. It is clear that this has resulted in many potential problems being avoided. CPA NI will continue to offer this service to all who require it.

CPA NI handled 320 formal queries

The Commissioner's policy of making himself and his 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.

A result of one such meeting, with The Rainbow Project, has been the commitment by both parties to work closely together on a piece of research.

Commissioner attended 66 meetings with wide range of organisations and individuals and published articles promoting public appointments.

Commissioner spoke at events, including:

- All-Party Working Group on Women, Peace and Security [UNSCR 1325]
- Civil Service Commissioners' business meeting
- CO3 {Chief Officer's in 3rd Sector}
- DOJ Senior Civil Service Meeting
- Northern Ireland Civil Service Permanent Secretaries Group
- Public Appointments Forum
- Women and peacebuilding reference group

8.2 NI Assembly All-Party Working Group on UNSCR 1325

UNSCR 1325 exists to address the pivotal role women should and do play in conflict management, conflict resolution and sustainable peace. The Working Group was part of a wider review examining how 1325 is being implemented. The Commissioner was asked to address the Group specifically on the matter of women in public appointment positions in Northern Ireland.



The Commissioner's opening remarks were that 33% of public board positions are occupied by women; the figure in 1998, the year of the Good Friday Agreement, was 35%; no progress has been made since the new 'era of inclusion' heralded by the Good Friday Agreement and confirmed in the 2006 St. Andrews Agreement.

The Commissioner's closing remarks were that:

- the N.I. Executive and the individual Departments need to step up their efforts on this matter;
- to assist their thinking on it, he has, over the past year, initiated and led a 'Diversity Initiative';
- the report, from that initiative, contains many recommendations for specific actions to address the problem;
- the Commissioner looks forward to the acceptance of the report by Government, to a step-change in attitude and action on women on public boards, and to playing his part in helping Government and its Departments move towards a successful resolution.

8.3 Business planning

CPA NI creates an Operating Plan each year, in which objectives are identified and for which resources are sought. The CPA NI team conducts regular reviews of its performance against the plan and takes corrective action. In the 2013/14 year CPA NI achieved all of its Operating Plan targets.

The plan for the 2014/15 year is at Annexe II of this report and can also be found on the website on the 'Publications' page.

8.4 Audit and compliance programme 2013/14

CPA NI completed the following audits of public appointment recruitment competitions during the year. Departments are required to deal with all issues identified. CPA NI conducts a follow-up review after six months. All audit and follow-up reports can be viewed in full in the 'Investigations and Compliance' page of the website.

Audit reports:

Department	Public Body	Competition	Audit Report Date
Department of the Environment	Historic Buildings Council	Appointment of seven members	June 2013
Department for Social Development	NI Housing Executive	Appointment of one member	July 2013
Department of Finance and Personnel	NI Statistics Advisory Council	Appointment of seven members	September 2013
Department of Culture, Arts and Leisure	NI Screen	Appointment of Chair	December 2013
Department of Justice	Royal Ulster Constabulary George Cross Foundation	Appointment of Chair	February 2014
Department of Education	Council for Curriculum, Examinations and Assessment	Appointment of four members	March 2014

Follow-up reports:

Department	Public Body	Competition	Follow-up Report Date
Department of Education	General Teaching Council for Northern Ireland	Appointment of three members	April 2013
Department of Enterprise, Trade and Investment	Invest NI	Appointment of three members	June 2013
Office of the First Minister and deputy First Minister	Commissioner for Victims and Survivors	Commissioner	September 2013
Department for Employment and Learning	Labour Relations Agency	Appointment of two members	October 2013

Department for Regional Development	Warrenpoint Harbour Authority	Appointment of two members	November 2013
Department of the Environment	Historic Buildings Council	Appointment of seven members	December 2013
Department for Social Development	NI Housing Executive	Appointment of one member	March 2014

In addition to the CPA NI audit programme, the Permanent Secretary of each Department submits an 'Annual Compliance Statement' to the Commissioner, identifying instances of non-compliance with the Code. In 2013/14 all such matters have been resolved.

8.5 Dealing with complaints

The Commissioner has a duty to investigate complaints about public appointment processes. In most cases, he 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/challenges received and handled by them. The Departmental reports for 2013/14 show that six Departments handled a total of 22 complaints/challenges.

In the 2013/14 year, two complaints were subsequently submitted to the Commissioner for investigation. The details are as follows.

Department: OFMDFM

Public Body: ILEX [Derry/Londonderry Urban Regeneration Company]

Nature of Complaint: That the complainant was treated unfairly by the selection panel in its assessment of the complainant's responses on the criteria for board member and Chair positions.

Date complaint received by CPA NI: April 2013

Outcome: Complaint not upheld

Department: DHSSPS

Public Body: NISCC [Northern Ireland Social Care Council]

Nature of Complaint: The complaint concerned the decision by the Minister not to appoint a Trade Union Representative.

Date complaint received by CPA NI: March 2014

Outcome: Six-part complaint. Three parts upheld:

[i] That there was a breach of the equality principle in that the Department failed to ensure "equality of opportunity and treatment of all applicants at every stage".

[ii] That there were breaches of the principle of openness and transparency.

[iii] That the Minister's and Department's action breached paragraph 2.9 of the Code of Practice – the requirement to treat candidates with respect throughout the public appointment process.

With the agreement of the complainant, Mr John Corey, the complaint report has been published in full on the CPA NI website.

8.6 Report on Decision-Making by Ministers in Public Appointment Competitions - December 2013 [full report on CPA NI website]

The role of Ministers in the public appointment process has been criticised, particularly in the wake of the 2012 tribunal which found that a Minister had discriminated against a candidate for a board position. Since that tribunal finding, much work has been done, involving the Equality Commission for Northern Ireland, OFMDFM, the Department for Regional Development [DRD - the Department concerned in the case] and CPA NI.



The work has resulted in changes to Departmental processes and to the CPA NI Code of Practice.

In addition, the Commissioner decided to examine the 'Ministerial decision-making part' of every regulated public appointment competition from September 2012 to September 2013, to identify any problems or inadequacies and to produce recommendations.

The examination concentrated on:

- submission, to the Minister, of the list of candidates deemed eligible for appointment on merit by a selection panel, and
- selection, by the Minister, of the candidate[s] he or she identifies as best suited to the requirements of the board.

The results of the examination, of 41 public appointment competitions, were that:

- All Departments examined have ensured that processes are in place to enable their Ministers, through documented applicant summaries, to make appointment decisions, and for recording those decisions.
- No breaches of the CPA NI Code of Practice were identified in the competitions examined.
- Standards vary greatly across the Departments, with some Departments providing clear and consistent applicant summaries and records of Ministers' decisions, and others falling short of the required standard and needing to effect improvements from some of the 'best-practice' examples.

The report goes on to set out six recommendations for improvement.

CPA NI will continue to monitor the Ministerial component of the public appointment process.

8.7 Report on Under-Representation and Lack of Diversity in Public Appointments in Northern Ireland - January 2014 [full report on CPA NI website]

The composition of the boards of our public bodies does not reflect the population they serve. The Commissioner is constantly approached by representative organisations expressing great frustration that their members feel ‘excluded’ from public appointments. This is a strongly held perception of women, young people, people with a disability, people from our ethnic minority communities, business people and people in the third sector [voluntary and community].



A growing body of international research demonstrates that diverse boards produce better results; so the issue is not just one of ‘fairness’ or ‘moral compunction’; it makes good business sense to have boards with diverse membership, with the skills, background, motivation to serve and a rich variety of perspectives, gained through ‘traditional career paths’ and through ‘alternative’ or ‘non-traditional’ paths.

Looking at the past sixteen years [since the Good Friday Agreement which was supposed to herald a new era of inclusion in Northern Ireland] it is clear that there has been no overall improvement in the figures. All of the categories, of under-represented groupings on which statistics are available, continue to be under-represented.

That is not good enough. The report explains how the Commissioner conducted a ‘Diversity Initiative’: setting up a ‘Diversity Working Group’; taking evidence from a wide range of interests; examining the international research and the efforts of other countries to tackle the problem; and producing a set of 26 recommendations for improvement.



The recommendations range from ‘high-level strategic’ ones to recommendations dealing with the detail of the recruitment process. They are not portrayed as being complete or exclusive and more may be generated as Departments become more engaged with the problem.

The Commissioner presented the report to the Head of the Civil Service [HOCS] and his team of Permanent Secretaries in February 2014. HOCS has asked the Public Appointments Forum to consider the recommendations. The Commissioner hopes that this work will lead to a set of proposals to the Executive of the Northern Ireland Assembly, designed to give the issue the prominence and priority it deserves, leading to a commitment by Government to tackle the issue through a set of policies, targets and programmes for action.

8.8 The CPA NI Website, www.publicappointmentsni.org

The website has been developed into a much used source of information on public appointments and on the work of CPA NI. It contains information on the role of CPA NI, the latest version of the Code and unabridged versions of CPA NI reports [the only exception being that complaint reports are published anonymously if the complainant asks for this].

Average 947 visitors per month to www.publicappointmentsni.org

The Homepage contains a ‘Latest’ column in which the latest changes, reports, and ‘Frequently Asked Questions’ are flagged up.

ANNEXE I

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

Department of Agriculture and Rural Development	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Agricultural Wages Board for NI • Agri-Food and Biosciences Institute • Drainage Council • Fishery Harbour Authority [NI] • Livestock and Meat Commission for NI 	<ul style="list-style-type: none"> • Agri-Food Strategy Board [sponsored jointly with DETI] • TB Strategic Partnership Group • College Advisory Group
Department of Culture, Arts and Leisure	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Architecture & Built Environment Ministerial Advisory Group for NI • Armagh Observatory & Planetarium Board of Governors • Armagh Observatory & Planetarium Management Committee • Arts Council of NI • National Museums and Galleries • NI Library Authority • NI Museums Council • NI Screen • Sport NI 	<ul style="list-style-type: none"> • Ulster Scots Academy Ministerial Advisory Group • World Police & Fire Games Limited • W5 Limited

Department of Education	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Belfast Education and Library Board • Comhairle Na Gaelscolaíochta • Council for Catholic Maintained Schools • Diocesan Education Committees of the Council for Catholic Maintained Schools • General Teaching Council • NI Council for Integrated Education • NI Council for the Curriculum, Examinations and Assessment • North Eastern Education and Library Board • South Eastern Education and Library Board • Southern Education and Library Board • Staff Commission for Education and Library Boards • Teachers' Salaries and Conditions of Service Committee [Schools] • Western Education and Library Board • Youth Council for NI 	<ul style="list-style-type: none"> • Exceptional Circumstances Body • Governing Bodies of Certain Voluntary Grammar Schools • Grant Maintained Integrated Schools - Boards of Governors • Middletown Centre for Autism
Department for Employment and Learning	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Certification Officer for NI • CITB – Construction Skills NI • Governing Bodies of Further Education Colleges <ul style="list-style-type: none"> – South West Regional College – Southern Regional College 	<ul style="list-style-type: none"> • Fair Employment Tribunal • Industrial Court NI • Industrial Tribunal • NI Adviser on Employment and Skills • Reinstatement Committee for

<ul style="list-style-type: none"> – South Eastern Regional College – North West Regional College – Northern Regional College – Belfast Metropolitan College • Governing Body of St Mary’s University College • Governing Body of Stranmillis University College • Labour Relations Agency • Ulster Supported Employment Limited 	Reserve Forces in Civil Employment
Department of Enterprise, Trade and Investment	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • General Consumer Council for NI • Health and Safety Executive for NI • Invest NI • NI Tourist Board 	<ul style="list-style-type: none"> • Agri-Food Strategy Board [sponsored jointly with DARD] • NI Co-operation Overseas • NI Science Park [NISP]
Department of the Environment	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Council for Nature Conservation and the Countryside • Historic Buildings Council • Historic Monuments Council • Local Government Staff Commission • NI Local Government Officers' Superannuation Committee 	<ul style="list-style-type: none"> • Councillors’ Remuneration Panel • NI Biodiversity Group • NI Coastal and Marine Forum

Department of Finance and Personnel	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • NI Authority for Utility Regulation • NI Building Regulations Advisory Committee • NI Statistics Advisory Committee 	<ul style="list-style-type: none"> • The Lay Observer for NI • The Public Service Commission for NI
Department of Justice	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Criminal Justice Inspection NI • Independent Assessor for Police Service of Northern Ireland Recruitment Vetting • NI Law Commission • NI Legal Services Commission • NI Police Fund • NI Policing Board • Office of the Police Ombudsman [jointly with OFMDFM] • Police Rehabilitation and Retraining Trust • Probation Board NI • Royal Ulster Constabulary George Cross Foundation PSNI 	<ul style="list-style-type: none"> • Independent Monitoring Boards <ul style="list-style-type: none"> – HM Prison Maghaberry – HM Prison Magilligan – HM Young Offenders Centre, Hydebank • Prisoner Ombudsman for NI
Department of Health, Social Services and Public Safety	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Business Services Organisation • Health and Social Care Board • Health and Social Care Trusts <ul style="list-style-type: none"> – Belfast Health & Social Care Trust – South Eastern Health & Social Care Trust – Northern Health & Social Care Trust 	<ul style="list-style-type: none"> • NI Clinical Excellence Awards Committee • Poisons Board

<ul style="list-style-type: none"> – Southern Health & Social Care Trust – Western Health & Social Care Trust – NI Ambulance Service Trust • NI Blood Transfusion Service • NI Fire and Rescue Service • NI Guardian Ad Litem Agency • NI Medical and Dental Training Agency • NI Practice and Education Council for Nursing and Midwifery • NI Social Care Council • Patient and Client Council • Public Health Agency • Regulation and Quality Improvement Authority • Safeguarding Board for NI 	
Department for Regional Development	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Belfast Harbour Commissioners • Londonderry Port & Harbour Commissioners • NI Transport Holding Company • NI Water • Warrenpoint Harbour Authority 	
Department for Social Development	
REGULATED	UNREGULATED
<ul style="list-style-type: none"> • Charities Advisory Committee • Charity Commission for NI • NI Housing Executive Board 	<ul style="list-style-type: none"> • Disability Living Allowance Advisory Board for NI • Vaughan’s Charity Trust

Office of the First Minister and deputy First Minister

REGULATED

- Commissioner for Children and Young People
- Commission for Victims and Survivors for NI
- Commissioner for Older People
- Ilex Urban Regeneration Company Ltd
- Maze/Long Kesh Development Corporation
- NI Judicial Appointments Commission
- Office of the Police Ombudsman for NI [jointly with DOJ]
- Strategic Investment Board Ltd

UNREGULATED

- Attorney General for NI
- Commissioner for Public Appointments NI
- Inquiry into Historical Institutional Abuse
- NI Community Relations Council
- Planning and Water Appeals Commissions
- Victims and Survivors Service

ANNEXE II

CPA NI Operating Plan 1st April 2014 to 31st March 2015

KEY TARGET	MEASURES	ACTIONS
<p>CPA 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.</p>	<p>The effective maintenance, development and promotion of the Code of Practice and associated guidance.</p>	<p>Monitor the implementation of the Code in recruitment processes.</p> <p>Liaise closely with Department Public Appointment Units and recruitment practitioners including Independent Assessors.</p> <p>Amend Code and produce guidance as necessary.</p>
<p>Audit and Compliance Monitoring</p> <p>To conduct audits to review the policies, practices and actions of Departments in making public appointments.</p> <p>To conduct regular compliance checks on documentation and processes used and issued by Departments, including Advertisements and Press Releases.</p>	<p>A CPA NI 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>	<p>Select 6 relevant competitions for audit as the year progresses</p> <p>Carry out audit programme with increased focus on diversity.</p> <p>Report on findings, produce recommendations.</p> <p>Conduct six-month follow-up on implementation by Departments of recommendations.</p>

KEY TARGET	MEASURES	ACTIONS
		Monitor Advertisements, Press Releases and other documents as necessary.
<p>Complaints</p> <p>To conduct effective inquires into Department policies, practices and actions on any public appointment process.</p>	<p>The establishment, maintenance, publication and implementation of an effective and objective complaints system.</p>	<p>Investigate and report on complaints presented to CPA NI.</p> <p>Follow up necessary action with Departments.</p>
<p>Annual Report</p> <p>To publish an annual report</p>	<p>The provision of a comprehensive annual report which serves the requirements of the internal and external stakeholders of CPA NI, including the political and administrative systems of Government and the general public.</p>	<p>Collate relevant information for the year and publish annual report.</p> <p>Provide FM/dFM with an advance copy of report.</p> <p>Present report to NI Assembly</p>
<p>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.</p>	<p>The provision of prompt and high quality responses to queries on the Code and its application, from panel chairs, Independent Assessors and other relevant parties.</p>	<p>Provide regular updates, advice, guidance and training to Independent Assessors, Departmental representatives and other relevant parties.</p> <p>Provide an “open door” for queries from all sources.</p> <p>Maintain a system for handling, managing and recording all queries.</p>

KEY TARGET	MEASURES	ACTIONS
<p>Independent Assessors</p> <p>To manage, train, allocate, and monitor a pool of suitably trained individuals that Departments use to meet the policy requirement of independent assessment in the public appointment process.</p> <p>These Assessors are independent of Government and the Commissioner.</p>	<p>The effective management of a trained, competent and experienced team of Independent Assessors who provide an effective and efficient service in all public appointment recruitment processes.</p>	<p>Manage, train, allocate and monitor a team of Assessors.</p> <p>Provide all necessary forms of support and guidance to Independent Assessors.</p> <p>Implement effective administrative procedures and records with regard to the management of the Assessors.</p> <p>Develop and implement induction programme and mentoring arrangements for new Independent Assessors</p>
<p>Budget</p> <p>In co-operation with OFMDFM Corporate Services Division, to establish, implement and monitor the CPA NI budgetary process and financial regime.</p>	<p>Adherence to all financial and budget guidance issued by OFMDFM, and successful management of the budgetary and financial processes set out in the Financial Memorandum and other relevant documents.</p>	<p>Implement effective, efficient and accurate processes of budgetary and financial management.</p> <p>Process payments, in a timely and accountable manner, using Account NI.</p> <p>Ensure that all procurement is compliant with the regulations stipulated by OFMDFM sponsor branch.</p> <p>Ensure that the necessary resources are secured to meet the full requirements of CPA NI and its customers, allowing for levels of complaints, issues arising</p>

KEY TARGET	MEASURES	ACTIONS
		from audit and compliance work, ad hoc legal advice and research requirements.
<p>Liaison with stakeholders</p> <p>To raise the profile of CPA NI and its functions, within and without the political and administrative systems of Government, in order to:</p> <ul style="list-style-type: none"> – promote public appointment opportunities to a wide field of potential candidates; – increase public confidence in the fairness and openness of the public appointments system; – ensure that the public is aware of the independent functions provided by CPA NI and of the right to avail of the CPA NI complaints procedure. 	<p>An increased awareness, by all internal and external stakeholders, of public appointment opportunities and of a fair and open merit-based recruitment process.</p>	<p>Maintain strong working links with Ministers, SPAds and MLAs.</p> <p>Maintain strong working links with senior Civil Service and Department contacts.</p> <p>Continue proactive outreach programme that informs and includes such groups as women, young people, people with a disability, ethnic minorities and people from a wider business, industry and third sector background; by this means help to tackle the problems of under-representation faced by Departments in achieving greater strength through diversity on boards, problems illustrated by the diversity figures in the 'OFMDFM Public Bodies & Public Appointments Annual Report'.</p> <p>Monitor the progress made on recommendations from the Commissioner's January 2014 Diversity Report and continue work on the diversity/under-representation challenge.</p>

KEY TARGET	MEASURES	ACTIONS
		<p>Assist with the development of pilot schemes in consultation with Departments.</p> <p>Develop a pilot training programme with input from Departments on the Public Appointments application process for external stakeholders.</p> <p>Conduct a survey with recent Public Appointment applicants to gain an insight of their experience and opinions of the process. Report findings in an appropriate manner.</p>
<p>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.</p>	<p>The provision of an efficient and effective service to the Commissioner and all stakeholders.</p>	<p>Regularly monitor progress in line with each business plan key target, measure and action.</p> <p>Fulfil the requirements of the sponsor branch as set out in the Memorandum of Understanding and other relevant documents.</p> <p>Manage the Commissioner's diary.</p> <p>Ensure that all Personal Performance Agreements are up to date and in line with current procedures.</p>

KEY TARGET	MEASURES	ACTIONS
		Ensure that all staff are provided with appropriate training opportunities to help them fulfil their respective roles and meet their business objectives.
<p>Northern Ireland Executive Asset Management Strategy</p> <p>To provide a commitment to the objectives of the Northern Ireland Executive Asset Management Strategy.</p>	<p>A commitment to the objectives of the Northern Ireland Executive Asset Management Strategy.</p>	<p>This is to be reviewed annually to determine any action needed.</p>

ANNEXE III

STATEMENT OF EXPENDITURE

Whilst being independent of the Government and the Civil Service in the exercise of its statutory functions, CPA NI is part of the OFMDFM 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 CPA NI is routinely monitored and is in line with OFMDFM guidance and requirements.

CPA NI Costs 2013/2014

Rent	£12,090.00
Maintenance	£2,273.84
Cleaning	£1,858.44
Electricity	£1,927.11
Gas	£3,447.63
Computers/IT/Phones	£444.67
Contingencies	£1,770.28
Independent Assessors	£9,548.11
Independent Assessor Training	£2,180.00
Independent Assessor Recruitment	£1,323.60
Annual Report	£431.55
Procurement of Legal Services	£1,548.58
Public Relations/Awareness	£1,436.00
Travel and Subsistence	£1,104.80
Subscriptions	£300.00
TOTAL	£41,684.61

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



The Commissioner is contracted to commit circa 90 days per year to his post and receives remuneration of £28,652. The seconded officers who make up the Commissioner's staff are remunerated at their respective Civil Service rates.