

A decorative graphic consisting of four squares arranged in a 2x2 grid. The top-left and bottom-right squares are a dark blue color, while the top-right and bottom-left squares are a light blue color.

THE COMMISSIONER FOR PUBLIC APPOINTMENTS'
CODE OF PRACTICE
FOR
MINISTERIAL APPOINTMENTS TO PUBLIC BODIES

Office of the Commissioner for Public Appointments
3rd Floor
35 Great Smith Street
London
SW1P 3BQ

August 2009



<u>CONTENTS</u>	3
Glossary	9
<u>PART I – USING THE CODE OF PRACTICE</u>	13
<u>CHAPTER 1. THE CODE OF PRACTICE, ITS APPLICATION AND PURPOSE</u>	14
The Role of the Commissioner	14
Purpose of the Code	15
Guidance on public appointments processes	15
Changes to the Code	16
Non-Compliance with the Code	17
Consequences of breaching the Code	17
Using the Code as best practice	18
Circumstances not covered by the Code	18
Exemptions	18
<u>CHAPTER 2. THE CODE PRINCIPLES</u>	19
The Seven Code Principles	19
Responsibility for compliance with the Code Principles	20
Application of the Code Principles	20
Ministerial Responsibility	20
Merit	21
Independent Scrutiny	22
Equal Opportunities	23
Probity	24
Openness and Transparency	25
Proportionality	26

CHAPTER 3. MONITORING COMPLIANCE WITH THE **28**
CODE OF PRACTICE

Introduction	28
Audit	28
The collection of statistics and information	30
Investigation of complaints	31
Ambit of investigation	31
Identity of complainant	32
Complaints process	32
Complaint investigation	33
The Commissioner's decision on a complaint	33

PART II – THE PUBLIC APPOINTMENTS PROCESS **36**

CHAPTER 4. THE ROLES OF THOSE INVOLVED IN THE **37**
PUBLIC APPOINTMENTS PROCESS AND PROCEDURES
FOR RESOLVING DISPUTES ABOUT NON-COMPLIANCE
WITH THE CODE

Introduction	37
The role of Ministers	37
Ministerial responsibility	37
Extent of Ministerial involvement	38
The role of Regional Ministers in England	39
Extent of Regional Minister involvement	40
The role of departments	41
The role of Independent Public Appointments Assessors	42
Procedures for resolving disputes about non-compliance with the Code	45

<u>CHAPTER 5. THE PUBLIC APPOINTMENTS PROCESS</u>	47
Introduction	47
Appointments to upper and lower tier bodies	47
The procedures applicable to the public appointments process	49
<u>Stage 1 – Planning the Process</u>	49
Initial Steps	49
Joint departmental bodies or involvement of the Devolved Administrations	50
Consultation with public bodies	50
Consultation with other organisations	51
Role description and person specification	51
Reappointments	52
Definition of reappointment	52
Consideration of reappointments	52
Total period in office	53
Performance assessment	53
Eligibility for reappointment	54
Timing of decision to offer reappointment	54
Reasons for reappointment	54
Updating information	55
Reappointments not agreed by the Minister	55
Retiring public body members	55
Criteria for reappointments	55
Reappointment to upper tier bodies	55
Reappointment to lower tier bodies	56
Monitoring reappointments	56
<u>Stage 2 – Beginning the Process</u>	57
Promotion of diversity	57
Publicising vacancies	58
Other sources of applicants	59
Departmental Lists	59

Targeting of potential applicants	59
Use of external recruitment consultants or the Appointments Commission	59
Information packs	60
References	61
Application forms	62
Monitoring forms and Political Activity Questionnaire	63
Closing date for applications	63
Late applications	64
Insufficient applications	64
Extension of closing date	64
 <u>Stage 3 – Sifting</u>	 65
Requirements in relation to sifting	65
Selection panels	65
Membership of selection panels	65
Inclusion of a representative of an external organisation on a selection panel	67
Changes of membership of selection panels	68
Seeking of additional applications	68
Ministerial involvement	68
 <u>Stage 4 – Selecting Appointable Candidates</u>	 70
Handling conflicts of interest	70
Responsibility for handling conflicts of interest	70
Candidates' conflicts of interest	70
Panel members' conflicts of interest	71
Dealing with additional information concerning a candidate	71
Interviews	73
Interview requirements for upper and lower tier bodies	73
Requirements applying to all interviews and Conversations with a Purpose	74

Multiple appointments	75
Requests for changes in interview dates	76
Other considerations before Ministerial submission	76
Ministerial submission	77
Requirements in relation to the Ministerial submission	77
Ministerial choice	77
Failure to provide Ministerial choice	78
Meetings between the Minister and candidates	79
Publicising appointments and reappointments	79

**CHAPTER 6. APPLICATION OF THE CODE TO PARTICULAR
PUBLIC APPOINTMENTS PROCESSES** **82**

Agreed different procedures	82
Special circumstances	82
Expert posts	82
Ex officio membership of a public body	83
Emergency appointments	83
Appointments from reserve lists	83
Nominations by nominating bodies	84
Definition of nominating bodies	84
Procedure for nominations	84
Procedure in relation to nominees	84
Requirements in relation to nominees	85
Terms of appointment of nominees	85
Appointments as chair and deputy/vice chair from current public body membership	85
Extensions	86

ANNEXES	87
Annex A: The Seven Principles of Public Life	88
Annex B: Statement of compliance with the Commissioner for Public Appointments' Code of Practice	90

for Ministerial Appointments to Public Bodies

Annex C:	Political Activity Questionnaire	92
Annex D:	Appointments processes conducted by the Appointments Commission	94
Annex E:	Appointments processes conducted by the Welsh Assembly Government	99
Annex F:	Delegated appointments processes conducted by the Department for Culture, Media and Sport	102
INDEX		104

GLOSSARY

TERMS USED IN THIS CODE

“applicant”	means an individual who has applied for a public appointment within the Commissioner’s remit;
“appointing authority	means the Minister of the Crown or, as the case may be, the Scottish Ministers, Welsh Ministers or the Appointments Commission (when making an appointment on behalf of a Minister of the Crown);
“appointable candidate	means a candidate whom a selection panel, constituted in accordance with this Code, considers to be appointable to a body within the Commissioner’s remit;
“audit”	means the review carried out by, or on behalf of, the Commissioner for Public Appointments of the appointments processes and practices followed by appointing authorities in making appointments;
“candidate”	means an applicant who has been selected (following a sift or other selection procedure) for consideration for appointment to a public body within the Commissioner’s remit;
“Code”	means the Commissioner for Public Appointments’ Code of Practice for Ministerial Appointments to Public Bodies;
“the Code Principles”	means the Principles set out in the Commissioner for Public Appointments’ Code of Practice for Ministerial Appointments to Public Bodies to be followed by those responsible for public appointments processes;
“the Commissioner”	means the Commissioner for Public Appointments in England and Wales;
“the Commissioner’s website	means the website with the following homepage address: www.publicappointmentscommissioner.org

“conflict of interest”	means any actual, potential or perceived conflict of interest;
“conversation with a purpose”	means the conversation which follows the documented paper based selection process which may be used in relation to lower tier bodies;
“department”	means the government department or other organisation (such as the Welsh Assembly Government or the Appointments Commission) responsible for the running of a public appointments process on behalf of an appointing authority;
“Independent Assessor”	means an individual who has been appointed by the Office of the Commissioner for Public Appointments or department as an Independent Assessor but has not yet been accredited by the Office of the Commissioner for Public Appointments and who may not use the title “Independent Public Appointments Assessor” or act as an Independent Public Appointments Assessor;
“Independent Public Appointments Assessor”	means an Independent Assessor who has been accredited by the Office of the Commissioner for Public Appointments;
“long listing”	means the sifting process or processes by which any applicant is compared with other applicants by reference to the selection criteria and is selected for inclusion in a long list for consideration as a candidate;
“member of a public body”	means an individual appointed to a public body within the Commissioner’s remit;
“Minister”	means a Minister of the Crown, Scottish or Welsh Minister as the case may be, acting as an appointing authority;
“the Ministerial Code”	means the appropriate Ministerial Code applicable for the time being;
“OCPA”	means the Office of the Commissioner for Public

	Appointments which supports the Commissioner in the Commissioner's work;
"open competition"	means the circumstances in which individuals apply in competition with each other for a public appointment following some form of external publicity inviting applications;
"Order in Council"	means the Public Appointments Order in Council for the time being in force;
"post-appointment hearing"	means the hearing conducted by a Parliamentary Select Committee following the appointment of an appointable candidate identified by the public appointments process;
"pre-appointment hearing"	means the hearing conducted by a Parliamentary Select Committee following the identification of an appointable candidate by the public appointments process;
"public appointment" or "appointment"	means any appointment, reappointment or extension of an appointment, as the case may be, made by or on the recommendation of an appointing authority to a public body within the Commissioner's remit;
"public body"	means any body listed in the Schedule to the Order in Council or any body which the Minister for the Cabinet Office has specified by instrument in writing to be a public body for the purposes of the Order in Council;
"public appointments process" or "appointments process"	means the process required by the Code to be used in relation to a public appointment to a public body within the Commissioner's remit;
"the public appointments vacancy website"	means the website with the following homepage web address: http://publicappointments.cabinetoffice.gov.uk/ ; or in relation to appointments in Wales: http://new.wales.gov.uk/about/recruitment/publicappts/currentvacs/?lang=en as the case may be;

“selection panel”	means a selection panel constituted in accordance with the Code for the purpose of selecting candidates for appointment to a public body with the Commissioner’s remit;
“The Seven Principles of Public Life”	means the Principles recommended by the Committee on Standards in Public Life chaired by Lord Nolan and set out in Annex A to the Code;
“short listing”	means the sifting process by which candidates are selected for inclusion in a short list of candidates with a view to interview by the selection panel;
“sifting”	means any process by which any applicant is compared with other applicants by reference to the selection criteria and is selected for further consideration as a candidate; and
“reporting year”	means the year beginning on 1 April and ending on 31 March in the following calendar year.

PART I

USING THE CODE OF PRACTICE

CHAPTER 1: THE CODE OF PRACTICE, ITS APPLICATION AND PURPOSE

The Role of the Commissioner

1.01 The office of Commissioner for Public Appointments was established in November 1995 on the recommendation of the Committee on Standards in Public Life, chaired by Lord Nolan. This Committee also recommended that those involved in public life should follow the Seven Principles of Public Life (see Annex A).

1.02 The Commissioner is appointed by The Queen by Order in Council for the purposes of the Public Appointments Order in Council 2002, as amended, (which revoked the 1995 and 1998 Orders). The Commissioner is independent of both the Government and the Civil Service.

1.03 The Order in Council provides for the Commissioner to exercise the Commissioner's functions with the object of maintaining the principle of selection on merit. The Commissioner is required to exercise these functions in the manner the Commissioner considers to be best calculated to promote economy, efficiency, effectiveness, diversity and equality of opportunity in the procedures for making public appointments.

1.04 The Commissioner regulates, monitors and reports on Ministerial appointments to public bodies within the Commissioner's remit. These include Ministerial appointments to advisory and executive non-departmental public bodies, health bodies, public corporations, public broadcasting authorities, National Park Authorities in England and Wales, Conservation Boards for Areas of Outstanding Natural Beauty, certain non-ministerial departments and regulators. The Commissioner's remit does not extend to all public appointments. For example, the remit does not include tribunal non-departmental public bodies. Public bodies within the Commissioner's remit for the time being are listed in the Schedule to the Order in Council or as may be specified by the Minister for the Cabinet Office by instrument in writing for the purpose of the Order.

1.05 The Commissioner may authorise one of the Commissioner's officers to exercise any of the powers or duties given to the Commissioner under the Order in Council.

Purpose of the Code

1.06 The Principles to be followed by those responsible for public appointments processes are set out in Chapter 2 of this Code. The rules and procedures which implement the Principles in relation to public appointments processes are also set out in this Code. In this Code, provisions which are mandatory are identified by the use of the words "**must/must not**." Provisions which are advisory in nature are identified by the use of the words "should/should not" and describe the actions and behaviours which the Commissioner would typically expect, unless the particular circumstances require otherwise.

1.07 This Code is issued by the Commissioner pursuant to her power in Article 2(2) of the Order in Council. Article 2(2) requires her to prescribe and publish a Code of Practice on the interpretation and application by appointing authorities of the principle of selection on merit in relation to public appointments.

1.08 Where there is a conflict between a statement in this Code and a statement made in any other publication other than legislation (whether issued by the Commissioner, appointing authority or other person) about a public appointments process, the statement in this Code will apply.

1.09 The aim of this Code is to ensure that public appointments processes are fair, open and transparent, command public confidence and result in appointments which are made on merit.

Guidance on Public Appointments Processes

Status of Guidance

1.10 Any guidance produced in order to assist those involved in public

appointments processes (including any guidance produced by the Commissioner) may not replace or change the provisions in this Code, which take precedence, in the event of any conflict between any such guidance and provisions in the Code.

Commissioner's Guidance

1.11 The Commissioner may adopt and publish guidance to appointing authorities as she thinks fit.

Other Guidance

1.12 Any other guidance issued by departments in relation to public appointments processes **must** be compliant with this Code and kept up to date. Departments **must** ensure that guidance on appropriate best practice is made available to any individual or body involved in the relevant public appointments process (not only to relevant departmental officials but also to any organisation that has a statutory nominating function (as described in paragraph 6.08 of this Code)) and that such guidance is shared with any external recruitment consultants (including the Appointments Commission, if acting as a recruitment consultant).

1.13 The Cabinet Office's "*Making and Managing Public Appointments*" contains guidance for departments on best practice in appointments procedures. This guidance may be referred to, in conjunction with this Code, but does not override the Code in relation to the public appointments process. In addition the Cabinet Office has issued guidance on pre-appointment hearings: "*Pre-appointment Hearings by Select Committee: Guidance for Departments.*" and also gives guidance on the handling of conflicts of interest on a case by case basis.

Changes to the Code

1.14 Changes to the Code will be made by means of Practice Directions from

the Commissioner, before these are incorporated into subsequent revisions of this Code. These Practice Directions will be binding from the date from which they are stated to have effect as if they had been incorporated into the Code from that date.

Non-Compliance with the Code

1.15 Any proposal to proceed other than in compliance with this Code **must** be agreed with the Commissioner in advance and the outcome (whether or not agreement has been reached) recorded in writing. All breaches of the Code, knowingly committed, or deviations from the procedures set out in this Code **must** be fully recorded at the same time for the purpose of subsequent public or other scrutiny. No individual other than the Commissioner (such as an Independent Public Appointments Assessor) has authority to agree any proposal to proceed in a manner which does not comply with this Code.

1.16 If a Minister proposes not to comply with this Code without the prior agreement of the Commissioner, the dispute resolution procedure set out in paragraph 4.15 of this Code should be followed. A written record of the conduct of the dispute resolution procedure **must** be kept so that it is accessible for the purposes of the Freedom of Information Act 2000 or other appropriate purpose.

Consequences of breaching the Code

1.17 A breach of this Code in relation to a public appointment may render the appointment open to legal challenge. Accordingly independent legal advice should be taken, as appropriate in the particular circumstances.

1.18 Under the Order in Council, the Commissioner may from time to time conduct an inquiry into the policies and procedures followed by an appointing authority in relation to “any appointment or description of appointment”.

1.19 The Commissioner may, at the Commissioner’s discretion, issue a statement or publish a report commenting publicly on any breach or anticipated

breach of this Code, or require any announcement made by the relevant department to make it clear that the Code has not been followed.

Using the Code as best practice

1.20 If this Code is taken into account in relation to any appointment which does not fall within the Commissioner's remit by any person or organisation (whether or not an appointing authority), the following words should be used if a public statement is made about the relevant process:

“Although these appointments do not come within the remit of the Commissioner for Public Appointments, they are being made using a process which takes into account the Commissioner's Code of Practice as best practice.”

1.21 There must be no other reference made to the Commissioner, this Code, OCPA or any Independent Public Appointments Assessor accredited by OCPA, in any of the documentation, information provided or announcements made relating to the relevant process.

Circumstances not covered by the Code

1.22 Circumstances may arise which are or may not be covered by this Code. In such event the Commissioner must be consulted as early as possible.

Exemptions

1.23 The Commissioner may grant specific exemptions from compliance with the procedures set out in this Code where these are justified by exceptional circumstances, in the Commissioner's view.

CHAPTER 2: THE CODE PRINCIPLES

The Seven Code Principles

2.01 Seven Principles underpin this Code of Practice. They were set out following the recommendations made by the Committee on Standards in Public Life chaired by Lord Nolan (*Nolan: First Report*, May 1995). The Code Principles are the foundations of the public appointments process and are designed to ensure selection on merit. They are as follows:-

Ministerial Responsibility

The ultimate responsibility for appointments is with Ministers.

Merit

All public appointments **must** be governed by the overriding principle of selection based on merit, by the well-informed choice of individuals who through their abilities, experience and qualities match the need of the public body in question.

Independent Scrutiny

No appointment **must** take place without first being scrutinised by an independent panel or by a group including membership independent of the department filling the post.

Equal Opportunities

Departments should sustain programmes to deliver equal opportunities principles.

Probity

Members of public bodies **must** be committed to the principles and values of public service and perform their duties with integrity.

Openness and Transparency

The principles of open government **must** be applied to the appointments process, its working must be transparent and information provided about the appointments made.

Proportionality

The appointments procedures should be subject to the principle of proportionality, that is, they should be appropriate for the nature of the post and the size and weight of its responsibilities.

Responsibility for compliance with the Code Principles

2.02 Every individual who is involved in the running of a public appointments process to which this Code applies **must** comply with the Code Principles. The Code Principles express the actions and behaviours which the Commissioner expects from all such individuals.

2.03 The official responsible as accounting officer for the propriety of public appointments made by the relevant department (usually, the Permanent Secretary) **must** complete a statement, confirming that all relevant public appointments processes conducted during the period to which the statement relates have complied with this Code and, if not, identifying the instances of non-compliance and indicating the action which has been taken or is planned, in order to deal with the non-compliance. This statement is set out in Annex B to this Code.

Application of the Code Principles

Ministerial responsibility

2.04 Ultimate responsibility for making public appointments rests with Ministers as appointing authorities.

In practice, this means that departments **must**:-

- agree appointment criteria and the process to be followed with Ministers at the outset of the appointments process to avoid disruption at a later stage;

- ensure that once the appointments process is under way these criteria are not changed;
- ensure that Ministers are fully aware of the extent of their and others' roles in relation to the public appointments process (set out in Chapter 4 of this Code); and
- ensure that all appointable candidates recommended to the Minister have been selected on merit and meet the criteria and the standards required by the Principle of Probity.

Merit

2.05 Appointment on merit is the overriding principle within the public appointments process.

In practice this means that:-

- selection criteria may take account of the need to appoint boards of public bodies which include a balance of skills and experience;
- however, departments **must** ensure that positive discrimination does not take place, unless permitted by law (for example to the extent permitted in relation to any individual with a disability);
- political balance (i.e. the proportionate representation of members of the political parties) may only be a consideration where there is a statutory requirement, or in certain strictly limited instances where the nature of a public body makes it essential that individual political parties are represented on it (for example the Committee on Standards in Public Life, the House of Lords Appointments Commission);
- departments **must** ensure that there are effective performance appraisal

systems for the purpose of evaluating the performance of those seeking reappointment.

Independent Scrutiny

2.06 Independent scrutiny is a mandatory element of every public appointments process.

In practice this means that:-

- each public appointments process **must** be scrutinised by an Independent Public Appointments Assessor who **must** be involved appropriately in each such process; and
- only Independent Public Appointments Assessors accredited by OCPA may be used in for this purpose.

When appointing individuals as Independent Assessors with a view to their being accredited as Independent Public Appointments Assessors, departments **must**:-

- inform OCPA of their intention to do so in advance;
- select individuals as Independent Assessors using an open, competitive selection process which is as rigorous as an upper tier appointments process by reference to such selection criteria as the Commissioner may require from time to time;
- seek such individuals from diverse backgrounds;
- request individuals who are applying to be Independent Assessors to declare the same personal information and complete the same political activity questionnaire as applicants for public appointments;

- not select an individual as an Independent Assessor with a view to accreditation as an Independent Public Appointments Assessor if that individual already holds a post on one of the public bodies the relevant department sponsors or has left such a post within the past 12 months;
- departments may, subject to the overriding principle of selection on merit, select as Independent Assessors former civil servants, provided that the individual has not been employed by the department concerned during the previous 12 months. However, wherever possible, departments **must** avoid the majority of Independent Assessors whom they appoint and who are accredited as Independent Public Appointments Assessors being former civil servants;
- ensure that Independent Assessors who are to seek accreditation as Independent Public Appointments Assessors attend appropriate induction training provided by OCPA before applying for accreditation; and
- ensure that following accreditation Independent Public Appointments Assessors will be appraised regularly in such manner as may be required by the Commissioner from time to time.

Equal Opportunities

2.07 The promotion of equality of opportunity and diversity benefits public bodies. Individuals from all sections of society may have much to offer a public body by virtue of their diverse experience and background.

In practice this means that:-

- the promotion of equality of opportunity and diversity **must** be inherent within the public appointments process. For example, the value of diversity should be taken into account when selection criteria are

specified. Care **must** be taken, at every stage, in accordance with current legislation, not to discriminate on the grounds of gender, race, age, disability, religion, religious belief or similar philosophical belief, marital status, sexual orientation, gender re-assignment or community background. Appointments in Northern Ireland **must** comply with any additional statutory obligations applicable in Northern Ireland;

- departments should consider taking positive action to attract suitable candidates from all sections of society. Those involved in the public appointments process **must** however ensure, in consultation with their legal advisers (if appropriate), that any initiative or positive action they take to encourage or achieve wider representation is within the law; and
- departments should ensure that there is appropriate engagement (for example: local engagement) with potential applicants, including currently under-represented groups in society, as appropriate, to encourage the most diverse field of suitably qualified potential applicants to apply for public appointments from which candidates can be selected on merit.

Probity

2.08 All members of public bodies **must** comply with the Principle of Probity. Accordingly, candidates for public appointments **must** demonstrate that they are committed to, and have an understanding of, the value and importance of the Seven Principles of Public Life (set out in Annex A to this Code).

In practice, this means that departments **must**:-

- put in place measures to ensure that all conflicts of interest whether actual, potential or perceived, affecting any individual involved in the public appointments process are considered fully not only during the appointments process, but also in making reappointment decisions;
- ensure that possible conflicts are identified as early as possible during

the public appointments process so that the selection panel can consider what impact they might have and, where appropriate, seek further information;

- consider including a conflicts of interest section in application forms;
- ensure that all candidates are asked to disclose information or personal connections which, if they were to be appointed, could be misconstrued or cause embarrassment;
- ensure that any actual, potential or perceived conflict of interest is fully discussed with the candidate to establish whether it is sufficiently significant to prevent the individual from carrying out the duties of the relevant appointment;
- ensure that any such discussion and subsequent decision is fully documented, so that the department can justify, publicly if necessary, the decision reached; and
- ensure that members of public bodies are made aware of the need to notify the department if there is any relevant change in their situation or connections during the period of their appointments.

Openness and Transparency

2.09 To maintain public confidence the workings of the public appointments process **must** be clearly visible.

In practice this means that:-

- all stages of the public appointments process, including relevant conversations and decisions, **must** be documented by departments and those acting on their behalf and the information made readily available

for audit or other investigation;

- information such as all application forms, monitoring forms, marking sheets, Ministerial submissions and information about the public appointments process itself including advertisements or other publicity, role description and person specification, the application pack and records of meetings **must** be stored for a minimum of two years following the conclusion of the relevant public appointments process;
- personal information about applicants **must** remain confidential, subject to any applicable legal requirements. In this context, application forms **must** indicate that the information supplied by applicants may be made available to the Commissioner and the Commissioner's auditors on a confidential basis in order to help fulfil the Commissioner's formal complaints investigation role and for audit purposes. In addition, information about panel members may be made available for the same purposes;
- the Data Protection Act 1998 and Freedom of Information Act 2000 and any related legislation or guidance **must** be considered and applied in relation to all relevant data obtained or held in relation to a public appointments process.

Proportionality

2.10 A degree of proportionality is built into the public appointments process through the tier system (set out in paragraphs 5.02 to 5.07 of this Code). This Code sets out the procedures and measures that departments are required to implement, according to the type of public appointments process concerned.

In practice this means that, subject to the provisions of this Code, departments may adopt the most suitable and effective public appointments processes, taking into account factors such as:-

- the nature of the appointment;
- the potential availability (or non-availability) of sufficient applicants; and
- any special circumstances relevant to the appointment (for example, the need to appoint quickly or in unusual circumstances).

However, proportionality arguments **must** not be used to circumvent the procedures required by this Code.

CHAPTER 3: MONITORING COMPLIANCE WITH THE CODE OF PRACTICE

Introduction

3.01 In addition to independent scrutiny of the appointments process by Independent Public Appointments Assessors, compliance with this Code is monitored by means of:-

- audit;
- the collection of statistical information;
- the completion of a compliance statement;
- the investigation of complaints; and
- such other measures as the Commissioner may from time to time decide.

All those responsible for the running of public appointments processes **must** cooperate fully in facilitating the monitoring of compliance with this Code by the Commissioner.

Audit

3.02 Under the Order in Council, the Commissioner is empowered:

- to audit appointment policies and practices pursued by appointing authorities to establish whether this Code is being observed by appointing authorities; and
- to include an account of such an audit in the Commissioner's Annual Report.

The Commissioner may authorise the audit function to be carried out by a third party on the Commissioner's behalf.

3.03 In order to facilitate the conduct of the audit, the Commissioner will keep departments informed about audit arrangements from time to time including the anticipated scheduling of audits so that departments may agree a commencement date for the relevant audit with the auditors.

3.04 In addition to the audits described above, the Commissioner may decide to ask the independent auditors to carry out ad hoc audits. These may cover issues arising from a previous audit, relate to an individual complaint or a series of complaints, or be carried out for any reason which the Commissioner deems appropriate.

3.05 The Commissioner will report on the audit for the relevant reporting year in the Commissioner's Annual Report.

3.06 To facilitate the work of the auditors, departments **must**:-

- ensure that a full and complete audit trail of records is readily available. All documentation (including any paperwork handled by recruitment consultants, notes written during interview, interview evaluation forms and electronically recorded information) **must** be held or maintained by the department for safekeeping for at least two years following the conclusion of the relevant public appointments process;
- ensure that documentation released to any selection panel member temporarily (for example in order to refresh the member's memory or to enable the panel member to comment in relation to a query or complaint) is returned to the department; and
- generally co-operate with the auditors (for example by responding to queries promptly) in order to ensure timely delivery of the audit.

The collection of statistics and information

3.07 In order to meet the Commissioner's obligation under the Order in Council, the Commissioner requires detailed information for inclusion in the Commissioner's Annual Report at the end of the reporting year and for other specified purposes. Departments will be consulted in advance of any change to this requirement.

3.08 Departments **must** record the following information relating to:-

- New Appointments and Reappointments made between 1 April and 31 March

Statistics are divided into 'chair' or 'member' categories. (For the purpose of these statistics deputy/vice chairs are included as members.) In relation to these categories the information required is as follows:

- number of appointments made;
- gender*;
- ethnicity*;
- age;
- disability;
- political activity by party (including details about levels of political activity);
- number of reappointments;
- whether the member of the public body holds more than one public appointment and, if so, how many.

For audit and complaint purposes:-

- how the vacancy was publicised;
- any recorded potential conflict of interest.

*In addition, these categories are divided into remuneration bands.

- Independent Public Appointments Assessors
The same information on accreditation, for audit purposes;
- Advertisements and press releases
Copies of all advertisements, other publicity and press releases for audit and other purposes;
- Complaints
The number and broad details of any complaints received, for the purpose of recording these in the Commissioner's Annual Report.

Completion of a Compliance Statement

3.09 The Permanent Secretary or other appropriate officer of each department **must** submit to the Commissioner a statement in the form set out in Annex B to this Code annually no later than two months following the conclusion of the relevant reporting year or at such other time as the Commissioner may from time to time decide.

Investigation of Complaints

Ambit of Investigation

3.10 The Commissioner may only investigate complaints about processes relating to appointments to public bodies within the Commissioner's remit.

In particular, the Commissioner will not normally deal with any complaint relating to:-

- an appointment made more than one year previously (i.e. from the commencement date of the relevant public appointment) other than in exceptional circumstances;

- non-appointment or failure to be reappointed, unless it appears that the appointments process may have breached this Code; or
- the way in which a public body is run, the actions of its members or remuneration.

3.11 The Commissioner will investigate complaints relating to a public appointments process which concern:-

- an individual's experience as an applicant;
- the way a department has handled an appointments process; or
- a challenge to the appointment of a successful candidate only if it appears that the appointment process has not been conducted substantially in accordance with this Code.

Identity of complainant

3.12 Any member of the public may make a complaint about an appointments process within the Commissioner's remit.

Complaints process

3.13 As a general rule, all complaints **must** be dealt with first by the department concerned. Therefore, if appropriate, any complaint made directly to the Commissioner will be redirected to the department concerned. If a complainant is dissatisfied with the department's response the complainant may then ask the Commissioner to consider initiating an investigation.

3.14 Therefore departments **must**:-

- have effective systems in place for dealing with complainants in a

courteous and timely way, handling complaints and recording the appropriate details of complainants' concerns;

- keep all correspondence and any relevant documentation, such as minutes of meetings and notes of telephone conversations. These **must** be available for audit if required; and
- notify the Commissioner of the number and the broad details of any complaints that a department has received over the relevant reporting period, for the purposes of recording these in the Commissioner's Annual Report.

Complaint investigation

3.15 If the Commissioner has agreed to investigate a complaint, the Commissioner will carry out the investigation or, in exceptional circumstances, may seek the assistance of a third party, such as independent auditors.

3.16 Further information about the current procedures for the investigation of complaints is contained in the Commissioner's "Guide to Making a Complaint about a Public Appointments Process", accessible on the Commissioner's website.

The Commissioner's decision on a complaint

3.17 The Commissioner's decision on a complaint will be sent to the complainant, the Permanent Secretary of the relevant department or other appropriate individual and the relevant Independent Public Appointments Assessor.

3.18 The Commissioner's decision will include:-

- the Commissioner's conclusions and the reasons for them; and

- any action which the Commissioner intends to take or recommend that the department should take in the light of the decision.

3.19 The Commissioner may:-

- ask the department to consider changes to its processes;
- request that an apology be given;
- if the Commissioner is sufficiently concerned about the circumstances of a particular complaint, publicise the nature of the complaint in an anonymised case study in the Commissioner's Annual Report; or
- make a public statement concerning the procedural failures which the Commissioner has identified in the course of the investigation of the complaint.

3.20 The Commissioner may not:-

- order the payment of compensation or the giving of an apology by any individual or body;
- arrange the rerunning of a public appointments process;
- arrange the appointment of any individual to a public appointment;
- intervene in or stop an ongoing public appointments process;
- require that the appointment of an individual to a public body be terminated; or
- deal with any complaint about the conduct of a pre or post appointment

hearing by a Parliamentary Select Committee.

3.21 The Commissioner's decision on any complaint will be final. The Commissioner will not:-

- re-open an investigation unless relevant new evidence comes to light; or
- enter into protracted discussion with the complainant about the outcome of the investigation.

However, the Commissioner will clarify any points raised in relation to the decision and respond to questions raised about the way the complaint has been handled.

PART II

THE PUBLIC APPOINTMENTS PROCESS

CHAPTER 4 - THE ROLES OF THOSE INVOLVED IN THE PUBLIC APPOINTMENTS PROCESS AND PROCEDURES FOR RESOLVING DISPUTES ABOUT NON-COMPLIANCE WITH THE CODE

Introduction

4.01 Various individuals or bodies are involved in public appointments processes. They include:-

- Ministers;
- Regional Ministers in England;
- departments; and
- Independent Public Appointments Assessors.

The role of Ministers

Ministerial responsibility

4.02 The ultimate responsibility for public appointments lies with Ministers as appointing authorities, who are accountable for their decisions. Accordingly, Ministers have a legitimate interest in the conduct of appointments processes in relation to such appointments. Where these appointments fall within the Commissioner's remit, Ministers may be involved in the public appointments processes, provided that the procedures set out in this Code are followed. Any such Ministerial involvement **must** be proportionate, open and transparent so that it is capable of public scrutiny.

Section 3 of the Ministerial Code applicable in England states that "Ministers have a duty to ensure that influence over public appointments is not abused for partisan purposes". It also states that "Public appointments should be made in accordance with the requirements of the law and, where appropriate, the Code of Practice issued by the Commissioner for Public Appointments". Section 7 of the Ministerial Code states also that "Ministers **must** ensure that no conflict arises or could reasonably be perceived to arise between their public duties and private

interests, financial or otherwise. It is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict taking account of advice received from their Permanent Secretary and the independent adviser on Ministers' interests".

The relevant requirements of the Ministerial Code applicable in Wales are set out in Annex E to this Code.

Extent of Ministerial involvement

4.03 At the planning stage of the public appointments process (described in paragraphs 5.10 to 5.30 of this Code) the department must:-

- consult the relevant Minister (and any successor, if appropriate) about the extent to which the Minister wishes to be involved during the public appointments process in a manner which is proportionate to the appointment concerned. The form of this consultation is a matter for departments;
- agree with the Minister the selection criteria and the way in which the process is to be conducted, subject to the provisions of this Code; and
- invite the Minister formally to suggest potential applicants, taking into account the value of diversity.

4.04 Thereafter the Minister may be involved in the appointments process, (provided that the procedures set out in this Code are followed), as follows:-

- by being kept informed of the progress of the public appointments process in writing (copied to the selection panel and Independent Public Appointments Assessor together with any comments of the Minister in writing on the conduct of the process); and
- by involvement at the sifting stage, in which event the procedures set out in paragraphs 5.62 to 5.67 of this Code must be followed.

4.05 In any event, in the final stage of the appointments process the Minister will decide:-

- whether any appointable candidate recommended by the selection panel should be appointed, subject to the outcome of any applicable pre-appointment hearing; or
- whether to ask the department to re-run the appointments process, in which event the Commissioner must be consulted (see paragraphs 5.86 and 5.87 of this Code).

4.06 The Minister should not:-

- sit on any selection panel;
- require individuals (whether or not applicants) to be added to or removed from long or short lists; or
- seek to change the appointments process, once commenced; or
- meet or hold any discussions (for example privately or individually) with any applicants or candidates in connection with any matter relating to the public appointments process while the process is proceeding. However, the Minister may meet all appointable candidates recommended by the selection panel in order to inform Ministerial choice as set out in paragraph 5.89 of this Code. If the Minister decides to meet such appointable candidates, he must meet all appointable candidates.

The role of Regional Ministers in England

4.07 To the extent that Regional Ministers are involved in public appointments processes, they must comply with the provisions of this Code in the same manner as Ministers, save that the decision on whom to appoint to a particular public appointments will remain with the relevant appointing authority.

Extent of Regional Minister involvement

4.08 At the planning stage of the public appointments process departments **must** consult the Minister on the extent to which any relevant Regional Minister in England should be involved in the public appointments process subject always to the provisions of this Code. It is the responsibility of the Minister to determine the level and nature of the involvement of any Regional Minister in the appointments process. However, any such involvement of a Regional Minister **must** be in compliance with this Code and in particular be open and transparent, subject to independent scrutiny, support selection on merit and be proportionate to the relevant appointment, as **must** be the appointments process adopted by the department. For example, departments may adopt different processes between regions in order to accommodate regional variations in circumstances. However, within each region, the appointments process **must** be applied consistently.

4.09 The Regional Minister may be involved in the public appointments process by:-

- commenting on candidates in writing by way of advice to the Minister as appointing authority in relation only to their candidature (copied to the Independent Public Appointments Assessor and the selection panel); and
- being kept informed of the progress of the public appointments process in writing (copied to the Independent Public Appointments Assessor and the selection panel.)

As a minimum, any comments made by the Regional Minister should indicate any factors or criteria by reference to which any such comments have been made and whether the candidate in question is known to the Regional Minister (personally, professionally or by reputation).

4.10 Regional Ministers should not:-

- sit on any selection panel;
- require individuals (whether or not applicants) to be added to or removed from long or short lists;
- seek to change the appointments process, once commenced; or
- meet or hold any discussions (for example, privately or individually) with any applicants or candidates in connection with any matter relating to the public appointments process while the process is proceeding.

Regional Ministers may not have the power of veto over any particular appointment since the final decision on the appointment **must** be taken by the Minister as appointing authority.

The role of departments

4.11 Departments are responsible for:-

- maintaining up-to-date knowledge of and ensuring compliance with this Code and related policy issues concerning public appointments processes within the Commissioner's remit;
- ensuring compliance with any statutory framework relating to any relevant public appointment;
- the timing and content of documentation relating to the appointments process;
- setting remuneration levels in relation to the appointment;
- management of the relationship with recruitment consultants (including the Appointments Commission if acting as a recruitment consultant) and ensuring that each recruitment consultant consults the Independent Public Appointments Assessor assigned to the relevant appointments process and complies with this Code;

- ensuring Independent Public Appointments Assessors are involved appropriately during the appointments process;
- external communications (for example, with the press) in relation to the appointments process;
- ensuring completion and return of performance evaluation documentation (for example in relation to Independent Public Appointments Assessors);
- taking up and assessing references and checking data supplied by applicants, if references are sought;
- ensuring the appointments process is conducted in a timely fashion (including ensuring adherence to the relevant timetable, the issuing of documentation confirming appointment and providing feedback);
- ensuring that the appointments process is fully documented and full records of the appointments process are maintained for a minimum of two years after the end of the process; and
- generally, facilitating harmonious working together of all those involved in the appointments process.

The role of Independent Public Appointments Assessors

4.12 Independent scrutiny underwrites the integrity of the public appointments process and departments must involve Independent Public Appointments Assessors as early as possible before the beginning of the proposed appointments process as described in paragraphs 5.31 to 5.54 of this Code.

4.13 Independent Public Appointments Assessors are individuals who have been recruited by OCPA or departments, trained and accredited by OCPA and who meet the Commissioner's current requirements for Independent Public Appointments Assessors. Independent Public Appointments Assessors are experts in the public appointments process and this Code but will not normally have specialist knowledge of the subject matter dealt with by the public body on

which there is a vacancy.

4.14 The role of Independent Public Appointments Assessors varies in relation to upper and lower tier bodies (described in greater detail in Chapter 5 of this Code) as follows:-

Upper tier bodies

In relation to upper tier bodies, the Independent Public Appointments Assessor **must:-**

- have a full overview of the main stages of the process;
- consider and approve the proposed appointments process, including the composition of the selection panel and timeframe for the appointments process;
- consider and agree the draft information pack, including the application form, role description and person specification and any formal advertisement and other publicity;
- consider and agree the content of any submission in relation to the appointments process being submitted to the appointing authority;
- agree the selection criteria;
- agree the logistics of selection such as dates, venues and process for selection;
- oversee or participate as appropriate in the long listing process and participate fully in any short listing process with other selection panel members, ensuring that a fair and consistent approach is taken to assess candidates on the basis of merit;
- be a full member of the selection panel, including participating in all decision-making stages to ensure that a fair and consistent approach is taken to assess candidates on the basis of merit but must not chair the panel; and

- approve the 'candidate assessment summary' for inclusion in the Ministerial submission that summarises the outcome of the appointments process. The summary must record the names of the appointable candidates whom the panel has agreed to recommend to the Minister for appointment. It must also record whether each candidate met the agreed criteria for appointment;
- complete a Validation Certificate in such form as the Commissioner may, from time to time, require; and
- comment on and approve the contents of any press release concerning the relevant public appointment.

Lower tier bodies

In relation to lower tier bodies the Independent Public Appointments Assessor **must:-**

- consider and approve the proposed appointments process, bearing in mind the Code Principle of Proportionality;
- as a minimum, review the process up to and including short-listing and prior to any final decision being made;
- scrutinise all short-listing;
- in the case of paid appointments and those likely to attract public interest have a higher degree of involvement;
- be involved as appropriate in any interview or conversation with a purpose; and
- scrutinise the candidate assessment summary which will be in the Ministerial submission summarising the outcome of the appointments process.

Procedures for resolving disputes about non-compliance with the Code

4.15 All those involved in public appointments processes **must** comply with the mandatory provisions of this Code in full. Where very exceptionally a Minister, department or other individual or body intends not to or has failed to comply with this Code the following steps **must** be taken:-

- the Commissioner **must** be informed at the earliest possible opportunity about the issue of non-compliance with a view to trying to agree alternative ways to ensure compliance with the Code.

In particular, if a Minister:-

- wishes to appoint a candidate not considered by the selection panel to be appointable;
- requires any individual to be added to or removed from a long or short list,
- otherwise acts or intends to act in breach of this Code, the department **must** inform the Commissioner immediately, in writing, setting out the reasons for the Minister's actions;
- if agreement cannot be reached, the Permanent Secretary or other official with overall responsibility for the appointments process and, if appropriate, the Minister **must** endeavour to consult further with the Commissioner;
- if there is still no agreement and a decision is taken to proceed other than in compliance with this Code, the department **must** inform the Commissioner, in writing, before any further action is taken and before any public announcement is made; and
- each of the above steps taken **must** be fully documented in order to ensure an audit trail.

4.16 Where the Commissioner receives information to the effect that a department is proposing not to comply with this Code or has already done so

without following the procedure set out above, the Commissioner may contact the Minister, Permanent Secretary or other official responsible for the process, as appropriate, to seek further information and agree remedial action, as the case may be.

4.17 As set out in paragraph 1.19 of this Code, in instances of non-compliance with this Code the Commissioner may decide to issue a statement or publish a report commenting publicly on the breach or anticipated breach of the Code, or require any announcement made by the relevant department to make it clear that the Code has not been followed. The Commissioner will normally comment publicly only after the Commissioner has held a face to face meeting with the relevant Minister and it is clear that agreement cannot be reached. If no such meeting is reasonably practicable, the Commissioner will endeavour to communicate with the Minister, Permanent Secretary or other appropriate officials by such other means as may be feasible in the circumstances.

CHAPTER 5 – THE PUBLIC APPOINTMENTS PROCESS

Introduction

5.01 This Chapter sets out the procedures which **must** be followed in relation to all appointments within the Commissioner’s remit unless the Commissioner has agreed that different procedures may apply or there are special circumstances. (Further details of these are set out in Chapter 6 of this Code.) If circumstances arise which are not addressed in these procedures, the Commissioner should be consulted at the earliest opportunity. In any event, departments must:-

- conduct procedures in accordance with the Code Principles, applying the Principle of Proportionality, in particular, whenever possible; and
- frame their procedures in a considerate and timely manner.

Appointments to upper and lower tier bodies

5.02 The procedure applicable to a particular public appointment will depend on whether the appointment is to an upper or lower tier public body.

5.03 Under this two tier system all bodies which fall within the Commissioner’s remit are allocated to an upper or lower tier according to the level of remuneration paid to their members and/or the level of government funding they receive. Departments may use an upper tier appointments process for a lower tier body, if warranted by its public profile, in which case the upper tier appointments process must be followed in its entirety.

Upper Tier

5.04 A body falls into this category if it meets at least one of the following criteria:-

- its members (including the deputy or vice chair but excluding the chair) each receive such amount or more per annum in fees and/or honoraria (excluding travel, subsistence and other expenses such as child care and loss of earnings) as the Commissioner may specify; or

- it receives through its sponsoring department such amount or more per annum in government funding (set out in the body's Annual Accounts) as the Commissioner may specify.

In addition, if the chair of a lower tier public body receives such amount or more per annum in fees and/or honoraria as specified by the Commissioner from time to time, that appointment alone is subject to upper tier procedures, although the body itself remains in the lower tier.

In the event of all members of a public body, excluding the Chair, each exceeding the threshold for fees and/or honoraria specified by the Commissioner in relation to upper tier bodies, all appointments for such membership positions are subject to upper tier procedures.

Lower Tier

5.05 A body falls into this category if it meets both of the following criteria:-

- its members (including the deputy or vice chair but excluding the chair) each receive less than such amount annually in fees and/or honoraria (excluding travel, subsistence and other expenses, such as child care and loss of earnings) as the Commissioner may specify; and
- it receives through its sponsoring department less than such amount per annum in government funding (set out in the body's Annual Accounts) as the Commissioner may specify.

5.06 Appointments processes for both upper and lower tier bodies are subject to audit by the Commissioner.

5.07 In the procedures which follow, where there is a difference in the requirements for upper and lower tier bodies, these are shown under two separate sub-headings.

The procedures applicable to the Public Appointments Process

5.08 The procedures applicable to the public appointments process comprise:-

STAGE 1 – PLANNING THE PROCESS

STAGE 2 – BEGINNING THE PROCESS

STAGE 3 - SIFTING

STAGE 4 – SELECTING APPOINTABLE CANDIDATES

5.09 However, subject to compliance with this Code, departments may design an appointments process most appropriate to their needs.

Stage 1 – Planning the Process

Initial steps

5.10 Departments **must**:-

- confirm that the public body concerned falls within the Commissioner’s remit;
- consider whether any individual is eligible and suitable for reappointment following regular, effective and transparent performance assessment processes (as described further in paragraph 5.20 of this Code);
- if the appointment (as opposed to any reappointment) falls within the Commissioner’s remit, involve an Independent Public Appointments Assessor as soon as possible;
- decide the nature of the appointments process in agreement with the Independent Public Appointments Assessor;
- if appropriate, inform the relevant Parliamentary Select Committee or Committees that the appointments process relates to an appointment which may be subject to a pre-appointment hearing;
- draw up a timetable (which must take into account the possibility of a

preappointment hearing, if appropriate);

- confirm policies on late applications, requests for changes in interview dates and the handling of references;
- consult the relevant Minister with a view to agreeing the selection criteria, how the views of the selection panel are to be presented to the Minister, the extent of Ministerial involvement and the way the process is to be conducted, subject to the requirements of this Code;
- invite the Minister formally to suggest individuals who may be approached to apply for appointment; and
- consult other appropriate individuals or bodies, some of whom are described below.

Joint departmental bodies or involvement of the Devolved Administrations

5.11 Arrangements for joint departmental appointments or those requiring consultation with Devolved Administrations must be agreed prior to the beginning of the process (described in paragraphs 5.31 to 5.54 of this Code) in order to avoid the risk of subsequent difficulty and delay. Departments **must** contact the other relevant departments and/or Administrations to agree and record, in advance, the approach they intend to adopt and/or their respective level of direct involvement including which department will be in charge overall. This agreement should have the full support of all the relevant Ministers and should cover how to proceed in the event of a difference of opinion at any stage, taking into account appropriate available guidance, for example from the Cabinet Office.

Consultation with public bodies

5.12 As part of their planning of the public appointments process, departments should consider seeking the views of the chairs of the bodies concerned (and **must** do so if this is a legal requirement) on issues such as selection criteria and the balance of the board although decisions on such matters remain with

Ministers. Any such consultation must be prior to the beginning of the process (described in paragraphs 5.31 to 5.54 of this Code).

Consultation with other organisations

5.13 Departments may consult with external organisations (i.e. organisations outside the civil service) when making a public appointment (as opposed to seeking nominations described in paragraphs 6.08 to 6.12 of this Code). In some cases, consultation is a statutory requirement. In others, it is simply good practice or tradition. But, whatever the reason, it is essential that all consultation with external organisations is undertaken in accordance with the requirements set out in this Code. Consultation with external organisations should take place prior to the beginning of the appointments process (described in paragraphs 5.31 to 5.54 of this Code). This may include:-

- consulting over the wording of advertisements, selection criteria, person specifications and other supporting documentation;
- seeking views on the general composition and balance of skills and experience of the board of the public body concerned; and
- inviting organisations either to put forward names of suitable individuals (who can then be invited to apply) or to encourage their members to apply direct. Any such individuals **must** complete the relevant application form. Their applications **must** be considered alongside, and in an identical fashion to, the applications of other applicants.

Role description and person specification

5.14 A role description and person specification **must** be produced for each and every appointment as member, chair or vice/deputy chair of a public body. These **must** be reviewed each time a post is to become vacant and not automatically assumed to have remained unchanged since the appointment to be vacated was made. In setting the selection criteria departments **must** ensure that:-

- these do not discriminate unlawfully against any group or groups in

society;

- role descriptions are comprehensive and include any specific issues which are relevant to the post (e.g. particular residential qualification or any disqualification criteria);
- the person specification sets out the experience, personal qualities, professional qualifications, if appropriate, and competencies against which the applicants' applications will be assessed;
- the person specification does not contain requirements which are unnecessary or may deter applications from a particular group within society; and
- that consideration is given to the taking of positive action to attract applications from particular groups in society in order to promote a diverse field of applicants.

Reappointments

Definition of Reappointment

5.15 A reappointment is the appointment of an individual to a further fixed term of office in the same role, as opposed to an extension of the current term of office of the individual (the conditions for which are set out in paragraph 6.14 of this Code).

Consideration of reappointments

5.16 Once the number of forthcoming vacancies on a public body has been identified and before commencing an appointments process, departments should establish how many of the current members of the body whose terms of office are due to expire are eligible for further terms of appointment. When considering reappointments, the total period in office and performance assessment of the relevant members of the public body **must** be taken into account.

Total period in office

5.17 The number of terms a member of a public body may serve and the conditions for reappointment vary between upper and lower tier bodies (as set out in paragraphs 5.27 to 5.29 below). However, in either case the maximum period in office of each member of a public body **must not** exceed 10 years served continuously in the same office on the same public body (unless the circumstances set out in paragraph 5.19 apply.) Only in exceptional circumstances will the Commissioner agree that the total period in office may exceed 10 years. Even then the individual **must** have applied for appointment in open competition using the public appointments process.

5.18 Where an existing member of a public body has been appointed a deputy or vice chair of that body without open competition, this is deemed to be an appointment as a member of a public body. Therefore terms of office in both capacities **must** be taken into account, for example if a member serves one 4 year term and is then appointed to deputy/vice chair for a further 4 year term, the member will have served eight years as a member of that body.

5.19 However, where a member of a public body is appointed chair or deputy/vice chair following an open competition or elected from the membership where required by statute, such an appointment is a new appointment (as opposed to a reappointment.) For example, a member who serves on a body for two 4-year terms and then applies successfully to be appointed as chair of the same body following a public appointments process or following election required by statute is a new appointee and would therefore be eligible for reappointment having completed the first term of office as chair. The service by the member of the public body (other than as chair) would not count for the purposes of calculating eligibility for reappointment as chair.

Performance assessment

5.20 Departments **must:-**

- ensure that there are regular, effective and transparent performance assessment processes that will provide the necessary, robust evidence

for considering reappointments;

- ensure that no member of a public body is reappointed unless the individual has performed satisfactorily during the current term of appointment; and
- ensure that, for audit purposes and the investigation of complaints, all performance assessments are fully recorded and documented.

Eligibility for reappointment

5.21 Members of a public body will only be eligible for reappointment if:-

- they are considered to meet the current requirements of the public body;
- their performance has been judged as at least satisfactory against the current performance assessment requirements;
- the member's term of office has not expired;
- the appointing authority is content to reappoint; and
- they are agreeable to being reappointed.

Timing of decision to offer reappointment

5.22 The decision to offer reappointment to any member of a public body must be taken in a timely manner and in all cases before the member's current term expires.

Reasons for reappointment

5.23 Departments should consider carefully the reasons for reappointment. The benefits of reappointment include continuity, the retention of skills and experience, and the economy associated with avoiding an unnecessary public appointments process. However, these should always be balanced against the advantages of the introduction of fresh thinking to a public body.

Updating information

5.24 Where individuals are seeking reappointment as deputy or vice chair, or chair, the department should ask them to update the personal information relating to them which is held by the department and, as a minimum, the department **must** use its best endeavours to obtain updated monitoring information and information on any conflicts of interests. If there has been no change in the monitoring information or information on any conflicts previously provided, this **must** be stated in writing. In any event, the department **must** request completion of a new political activity questionnaire.

Reappointments not agreed by the Minister

5.25 Where a reappointment is not agreed by the Minister and a public appointments process is commenced, the individual currently holding the appointment in question may apply but **must** complete an application form, update monitoring information and be assessed on the same basis as new applicants. Such an individual **must** also comply with the conditions concerning total period in office set out in paragraph 5.16 above.

Retiring public body members

5.26 Members of a public body who will not be invited, for whatever reason, to serve for a further term, **must** be notified once the formal decision has been taken and before any action is taken publicly to replace them.

Criteria for reappointments

5.27 The criteria for reappointments vary between upper and lower tier bodies. They are as follows:-

Reappointment to upper tier bodies

5.28 Appointments to upper tier bodies will normally be restricted to two terms unless a further reappointment is made following an open competition. The length of these terms will be determined by statute or be a matter for decision by Ministers. The total period in office **must not** exceed ten years.

- First reappointments

First reappointments (that is, a second term of office in the same role) may be made subject to a satisfactory performance assessment as set out in paragraph 5.19 above.

- Second reappointments

Second reappointments (that is, a third term of office in the same role) will be rare.

However, second reappointments may only be made if the individual has been considered alongside other candidates in a public appointments process and has proved to be the most suitable candidate. In making this judgement departments may take into account the fact that the current appointee:-

- has particular skills or experience essential to efficient functioning of the relevant public body; or
- will provide continuity during a period of change (for example, when a number of terms of appointment are expiring simultaneously or bodies are merging).

If a second reappointment without following a public appointments process is felt to be appropriate in exceptional circumstances, then the Commissioner's agreement in writing must be sought in advance.

Reappointment to lower tier bodies

5.29 Members of a lower tier public body may serve any number of terms provided that the total period in office does not exceed ten years and their performance has been regularly assessed as satisfactory during their appointment.

Monitoring reappointments

5.30 All processes and decisions relating to reappointments are subject to the same information requirements as initial appointments (for example in

relation to publicising the reappointment), and to review by the auditors. All relevant information **must** be retained for two years following the conclusion of the relevant public appointments process.

Stage 2 – Beginning the process

5.31 The appointments process **must** be fair and open, accessible to all those who believe themselves suitably qualified for the particular appointment and appropriate to the nature and degree of responsibility attached to such appointment. It **must** also be applied consistently to all applicants and candidates for appointment.

Promotion of diversity

5.32 Departments **must** seek to encourage a wide range of suitably qualified individuals from different backgrounds to apply for public appointments. Departments should take measures to remove obstacles which may deter suitably qualified applicants for public appointments.

For example, departments should, so far as permitted by law:-

- implement positive action measures in relation to under-represented groups in society;
- use monitoring information in order to assist in identifying such under-represented groups;
- ensure that the public appointments process is easily accessible and publicised in a proportionate and appropriate manner in order to encourage applications from such under-represented groups; and
- ensure that (among other things) application forms are easy to understand and to complete, the content and format of information packs take into account the needs of under-represented groups and that all selection criteria are relevant to the particular public appointment.

Publicising vacancies

5.33 To demonstrate openness potential applicants **must** be made aware that an appointment is available through some form of appropriate and proportionate publicity. Any such publicity should take into account the need to attract as diverse a field of suitably qualified individuals as possible to apply for the particular public appointment. All forthcoming public appointments vacancies must be published on the public appointments vacancy website. Departments are responsible for arranging the posting on the website of all details of vacancies. Advertising (whether national or regional) may be used but may not necessarily be the most effective or proportionate mechanism.

5.34 In order to give assurance to members of the public, all advertisements for posts within the Commissioner's remit **must** display the Commissioner's regulatory kitemark. The kitemark must be displayed as prominently as any other kitemark or logo published in the advertisement. Departments must ensure that any recruitment consultant involved in a public appointments process is aware of and complies with this obligation.

5.35 If the appointment may be subject to a pre-appointment hearing, the following words **must** be used in any advertising or other form of publicity:

“In line with Governmental proposals to increase Parliamentary Scrutiny of appointments to key posts, the preferred candidate for the post of [insert details] may be required to appear before a Parliamentary Select Committee prior to appointment.”

5.36 Appointments to both upper and lower tier bodies **must** be publicised on the public appointments vacancy website and should also be publicised in any other effective and proportionate way. In the case of upper tier bodies this may be by means of a suitable combination of local departmental or industry/professional websites, press advertisements or issuing notice of forthcoming appointments to interested groups. The extent to which particular groups in society have access to websites or other forms of publicity should be

taken into account.

Other sources of applicants

5.37 Applicants may be sought from various sources such as departmental lists or by targeting potential applicants. Regardless of the source, all applicants must go through the same public appointments process. This includes completing an application form and adhering to the same closing date for applications as for applications from any other sources. If any applicants from whatever source are not judged as meeting fully the selection criteria, their names **must not** be submitted to the Minister.

Departmental lists

5.38 The names of potentially interested applicants for future vacancies may be kept by departments at their discretion. Such lists should be updated regularly at least every three years.

Targeting of potential applicants

5.39 Any individual or body may suggest or put forward the names of potential applicants before the closing date for submission of applications. Ministers and departmental officials may also suggest names of potential applicants during this period.

Use of external recruitment consultants or the Appointments Commission

5.40 If a department chooses to use external recruitment consultants or the Appointments Commission acting as recruitment consultants, the requirements of this Code still apply. In particular, it is the department's responsibility to ensure that recruitment consultants or the Appointments Commission:-

- have access to the latest version of this Code and any other relevant documents (such as the Commissioner's Practice Directions);
- involve appropriately an Independent Public Appointments Assessor;

- require all applicants to complete an application form and the relevant monitoring forms and political activity questionnaire prior to the specified closing date;
- retain and hand all relevant papers to the department to complete the audit trail and to assist in any subsequent complaints investigation; and
- Comply fully with this Code.

5.41 Appointment letters must be issued by departments rather than recruitment consultants or the Appointments Commission when acting as recruitment consultants. Any such letter or letters should set out the terms and conditions of appointment and be signed by or on behalf of the appointing authority.

Information packs

5.42 Information packs must be sent to or be accessible (for example electronically) by all applicants and, as a minimum, must contain:-

- the application form, monitoring forms and political activity questionnaire;
- role description and person specification;
- details of any disqualifications from membership (for example, where the House of Commons Disqualification Act 1975 or Orders made under the Government of Wales Act 2006 apply);
- the term of the appointment and whether the term is renewable;
- a realistic indication of the time commitment;
- the location of the appointment and any other appropriate information for example, in respect of travelling requirements;
- details of remuneration relating to the appointment (including any expenses policy and whether the appointment is pensionable or not);
- full details of the public body (for example by direction to the website of the public body concerned);

- the extent of any Ministerial or Regional Ministerial involvement;
- details of any pre-appointment scrutiny. As a minimum these details **must** include the information set out at paragraph 5.33 above. In addition, departments should consider informing applicants that any pre-appointment hearing would be in public and involve Members of Parliament questioning the candidate on the candidate's suitability for appointment;
- information on the process and how long it will take (which may include a direction to the Commissioner's website on which a copy of this Code may be accessed);
- details of the Commissioner's complaints process which may be by direction to the Commissioner's website;
- details of whether expenses are to be reimbursed in relation to the selection process (if applicable);
- information on the standards of probity expected of members of public bodies (including The Seven Principles of Public Life); and
- information on conflicts of interest, including a named contact in case the applicant wishes to discuss any conflict of interest issue further.

The Commissioner's regulatory kitemark **must** be used on all appropriate documentation, such as information packs and application forms.

5.43 In the interests of diversity, having regard to the provisions of the Disability Discrimination Act 1995 and public sector duties, departments **must** respond positively to reasonable requests for information in alternative formats (such as audio tape, Braille, large print etc). The availability of alternative formats **must** be highlighted in information packs.

References

5.44 It is for departments to decide if they require references and how, and when, they take them up. In reaching this decision they should follow best

practice and take a consistent approach both in relation to a particular appointments process and between appointments processes. Departments should ensure that applicants are made aware of the stage of the appointments process at which references will be requested and the type of reference required (for example a personal character reference or a reference in respect of competence or professional ability.) Departments **must** take into account any relevant provisions of the Data Protection Act 1998 or other related legislation.

Application forms

5.45 All applicants **must** complete and sign an application form which should be as easy to complete as possible. Departments **must** decide in advance whether they will accept application forms and CVs, or whether they will consider only application forms.

5.46 Departments may design application forms but these should be tailored to the individual vacancy and **must** however ask for all the information and statistics required by the Commissioner for monitoring purposes.

5.47 Application forms should seek only required information. In addition:-

- applicants **must** be made aware that some of the information will be placed in the public domain if they are successful;
- applicants **must** be informed that application forms may be passed, in confidence, to the Commissioner and the Commissioner's auditors for the purposes of complaints investigation and audit;
- a number of other issues should be also taken into account, such as enabling applicants to describe their skills and experience by reference to the selection criteria and making application forms disability and diversity friendly; and
- applicants **must** be invited to complete the monitoring forms and political activity questionnaire and told that the information contained in these documents will not be shown to anyone involved in the appointments process except where expressly permitted (such as in the circumstances

described in paragraph 5.50 below.)

Monitoring Forms and Political Activity Questionnaire

5.48 As the Commissioner has a policy of monitoring public appointments in the public interest, applicants should be encouraged to supply the information requested in the monitoring section of the application form, in order to support this policy. Departments **must** inform applicants that monitoring forms are detached from the application form and play no part in the appointments process. Applicants who do not complete the monitoring form initially should be given a second opportunity to do so. If a second opportunity to complete the form has been given, the department must record this fact. If any applicant refuses to complete the monitoring form, the department must not reject the applicant's application but ensure that such a refusal is recorded.

5.49 The political activity question contained in the political activity questionnaire **must** be asked of all applicants exactly as shown at Annex C to this Code. The question asks for information which is already in the public domain and does not seek personal or private information such as membership of political parties or voting preferences. If an applicant refuses to complete the political activity section of the application form, the applicant's refusal **must** be recorded.

5.50 Monitoring forms, including the political activity questionnaire (Annex C), **must** be detachable and detached from (or kept separate from) the main application form as they **must** form no part of the selection process and **must not** therefore be made available to sift or selection panels or any other person involved in the appointments process, except in very exceptional circumstances (for example, where there is a statutory requirement of political representation).

Closing date for applications

5.51 Application forms, or any covering letter or other communication, should specify the closing date for the submission of applications. This should also feature in advertisements or any other form of publicity seeking applications.

Late applications

5.52 Once the closing date for applications has been specified it must be maintained and all applicants **must** be treated equally. If there are exceptional reasons for accepting a late application in circumstances which have not been foreseen, these **must** be discussed with the Commissioner and the Commissioner's prior agreement to the acceptance of the application obtained. The reasons for this acceptance **must** be documented. (Special considerations might apply if, for example, there is evidence that the delay has been caused by postal problems or reasons outside the applicant's control).

Insufficient Applications

5.53 If too few applications which meet the criteria for an appointment are received, it may prove difficult to provide a choice of appointable candidates to appointing authorities at the end of the appointments process. If this has occurred, departments should consider whether the publicity was wide enough; whether it was correctly targeted; or whether the selection criteria contained unnecessary requirements.

Extension of closing date

5.54 If there are exceptional reasons for extending the closing date for applications (such as the field of candidates is insufficient or lacking in diversity) any extension of the closing date **must** be agreed with the Commissioner in advance before the closing date is extended. The reasons for the extension **must** be documented together with the procedure followed and the outcome. In order to ensure openness and transparency all applicants (including those who have requested information packs but not submitted applications forms) **must** be advised of any such extension and the reasons for it. If requests for information packs have been made electronically, and anonymously, every effort should be made to advise potential applicants of any such extension and the reasons for it, for example, by publicising any extension clearly on the website on which the information packs were made available.

Stage 3 - Sifting

Requirements in relation to sifting

5.55 During the public appointments process, applicants may need to be sifted. This sifting may be undertaken in a variety of ways, for example, by preparing long and then short lists of candidates.

5.56 All sifting processes must:-

- be approved by the selection panel;
- be scrutinised by an Independent Public Appointments Assessor and involve the Assessor in such proportionate manner as the Assessor may decide, according to the circumstances (for example, depending upon the tier of the public body concerned). Also, the Assessor may not need to examine all sifted applications but may view a random sample of these, if there are a considerable number of applications. Video or telephone conferencing between selection panel members may be used for the purpose of sifting (for example, to produce a short list) provided that the discussions are fully noted and the Independent Public Appointments Assessor participates; and
- ensure selection on merit.

5.57 All decisions, whether to reject or select applicants at the sifting stage, **must** be fully documented (including sufficient information to explain the decision reached) and approved by the selection panel.

Selection panels

Membership of selection panels

5.58 The membership requirements for selection panels vary between upper and lower tier bodies as follows:-

Upper tier bodies

- The key stages of the public appointments process including any sifting process **must** be approved by a selection panel and must not be undertaken by an individual or recruitment consultant alone without independent scrutiny;
- The panel membership should not include Ministers or individuals with executive responsibilities in relation to the public body concerned (for example, the chief executive of the public body concerned) but should include:
 - a senior official from the department (as chair of the panel). The official does not have to be a member of the Senior Civil Service. As long as the official has sufficient knowledge, experience and training in appointments to make a sound judgement, the official may be of any rank the department feels is suitable;
 - a representative from the public body or other interested group, as appropriate. For example, representation of an external organisation as described in paragraph 5.59 of this Code, may be appropriate. However, some representatives may be inappropriate. For example, a chair who has resigned should not sit on the panel selecting his successor. Nor should an individual who will be reporting to the successful candidate;
 - it **must** include an Independent Public Appointments Assessor (who is there as an expert in the public appointments process and not usually as a specialist in the subject matter dealt with by the body on which there is a vacancy); and
 - there may also be, where appropriate, a technical, medical, scientific or other expert when a specific area of expertise of candidates must be assessed.

Departments should consider whether the membership of selection panels is

diverse, as a diverse panel may have a greater understanding of diverse candidates. Departments should also seek to encourage the undertaking of diversity awareness training by selection panel members, so far as reasonably practicable.

No appointment may be recommended to Ministers unless the relevant candidate has been scrutinised by the selection panel, even if this means reconvening the panel, subject to the Commissioner's prior agreement, as appropriate.

Lower tier bodies

The key stages of all appointments processes must be overseen by more than one individual at least one of whom must be an Independent Public Appointments Assessor. In relation to lower tier bodies, departments may choose, with the agreement of the Independent Public Appointments Assessor, not to use full selection panels but should do so for high profile or potentially controversial appointments. Where selection panels are used, the involvement will be the same as for upper tier bodies.

Inclusion of a representative of an external organisation on a selection panel

5.59 As indicated in paragraph 5.13 of this Code, consultation with external organisations should not take place once the appointments process has begun. However some departments may comply with a statutory requirement to consult by including the chair or chief executive of the relevant external organisation in the selection panel, provided that:-

- there is, in addition, an Independent Public Appointments Assessor on the selection panel. (The external representative may not “double-up” as the Independent Public Appointments Assessor);
- the external representative does not chair the panel; and
- the composition of the panel remains the same throughout the public appointments process.

Changes of membership of selection panels

5.60 A selection panel should comprise the same members throughout the public appointments process, but, in extenuating circumstances, the department may change the panel membership. The reason for the change **must** be recorded, but it is not necessary to inform the Commissioner. However, if the department wishes to change the Independent Public Appointments Assessor, this **must** be agreed in advance with the Commissioner.

Seeking of additional applications

5.61 If the sifting process does not produce a sufficiently meritorious short list and a department wishes to seek additional applications, the department **must** first obtain an exemption from the Commissioner. Subsequently, the department **must** record fully the reasons for the seeking of additional applications, the methods adopted and the outcome. The department **must** also take reasonable steps to ensure that all applicants (including those who originally requested information packs but did not submit applications) are made aware of the re-opening of the appointments process, for example, by publicising this fact clearly on any website on which information packs were first made available.

Ministerial involvement

5.62 A Minister may indicate at the beginning of the appointments process that the Minister wishes to be kept informed during the sifting stage of the process. In this event, the following procedures **must** be followed.

5.63 The Minister should not be a member of any selection panel or process in relation to sifting. However, the Minister may be involved in the sifting stage after the initial sift of applicants and before the production of a long list of candidates by requesting that a senior departmental official or the chair of the selection panel should prepare and send to the Minister a written report containing the following information:-

- the publicity for the appointment;
- the number of applications received;

- the criteria to be used to long list candidates;
- details of the skills or experience of the candidates;
- the diversity of the candidates; and
- the overall strength of the field of candidates.

Departments should consider whether candidates may be anonymised in the written report sent to the Minister.

5.64 If the Minister wishes the report to be delivered orally, an Independent Public Appointments Assessor **must** be present at any meeting when the oral report is delivered and discussed and a note of the meeting, approved by the Independent Public Appointments Assessor, **must** be made for audit and other purposes. Any written report to the Minister or note of any meeting to deliver and discuss an oral report to the Minister **must** be copied promptly to all members of the relevant selection panel. Also any views expressed by the Minister at this stage (for example challenging the contents of the list of candidates) **must** be fully documented and provided to the chair of the relevant selection panel who **must** share these promptly and fully with fellow panel members. Any such written report to the Minister, notes of meetings or views expressed by the Minister **must** be considered properly by the selection panel.

5.65 If any difference of views arises between the Minister and the selection panel, the selection panel should try to resolve this and record any relevant discussion for audit and other purposes. If any issue cannot be resolved, the matter **must** be referred promptly to the Commissioner by the department.

5.66 The views of the Minister on the relevant applicant or candidate **must** be made available to any applicant or candidate to whom feedback is given or to the complainant in the event of a subsequent complaint about the public appointments process.

5.67 In the event of a sift in order to produce a short list of candidates, the Minister may, if the Minister so decides, express views in writing to the selection panel concerning the candidates. For this purpose only, if candidates have

previously been anonymised, the Minister may be informed of the names of the candidates. However, the selection panel **must** select the candidates who will be invited to interview.

STAGE 4 – Selecting Appointable Candidates

5.68 The process by which appointable candidates are selected **must** comply with the Code Principles. All those involved in the selection of appointable candidates **must** be familiar with the Code Principles and be confident that any list of candidates has been compiled on the basis of merit.

Handling Conflicts of Interest

Responsibility for handling conflicts of interest

5.69 Responsibility for handling conflicts of interests rests with appointing authorities and departments.

Candidates' conflicts of interest

5.70 In relation to conflicts of interest, examples of the issues most frequently encountered and which could lead to actual, potential or perceived conflicts of interest are as follows:-

- financial interests, share ownership or directorships;
- candidates who are actively sought from within a field of expertise in which the public body works (for example, in some cases candidates will have professional interests directly related to the work of the body). Such a connection does not preclude an appointment, but it might be perceived by the public as a conflict of interest and will need to be handled sensitively. Similarly, an awareness of pending Government policy could give unfair personal advantage to individuals with allied business interests in the form of, for example, access to privileged information or “trade secrets”;

- membership of some societies or organisations. In some instances, such membership may be cited as creating an obvious conflict of interest, but it must not be an automatic bar to appointment. It must be established whether there is a genuine conflict of interest and if it would hamper the individual in carrying out the requirements of the post; and
- the perception of rewards for past or future contributions or favours. Candidates must be assessed on merit and not treated more or less advantageously, for example, because of the activities, associations or employment of a partner or friend. Any such relationship **must not** influence the candidates' actions if appointed. Again, such relationships should not automatically preclude appointment but departments must be sensitive to a situation that might create an actual, potential or perceived conflict of interest.

Panel members' conflicts of interest

5.71 If one or more of the selection panel members knows one or more of the candidates, then this fact **must** be declared (together with the nature and extent of any relationship with a candidate) to the department and panel and recorded. If the panel member or the candidate is concerned about the closeness of the connection or the connection may be perceived as constituting a conflict of interest, then the panel member **must not** take an active part in any sifting process relating to or interview of the particular candidate or step down.

5.72 No panel member should have any private discussions or meetings with individual candidates (whether private or public, for example, for the purpose of providing information about the appointment) in the intervening time between the application for appointment and the interview in case there is any suggestion or perception of impropriety, such as canvassing or soliciting favours, or trying to gain any advantage.

Dealing with additional information concerning a candidate

5.73 Selection of appointable candidates should only be made on the basis of information provided by them in their application forms and at interview. Any

other information about candidates which is not substantiated or capable of substantiation (for example, known by members of selection panels or obtained from informal soundings by any individual) **must** be excluded from and not play any part in the decisions made on the sifting or the identification of appointable candidates. However, there may be occasions when additional information about candidates comes to light during and as part of the appointments process. This information may call into question information already provided in relation to a candidate and may be relevant to a consideration of the candidate's suitability for appointment. For example, the information may relate to an individual's performance in a previous or private capacity.

5.74 Irrespective of the source of the information and when it is received during the appointments process, the department **must** consider its significance and impact on the appointments process. However, any action taken **must** comply with the Code Principles and, in particular, be proportionate and ensure selection on merit.

5.75 If information is provided at an early point in the process, the department may consider that there is little to be gained in investigating the matter fully before the applicant has passed the sifting stage or has been short-listed for interview. However, in the event of investigation departments should:-

- consider whether the information may be material to the individual's candidature for appointment;
- consider what steps the department should take to verify the accuracy of the information; and
- take into account that disclosure of certain information in relation to a candidate (for example, information disclosed in breach of confidence) may render the individual making the disclosure liable to legal action. Appropriate legal advice should therefore be sought.

5.76 In the interests of openness and transparency and fairness, the department should inform the candidate:-

- that additional information has been received;
- what steps the department intends to take in order to verify the accuracy of the information; and
- thereafter, what further steps will be taken, if the information is to be considered further as part of the appointments process.

5.77 Once any investigation is complete, it will be for the selection panel to decide how and to what extent the additional information should be taken into account in reaching its decision on whom to select as appointable candidates. Any such decisions **must** be reasoned and fully documented throughout in order to ensure a sufficient audit trail.

5.78 If the panel decides that the candidate should be invited to comment on the additional information, the Independent Public Appointments Assessor **must** attend any meeting convened for this purpose, reasonable, prior notice of which (including notice of its purpose) **must** have been given to the candidate. The contents of any such meeting and any subsequent panel discussions **must** also be fully documented.

Interviews

Interview requirements for upper and lower tier bodies

5.79 The requirements in relation to interviews vary between upper and lower tier bodies as follows:

Upper tier bodies

A formal interview must take place.

Lower tier bodies

No candidate may be appointed on the basis of written evidence alone. Departments may decide the most appropriate approach at this stage. The Independent Public Appointments Assessor must be involved at the beginning of the appointments process in deciding what approach is to be adopted. There

must be:-

- either a formal interview if the appointment is high profile; or
- a documented paper based selection by one senior official and one other person, followed by a conversation with a purpose, which is a conversation at a meeting between the senior official and each short-listed candidate to confirm suitability against the selection criteria and to validate the outcome of the paper based selection. A conversation with a purpose may include such areas as the candidate's relevant experience, availability or commitment and should ensure that the candidate understands what the candidate will be required to do, if appointed.

Conversations with a purpose **must** result in at least two appointable candidates being recommended to the Minister for each vacancy notwithstanding the number of vacancies. Before the names of the appointable candidates are recommended to the Minister, the Independent Public Appointments Assessor should review the paperwork for the whole process (but need not have any direct involvement in any sifting or selection processes). All stages of such a process **must** be documented. In very exceptional circumstances, when a candidate is already well known to a department, a conversation with a purpose may be held by telephone and the Independent Public Appointments Assessor need not be present. In any event, conversations with a purpose **must** be undertaken with all candidates who **must** be treated in the same manner.

Requirements applying to all interviews and Conversations with a Purpose

5.80 Although departments are allowed some flexibility of approach to interviews according to the type of public body, departments **must**:-

- adopt a clear policy on interviewing in order to ensure a consistent approach within and between individual appointments processes;
- ensure that this approach is documented;
- fully document all decisions arising from interviews or conversations with

a purpose, including those to reject;

- ensure that interviews are not conducted by telephone or video conference unless this has been agreed by the Commissioner in advance, or the appointment is to a lower tier body or is permitted by this Code. Any such interviews will only be permitted in exceptional circumstances and **must** be conducted in the presence of the Independent Public Appointments Assessor or a full recording of the interview provided to the Assessor. Where an upper tier body is involved, any interview by telephone or video must be conducted by the full selection panel, including the Independent Public Appointments Assessor;
- if there is a formal interview provide a pro forma interview evaluation form (agreed by the Independent Public Appointments Assessor to the panel) on which the selection panel can complete the key interview performance points that influenced the panel's decision; and
- provide the Independent Public Appointments Assessor with a copy of the selection panel's collective decision on the outcome of the interview. This **must** record the names of the appointable candidates whom the panel has agreed to recommend to the Minister for appointment. It **must** also record whether and how each appointable candidate met the agreed criteria for appointment.

Multiple appointments

5.81 There is no limit to the number of appointments which a candidate may hold at any one time. However, if a candidate already holds one or more appointments (whether public or otherwise) and the department has concerns about whether a candidate would be over-stretched by accepting a public appointment, the selection panel should explore this with the candidate to ensure that the candidate can commit fully to the additional commitments. Generally, the amount of time which a candidate can commit to the public appointment for which the candidate has applied should be tested in all interviews with candidates.

Requests for changes in interview dates

5.82 Each department should have a clear policy on its approach to requests for changes in interview dates and apply it consistently. This should enable applicants to have reasonable notice about interview dates (for example, some departments put the proposed interview dates in advertisements). Candidates should be expected to make themselves available on the interview dates specified and departments are not obliged to make alternative arrangements. The department may, however, wish to consider each case on its merits; for example, when the candidate provides a sufficiently compelling reason for requesting an alternative date, the department may wish to accommodate the request. Generally, the Principle of Proportionality should be borne in mind. For example, the additional time and public money involved in reconvening the selection panel may not be justified if there is already a wide field of candidates. The department should also take into account whether sufficiently reasonable notice of the anticipated interview date has already been given.

Other considerations before Ministerial submission

5.83 Before Ministerial submission and, whether or not the process has included an interview, departments **must** ensure that:-

- all candidates have been made fully aware of the standards of probity required of public body members;
- questions of conflict of interest have been explained to and explored with all candidates;
- all monitoring information, including the political activity questionnaire, has been requested and, if provided, detached from the application form and not seen by the selection panel throughout the process;
- they themselves have taken account of the statutory disqualifications which apply in respect of Members of Parliament, Members of the European Parliament and members of the Devolved Administrations; and
- that the Independent Public Appointments Assessor has certified in such

form as the Commissioner may from time to time require satisfaction that the process up to the stage of Ministerial submission has conformed with the requirements of this Code. This certification also gives Ministers confidence that the appointments process has been subjected to independent scrutiny and provides to departments a documented audit trail.

Ministerial submission

Requirements in relation to the Ministerial submission

5.84 The Ministerial submission **must**:

- identify at least two appointable candidates for each vacancy (notwithstanding the number of vacancies), unless the Minister has specified otherwise (see paragraph 5.88 of this Code);
- explain if any exceptional circumstances have led to there being no choice of appointable candidates (see paragraph 5.86 of this Code);
- present the views of the selection panel to the Minister in the manner requested by the Minister at the beginning of the appointments process, for example, whether candidates are to be ranked, or all appointable candidates are to be identified, without being ranked; and
- be copied (so far as relevant) to the Independent Public Appointments Assessor so that the Assessor has confirmation of the appointable candidates recommended for appointment.

Ministerial choice

5.85 Subject to there being exceptional circumstances, which **must** be explained in the Ministerial submission, the relevant Minister **must** be offered a choice of appointable candidates and at least two names of appointable candidates **must** be put forward for each vacancy (notwithstanding the number of vacancies). It is for departments to decide how this should be done, after consultation with the relevant Minister at the beginning of the appointments

process. However the overriding aim remains selection on merit and no candidate may be recommended to a Minister unless the candidate has been judged as appointable against the established selection criteria.

Failure to provide Ministerial choice

5.86 If only one appointable candidate has been identified following a public appointments process, the following factors should be reviewed:-

- the appropriateness of the publicity in relation to the appointment;
- the appropriateness of the role description and person specification;
- whether the selection criteria were appropriate for the appointment and did not discourage applications from a diverse range of suitably qualified applicants;
- whether all interested parties were contacted, in order to identify potential applicants who might be encouraged to apply;
- whether there was any reason for insufficient applicants such as publicising the appointment during a holiday season;
- whether in relation to certain specialised appointments there may have been very few appropriately experienced or skilled potential applicants; and
- whether the particular appointment may be an “expert” appointment (described more fully in paragraph 6.04 of this Code), in which event the Commissioner should be consulted.

5.87 If, having reviewed these factors, the department decides that every effort has been made to identify potential applicants but this has resulted in a lack of Ministerial choice, the Minister **must** be asked if the Minister continues to require a choice of appointable candidates. The Ministerial submission should set out the steps taken to publicise the vacancy, the reasons why any alternative candidates failed to be recommended for appointment and invite the Minister to

consider whether the Minister would be prepared to make an appointment without a choice of appointable candidates. The Minister may, however, refuse to consider only one appointable candidate and ask the department to re-run the appointments process in which event the Commissioner must be consulted.

5.88 If a Minister states specifically that the Minister does not want a choice of appointable candidates for each vacancy, then the selection panel need only submit the name of one appointable candidate for consideration by the Minister in the Ministerial submission. However, if the Minister changes, the new Minister **must** be asked whether the new Minister wishes to be given a choice of appointable candidates.

Meetings between the Minister and candidates

5.89 Ministers **must not** meet candidates separately during the public appointments process in relation to any matter concerning the process (for example, by interviewing candidates whether or not as a member of a selection panel). However, Ministers may sometimes wish to meet appointable candidates identified by the selection panel prior to making a decision on whom to appoint. In this event, the Minister **must** meet all such appointable candidates. As any such meetings form part of the appointments process, an Independent Public Appointments Assessor **must** attend them and any conversations **must** be fully documented. Exceptionally, the Commissioner may agree to a meeting taking place without the presence of an Independent Public Appointments Assessor provided that a written record of the meeting is kept and the Independent Public Appointments Assessor has agreed in advance with the note taker the issues which need to be recorded. These are likely to include the time spent with each candidate, the issues discussed, specific questions asked of each candidate and answers given.

Publicising appointments and reappointments

5.90 In keeping with the Principle of Openness and Transparency all appointments and reappointments to public bodies **must** be publicised in an appropriate way. The extent of publicity required varies according to the nature of the public body. In all cases, the Independent Public Appointments Assessor

involved **must** be informed of the final outcome of the public appointments process, before the relevant appointment is publicised.

5.91 In relation to upper tier bodies, press releases are required for appointments and reappointments. These **must** include:-

- a short description of the body to which the appointment has been made and its functions;
- a brief description of the successful candidate;
- length of appointment and, if remunerated, the relevant amount;
- a list of all other Ministerial public appointments held by the successful candidate and any related remuneration received. If none, this should be clearly stated;
- a statement that the appointment(s) have been made in accordance with this Code; or
- if the Code has not been followed, a statement to this effect; and
- provided that the Code has been followed, a statement that:

“All appointments are made on merit and political activity plays no part in the selection process. However, in accordance with the original Nolan recommendations, there is a requirement for appointees’ political activity (if any declared) to be made public.” This statement should be followed by details of the successful candidate’s response to the political activity questionnaire. If no political activity has been declared, this should be made clear. (For those few exceptional bodies (see paragraph 2.05 of this Code) where political balance is a required consideration, this statement will need to be modified.)

5.92 In relation to lower tier bodies, press releases are not essential. However, lower tier appointments and reappointments **must** be publicised in an appropriate way, proportionate to the size, profile and nature of the body.

For some high profile lower tier bodies, it may still be desirable to issue a press release in the same form as that required for upper tier bodies. Otherwise, an announcement on the relevant website or a note in published minutes of the body or an Annual Report may be sufficient.

CHAPTER 6: APPLICATION OF THE CODE TO PARTICULAR PUBLIC APPOINTMENTS PROCESSES

6.01 All public appointments processes in relation to public appointments which fall within the Commissioner's remit **must** comply with this Code. Where there are particular circumstances in relation to a public appointments process, procedures different from those set out in Chapter 5 of this Code may be necessary and agreed by the Commissioner.

Agreed different procedures

6.02 The appointments processes which the Commissioner has agreed are applicable to:-

- appointments to health bodies by the Appointments Commission;
- appointments by Welsh Ministers; and
- certain delegated appointments processes conducted by the Department for Culture, Media and Sport are set out in Annexes D, E and F to this Code respectively.

Special circumstances

6.03 Special circumstances which require different procedures may also arise in relation to:-

- expert posts;
- ex officio membership of a public body;
- emergency appointments;
- appointments from reserve lists;
- nominations by nominating bodies;
- appointments to Chair and Deputy/Vice Chair from current public body membership; and
- extensions.

Expert posts

6.04 The Commissioner accepts that, very occasionally, there are posts that

require such a particular combination of skills and experience that it is impractical to try to fill them through the usual public appointments process. These posts are rare and are considered by the Commissioner on an individual basis. Therefore, if a department considers that a particular appointment falls into this category it **must** agree the proposed process for selection with the Commissioner in advance of publicising the vacancy or inviting applications.

Ex officio membership of a public body

6.05 An “ex officio” member sits on a body because the member holds another official position (for example, a civil servant may be an “ex officio” member of the board of a public body). This ex officio member is not a member of the public body on a personal basis but because of the other official position held. These ex officio posts do not fall within the Commissioner’s remit. If the holder of the “primary” post changes, then the ex officio representative on the second body will change to the new holder of the first post. If a person becomes a member of a public body for any reason other than the post the member holds, the member may not be designated as an ex officio member.

Emergency appointments

6.06 An emergency may arise where a public appointment **must** be made very quickly indeed and in politically sensitive circumstances. In such cases either the Minister concerned or the Permanent Secretary of the relevant department should contact the Commissioner personally to discuss the options available. Emergency appointments may also be necessary in other circumstances, such as where the chair of a public body has given notice of resignation or has resigned unexpectedly. In such circumstances, the department **must** contact the Commissioner in order to agree a way forward.

Appointments from reserve lists

6.07. Should an unexpected vacancy arise in relation to a public appointment within six months of the appointment made following a previous appointments process, the Commissioner may agree to the department recommending to the Minister for appointment any appointable candidate or candidates identified in the

previous process but who were not appointed on that occasion. However, the new person specification and role description **must** be identical to those used for the previous appointments process and, in all instances the Commissioner's approval **must** be sought in advance in such exceptional circumstances. Each request for approval will be considered on a case-by-case basis.

Nominations by nominating bodies

Definition of nominating bodies

6.08 An organisation may have a right to have its interests represented on a particular public body. This right may be statutory or given by other legally binding means (such as the terms of reference of the public body concerned) as opposed to informal arrangements. Any organisation having such a right is a nominating body.

Procedure for nominations

6.09 In order to ensure Ministerial choice, nominating bodies should be asked to put forward at least two nominees who meet the current role description and person specification requirements. However, the Commissioner recognises that this may not be practicable in some cases and one nomination may be put forward to the Minister, after consultation with the Commissioner who will monitor these exceptions.

It is best practice for nominating bodies to have written procedures laid down, which set out their selection processes.

Procedure in relation to nominees

6.10 All nominees **must**:-

- be treated equally, including completing the same application form as other applicants applying in open competition and who are not nominees and being subject to independent scrutiny;
- go through the same appointments process as applicants applying in open competition, including being assessed against criteria by a

selection panel. (However nominees are in competition with one another only and are not in direct competition with those applying in open competition.);

- declare any potential conflicts of interest; and
- be requested to provide monitoring information and complete the political activity questionnaire, as required from time to time.

Requirements in relation to nominees

6.11 There may be statutory requirements in relation to the number of nominees on the boards on which they serve. Nominees should be committed to achieving the public body's objectives and to working within the policy and resources framework set by the Minister.

Terms of appointment of nominees

6.12 The length of nominees' appointments and their possible reappointment should so far as practicable be consistent with the requirements applicable to other public body members (e.g. they may serve no more than two terms on an upper tier body and their reappointment will be subject to satisfactory appraisal).

Appointments as chair and deputy/vice chair from current public body membership

6.13 Unless there is statutory or other legally binding provision for public body members to elect a chair from their own number, or a candidate has been selected and appointed as chair designate, appointment as chair is subject to the public appointments process described in Chapter 5 of this Code. However where there are urgent and compelling reasons for appointing a current member of the public body (e.g. the death or sudden resignation of a chair and where there is no deputy/vice chair who may act as chair for the interim period) the Commissioner may agree to an exemption, on condition that:-

- all current members of the public body have the opportunity to express their interest;

- all candidates assessed as being appointable are considered for the post;
- there is a current satisfactory performance assessment in relation to any candidate; and
- there is an open competition to identify a replacement chair as soon as practicable.

Extensions

6.14 Where a reappointment is not appropriate (for example, where there is a pending merger or review) departments may consider an extension of the current term of a member of a public body. These will be exceptional and **must not** be seen as a means of circumventing the public appointments process or the requirement that the total period in office **must not** exceed ten years.

6.15 Extensions:-

- **must** be agreed with the Commissioner in advance;
- may not take place if the term of appointment has already expired;
- **must not** normally exceed 18 months;
- should not normally be followed by a reappointment without a public appointments process taking place. (The Commissioner's prior approval of a reappointment without a public appointments process taking place would be required); and
- **must** be publicised if the extension is for a period of 12 months or more.

ANNEXES

ANNEX A: THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

ANNEX B:

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

I certify that all public appointment processes within the remit of the Commissioner for Public Appointments conducted during the period 1 April [] to 31 March [] by [insert name of department or other relevant organisation] have been carried out in accordance with the Commissioner's Code of Practice. *
[save as set out below

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

INSTANCES OF NON-COMPLIANCE	ACTION TAKEN OR PLANNED TO DEAL WITH NON-COMPLIANCE

]

Signed

[Permanent Secretary/Other Appropriate Officer]

Date

*Delete as appropriate

ANNEX C: POLITICAL ACTIVITY QUESTIONNAIRE

All applicants for a public appointment should complete the question below. This question is asked as it enables the monitoring of political activity of candidates for 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 successful, 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.

- a. Obtained office as a Local Councillor, District Councillor, MP, MEP, MLA etc.
- Stood as a candidate for one of the above offices
- Spoken on behalf of a party or candidate
- b. Acted as a political agent
- Held office such as Chair, Treasurer or Secretary of a local branch of a party

- Canvassed on behalf of a party or helped at elections
- Undertaken any other political activity which you consider relevant

- c. Made a recordable donation to a political party¹
- d. None of the above activities

Name of Party for which activity undertaken:

Details of involvement:

NAMESIGNATURE.....

DATE

Note: This form is for monitoring purposes only and therefore will be detached from your application and will not be seen by any selection panels. However, it is appreciated that such activities may have given you relevant skills, including experience gained from committee work, collective decision making, resolving conflict and public speaking. If, therefore, you have had such experience and you consider it relevant to your application for this post, you should include it separately in the main body of your application form. You should not, however, identify the relevant political party in the application form.

¹ The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to publish a register of recordable donations (donations from any individual totalling more than £5,000 in any calendar year, or more than £1,000 if made to a subsidiary accounting unit such as a constituency association, local branch, women's or youth organisation). These provisions became effective from 16 February 2001.

ANNEX D: APPOINTMENTS PROCESSES CONDUCTED BY THE APPOINTMENTS COMMISSION

Introduction

On 1 April 2001 the National Health Service Appointments Commission was established as a Special Health Authority with delegated power from the Secretary of State for Health to appoint non-executives to Health Authorities, NHS Trusts and Primary Care Trusts. From 1 April 2003 the Secretary of State for Health started to delegate to the Commission the Secretary of State's powers to appoint to the Department of Health's Special Health Authorities and non-departmental public bodies. By virtue of this delegation, all of these appointments fall within the remit of the Commissioner for Public Appointments.

With effect from 1st October 2006, the National Health Service Appointments Commission was abolished and the Appointments Commission established. The current functions of the Appointments Commission are set out in the Health Act 2006.

The processes adopted by the Appointments Commission in relation to appointments within the Commissioner's remit to health bodies differ from those which the Commissioner requires to be adopted in relation to the other public appointments within the Commissioner's remit. However, when the Appointments Commission is assisting other departments or bodies with appointments which fall within the Commissioner's remit, the requirements of the Code must be followed.

(When the Appointments Commission is acting on behalf of another government

department, the full process in relation to appointments within the Commissioner's remit apply.)

In this Annex, the most important differences between the processes adopted by the Appointments Commission for its appointments to health bodies and those required by the Commissioner for Public Appointments for the other appointments within the Commissioner's remit are as follows:-

The Role of the Minister

Where the Secretary of State for Health has powers of appointment to health bodies, the Secretary of State delegates these powers in the majority of cases to the Appointments Commission. In order to fulfil this role, the Commission ensures that:-

- at the outset, the chair of the body in question, the relevant Health and Social Care Commissioner or officer of the Commission and where the appointment is to a national body, the Minister;

where a Strategic Health Authority chair post, the chief executive of the National Health Service;

where the appointment is of a local chair, the Strategic Health Authority chair;

agree the specific skills and the wider attributes required of candidates;
- these criteria are not changed once the process is underway; and

- that all candidates considered for appointment meet the criteria and the standards required by the Principle of Probity.

The relevant Health and Social Care Commissioner formally makes appointment recommendations to the Health and Social Care Appointments Committee. The Committee, comprising the chair and chief executive of the Commission and the Health and Social Commissioners, considers the recommendations and makes all appointments and reappointments. The Committee is generally attended by an Independent Public Appointments Assessor acting as an Independent Observer. The Committee has no role in the public appointments process described in Chapter 5 of the Code.

The Role of Independent Public Appointments Assessors

The role of Independent Public Appointments Assessors in public appointments processes conducted by the Appointments Commission differs from the role of such Assessors in relation to other public appointments within the Commissioner's remit. In particular:

- Independent Public Appointments Assessors are involved in all of the main stages of the selection process conducted by the Appointments Commission, but are not included in certain stages of the appointments process, including scrutiny of the draft application pack and any formal advertisement and other publicity;
- Independent Public Appointments Assessors do not approve press releases or other similar information released in relation to

appointments made by the Appointments Commission;

- an Independent Public Appointments Assessor attends as an Independent Observer of the proceedings of the Health and Social Care Appointments Committee of the Appointments Commission but is not a member of the Committee.

The Appointments Commission makes frequent use of standardised documentation (with identical formats and wording) and in many instances role descriptions and person specifications, selection criteria, candidate packs and publicity material are very similar. As a consequence Independent Public Appointments Assessors involved in appointments processes for the Appointments Commission are not involved in the appointments process until much later than the Commissioner's Code of Practice requires.

Selection Panel Make-up

The Appointments Commission may use differently constituted selection panels for the purposes of health body appointments made by the Commission.

Ministerial Submissions on Appointable Candidates

Since the Secretary of State for Health has delegated the power to appoint to the Health and Social Care Appointments Committee of the Appointments Commission, Ministerial submissions on appointable candidates form no part of the processes for the appointments to health bodies made by the Appointments Commission.

Other Issues

Only one appointable candidate for each vacancy is recommended to the Health and Social Care Appointments Committee.

ANNEX E: APPOINTMENTS PROCESSES CONDUCTED BY THE WELSH ASSEMBLY GOVERNMENT

Introduction

In Wales ultimate responsibility for appointments to public bodies rests with Ministers. Welsh Ministers are not, therefore, accountable to Parliament. Paragraph 2.8 of the Ministerial Code applicable in Wales states that the Ministerial Code should be read in conjunction with the 'Code for Ministerial Appointments to Public Bodies' published by the Commissioner for Public Appointments. Overall responsibility for ensuring that the public appointments procedures in Wales are in accordance with the Commissioner's Code of Practice rests with the First Minister. For certain high profile appointments, the First Minister may reserve for the First Minister the role played in all other appointments by the relevant Minister.

Paragraph 1.1(vi) also states: "Ministers must ensure that no conflict arises or appears to arise between their public duties and their private interests".

The Welsh Assembly Government is responsible for most of the issues of day to day concern to the people of Wales, including the economy, health, education and local government. Welsh Ministers make appointments to public bodies within the Commissioner's remit.

Differences in Procedures

Certain appointments processes in Wales may follow different procedures from those required in the Commissioner's Code of Practice. The main differences

are as follows:-

Independent Assessor Independence

If an Independent Assessor who has achieved accreditation as an Independent Public Appointments Assessor holds a post on a public body within the portfolio of a particular Welsh Minister, that individual may not act as an Independent Public Appointments Assessor for appointments to a public body which is also within that Minister's portfolio. However the individual may act as an Independent Public Appointments Assessor for a public body that falls within another Welsh Minister's portfolio.

Independent Public Appointments Assessor involvement

The Code requires Independent Public Appointments Assessors, as a minimum, to have an overview of the public appointment process. The Welsh Assembly Government's practice is for the Independent Public Appointments Assessor to be a member of every sift and selection panel.

Use of the Welsh language

The Welsh Assembly Government is committed to taking the lead in working to support and promote the Welsh language. As part of that commitment all material for the public appointments process is prepared in a bilingual format and short listed candidates can choose to have their interview conducted either in English or Welsh.

Variations in terminology

Non Departmental Public Bodies

Bodies which fall within the Commissioner's remit include non departmental public bodies or NDPBs. In Wales non departmental public bodies are called Assembly Government Sponsored Bodies or AGSBs.

Role description and person specification

The Code requires the application pack to include the role description and person specification, a realistic indication of the time commitment, details of remuneration and expenses relating to the appointment, full details of the body and information on the process and how long it will take. The Welsh Assembly Government's practice is to incorporate all this information into one document called "Information for Candidates".

ANNEX F: DELEGATED APPOINTMENTS PROCESSES CONDUCTED BY THE DEPARTMENT FOR CULTURE, MEDIA AND SPORT

Introduction

The Department for Culture, Media and Sport (“DCMS”) has agreed with the Commissioner that a special “delegated” process may be used by the Department in relation to public appointments to certain museums and galleries. Ministers, however, continue to make the final choice from appointable candidates.

The delegated appointments process

The delegated appointments process used by DCMS differs from the procedures set down in the Commissioner’s Code of Practice as follows:-

- the chair of the relevant museum or gallery agrees the role description and person specification with departmental officials and the Independent Public Appointments Assessor. This role description and person specification are then agreed with the relevant Minister;
- the museum or gallery draws up a plan and timetable;
- the relevant museum or gallery initiates an applicant search and appropriate publicity with the assistance of the Independent Public Appointments Assessor and the DCMS Public Appointments Unit;
- the museum or gallery is responsible for sending application packs to all applicants;

- the chair of the museum or gallery sifts and selects a short list of candidates. The Independent Public Appointments Assessor is fully involved in the sift and interview stages for upper tier appointments;
- interviews are held for all short listed candidates in relation to both upper and lower tier appointments. An Independent Public Appointments Assessor is also involved;
- the selection panel comprises the chair of the museum or gallery, the Independent Public Appointments Assessor, and other panel members as appropriate;
- the chair of the selection panel makes a recommendation to the Minister who must be given a choice of appointable candidates. (If this is not possible, the Minister may request the appointments process to be re-opened in which event the Commissioner must be consulted.)

INDEX

INDEX

References are to paragraph numbers and annex letters. DCMS = Department for Culture, Media and Sport.

accreditation, Independent Public Appointments Assessors 2.06

ad hoc audits 3.04

additional applications 5.61

additional information 5.73–8

advertisements 5.33, 5.36

 closing dates for applications 5.51

 consultation with external organisations 5.13

 documentation 3.08

 health bodies' appointments Annex D

 Independent Public Appointments Assessors' role 4.14

 kitemarking 5.34

 pre-appointment hearings text 5.35

 retention 2.09

advisory provisions, identification 1.06

alternative formats

 information pack contents 5.43

 Welsh Assembly Government processes Annex E

Annual Report, Commissioner for Public Appointments 3.02, 3.05, 3.07, 3.08, 3.14, 3.19

apologies 3.19, 3.20

applicant searches, delegated appointments process Annex F

applicants

 additional information on 5.73–8

 consultation with external organisations 5.13

 departmental lists as source of 5.37, 5.38

 Independent Public Appointments Assessors role 5.78

 information disclosure 5.47, 5.75

 informing of closing date extension 5.54

 meetings with 4.06, 4.10, 5.78, 5.89

see also interviews

 Ministers' role

 meetings before deciding appointment 4.06, 5.89

 meetings during appointments process 4.06, 4.10

applicants (cont'd)

Ministers' role (cont'd)

selection process 4.03, 4.06

targeting applicants 5.10, 5.39

probity standards awareness 5.83

Regional Ministers' role in selection 4.09, 4.10

reporting Ministers' views to 5.66

reports to Ministers during sifting stage 5.63

selection criteria not met 5.37

selection for interview 5.67

targeting 5.10, 5.13, 5.37, 5.39

see also appointable candidates; Ministerial choice; sifting stage

application forms 5.32, 5.37, 5.40, 5.45-7

complaints investigation uses 2.09, 5.47

conflicts of interest section 2.08

Independent Public Appointments Assessors' role 4.14

information disclosure 2.09

information packs 5.42

monitoring forms and 5.47, 5.48, 5.50

nominees 6.10

reappointments 5.25

retention 2.09

targeted applicants 5.13

applications

additional 5.61

checking 4.11

closing dates for submission 5.37, 5.51, 5.54

insufficient 5.53, 5.54, 5.86

late submission 5.10, 5.52

see also application forms; references; sifting stage

appointable candidates

additional information on 5.73-8

chairs and deputy/vice-chairs 6.13

conflicts of interest 5.69-78, 5.83

conversations with a purpose 5.79

health bodies Annex D

Ministerial choice 5.85-8

Ministerial submissions 5.79, 5.80, 5.84-9

appointable candidates (cont'd)

multiple appointments 5.81

selection 5.68–92

see also applicants

appointment criteria *see* selection criteria

appointment letters 5.40

appointments

chairs 6.13

Commissioner for Public Appointments 1.02

compliance monitoring 3.08

conflicts of interest 2.08

extensions 6.14–5

from reserve lists 6.07

health bodies' 6.02, Annex D

Independent Assessors 2.06

Ministers' role 4.05, 4.10

outwith Commissioner for Public Appointments' remit 1.20–1, 6.05

probity principle application 2.08

publicity 5.90–2

termination 3.20

see also emergency appointments; term of appointment

Appointments Commission

appointments to health bodies 6.02, Annex D

as recruitment consultants 4.11, 5.40–1

appointments processes 5.01–92

departments' role 4.11, 5.01

documentation 4.11, 5.11, 5.40

freedom to design 5.09

guidance 1.12–3

documentation 4.04, 4.09, 4.11, 5.11, 5.40

health bodies' appointments 6.02, Annex D

Independent Public Appointments Assessors' role 4.14

nominees 6.10

re-running 4.05, 5.87

regional variations 4.08

Welsh Assembly Government bodies Annex E

see also appointable candidates; beginning the appointments process;

Ministerial submissions; planning stage; selection processes; sifting stage

appraisal *see* performance appraisal

Assembly Government Sponsored Bodies Annex E

auditing

application forms' use in 5.47

appointments processes 5.06

complaints investigation 3.14

compliance monitoring 3.01, 3.02–6, 3.08

openness and transparency principle application 2.09

reappointments 5.30

beginning appointments process 5.31–54

breaches *see* non-compliance

candidate assessment summaries 4.14

candidates *see* applicants; appointable candidates

certificates *see* statements of compliance; Validation Certificates

chairs

of external organisations 5.59

of museums and galleries Annex F

of public bodies 5.12, 5.18–9, 5.24, 6.13

of selection panels 4.14, 5.58, 5.59, 5.64

changes

interview dates 5.10, 5.82

personnel 5.60, 5.88

to Code 1.14

circumstances not covered by Code 1.22, 5.01

see also special circumstances

civil servants, as Independent Public Appointments Assessors 2.06

closing dates 5.37, 5.51, 5.54

Commissioner for Public Appointments 1.01–5

Annual Report 3.02, 3.05, 3.07, 3.08, 3.14, 3.19

circumstances not covered by Code 1.22, 5.01

closing date extensions 5.54

complaints investigation 2.09, 3.10–21

compliance monitoring 3.02–5, 3.07, 3.08, 3.14

dispute resolution 1.16, 4.15–7

duties 1.03–5, 1.07, 3.02

emergency appointments 6.06

Commissioner for Public Appointments (cont'd)

- exemptions 1.23, 5.61, 6.13
- extensions of appointments 6.15
- failure to provide Ministerial choice 5.86, 5.87
- guidance 1.11
- health bodies' appointments Annex D
- Independent Public Appointments Assessor changes 5.60
- inquiries into appointments 1.18
- late application acceptances 5.52
- Ministers' meetings with applicants 5.89
- nominations by nominating bodies 6.09
- non-compliance 1.15-6, 1.18-9, 4.15-7
- powers 1.18-9
 - auditing 3.02
 - delegation 1.05, 3.02, Annex F
 - exemptions 1.23
 - non-compliance 1.18-9, 4.15, 4.16-7
- Practice Directions 1.14
- public bodies outwith remit 1.04, 1.20-1
- public bodies within remit 1.04, Annex E
 - departments' duty to confirm 5.10
- re-running appointments processes 4.05, 5.87, Annex F
- reappointments following extensions 6.15
- reserve list appointments 6.07
- second reappointments 5.28
- selection panel disputes with Ministers 5.65
- selection process for expert posts 5.86, 6.04
- telephone or video conference interviews 5.80

Committee on Standards in Public Life 1.01, 2.01

see also Seven Principles of Public Life

compensation 3.20

complainants 3.12-4, 3.17, 3.21, 5.66

complaints, statistics of 3.08

complaints investigation 3.01, 3.10-21

ad hoc audits 3.04

application forms' use in 2.09, 5.47

see also auditing; retention of documentation

complaints procedures

details in information packs 5.42

reporting Ministers' views 5.66

compliance

responsibility for 2.02–3, 4.11

statement of 2.03, 3.01, 3.09, 5.83, Annex B

see also non-compliance

compliance monitoring 3.01–21**confidentiality** 2.09, 5.47

see also information disclosure

conflicts, between Code and other publications 1.08, 1.10**conflicts of interest** 2.08, 5.69–78, 5.83

compliance monitoring 3.08

documentation 2.08, 5.24, 5.71

guidance on 1.13

information pack contents 5.42

Ministers 4.02, Annex E

nominees 6.10

reappointments 2.08, 5.24

consultation

chairs 5.12

circumstances not covered by Code 1.22, 5.01

Devolved Administrations 5.11

external organisations 5.10, 5.13, 5.59

Ministers 4.03, 4.08, 5.10

recruitment consultants with Independent Public Appointments Assessors
4.11, 5.40

conversations with a purpose 4.14, 5.79–80**CVs** 5.45**Data Protection Act 1998** 2.09, 5.44

see also information disclosure

date changes *see* extensions; interviews, date changes**delegation**, Commissioner's powers and duties 1.05, 3.02**Department for Culture, Media and Sport**, appointments processes 6.02, Annex F**departmental lists** 5.37, 5.38**departments' role** 4.11, 5.01, 5.83

additional applications 5.61
 additional information on applicants 5.74–6
 application forms 5.32, 5.45–7, 5.48
 appointment letters 5.40, 5.41
 appointments process design 5.09
 complaints investigation 3.13–4, 3.18–9
 compliance monitoring 3.03, 3.06, 3.08, 5.83
 compliance responsibility 2.03, 4.11
 confirmation, bodies within Commissioner’s remit 5.10
 consultation 4.03, 4.08, 5.10, 5.12, 5.13
 Devolved Administrations 5.11
 discrimination 5.14
 dispute resolution 4.15, 4.16, 5.11
 diversity 2.06, 2.07, 4.03, 5.14, 5.32, 5.33
 emergency appointments 6.06
 equal opportunities principle 2.01, 2.07
 guidance 1.12–3
 Independent Assessor appointments 2.06
 Independent Public Appointments Assessors 4.11, 4.12, 5.10, 5.40, Annex F
 information packs 5.32, 5.42–3
 insufficient applications 5.53
 interview date changes 5.10, 5.82
 interviews 5.79–80
 joint departmental appointments 5.11
 late applications 5.10, 5.52
 merit principle 2.04, 2.05
 Ministerial responsibility principle 2.04
 Ministerial submissions 5.10, 5.84–9
 openness and transparency principle 2.09
 performance appraisal 2.05, 2.06, 4.11, 5.10, 5.20, 5.21
 planning stage 4.03, 4.08, 5.10–30
 positive discrimination 2.05, 2.07, 5.14, 5.32
 pre-appointment hearings 5.10, 5.35, 5.42
 probity principle 2.04, 2.08, 5.83
 proportionality principle 2.10
 publicity 5.32, 5.33–6, 5.61
departments’ role (cont’d)
 reappointments 5.10, 5.16, 5.20, 5.21–4, 5.28

recruitment consultants 4.11, 5.34, 5.40–1
references 4.11, 5.10, 5.44
Regional Ministers' involvement 4.08
reporting to Minister during sifting stage 5.63
selection criteria 2.04, 4.03, 5.10, 5.14, 5.32
selection panel membership 5.58–60
selection process for expert posts 6.04
targeting potential applicants 5.13, 5.39
timetabling 4.11, 5.10
see also documentation; Permanent Secretaries

deputies 3.08, 5.18–9, 5.24, 6.13

Devolved Administrations 5.11
see also Regional Ministers' role; Welsh Ministers

disabled persons 2.05, 5.43, 5.47

disclosure of information *see* information disclosure

discrimination 2.07, 5.14
see also equal opportunities principle; positive discrimination

discussions with applicants *see* conversations with a purpose; interviews;
meetings with applicants

dispute resolution 1.16, 4.15–7, 5.11, 5.65

disqualifications 5.42, 5.83

diversity
application forms and 5.47
closing date extension 5.54
Commissioner's duty 1.03
departments' role 2.06, 2.07, 4.03, 5.14, 5.32, 5.33
Independent Public Appointments Assessor selection 2.06
information pack contents 5.43
reporting to Ministers during sifting stage 5.63
selection criteria and 2.07, 5.86
selection panel membership 5.58

documentation 4.04, 4.11, 5.40
action when additional information received 5.77–8
additional applications 5.61
advertisements 3.08
agreements with other departments or Devolved Administrations 5.11

documentation (cont'd)
appointments outwith Commissioner's remit 1.20–1

closing date extensions 5.54
 complaints investigation 3.14
 compliance 2.03
 compliance monitoring, audit 3.06
 conflicts of interest 2.08, 5.24, 5.71
 conversations with a purpose 5.80
 Devolved Administration agreements 5.11
 dispute resolution 1.16, 4.15
 disputes with Ministers 5.65
 health bodies' appointments Annex D
 Independent Public Appointments Assessor changes 5.60
 information provision to Ministers 4.04, 4.09
 interviews 3.06, 5.80
 see also candidate assessment summaries
 joint appointments 5.11
 late application acceptances 5.52
 lower tier bodies' appointments 5.79
 meetings with applicants 5.78, 5.89
 Ministerial submissions 5.80
 Ministers' views on short-listing 5.67
 monitoring forms not completed 5.48
 nominations 6.09
 non-compliance 1.15, 2.03
 openness and transparency principle application 2.09
 oral reports to Minister 5.64
 performance appraisal 5.20
 political activity questionnaires not completed 5.49
 reappointments 5.24, 5.30
 Regional Ministers' involvement 4.09
 selection panel membership changes 5.60
 sifting of applications 5.56, 5.57
 Welsh Assembly Government processes Annex E
 see also application forms; information packs; monitoring forms; political
 activity questionnaires; retention of documentation
duration of appointment *see* term of appointment

emergency appointments 6.06
equal opportunities principle 1.03, 2.01, 2.07, 5.31

evaluation forms, interviews 3.06, 5.80
ex officio membership 6.05
exemptions 1.23, 5.61, 6.13
expenses policy 5.42, Annex E
expert posts 5.86, 6.04
experts, selection panel membership 5.58
extensions
 appointment terms 6.14–5
 closing dates for application submission 5.54
 see also late applications
external communications 4.11
 see also press releases; publicity
external organisations 5.10, 5.13, 5.58, 5.59, 5.70
 see also nominations by nominating bodies

failure to provide Ministerial choice 5.86–8
First Minister’s role, Welsh Assembly Government appointments Annex E
first reappointments, upper tier bodies 5.28
Freedom of Information Act 2000 1.16, 2.09

government funding, tier allocation criterion 5.03, 5.04, 5.05
guidance, public appointments processes 1.10–3
“Guide to Making a Complaint about a Public Appointments Process” 3.16

health bodies, appointments to 6.02, Annex D
honesty principle Annex A
 see also probity principle

incomplete monitoring forms 5.48
Independent Assessors, appointment 2.06
Independent Public Appointments Assessors 2.06, 4.12–4
 additional information consideration 5.78
 certification re appointments process 5.83
 changing 5.60
 complaints investigation 3.17
 compliance monitoring 3.01, 3.08
Independent Public Appointments Assessors (cont’d)
 DCMS delegated appointments process Annex F

departments' role 2.06, 4.11, 4.12, 5.10, 5.40, Annex F
 documentation of information provision to Ministers 4.04, 4.09
 health bodies' appointments Annex D
 interviews 5.79, 5.80, Annex F
 lower tier bodies 4.14, 5.79
 Ministerial submissions 4.14, 5.80, 5.84
 Ministers' meetings with applicants 5.89
 oral reports to Minister 5.64
 publicity 4.14, 5.90
 recruitment consultants' consultation with 4.11, 5.40
 selection panels 4.14, 5.58, 5.59, Annex E
 sifting stage 5.56, 5.64, Annex E
 upper tier bodies 4.14
 Validation Certificates 4.14
 Welsh Assembly Government's appointment processes Annex E
independent scrutiny principle 2.01, 2.06, 4.08, 5.58, 6.10
see also Independent Public Appointments Assessors
induction training, Independent Public Appointments Assessors 2.06
"Information for Candidates" Annex E
information disclosure 2.08, 2.09, 5.47, 5.75
see also confidentiality; Data Protection Act 1998; personal information
information packs 5.32, 5.42-3
 DCMS delegated appointments process Annex F
 health bodies' appointments Annex D
 Independent Public Appointments Assessors' role 4.14
 retention 2.09
 Welsh Assembly Government's appointment processes Annex E
information provision
 additional information received 5.76
 compliance monitoring 3.03
 to Ministers 4.04, 4.09
see also documentation; information disclosure; notification; openness and
 transparency principle; reporting; statistics
inquiries into appointments 1.18
insufficient applications 5.53, 5.54, 5.86
see also additional applications
integrity principle Annex A
see also probity principle

interviews 5.79–83

date changes 5.10, 5.82

DCMS delegated appointments process Annex F

expenses details in information packs 5.42

Independent Public Appointments Assessors' role 4.14

lower tier bodies 5.79, Annex F

nominees 6.10

selection of applicants for 5.67

upper tier bodies 5.79, 5.80, Annex F

Welsh Assembly Government's appointment processes Annex E

joint departmental appointments 5.11

kitemarking 5.34, 5.42

late applications 5.10, 5.52

location, inclusion in information packs 5.42

long listing 5.55

dispute resolution 4.15

Independent Public Appointments Assessors' role 4.14

Ministers' role 4.06, 4.10, 4.15

reporting to Ministers during sifting stage 5.63

lower tier bodies

allocation to 5.03, 5.05

conversations with a purpose 5.79

Independent Public Appointments Assessors' role 4.14, 5.79

interviews 5.79, Annex F

Ministerial submissions 4.14, 5.79

press releases 5.92

publicity 5.36, 5.92

reappointments 5.29, 5.92

selection panels 5.58, 5.79

short-listing 4.14

telephone interviews/conversations 5.79, 5.80

upper tier appointments process for 5.03, 5.04

“Making and Managing Public Appointments” (MAMPA) 1.13

mandatory provisions, identification 1.06

maximum period in office 5.17

meetings with applicants 4.06, 4.10, 5.72, 5.78, 5.89

see also interviews

membership

selection panels 5.58–60

conflicts of interest 5.71–2

Ministers excluded from 4.06, 4.10, 5.63

see also retiring members

merit principle 1.09, 2.01, 2.05, Annex A

additional information on applicants 5.74–6

Commissioner for Public Appointments' duties 1.03, 1.07

departments' role 2.04, 2.05

Independent Assessors' appointment 2.06

Independent Public Appointments Assessors' role 4.14

Ministerial choice 5.85

Ministerial responsibility 2.04

Regional Ministers' involvement 4.08

selection of appointable candidates 5.68, 5.85

sifting process 5.56

Ministerial choice 4.06, 5.85–9, 6.09, Annex F

Ministerial responsibility principle 2.01, 2.04, 4.02

Ministerial submissions 5.84–9

DCMS delegated appointments process Annex F

departments' role 5.10, 5.84–9

health bodies' appointments Annex D

Independent Public Appointments Assessors' role 4.14, 5.84

lower tier bodies 4.14

retention 2.09

Ministers, changes of 5.88

Ministers' role 4.02–10, 5.12

agreements with other departments or Devolved Administrations 5.11

conflicts of interest 4.02, Annex E

DCMS appointments processes Annex F

details in information packs 5.42

dispute resolution 4.15, 4.16, 4.17

emergency appointments 6.06

Ministers' role (cont'd)

health bodies' appointments Annex D

length of appointees' terms 5.28
meetings with applicants 4.06, 4.10, 5.89
planning stage 4.03, 4.08, 5.10
reappointments 5.25
selection panels 4.06, 4.10, 5.58, 5.63
sifting stage 4.04, 4.06, 4.10, 4.15, 5.62–7
targeting potential applicants 5.10, 5.39
see also First Minister's role

Ministers' views, reporting to applicants 5.66

Monitoring information

application forms 5.46
Commissioner for Public Appointments' duties 1.04
compliance 3.01–21
nominees 6.10
positive discrimination 5.32
reappointments 5.24, 5.25

monitoring forms 5.40, 5.48–50, 5.83

application forms and 5.47, 5.48, 5.50
in information packs 5.42
retention 2.09

multiple appointments 5.81

museums and galleries Annex F

Nolan Committee 1.01, 2.01

nominations by nominating bodies 6.08–12

non-compliance 1.15–6, 1.17–9, 2.03, 4.15–7

see also compliance

Northern Ireland, equal opportunities principle 2.07

notice of interview dates 5.82

notification

retiring members 5.26
see also information provision; reporting

openness and transparency principle 1.09, 2.01, 2.09, Annex A

additional information on applicants 5.76
appointments process 5.31

openness and transparency principle (cont'd)

extension of closing date 5.54

Ministers' role 4.02, 4.08

publicity 5.33, 5.90

oral reports to Minister 5.64

outgoing chairs

selection panel membership 5.58

see also retiring members

Parliamentary Select Committees 3.20, 5.10, 5.35, 5.42

pension details, information packs 5.42

performance appraisal

chairs and deputy/vice-chairs 6.13

departments' role 2.05, 2.06, 4.11, 5.10, 5.20, 5.21

documentation 5.20

Independent Public Appointments Assessors 2.06

reappointments 5.10, 5.16, 5.20, 5.21

lower tier bodies 5.29

merit principle application 2.05

nominees 6.12

upper tier bodies 5.28

Permanent Secretaries

advice to Ministers 4.02

complaints investigation 3.17

compliance statements 3.09

dispute resolution 4.15, 4.16, 4.17

emergency appointments 6.06

responsibility for compliance 2.03

person specifications 5.14

consultation with external organisations 5.13

DCMS delegated appointments process Annex F

failure to provide Ministerial choice 5.86

health bodies' appointments Annex D

Independent Public Appointments Assessors' role 4.14

in information packs 5.42

nominations by nominating bodies 6.09

reserve list appointments 6.07

retention 2.09

person specifications (cont'd)

upper tier bodies 4.14

Welsh Assembly Government's appointment processes Annex E

personal information 2.06, 2.09, 5.24, 5.47

see also information disclosure

planning stage 4.03, 4.08, 5.10–30

political activity questionnaires 5.40, 5.48–50, 5.83

application forms and 5.47

Independent Public Appointments Assessors 2.06

in information packs 5.42

nominees 6.10

press releases 5.91

reappointments 5.24, 5.91

text Annex C

political balance 2.05, 5.91

positive discrimination 2.05, 2.07, 5.14, 5.32

post-appointment hearings 3.20

Practice Directions 1.14, 5.40

pre-appointment hearings 3.20, 5.10, 5.35, 5.42

“Pre-appointment Hearings by Select Committee” (Cabinet Office guidance) 1.13

press releases 3.08, 4.14, 5.91, 5.92, Annex D

see also external communications

principles 2.01–10, 5.42, 5.68

see also equal opportunities principle; independent scrutiny principle; merit principle; Ministerial responsibility principle; openness and transparency principle; probity principle; proportionality principle; Seven Principles of Public Life

pro forma interview evaluation forms 5.80

probity principle 2.01, 2.04, 2.08, Annex D

probity standards

applicants to be made aware of 5.83

details in information packs 5.42

proportionality principle 2.01, 2.10, 5.01

additional information on applicants 5.74–6

Independent Public Appointments Assessors' role 4.14

interview date changes 5.82

lower tier bodies 4.14

proportionality principle (cont'd)

Ministers' role 4.02, 4.03, 4.08

publicity 5.32, 5.33, 5.36

public bodies

outwith Commissioner for Public Appointments' remit 1.04, 1.20-1

within Commissioner for Public Appointments' remit 1.04, 5.10, Annex E

publicity 5.32, 5.33-6

additional applications 5.61

appointments and reappointments 5.90-2

closing dates for applications 5.51

complaints 3.19

compliance monitoring 3.08

DCMS delegated appointments process Annex F

extension of closing date 5.54

extensions of appointment 6.15

failure to provide Ministerial choice 5.86, 5.87

health bodies' appointments Annex D

Independent Public Appointments Assessors' role 4.14, 5.90

insufficient applications 5.53

lower tier bodies 5.36, 5.92

openness and transparency principle 5.33, 5.90

in reports to Ministers during sifting stage 5.63

upper tier bodies 4.14, 5.36, 5.91

see also external communications

publicity material

information about 3.08

retention 2.09

see also advertisements; press releases; websites

re-running appointments processes 3.20, 4.05, 5.87, Annex F**reappointments** 5.10, 5.15-30

compliance monitoring 3.08

conflicts of interest 2.08, 5.24

following extension of appointment 6.15

lower tier bodies 5.29, 5.92

performance appraisal 5.10, 5.16, 5.20, 5.21

lower tier bodies 5.29

merit principle application 2.05

reappointments (cont'd)

performance appraisal (cont'd)

nominees 6.12

upper tier bodies 5.28
political activity questionnaires 5.24, 5.91
publicity 5.90–2

recommendations to Ministers *see* Ministerial submissions

records *see* documentation

recruitment consultants 4.11, 5.34, 5.40–1, 5.58

references 4.11, 5.10, 5.44

Regional Ministers' role 4.07–10, 5.42
see also Devolved Administrations; Welsh Ministers

remuneration
information about 5.42, 5.91, Annex E
setting 4.11
tier allocation criterion 5.03, 5.04, 5.05

reporting
Commissioner for Public Appointments' duties 1.04
Ministers' views to applicants 5.66
to Minister during sifting stage 5.63, 5.64
see also Ministerial submissions

reserve lists 6.07

retention of documentation 4.11
complaints investigation 3.14
compliance monitoring 3.06
openness and transparency principle 2.09
reappointments 5.30
recruitment consultants 5.40

retiring members 5.26
see also outgoing chairs

role descriptions 5.14
DCMS delegated appointments process Annex F
failure to provide Ministerial choice 5.86
health bodies' appointments Annex D
Independent Public Appointments Assessors' role 4.14
in information packs 5.42
nominations by nominating bodies 6.09
reserve list appointments 6.07

role descriptions (cont'd)
retention 2.09
upper tier bodies 4.14

second reappointments, upper tier bodies 5.28

Select Committees 3.20, 5.10, 5.35, 5.42

selection

candidates for interview 5.67

Independent Public Appointments Assessors 2.06

selection criteria 5.14, 5.32

agreeing 4.03, 5.10

application forms and 5.47

consultation on 4.03, 5.12, 5.13

departments' role 2.04, 4.03, 5.10, 5.14, 5.32

diversity and 2.07, 5.32, 5.86

equal opportunities principle 2.07

health bodies' appointments Annex D

Independent Public Appointments Assessors' role 4.14

insufficient applications 5.53

merit principle 2.05

Ministerial choice 5.85, 5.86

Ministerial responsibility principle 2.04

nominees 6.10

reporting to Ministers during sifting stage 5.63

unmet 5.37

selection panels

additional information on applicants 5.77–8

chairs 4.14, 5.58, 5.59, 5.64

DCMS delegated appointments process Annex F

disputes with Ministers 5.65

documentation

additional information on applicants 5.77–8

disputes with Ministers 5.65

information to Ministers 4.04

interview outcomes 5.80

members' conflicts of interest 5.71

selection panels (cont'd)

documentation (cont'd)

membership changes 5.60

- oral reports to Minister during sifting stage 5.64
- Regional Ministers' involvement 4.09
- health bodies' appointments Annex D
- Independent Public Appointments Assessors 4.14, 5.58, 5.59, Annex E
- interview evaluation forms 5.80
- lower tier bodies 5.58, 5.79
- membership 5.58–60
 - conflicts of interest 5.71–2
 - Ministers excluded from 4.06, 4.10
- Ministers' role 4.06, 4.10, 5.58, 5.63
- monitoring forms and political activity questionnaires 5.50, 5.83
- multiple appointments 5.81
- nominated candidates 6.10
- sifting process 5.56, 5.57
- telephone or video conferencing 5.56, 5.80
- upper tier bodies 4.14, 5.58, 5.80
- Welsh Assembly Government's appointment processes Annex E
 - see also* conversations with a purpose; interviews; Ministerial submissions
- selection processes**
 - expert posts 5.86, 6.04
 - health bodies' appointments Annex D
 - Independent Public Appointments Assessors' role 4.14
 - nominations by nominating bodies 6.09
 - see also* appointments processes
- selection stage** 5.68–92
- Seven Principles of Public Life** 1.01, 2.08, 5.42, Annex A
 - see also* principles
- short listing** 4.14, 5.55
 - DCMS delegated appointments process Annex F
 - dispute resolution 4.15
 - Ministers' role 4.06, 4.10, 4.15, 5.67
 - see also* additional applications
- sifting stage** 5.55–67
 - additional information on applicants 5.73
 - DCMS delegated appointments process Annex F
- sifting stage (cont'd)**
 - Independent Public Appointments Assessors 5.56, 5.64, Annex E
 - Ministers' role 4.04, 4.06, 4.10, 4.15, 5.62–7

monitoring forms and political activity questionnaires 5.50
see also long listing; short listing

special circumstances 5.01, 6.03–15
see also circumstances not covered by Code

specialist posts 5.86, 6.04

specialists, selection panel membership 5.58

statements of compliance 2.03, 3.01, 3.09, Annex B

statistics 3.01, 3.07–8, 5.46

status of guidance 1.10

statutory disqualifications 5.42, 5.83

storage *see* retention of documentation

targeting potential applicants 5.10, 5.13, 5.37, 5.39

telephone conferencing 5.56, 5.80

telephone conversations with a purpose 5.79

telephone interviews 5.80

term of appointment 5.42, 5.91, 6.12
see also total period in office

termination, appointments 3.20

tier system 2.10, 5.02-7
see also lower tier bodies; upper tier bodies

time commitment 5.42, 5.81, Annex E

timetabling 4.11, 4.14, 5.10, Annex F

total period in office
nominees 6.12
reappointments 5.16, 5.17–9, 5.25, 5.28, 5.29

training, Independent Public Appointments Assessors 2.06

transparency *see* openness and transparency principle

travel information, in information packs 5.42

two tier system *see* tier system

uncompleted monitoring forms 5.48

updating
departmental lists of potential applicants 5.38
information on conflicts of interest 5.24

updating (cont'd)
personal information 5.24

upper tier bodies

allocation to 5.03, 5.04
application forms 4.14
appointment criteria 4.14
appointments process used for lower tier bodies 5.03, 5.04
candidate assessment summaries 4.14
Independent Public Appointments Assessors' role 4.14
interviews 5.79, 5.80, Annex F
merit principle 4.14
nominees 6.12
person specifications 4.14
publicity 4.14, 5.36, 5.91
reappointments 5.28
selection panels 4.14, 5.58, 5.80

Validation Certificates 4.14

vice-chairs 3.08, 5.18–9, 5.24, 6.13

video conferencing 5.56, 5.80

websites, use of 5.33, 5.36, 5.54, 5.61, 5.92

Welsh Assembly Government appointments processes Annex E

Welsh Ministers

appointments by 6.02, Annex E

see also Devolved Administrations