



The Office of the Commissioner for
Public Appointments in Scotland

Code of Practice

for Ministerial Appointments
to Public Bodies in Scotland



Code of Practice for Ministerial Appointments to Public Bodies in Scotland

Foreword

This Code develops the regulatory framework in place prior to my appointment as Commissioner for Public Appointments in Scotland. It is the first Code produced exclusively for the public appointments process in Scotland and follows an extensive consultation which provided more than 300 individuals and organisations, including the Scottish Parliament and Scottish Ministers, with the opportunity to comment on the future requirements of the public appointments process in Scotland. I would like to thank all those who contributed through consultation to the formation of this Code.

The Code will be subject to regular review to further develop the ministerial appointments process and to reflect the changing complexion of public appointees as work is done to increase the number and diversity of applicants.

The public appointments process must be equally open and accessible to people from all communities in Scottish society and every application for a public appointment must receive equitable treatment. Adherence to this Code is one of the measures that will deliver the required equality of opportunity and treatment. However, the Code alone cannot address the issue of wider representation on the boards of our public bodies. It will be supported by a strategy to encourage equal opportunities which my Office is developing to reflect Scottish Ministers' commitment to encourage diversity in public appointments.

Public bodies play a crucial and valued role in the provision of advice and the delivery of our public services. The roles and responsibilities of those appointed to public bodies can be demanding. The process which results in their appointment must therefore be thorough. This Code will ensure that a consistent, robust and rigorous process is followed for every appointment to the board of a regulated public body in Scotland.



Karen Carlton

Commissioner for Public Appointments in Scotland
April 2006

Contents

	Page
Section 1 - Introduction	1
Section 2 - The Principles of the Code	3
Section 3 - Application of the Code	5
1 Applying the Principle of Proportionality	5
2 Specialist Posts	6
3 New Public Bodies	6
4 Anonymity	7
Section 4 - The Appointments Process	8
Stage 1 – Planning	8
5 Ministerial Responsibility	8
6 Ministerial Involvement in Planning the Appointment	9
7 Involvement of the Chair of the Body in Planning the Appointment	10
8 OCPAS Assessor Involvement in Planning the Appointment	11
9 The Selection Panel	11
10 Revisions to the Appointment Timetable	12
11 References	12
12 External Recruitment Consultants	13
Stage 2 – Encouraging Applications	13
13 Publicising the Appointment Opportunity	13
14 Statutory Nominations	14
15 Consulting Other Organisations	15
16 Application Packs	15
Stage 3 – Processing Applications	17
17 Closing Date	17
18 Informing Applicants	17
19 Selecting Candidates for Interview	17
20 Knowledge of Candidates	18
21 Additional Information about Candidates	19
Stage 4 – Interview	19
22 The Interview	19
23 Candidates unable to attend for interview on the published dates	21

	Page
Stage 5 – Selection	21
24 Informing the Minister of the Candidates Suitable for Appointment	21
25 OCPAS Assessor Validation	22
Stage 6 – Post Appointment	22
26 Feedback	22
27 Announcing the Appointment	22
28 Retention of Records	23
Section 5 - Continuing Appointment	24
29 Re-appointment	24
30 Number of Terms Served	25
31 Appointment of a Member as Chair or Deputy Chair	25
Section 6 - Exceptional Circumstances	26
32 General	26
33 Emergency Appointments	26
34 Extensions	26
Section 7 - Compliance	27
35 Statutory Obligation	27
36 Monitoring	27
37 Reporting	27
38 Audit	28
39 Complaints to the Commissioner	28
40 Complaints to Departments	29
Annexes	30
A Glossary of Terms	30
B Summary Flowchart of the Public Appointments Process	37

Introduction

The Code

The Public Appointments and Public Bodies etc (Scotland) Act 2003 (the Act) requires the Commissioner for Public Appointments in Scotland to prepare and publish a Code of Practice to regulate the process by which Scottish Ministers appoint, or recommend for appointment¹, persons to the board of a public body. The Act requires the Code to include guidelines about the methods and practices to be employed when making appointments and recommendations for appointment. This Code therefore aims to provide a clear and concise description of the steps to be followed throughout the public appointments process. It describes what is required; how these requirements will be applied will be the subject of separate guidance issued by the Scottish Executive. The separation of the Code – the regulatory framework which will be subject to statutory consultation and review – from the guidance provides flexibility to expand the guidance at any time.

The Commissioner

The Office of the Commissioner for Public Appointments in Scotland (OCPAS) was established in June 2004. The role of the Commissioner is to regulate, monitor, report and advise on the way in which Scottish Ministers make appointments, and recommendations for appointment, to boards of public bodies and to ensure that appointments are made in a way which is open, transparent and merit-based. The Commissioner is independent of both the Scottish Parliament and the Scottish Executive.

The Commissioner is supported by a team of OCPAS Assessors who monitor the application of the Code during each appointment round. They too are independent of the Scottish Parliament and the Scottish Executive. Their role is to provide assurance that the process used to make appointments to the boards of public bodies conform to the principles and practices contained in this Code.

¹ In a small number of appointments Scottish Ministers do not make the appointment – it is made by the Queen on their recommendation.

Current Legislation

In addition to the Code itself the requirements of relevant legislation must be reflected at every stage in the appointments process. For completeness, relevant current legislation is listed on the OCPAS website: www.publicappointments.org.

Who is the Code for?

The Code sets out the principles and practices the Commissioner requires the Scottish Executive to adopt. It governs primarily the appointment of non-executive members and is not intended to be used when appointing other office holders.

Ex-officio posts on the boards of public bodies are held by individuals as a result of their position or office. Such appointments are not covered by this Code.

The Code refers only to those appointments that fall within the remit of the Commissioner for Public Appointments in Scotland. A full list of bodies regulated by the Commissioner appears in schedule 2 to the Act, as amended by subsequent statutory instruments. The current list of bodies regulated by the Commissioner can be found on the OCPAS website: www.publicappointments.org.

Appointments made by Scottish Ministers to the boards of cross-border bodies are regulated by the Commissioner for Public Appointments in England and Wales and are not covered by this Code.

Use of the Code as guidance

The Commissioner recognises that unregulated bodies may use the Code as guidance. In such instances, the OCPAS regulated logo may not appear in publicity or other materials relating to the appointment round. Leaflets and other information about OCPAS may not be included in the application pack.

The Principles of the Code

There are seven principles which underpin this Code. They are the foundations of the public appointments process in Scotland. These principles are drawn from the First Report of the Committee on Standards in Public Life (then known as the Nolan Committee) and the Members' Model Code of Conduct adopted under the Ethical Standards in Public Life etc (Scotland) Act 2000. The principles have been tailored specifically for the public appointments process.

Ministerial Responsibility

The ultimate responsibility for appointment and recommendation for appointment rests with Scottish Ministers, who will be provided with a choice of candidates from which to make the appointment.

Merit

All public appointments are governed by the overriding principle of selection based on merit. Individuals selected will be those who have demonstrated that they best match the skills, knowledge and personal qualities required for the appointment in question.

Equality

Accessibility to appointments is a fundamental requirement and the appointments process will promote and demonstrate equality of opportunity and treatment to all applicants.

Probity and Respect

Everyone engaged in the public appointments process will act with integrity and will demonstrate respect for all others involved in the process.

Independent Scrutiny

Independent scrutiny is vital to the public appointments process. An OCPAS Assessor will be involved at each stage of the selection process and must confirm that this Code has been followed before an appointment can be made.

Openness and Transparency

The practices employed at every stage in an appointment round must be transparent. Decisions taken at each stage will reflect this Code of Practice and be fully documented.

Proportionality

The practices employed during each appointment round will be appropriate for the specific post and the nature and function of the public body concerned.

Application of the Code

The Commissioner recognises that exceptional circumstances may arise with regard to the implementation of any section of this Code. Sponsor departments are encouraged to discuss with the Commissioner any such circumstances to ensure that a practical and resource-effective approach may be taken on each occasion.

The following four sections provide general guidance on the application of the Code:

1 Applying the Principle of Proportionality

- 1.1 The Commissioner appreciates the importance of balancing the rigour of the Code with a pragmatic and cost-effective approach to implementation to enable sponsor departments to deal both efficiently and effectively with the diverse range of appointments made. Whilst it is vital that the Code is followed for every appointment, the practices applied at each stage of an appointment round should be proportionate to the size and purpose of the public body and the posts to be filled.
- 1.2 In order to translate the principles and practices contained in this Code into appropriate action during each appointment round the sponsor department will agree an appointment plan (see paragraph 7.2) with the selection panel (see paragraphs 9.1 to 9.9) during the planning phase.
- 1.3 In compiling the appointment plan the sponsor department will consider:
 - a. the role the public body plays in informing the Scottish Executive's policies
 - b. the impact the public body has on Scottish public life and on individuals in Scotland
 - c. the nature of the post to be filled
 - d. the annual budget of the body concerned
 - e. the remuneration paid to the chair and members
 - f. the cost-effective use of resources required for each stage in the appointment round
 - g. any unusual circumstances affecting the role or the public body concerned at the time of the appointment.
- 1.4 If concerns arise at any stage during an appointment round over the application of this principle, the sponsor department and the OCPAS Assessor may refer their concerns to the Commissioner for consideration.

2 Specialist Posts

- 2.1 The Commissioner accepts that there may be certain posts which require such a rare combination of skills and knowledge gained in a specialist field that it is impractical to fill them through open competition. The practical approach is to deal with them on an individual basis. If a sponsor department believes that a particular appointment falls into this category it can present its case to the Commissioner for specialist designation.
- 2.2 The Commissioner requires the sponsor department to present its case for the continued designation of a post as a specialist post each time it becomes vacant and prior to commencing the appointment round.

3 New Public Bodies

- 3.1 The Act authorises the Commissioner to regulate public bodies which appear in schedule 2.
- 3.2 When a new public body which is to be regulated by the Commissioner is being created by statute its founding legislation should contain an amendment to schedule 2 of the Public Appointments and Public Bodies etc (Scotland) Act 2003 to include it within the remit of the Commissioner.
- 3.3 When, prior to the passing of its legislation, an appointment is to be made to the public body the Act permits the body to be included in the Commissioner's remit through an order in the Scottish Parliament.
- 3.4 When a new public body which is to be regulated by the Commissioner is being created by administrative action its inclusion in the Commissioner's remit is through an order in the Scottish Parliament.
- 3.5 When none of the above action is taken by the Scottish Executive the Commissioner will have no statutory remit to regulate appointments to the board of the new public body in question.
- 3.6 When initial appointments to the board of a new public body are made before the body is included within the remit of the Commissioner and the public body comes within that remit prior to second terms of appointment, the process to be used for the second terms will be agreed with the Commissioner.

4 Anonymity

- 4.1 Decisions taken throughout an appointment round will be based on the merit of each applicant when assessed against the requirements of the post for which he or she has applied.
- 4.2 Personal information about individual applicants will be contained in a separate part of the application form and will not be disclosed to those involved in assessing applications. Assessment at initial sift (see paragraph 19.2) and shortlisting (see paragraph 19.4) will be based solely on applicants' descriptions of how they meet the criteria outlined in the person specification (see paragraph 6.1 c).
- 4.3 Once candidates for interview are agreed by the selection panel, selection panel members will, however, be provided with candidates' names.
- 4.4 Until the number and diversity of applicants increase there may be occasions when an individual is recognised from his or her application. Nonetheless, everyone involved in the public appointments process is required to recognise and uphold the work being done to achieve anonymity.

The Appointments Process

Stage 1 - Planning

5 Ministerial Responsibility

- 5.1 Scottish Ministers are responsible for the work of our public bodies. They must be confident that public bodies are directed by appropriately skilled and knowledgeable people. In order to be confident that this is the case it is important that Ministers determine in advance of each appointment round the skills, knowledge and personal qualities they will require on the board of the public body at the time of the appointment and to support the future direction of the body concerned.
- 5.2 The skills, knowledge and personal qualities will be determined by considering:
 - a. the role of the public body concerned
 - b. the specific role and responsibilities of the chair or member to be appointed
 - c. whether the appointment will be used to enhance the overall balance of skills, knowledge and personal qualities on the board
 - d. any succession planning requirements.
- 5.3 When one appointment is to be made to the board of a public body the Minister will determine the skills, knowledge and personal qualities required to complement those of existing members.
- 5.4 When more than one appointment is to be made it is important that the Minister determines the *combination* of skills, knowledge and personal qualities required across the posts to be filled, to complement those of existing members.
- 5.5 The required skills, knowledge and personal qualities determined at this stage will be used in publicity relating to the appointment. The skills and knowledge required will be used to identify people for interview and, in conjunction with the personal qualities required, will be used to form the basis of questions asked at interview and to identify candidates suitable for appointment. Thus it is vital that the Minister is explicit at this early stage about the specific requirements of the person or people to be appointed.

6 Ministerial Involvement in Planning the Appointment

- 6.1 The Minister will agree the following with the sponsor department at the start of an appointment round:
- a. The specific requirements of the board of the body in question. Appointment decisions will be based on the merit of individual applicants in light of the skills, knowledge and personal qualities reasonably required to balance the board at the time of the appointment.
 - b. The role description: this will describe the nature, purpose and responsibilities of the role in the context of the public body concerned. It must not discriminate unlawfully against any group or groups. It will state the length of the appointment term, any remuneration, allowable expenses and a realistic indication of the time commitment required. Specific requirements particular to the appointment, for example the location of an applicant's home or place of work, must be included.
 - c. The person specification: this will detail the skills, knowledge and personal qualities required of the person appointed to discharge the responsibilities outlined in the role description. The person specification must include any specific requirements particular to the appointment concerned. The person specification will contain the essential criteria for appointment and may contain criteria considered desirable, including any reasonably required to balance the board at the time of appointment. The criteria will not be unnecessarily restrictive and care will be taken to avoid any form of unlawful discrimination when expressing the criteria. They will be presented in a way which will enable applicants to describe how they meet the requirements of the person specification.
 - d. The appointment timetable: this will include the closing date for applications, target interview date(s) and the planned date of appointment.
 - e. In addition to the appointment timetable, the Minister may choose to agree a more detailed appointment plan as described at paragraph 7.2.
- 6.2 During the planning stage the Minister may suggest the names of individuals or organisations to be informed of the appointment opportunity. Resultant applications will be treated in the same way as all others.

-
- 6.3 Once the actions described in paragraphs 6.1 and 6.2 have been concluded the Minister may, if he or she chooses, be kept informed about the progress of the appointment round. The Minister must not, however, be actively involved in the appointment round again until interviews have been conducted by the selection panel. The Minister will then receive a candidate summary (see paragraphs 24.1 to 24.4) from the sponsor department. This will be the basis of the Minister's appointment decision.
- 6.4 To assist in the decision-making process the Minister may wish to meet candidates identified by the selection panel as suitable for appointment. If the Minister chooses to meet these candidates he or she must meet all considered suitable. To support the openness of the appointment process the Minister may choose to involve the OCPAS Assessor in these meetings. A written summary of the content of the meetings and the Minister's appointment decisions will be retained as part of the audit trail for the appointment round.

7 Involvement of the Chair of the Body in Planning the Appointment

- 7.1 The sponsor department will consult the chair of the public body, or a representative of the public body nominated by the Scottish Executive in consultation with the chair, about:
- a. the specific requirements for the board of the public body
 - b. the role description and person specification
 - c. the appointment plan
 - d. the content of the application pack which will be provided to all applicants.
- 7.2 The appointment plan will include:
- a. the content of publicity and methods of publicising the appointment (see paragraphs 13.1 to 13.8)
 - b. the appointment timetable which will include the closing date for applications, interview date(s), the planned date of appointment and the deadline for feedback requests (see paragraph 26.1)
 - c. the process or processes to be used for sifting and/or shortlisting (see paragraphs 19.2 and 19.4)
 - d. the composition of the selection panel and arrangements for interviews (see paragraphs 9.1 to 9.9)
 - e. how applicants will be informed of the progress and outcome of their application
- and will reflect the approach agreed to ensure a proportionate application of the Code (see paragraphs 1.1 to 1.4).

- 7.3 The considerations outlined in the description of ministerial involvement at 6.1 (a) (b) (c) and (d) will be included in the consultation described above at 7.1.
- 7.4 During the planning stage the chair or nominated representative may wish to suggest the names of individuals or organisations to be informed of the appointment opportunity. Resultant applications will be treated in the same way as all others.
- 7.5 For the appointment of a chair of a public body the considerations outlined at 7.1 and 7.2 above will normally be agreed by the Minister and the sponsor department.

8 OCPAS Assessor Involvement in Planning the Appointment

- 8.1 The OCPAS Assessor will review:
 - a. the role description and person specification
 - b. the appointment plan
 - c. a copy of the application pack which will be provided to applicants.to confirm compliance with the Code.
- 8.2 The appointment will not be publicised in any way until the OCPAS Assessor has approved the final version of the items described in paragraph 8.1 above.

9 The Selection Panel

- 9.1 The sponsor department will determine the membership of the selection panel at the planning stage of an appointment round.
- 9.2 When a new body which is to be within the Commissioner's remit is being established the sponsor department will consult the OCPAS Assessor on the composition of the selection panel.
- 9.3 Every appointment round will involve a selection panel which will normally comprise:
 - a. a senior official of the sponsor department, who will chair the selection panel
 - b. the chair of the public body or a representative nominated by the Scottish Executive in consultation with the chair of the public body.and will always include an OCPAS Assessor.
- 9.4 In considering a proportionate approach to an appointment round, the sponsor department and OCPAS Assessor may agree that the selection panel need not include 9.3 (b).

-
- 9.5 For the appointment of a chair of a public body the sponsor department will select an appropriate replacement for 9.3 (b) if required.
 - 9.6 If the appointment is one where technical or specialist knowledge is required the sponsor department may choose to include an additional selection panel member with appropriate expertise to test candidates' skills and knowledge in the relevant area.
 - 9.7 When a sponsor department chooses to involve an external recruitment consultant in an appointment round (see paragraphs 12.1 to 12.3) the contract with the recruitment consultants may include their involvement in the selection panel.
 - 9.8 Members of the selection panel will remain the same throughout the appointment process.
 - 9.9 Members of the selection panel will be familiar with the requirements of the Code.

10 Revisions to the Appointment Timetable

- 10.1 Once the timetable is confirmed with the selection panel the sponsor department will approach all panel members for agreement prior to making any revision to the timetable.
- 10.2 Once the timetable is publicised the sponsor department will approach the OCPAS Assessor for agreement prior to making any revision to the timetable.
- 10.3 All revisions to the publicised timetable will be communicated to everyone affected by the revisions.

11 References

- 11.1 The sponsor department will decide during the planning stage whether they intend to take up references.
- 11.2 If the sponsor department takes up references they will be used to confirm, in confidence, the factual accuracy of statements contained in an application. They will not be used to collect subjective information about a candidate's suitability for appointment.
- 11.3 References will not be passed to individuals who conduct an initial sift or to the members of the selection panel.
- 11.4 The content of references will not be included in the candidate summary.

12 External Recruitment Consultants

- 12.1 Sponsor departments may choose to involve external recruitment consultants in the appointments process.
- 12.2 When sponsor departments choose to use external recruitment consultants, the requirements of the Code apply including:
 - a. the involvement of an OCPAS Assessor
 - b. the requirement for anonymity prior to interview by the selection panel.

It is a sponsor department's responsibility to ensure that the consultants follow the Code in full. The sponsor department will consult the OCPAS Assessor about the service to be provided by the consultants to confirm compliance with the Code.

- 12.3 All relevant papers produced by the recruitment consultants during the appointment round will be handed over to the sponsor department to provide evidence for any subsequent audit. Ownership of the documentation produced during the appointment round will be addressed in the agreement with the recruitment consultants to ensure that this information is handed over to the sponsor department on completion of the appointment.

Stage 2 - Encouraging Applications

13 Publicising the Appointment Opportunity

- 13.1 The sponsor department will consider sources of potential applicants, including individuals or organisations to be advised of the appointment opportunity, when determining methods of publicity.
- 13.2 Publicity will be designed to enable potential applicants to make an informed decision about whether they meet the requirements of the post.
- 13.3 Publicity will accurately reflect the requirements of the individual to be appointed, the requirements of the role and the time commitment required and will state whether the post is remunerated; if remunerated the amount will be indicated.
- 13.4 Publicity will be designed to ensure as wide and diverse an audience as appropriate is made aware of the appointment opportunity. The location and timing of publicity will take into account the nature of the post, the people to be attracted and the resources available for publicity.

-
- 13.5 Publicity will display the OCPAS regulated logo. (This does not apply to public bodies not regulated by the Commissioner which are using the Code as guidance.)
 - 13.6 All publicity will display a statement of the Scottish Executive's policy on equality of opportunity in public appointments.
 - 13.7 On request, publicity will be made available in accessible formats. Sponsor departments will ensure that publicity facilitates applications by people who have a disability and wish to apply.
 - 13.8 Publicity will be produced in the language in which the public body generally conducts its business.

14 Statutory Nominations

- 14.1 A statutory right to nominate arises where a public body's founding legislation or constitution states that an organisation has the right to nominate individuals to the Minister for appointment to that public body. In some cases the legislation may state how many individuals an organisation may nominate. Nominating bodies have an important role to play in enhancing the diversity of applications by publicising amongst their membership the fact that nominations are being sought and by encouraging suitable candidates to put themselves forward for consideration.
- 14.2 In order to give the Minister a choice, nominating bodies will be asked to put forward more than one nomination for each post. If only one nominee is put forward for a post, and the sponsor department cannot encourage the nominating organisation to put another forward, the sponsor department will advise the Commissioner of this and request guidance.
- 14.3 Sponsor departments will ask nominating bodies to nominate individuals who meet the criteria in the person specification agreed for nominated individuals. The person specification may include the requirements of relevant legislation and/or may reflect the role that nominees have in representing the interest of their nominating body. These requirements will be in addition to the skills, knowledge and personal qualities specified for members appointed through open competition.
- 14.4 Nominees will receive an application pack and will complete an application form; the application form will reflect the person specification agreed for nominated individuals.
- 14.5 There may be occasions when it is inappropriate for a nominee to complete an application form. If a sponsor department considers this to be the case they will approach the Commissioner for guidance.

- 14.6 Applications received from nominees will be subject to assessment by the selection panel.
- 14.7 Nominees are not assessed against applicants who have applied in open competition. At the shortlisting and interview stages of the appointment round the nominees will be assessed only against others nominated for the same post.
- 14.8 The Minister may ask for an alternative if, in the selection panel's view, a nominee has not demonstrated that he or she meets the criteria in the person specification agreed for nominated individuals.

15 Consulting Other Organisations

- 15.1 Custom and practice have led to certain organisations being asked at the beginning of an appointment round whether they wish to put individuals forward for consideration.
- 15.2 While this may help to broaden the board's professional skills and knowledge and contribute to the board's diversity, such organisations have no statutory right to a seat on the board of a public body and are not regarded as statutory nominating bodies.
- 15.3 Any individuals put forward in such circumstances will apply in open competition with all other applicants.

16 Application Packs

- 16.1 Application packs will be provided to everyone who expresses an interest in the post. This includes statutory nominees.
- 16.2 The minimum requirements for an application pack are:
 - a. contact details for a named person whom applicants may approach with any specific queries regarding the post
 - b. information about what will happen at each stage of the appointment round; this will include reference to the fact that the Minister may choose to meet the candidates identified by the selection panel as suitable for appointment
 - c. the appointment timetable
 - d. a copy of the publicity
 - e. the role description
 - f. the person specification
 - g. specific documentation relevant to the post and/or the public body
 - h. the application form

-
- i. a form seeking information required by the Commissioner to monitor equality of opportunity and treatment. Information on how the details contained in the completed forms will be used must appear in the monitoring form
 - j. a statement of the Scottish Executive's policy on equality of opportunity in public appointments
 - k. a statement about Disclosure information where such information is required
 - l. information on what will happen to completed application forms and documentation generated during the appointment round. This will include the fact that documentation may be accessed by the OCPAS Assessor, the sponsor department and the chair or nominated representative of the relevant public body, in so far as is necessary to ensure a fair appointment process. The application pack will advise that in submitting an application form the applicant is deemed to have consented to such access
 - m. information detailing that all documentation associated with an appointment round will be held for two years following the announcement of the appointment for audit purposes and/or to investigate a complaint. The application pack will advise that in submitting an application form the applicant is deemed to have consented to their application being held for such a retention period and purpose
 - n. the leaflet provided by OCPAS describing the appointment procedures and what an applicant can do if he or she believes the process has not dealt appropriately with an application. (This does not apply to public bodies not regulated by the Commissioner which are using the Code as guidance.)
 - o. information on how the appointment will be announced. This will include the requirement to publicise information about the individual appointed and his or her political activity within the past five years (see paragraph 16.6)
 - p. details of reimbursement of expenses incurred if the applicant is invited for interview.
- 16.3 The application form will be provided in a format which enables separation of all personal information from the section which provides descriptions of the applicant's skills and knowledge in relation to the person specification.
- 16.4 The part of the application form which requires applicants to describe how they meet the person specification will ask whether there are any potential conflicts of interest between applicants' circumstances and the appointment for which they have applied.
- 16.5 The part of the application form which requires applicants to describe how they meet the person specification will be constructed in a way which does not require applicants to identify their current or previous employer.

- 16.6 A political activity declaration form will not be sent to applicants. The form will be completed by the successful candidate once the appointment is made.
- 16.7 The application pack will be available in accessible formats. Sponsor departments will ensure that it facilitates applications by people who have a disability and wish to apply.
- 16.8 The application pack will be produced in the language in which the public body generally conducts its business.

Stage 3 - Processing Applications

17 Closing Date

- 17.1 No individual from any source will be considered after the advertised closing date for the appointment opportunity in question.

18 Informing Applicants

- 18.1 Everyone who applies will be kept informed of the progress and ultimate outcome of their application.

19 Selecting Candidates for Interview

- 19.1 The process will ensure anonymity. Selection will be based on applicants' descriptions of their skills and knowledge and how these compare to the criteria identified in the person specification.

Initial Sift

- 19.2 When a significant number of applications is received the sponsor department may decide to undertake an initial sift of all applications and remove those which do not meet the essential criteria contained in the person specification. The remaining applications will then be passed to the selection panel for assessment in order to compile the shortlist. Applications considered not suitable during an initial sift will be made available to the OCPAS Assessor to confirm the consistency of assessment by the sponsor department. These applications may be accessed by other members of the selection panel should they too wish to confirm the consistency of assessment.
- 19.3 The sponsor department will complete a sift evaluation form for each application assessed during the initial sift. The criteria used for the initial sift will be the same as the essential criteria published in the person specification and will form the basis of the sift evaluation form.

Shortlisting

- 19.4 Selection panel members will scrutinise application forms and select for interview people who have demonstrated that their skills and knowledge most closely match the criteria outlined in the person specification. They will record their assessment of each application and their decision on which applicants to shortlist for interview.
- 19.5 The sponsor department will provide a shortlist evaluation form for each application for completion by the selection panel members when compiling a shortlist. The form will reflect the essential and, where used, desirable criteria published in the person specification.
- 19.6 The criteria against which all candidates are measured will be the same as those contained in the application pack. New criteria will not be introduced during the appointment round.
- 19.7 No candidate will be invited for interview unless their application has been satisfactorily assessed as meeting at least the essential criteria set out in the person specification.
- 19.8 The collective decision made by the selection panel about which applicants to interview and which not to interview will be fully documented.
- 19.9 Once candidates for interview are agreed by the selection panel, selection panel members will be provided with candidates' names.
- 19.10 Letters inviting candidates for interview will name the selection panel members.

20 Knowledge of Candidates

- 20.1 If, when names are disclosed to the selection panel, it transpires that a member of the panel knows, or knows of, one or more of the candidates, he or she must declare this to their colleagues on the selection panel.
- 20.2 If the nature of any relationship between a selection panel member and a candidate means it may be inappropriate for the panel member to interview the candidate the panel chair will consult with the Commissioner to agree appropriate action.

21 Additional Information about Candidates

- 21.1 If a member of the selection panel knows information about one or more of the candidates which is not contained in their application, this additional knowledge will not normally be shared with colleagues on the selection panel. Assessment will be made on the basis of information provided by candidates in their application forms and at interview.
- 21.2 However, specific information may come to the attention of a member or members of the selection panel which calls into question a candidate's suitability for appointment or which may affect the credibility of the appointment process or the credibility of the public body concerned. This information may be of a personal nature or it may relate to a candidate's performance or behaviour in a public or private capacity.
- 21.3 Where information of the nature described in 21.2 above is known to a member or members of the panel they have a responsibility to share this with their colleagues on the selection panel. The panel will consider the potential impact of the information if the candidate were to be appointed. If the panel believes it necessary to investigate this information paragraphs 21.4 to 21.8 below will apply.
- 21.4 The selection panel chair, in consultation with the other members of the panel, will attempt to verify the accuracy of the information. The process followed, and the outcome, will be recorded as part of the audit trail for the appointment round.
- 21.5 Depending on the nature of the information and anticipated time required to attempt to verify its accuracy the sponsor department may need to revise the appointment timetable. If so, any necessary revision will be agreed with the OCPAS Assessor prior to making and publicising that revision.
- 21.6 If the accuracy of the information is confirmed the selection panel will, where this is possible, inform the candidate of the additional information being considered.
- 21.7 It is the selection panel's decision whether and how to act on the confirmed information.
- 21.8 If the accuracy of the information is not confirmed the selection panel will proceed as if that information had not been considered.

Stage 4 - Interview

22 The Interview

- 22.1 No individual may be appointed on the basis of written evidence alone.

-
- 22.2 To ensure equality of treatment sponsor departments must allow for reasonable adjustments to be made to accommodate a candidate invited for interview who has requested such as the result of a disability.
- 22.3 Selection panel members will agree in advance of the interviews question areas which will enable them to assess each candidate against the person specification.
- 22.4 The same question areas will be addressed with each candidate to enable assessment against the person specification. The Commissioner recognises that flexibility may be required during questioning to adapt planned questions in the light of responses received from a candidate.
- 22.5 There may be specific questions to be asked of individuals which arise from the content of their written application. Any such questions will be agreed in advance by the selection panel.
- 22.6 Follow-up questions may arise from candidates' responses. Such questions will be asked in a way which demonstrates equality of treatment to all candidates.
- 22.7 The selection panel will question to ensure that:
- a. each candidate is fully aware of the standards of probity required of public appointees
 - b. questions of conflict of interest have been explained to and explored with each candidate
 - c. each candidate will be able to meet the time commitment required of the post.
- 22.8 Selection panel members will not ask questions or pass comment during an interview which may be considered to be prejudicial to a fair and reasonable assessment of the candidate's suitability for appointment.
- 22.9 The sponsor department will provide panel members with an interview evaluation form for each candidate. The criteria on the interview evaluation form will be the same as those published in the person specification and application form.
- 22.10 Each selection panel member will record on the interview evaluation form their evidence-based assessment of each candidate's performance at interview.
- 22.11 A summary of each candidate's performance and the collective decision on the outcome of interviews will be agreed and recorded. The record will identify the candidates whom the selection panel members have agreed to recommend to the Minister for appointment.
- 22.12 The arrangements following interview will be explained to candidates at the end of the interview.

23 Candidates unable to attend for interview on the published dates

- 23.1 If a candidate is unable to attend for interview on the published date(s) and/or at the specified time reasonable efforts will be made to seek alternatives. There can be no guarantee of an alternative date and/or time for interview. The fact that the candidate is unable to attend on the specified date and/or time should be referred to the selection panel who will decide whether an alternative date and/or time should be offered.
- 23.2 Mutually convenient arrangements will be sought wherever possible to assist candidates with a disability and candidates whose religion may preclude them from interview at specific times.

Stage 5 - Selection

24 Informing the Minister of the Candidates Suitable for Appointment

- 24.1 The sponsor department will provide the Minister with a candidate summary containing a description of all candidates interviewed.
- 24.2 The candidate summary will provide the Minister with an objective analysis of each candidate's suitability for appointment, based on the information provided by each candidate during the appointment round and the selection panel's decisions about each candidate. These decisions may include those made under 21.7 above.
- 24.3 The candidate summary will be agreed by the selection panel prior to being passed to the Minister.
- 24.4 Candidates' information will not be presented in the candidate summary in a ranked order. The Minister will consider the merit of each suitable candidate in relation to the criteria identified during the planning stage of the appointment.
- 24.5 The Minister's decision on which candidate(s) is (are) to be appointed, and the reasons for this decision, will be recorded and retained as part of the audit trail for the appointment round.
- 24.6 The Minister may choose to meet the candidates described in the candidate summary as suitable for appointment prior to making the appointment decision. If so, the Minister will meet all candidates considered suitable by the selection panel. The Minister may choose to involve the OCPAS Assessor in these meetings to highlight the openness of the process. A written summary of the content of the meetings and the Minister's appointment decisions will be retained as part of the audit trail for the appointment round.

-
- 24.7 Selection panel members will be informed of the Minister's final decision before any public notification of the appointment is made.

25 OCPAS Assessor Validation

- 25.1 The OCPAS Assessor will complete and sign a validation statement confirming that the appointment round conformed to the Code.
- 25.2 The validation statement will be passed to the Minister with the candidate summary.

Stage 6 - Post Appointment

26 Feedback

- 26.1 Feedback will be offered to all candidates interviewed and will be provided on request to all other applicants within the timetable outlined in the application pack.
- 26.2 Feedback will be based on the evaluation form(s) completed on the individual at each stage of the appointment round and will provide a clear explanation for the decision taken at each of these stages. In addition to this, individuals considered suitable for appointment by the panel will receive feedback on the Minister's decision and on the content of any meeting they had with the Minister.

27 Announcing the Appointment

- 27.1 Public announcements are required for all appointments, re-appointments and extensions to appointment. Such announcements will include:
- a. a short description of the body to which the appointment has been made
 - b. a brief summary of the skills and knowledge that the individual will bring to the role
 - c. the length of the appointment term and whether it is remunerated; if remunerated the amount will be indicated
 - d. a list of all other ministerial public appointments held and any related remuneration received (this applies to appointments on both regulated and non-regulated bodies)
 - e. a statement that the appointment has been made in accordance with the OCPAS Code of Practice.

- 27.2 In accordance with the recommendations of the first Committee on Standards in Public Life, successful candidates are required to complete a political activity declaration form. Information contained in this form will be included in the publicity about the appointment.
- 27.3 The public announcement will be issued as a press release and will appear on appropriate websites. The public announcement will also be copied to the Scottish Parliament for information.

28 Retention of Records

- 28.1 Sponsor departments will ensure a full and complete audit trail is readily available. The audit trail will consist of all relevant paperwork and electronic communications generated during an appointment round, with key decisions and actions clearly recorded. Relevant paperwork will include minutes of meetings and contemporaneous notes of telephone conversations. In the event of a query or complaint and for audit purposes the original records will be provided by sponsor departments to the Commissioner and/or anyone acting on the Commissioner's behalf and will be returned to the sponsor department after use.
- 28.2 All these records will be provided in their original format.
- 28.3 Following interviews, the selection panel may retain copies of relevant documentation, including their supplementary notes, to assist them in agreeing the candidate summary. Selection panel members will return to the sponsor department all documentation relating to the appointment round, including their supplementary notes, once the candidate summary has been agreed.
- 28.4 Following interviews, the OCPAS Assessor may retain copies of relevant documentation, including their supplementary notes, to assist them in completing the validation statement. The OCPAS Assessor will return to the sponsor department all documentation relating to the appointment round, including their supplementary notes, along with the signed validation statement.
- 28.5 The sponsor department will hold all records associated with an appointment round for two years following the announcement of the appointment.
- 28.6 The sponsor department will hold the records in relation to a successful candidate for the duration of the appointment.
- 28.7 Sponsor departments are responsible for the subsequent confidential disposal of appointment records. They should ensure that all paperwork relating to the appointment round is returned by all members of the selection panel.

Continuing Appointment

29 Re-appointment

- 29.1 A member may be re-appointed for a second term in the same role without open competition, subject to evidence of effective performance, if he or she possesses the skills, knowledge and personal qualities required on the board at the time of re-appointment. This will require a review of the person specification prior to re-appointment.
- 29.2 Sponsor departments will ensure that every public body has in place and implements regular and transparent performance appraisal processes, the outcomes of which are recorded and provide the evidence on which to base a decision to re-appoint.
- 29.3 Performance appraisals are a requirement of re-appointment and the process to be used to appraise performance will form part of the induction provided on initial appointment.
- 29.4 No-one may be re-appointed unless there is evidence of effective performance during their current term of appointment.
- 29.5 If recommending re-appointment, the sponsor department will prepare a submission to the Minister which will summarise how the member meets the current person specification, and the member's performance to date.
- 29.6 Where it does not recommend re-appointment the sponsor department will prepare a submission to the Minister outlining the reasons for this decision.
- 29.7 There is no requirement for these submissions to the Minister to be reviewed by an OCPAS Assessor. Any such submissions will, however, be available for audit purposes.
- 29.8 It is for the Minister to decide whether to re-appoint a member who has been recommended for re-appointment by the sponsor department.
- 29.9 If the Minister chooses not to follow the recommendation of the sponsor department the reasons for this decision will be documented and will be available for audit purposes.
- 29.10 Members who will not be invited to serve for a further term will be notified once the formal decision has been taken and before any action is taken publicly to replace them.
- 29.11 Members who are re-appointed will be asked to update the monitoring information required by the Commissioner and to update their political activity declaration form. Information contained in this form will be included in the publicity about the re-appointment.
- 29.12 All re-appointments will be publicised (see paragraphs 27.1 and 27.3 for guidance on this publicity).

30 Number of Terms Served

- 30.1 Each member may be re-appointed to the same position only once. A member who has served an initial term and has been re-appointed may, however, choose to apply for a third or subsequent term with the same public body. He or she will apply in open competition for each new term of appointment.
- 30.2 When a member applies in open competition their application will be assessed against the person specification and other applicants. Previous performance appraisal in the role will not form part of the process.
- 30.3 Where a member is appointed as deputy chair or chair as a result of open competition this counts as a new appointment. The individual is eligible for re-appointment after they have completed their first term of office as deputy chair or chair.
- 30.4 Where a member is elected under statute as deputy chair or chair from amongst the membership this counts as a new appointment. The individual is eligible for re-appointment after they have completed their first term of office as deputy chair or chair unless the specific legislation precludes this.

31 Appointment of a Member as Chair or Deputy Chair

- 31.1 Unless there is statutory or other legally binding provision for members to elect a chair from their own number, appointment of a member to the position of chair is subject to open competition.
- 31.2 Promotion from member to deputy chair may be made on the basis of evidence of effective performance without open competition. This will not be viewed as a new appointment.

Exceptional Circumstances

32 General

- 32.1 The Commissioner is able to consider evidence-based requests from sponsor departments to tailor the requirements of the Code to reflect exceptional circumstances and accepts that such situations may arise with regard to any aspect of the Code.
- 32.2 Sponsor departments will obtain written agreement from the Commissioner in advance of any act or omission which will deviate in any way from the written procedures contained in the Code.

33 Emergency Appointments

- 33.1 Sponsor departments will, on occasion, face emergencies where an appointment needs to be made quickly. In such circumstances the head of the sponsor department will contact the Commissioner to obtain agreement in advance of taking any action to identify candidates to fill the position.

34 Extensions

- 34.1 Where a full-term re-appointment is not appropriate, for example when the body is undergoing a review of its future, the Minister may consider an extension of the current term. Such extensions:
 - a. will not exceed 18 months
 - b. will not be followed by a re-appointment without open competition
 - c. will be publicised.
- 34.2 Sponsor departments must obtain the Commissioner's advance written agreement for all extensions.

Compliance

35 Statutory Obligation

- 35.1 The Commissioner has a statutory obligation under the Act to promote compliance with this Code and may issue guidance to Scottish Ministers as to compliance with the Code of Practice.

36 Monitoring

- 36.1 OCPAS Assessors are appointed by the Commissioner to play an active role in monitoring compliance with this Code.
- 36.2 No appointment round may proceed without the involvement of an OCPAS Assessor.
- 36.3 If at any time during the appointment round the OCPAS Assessor believes that the Code is not being followed he or she will discuss this with the sponsor department to resolve the issue.
- 36.4 Where the sponsor department does not accept the view of the OCPAS Assessor either party may approach the Commissioner for guidance.
- 36.5 When material non-compliance with the Code is not addressed by the sponsor department the OCPAS Assessor will not sign the validation statement and the Commissioner will take such action as deemed appropriate under the relevant statutory powers.

37 Reporting

- 37.1 The Commissioner will act upon all instances of material non-compliance.
- 37.2 Where material non-compliance occurs and action to address this is not implemented by the Minister within a reasonable time the Commissioner will report the non-compliance to the Scottish Parliament.
- 37.3 The Commissioner may direct the Minister to delay making an appointment or recommendation for appointment until the Scottish Parliament has considered the case.

38 Audit

- 38.1 The Commissioner will examine the methods and practices employed by Scottish Ministers and sponsor departments in the making of appointments and recommendations for appointment to public bodies within the Commissioner's remit.
- 38.2 A selection of appointment rounds conducted during a specific period (to be determined by the Commissioner) will be audited by external auditors appointed by the Commissioner.
- 38.3 The Commissioner may also ask the external auditors to conduct thematic reviews.
- 38.4 The Commissioner may also ask the external auditors to carry out ad hoc audits. These may cover issues arising from a previous audit, or relate to an individual complaint or series of complaints.
- 38.5 Individual audit reports will be issued to the relevant Ministers and the Permanent Secretary by the Commissioner's Office.
- 38.6 The Commissioner's Office will issue a summary report of the year's audit work to Scottish Ministers and the Permanent Secretary. This may be published in the Commissioner's Annual Report.

39 Complaints to the Commissioner

- 39.1 Complaints will be first dealt with by the relevant sponsor department. If a complaint is made directly to the Commissioner the complaint will be redirected to the relevant department if the complainant gives permission. If a complainant is dissatisfied with the sponsor department's response they may then ask the Commissioner to consider an investigation.
- 39.2 The Commissioner will limit the investigation of a complaint to an appointment made no more than one year previously.
- 39.3 Subject to this time limit the Commissioner will investigate all complaints relating to appointment rounds within her remit which complainants believe have not been resolved following investigation by the sponsor department.

- 39.4 Following completion of the investigation of a complaint, the Commissioner will not enter into protracted discussion with the complainant about the outcome of the investigation and will not reopen the investigation unless relevant new evidence comes to light.
- 39.5 The Commissioner has no remit to investigate complaints relating to non-selection or non-reappointment unless it appears that the appointment process has breached the Code.
- 39.6 Information on complaints and investigations conducted by the Commissioner will be summarised in the Commissioner's Annual Report.

40 Complaints to Departments

- 40.1 The Scottish Executive will have an effective system in place for handling complaints and recording details of each complaint. Complainants will be made aware of their right to ask the Commissioner to investigate if they are unhappy with the Scottish Executive's response.
- 40.2 Sponsor departments will ensure a full and complete audit trail is available for every complaint. The audit trail should consist of all relevant paperwork and electronic communications, both relating to the complaint and generated during the appointment round in question, with key decisions and actions clearly recorded. Relevant paperwork will include minutes of meetings and contemporaneous notes of telephone conversations.
- 40.3 The Commissioner will be notified of the precise number and the broad details of complaints that sponsor departments have received over a given period. These may be included in the Commissioner's Annual Report.

Annex A - Glossary of Terms

Act

The Public Appointments and Public Bodies etc (Scotland) Act 2003.

Applicant

An individual who has completed and submitted an application form.

Application Form

A form which is completed by an individual to describe how he or she meets the requirements described in the person specification.

Application Pack

A pack containing a range of documents relating to a specific appointment (see paragraph 16.2 for contents).

Appointment Plan

A plan which sets out the actions to be taken and the timescales for this action for a specific appointment round (see paragraph 7.2 for contents).

Appointment Round

The process of selecting an individual or individuals for appointment to the board of a public body.

Audit

The process carried out by external auditors appointed by the Commissioner which reviews appointment rounds conducted within a specific period to determine whether the Code has been followed.

Audit Trail

A chronological record of the action and decisions taken at each stage in an appointment round.

Candidate

An applicant who has progressed to interview.

Candidate Summary

A written summary of the performance of each candidate interviewed which describes the selection panel's combined view on how each candidate meets the criteria noted in the person specification.

Code/Code of Practice

The Code of Practice for Ministerial Appointments to Public Bodies in Scotland.

Collective Decision

A decision which has been agreed by each member of the selection panel.

Commissioner

The Commissioner for Public Appointments in Scotland, appointed by Her Majesty the Queen on the recommendation of the Scottish Parliament as defined at section 1 of the Public Appointments and Public Bodies etc (Scotland) Act 2003.

Committee on Standards in Public Life

A House of Commons Committee established in 1994 to examine concerns about standards of conduct of all holders of public office and to make recommendations on changes in arrangements in order to ensure the highest standards of propriety in public life.

Disclosure Information

Information provided by Disclosure Scotland under Part V of the Police Act 1997 about an applicant's criminal history which is relevant for assessing the applicant's suitability for appointment.

Evaluation Form

A form completed at the end of each of the sift, shortlisting and interview stages by those individuals undertaking assessment of each applicant/candidate. The forms describe how the applicant/candidate performed at that stage and rate each applicant/candidate against the criteria contained in the person specification.

Induction

Introduction of a member to his or her new role, responsibilities and colleagues, the practices of the public body and the environment in which he or she will be working.

Members' Model Code of Conduct

Document produced by the Standards Commission for Scotland which sets out standards of conduct with which members of public bodies will comply.

Minister

The Minister responsible for making an appointment at the end of a specific appointment round.

Nominating Body

An organisation described in a public body's founding legislation or other governing instrument (for example Memorandum and Articles of Association, Constitution, Royal Charter) as an organisation which has the right to nominate individuals to the Minister for appointment to that public body.

Nominees

Individuals proposed by a nominating body.

Non-executive Board Member

An individual appointed to a board to provide an external objective view, to guide and challenge a public body's executive; they may also be known as a non-executive director, trustee or commissioner. Non-executive board members are referred to in the Code as "members" throughout.

OCPAS

Office of the Commissioner for Public Appointments in Scotland.

OCPAS Assessor

An individual appointed by the Commissioner for Public Appointments in Scotland who participates in each appointment round to ensure compliance with the Code.

OCPAS Regulated Logo

The logo produced by OCPAS which indicates that a body is regulated by the Commissioner. This appears on all appointment publicity.

Open Competition

A publicised appointment round which is open to a wide and diverse range of applicants; anyone who sees the publicity may choose to apply.

Personal Information

Information which does not relate to an applicant's ability to meet the criteria in the person specification and role description. Personal information includes name and contact details, age, gender, ethnicity, educational establishments attended and qualifications gained (unless qualifications are specified as a requirement of the post), the names of referees, other public appointments held and remuneration received.

Person Specification

A document which describes the particular skills, knowledge and personal qualities required of the person to be appointed. The person specification will state the minimum requirements for the post – the essential criteria - and may include desirable criteria.

Political Activity

Information about political activity during the previous five years in so far as that information is already in the public domain. This does not include personal or private information such as membership of political parties or voting preferences.

Political Activity Declaration Form

A form used to monitor the political activity during the previous five years of those appointed to public bodies in so far as that activity is already in the public domain. The form does not ask for personal or private information such as membership of political parties or voting preferences.

Principle

A principle of the Code as set out in section 2.

Public Body

A body, established by the Scottish Executive, which has a role in the processes of national Government, but is not a Government department or part of one, and which operates at arm's length from Ministers. All public bodies which fall within the Commissioner's remit are noted in schedule 2 of the Act as amended by statutory instrument. A list of the bodies currently regulated by the Commissioner is available on the OCPAS website: www.publicappointments.org.

Publicity

The process of making an appointment opportunity known publicly. This may be through advertising, or through the use of websites or other electronic communications, and may include informing individuals or organisations of the appointment opportunity.

Role Description

A document which describes the nature, purpose and responsibilities of the role in connection to the public body. It will state the length of the appointment term, any remuneration, allowable expenses and a realistic indication of the time commitment required. Specific requirements particular to the appointment, for example the location of an applicant's home or place of work, will be included.

Schedule 2

Schedule 2 of the Public Appointments and Public Bodies etc (Scotland) Act 2003 which (as amended by statutory instrument) lists the public bodies that fall within the Commissioner's remit.

Scottish Executive

Scottish Ministers and their civil servants.

Scottish Ministers

Ministers of the Scottish Executive responsible for recommending and/or making appointments to public bodies within the Commissioner's remit.

Scottish Parliament

The devolved Parliament of Scotland as defined at Part 1 of the Scotland Act 1998.

Selection Panel

Those people responsible for assessing applications, interviewing candidates and identifying candidates who they believe are suitable for appointment.

Selection Process

The process of assessing applications, interviewing candidates and identifying candidates whom the selection panel believes are suitable for appointment.

Shortlist

A list of applicants who have demonstrated in their application forms the best fit with the criteria described in the person specification and who will go forward to interview.

Shortlisting

The process of compiling a shortlist.

Sift

An assessment of completed application forms to identify those applicants who have demonstrated that they meet the essential criteria described in the person specification. A sift is conducted by the sponsor department and scrutinised by the OCPAS Assessor when a large number of applications forms is received. Forms which demonstrate that the essential criteria are met are passed to the selection panel for shortlisting.

Skills, Knowledge and Personal Qualities

The knowledge, abilities and qualities required in the individual to be appointed. These need not have been gained through a traditional career path.

Sponsor Department

A department of the Scottish Executive responsible for the sponsorship of the public body concerned. Appointment rounds are handled by individual units within sponsor departments and compliance with the Code is the responsibility of those individual units.

Statutory Nomination

The legal right of an organisation to put forward individuals to the Minister for consideration which is described in a public body's founding legislation or other governing instrument (for example Memorandum and Articles of Association, Constitution, Royal Charter).

Succession Planning

A process which ensures that, in anticipation of the expiry of individuals' appointment terms, steps are taken to develop existing members or appoint new members to ensure continuity and the retention of necessary knowledge, skills and personal qualities on the board.

Supplementary Notes

Notes made by the selection panel to assist them when completing the evaluation forms or candidate summary, or for any other reason connected with the appointment round.

Term

The length of an appointment as specified in the role description.

Validation Statement

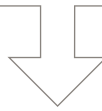
A statement signed by the OCPAS Assessor at the end of an appointment round to signify that the appointment process has adhered to the Code

Annex B - Summary Flowchart of the Public Appointments Process

Please note: This flowchart is intended as a summary only. Please refer to the relevant sections of the Code for full details of what is required at each stage of the process.

Stage 1: Planning (Paragraphs 5.1 to 12.3)

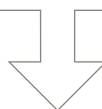
Sponsor Department requests allocation of an OCPAS Assessor



Sponsor department consults with the following three parties on the matters indicated below:

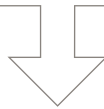
	Minister	Chair of public body	OCPAS Assessor
a. the current requirements of the board	X	X	
b. the person specification and role description	X	X	X
c. the appointment timetable	X	X	X
d. full details of the appointment plan	X (optional)	X	X
e. the contents of the application pack	X (optional)	X	X

The parties may be consulted in any order but the final versions of (b) to (e) above must be reviewed by the OCPAS Assessor to confirm compliance with the Code prior to any publicity being issued.



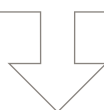
Stage 2: Encouraging Applications (paragraphs 13.1 to 16.8)

1. Sponsor department and OCPAS Assessor agree:
 - > content of publicity
 - > publicity strategy
2. Sponsor department publicises appointment(s)



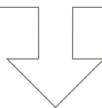
Stage 3: Processing Applications (paragraphs 17.1 to 21.8)

1. Sponsor department establishes selection panel which usually comprises:
 - > a senior official of the sponsor department
 - > chair of the public body, or nominated representative
 - > OCPAS Assessor
2.
 - a. If sponsor department considers it necessary a preliminary sift of applications is conducted
 - b. Sift evaluation form is completed by sponsor department for each applicant
 - c. OCPAS Assessor checks random sample of applications rejected in the initial sift to ensure compliance with the Code
3. Selection panel shortlists candidates for interview
4. Shortlist evaluation form completed by selection panel for each applicant
5. Sponsor department invites shortlisted candidates for interview



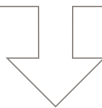
Stage 4: Interview (paragraphs 22.1 to 23.2)

1. Interview by selection panel
2. Interview evaluation form completed by selection panel for each interviewee
3. Selection panel identifies those candidates they consider to be suitable for appointment and agrees candidate summary



Stage 5: Selection (paragraphs 24.1 to 25.2)

1. Sponsor department passes to OCPAS Assessor:
 - > candidate summary for review
 - > validation statement for completionprior to passing both to Minister
2. Minister may meet candidate(s), and may involve OCPAS Assessor in meeting(s)
3. Minister selects candidate(s) and records decision, with reasons, for audit trail
4. Sponsor department informs selection panel of Minister's choice prior to publicising appointment
5. Appointment(s) confirmed with successful candidate(s)
6. Sponsor department supplies political activity form to successful candidate(s) for completion



Stage 6: Post Appointment (paragraphs 26.1 to 28.7)

1. Sponsor department offers feedback to all candidates interviewed and provides this on request to all other applicants
2. Sponsor department publicises appointment(s)

