



Commission for Ethical Standards in Public Life in Scotland

Code of Practice

for Ministerial Appointments
to Public Bodies in Scotland

April 2011





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Foreword

Public bodies play a crucial and valued role in the provision of advice to the Scottish Ministers and in the delivery of our public services. The roles and responsibilities of their boards are demanding and the importance of the link between board appointments and effective delivery must not be underestimated.

The public appointments process must be thorough, must encourage participation and must generate confidence.

The Scottish Ministers are responsible for making fair and open appointment decisions based on the merit of the people who apply. I am required to publish a code of practice to guide them in doing so. This is the code in question. It applies to appointments made by the Scottish Ministers to non-executive positions on the boards of Scotland's regulated public bodies. A full list of these bodies may be viewed on my website: www.commissionforethicalstandards.org.uk.

The code is designed for use by

- the Scottish Ministers
- civil servants who implement the public appointments process on behalf of the Scottish Ministers
- members of selection panels who select and recommend to the Scottish Ministers applicants for positions on the boards of Scotland's regulated public bodies.

It is supported by a handbook of comprehensive guidance that provides information on

- the rationale behind the requirements of the code
- the options open to the Scottish Ministers and civil servants when implementing the code.

The Scottish Ministers are committed to making appointments that reflect Scotland's diverse population and bring to boards a range of relevant skills and life experience. They must decide how best to attract the people they need to serve on a board. They may choose whatever method of application best suits the post and the potential applicants and is most likely to encourage people to apply. Applicants may be assessed using whatever method is most appropriate, perhaps through a traditional interview, or by using case-study methodology or an assessment centre approach. What is vital is that, at every stage of the process, people are encouraged and enabled to demonstrate how well they meet the needs of the board of the body in question.

The code sets out the requirements of the process used to appoint board members to bodies with a wide range of functions, bodies ranging from nationalised industries to health care providers. It offers flexibility, so that the most appropriate approach may be taken to publicity, application and assessment on every occasion. It is vital that the framework provided by the code is used wisely by the Scottish Ministers and that the practices employed during each appointment round are those most likely to generate a diverse range of suitably skilled and able people for the public body concerned.

To confirm that the Scottish Ministers comply with the requirements of the code – and to enable corrective action to be taken if they do not – I scrutinise the approach planned and processes used to make each public appointment.

When the requirements of the code are not met I will intervene. Depending on the circumstances, I may advise the appointing minister so that action can be taken to address the issue, or I may be required to report the appointing minister to the Scottish Parliament. The fact that the Scottish Parliament has given me and my successors the powers to do so indicates the importance placed on a fair, open and merit-based public appointments process that is conducted in accordance with this code.



Karen Carlton

Public Appointments Commissioner for Scotland
April 2011

The code in context



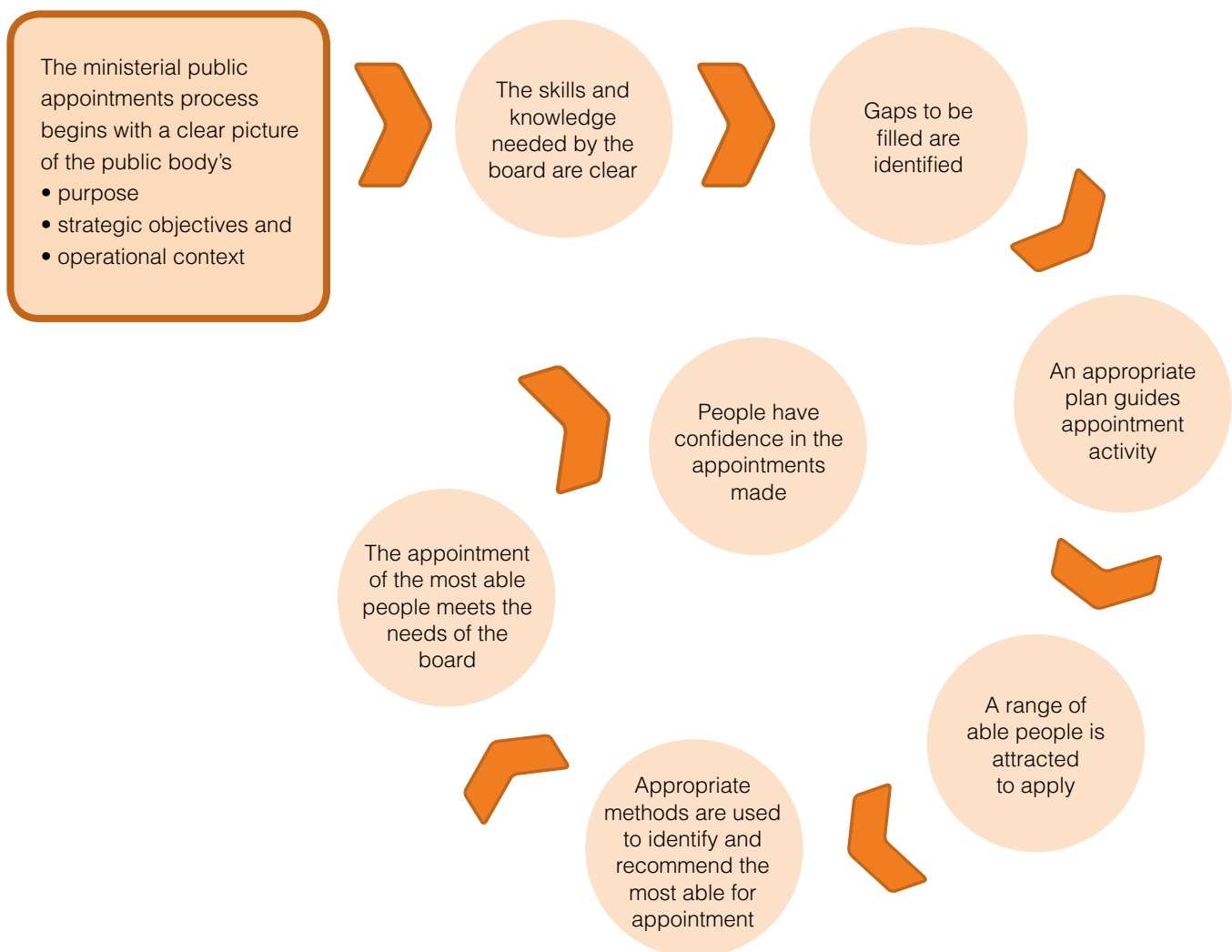
The code in context

Scotland's public appointments process is governed by the Public Appointments and Public Bodies etc. (Scotland) Act 2003. A key purpose of the Act is to provide the framework for an open and fair ministerial public appointments process.

The purpose of the process is to attract a diverse range of able applicants and appoint the most able to lead Scotland's public bodies in the delivery of efficient and effective public services.

The purpose of the code is to provide the framework that enables the Scottish Ministers to attract and appoint the most able people in a manner that meets the requirements of the Act.

This diagram depicts the key activities that lead to open, fair and merit-based public appointments.



Sections A to H reflect the stages in this diagram

The principles of the code



The principles of the code

Scotland's public appointments process will be open, fair, and accessible to all. Every public appointment round will be designed to identify and appoint the most able applicant(s) in as resource-effective a way as possible and will provide all applicants with an opportunity to demonstrate their merit in relation to the requirements of a particular role.

The following principles form the basis of Scotland's ministerial public appointments process. They will be upheld during every appointment round.

Outcome-focused

Decisions and actions taken at each stage of an appointment round will enable the Scottish Ministers to appoint the applicant(s) who best demonstrate their merit in relation to the role and their ability to contribute effectively to the work of the board in question.

Applicant-focused

Applicants will experience an accessible, open and fair process that ensures confidentiality and provides equality of opportunity. They will receive accurate and constructive feedback that enables them to take appropriate action in relation to future appointment opportunities.

Appropriate

Decisions and actions taken at each stage of an appointment round will be tailored to the role to be filled and will demonstrate effective use of resources. Decisions and actions will be clear, will promote and demonstrate equality, will be accurately recorded and will be open to independent external scrutiny.

The following pages outline what is required to translate these principles into practice. If any requirement is considered inappropriate, the Scottish Ministers will discuss with the Commissioner the options open to them in advance of taking any action.

Guidance on how the requirements may be translated into practice is contained in the code's accompanying handbook.





The responsibilities of the people who uphold the principles

The Scottish Ministers

- 1** Fair, open and merit-based appointments are the responsibility of the Scottish Ministers who will
 - i. ensure that the requirements of relevant legislation are reflected in all appointment activity
 - ii. ensure that all appointment activity is inclusive and meets the requirements of this code
 - iii. be satisfied that the practices applied at each stage of an appointment round are appropriate for the role to be filled and make efficient and effective use of resources
 - iv. ensure a record is made of decisions and actions taken during every appointment round. The record will consist of all relevant paperwork and electronic communications generated during an appointment round, with key decisions and actions clearly noted. The record will be sufficient to demonstrate that decisions are appropriate, open and fair and to provide feedback to applicants.
 - v. have in place an effective system for handling, and recording details of, all complaints about the appointment process
 - vi. provide the Commissioner with whatever information the Commissioner reasonably requires to perform the statutory functions set out in the Act.
- 2** The Scottish Ministers are responsible for succession planning to ensure boards have the skills and knowledge necessary to fulfil their role economically, efficiently and effectively. They will determine the period for which an appointment, reappointment or extension to an appointment term is to be made based on the needs of the body concerned.
- 3** The Scottish Ministers will consider whether the needs of a board will most effectively be met by an appointment, reappointment or extension to an appointment term. They will balance the continuity provided by reappointment and term extensions with the opportunity to increase the diverse range of relevant skills and knowledge on a board by making a new appointment through open competition.
- 4** The Scottish Ministers will indicate at the start of an appointment round whether they wish to be presented with a choice of applicants for appointment.
- 5** The Scottish Ministers will make clear their stance on the holding of multiple public appointments.

6 The Scottish Ministers will maintain a list of regulated public appointments made. The list will be in the public domain and will be made available in accessible formats in response to appropriate requests. It will set out

- i. all regulated public bodies
- ii. the names of the board members whose board member positions are regulated
- iii. the date of their initial appointment
- iv. the date, where applicable, of their reappointment
- v. their term of appointment
- vi. the date on which their current appointment ends
- vii. the names of people who hold more than one public appointment
- viii. the amount of remuneration received for their appointment(s).

7 The Scottish Ministers are responsible for specifying members of the selection panel. For board member appointments the public body chair will normally be a panel member. Selection panel members will

- i. be knowledgeable about the public body and the appointment to be made
- ii. understand the skills and knowledge required of the person to be appointed
- iii. have demonstrated sound judgment and decision-making
- iv. be competent to fulfil a role on the panel

when the appointment round begins.

8 The Scottish Ministers will specify who will chair the panel.

The selection panel chair

9 The implementation and outcome of an appointment round are the responsibility of the selection panel chair. This includes responsibility for

- i. complying with the requirements of this code
- ii. taking action when it appears the requirements may not be met
- iii. providing the Scottish Ministers with reassurance that the requirements of the code have been met.

The selection panel members

10 The role of the selection panel is to identify and recommend to the Scottish Ministers for appointment applicants who best meet the needs of the board in question.



- 11** Members of the selection panel will
 - i. be competent to fulfil their role on the panel
 - ii. understand and comply with the requirements of the code
 - iii. understand the purpose of and participate fully in a planning meeting
 - iv. declare to their fellow panel members any conflicts of interest they may have that are relevant to their participation as a panel member. Where the conflict is considered significant enough to have an impact on either the outcome of the round or public perception of the outcome of the round, the matter will be referred to the Commissioner for consideration before the round can proceed.
- 12** Membership of the selection panel will remain the same throughout the appointment round.
- 13** If a member of the selection panel knows, or knows of, one or more of the applicants, they will inform their fellow panel members and explain the nature of the relationship or knowledge.
- 14** Applicants will be asked to inform the selection panel chair if they know one or more of the selection panel members.
- 15** If the nature of any relationship between a selection panel member and an applicant means it may be inappropriate for the panel member to assess the applicant the panel chair will consult the Commissioner and agree appropriate action.

The Commissioner

- 16** The Commissioner will provide proportionate independent scrutiny of the methods and practices employed by the Scottish Ministers for making appointments and reappointments and for extending appointment terms. The Commissioner will:
 - i. scrutinise appointment activity in accordance with the principles of external scrutiny outlined in annexe one
 - ii. inform the Scottish Ministers when the code is not being or has not been complied with
 - iii. take such action as deemed appropriate under the Act when material non-compliance with the code is not addressed by the Scottish Ministers
 - iv. refer complaints about the appointment process to the Scottish Government for resolution. The Commissioner will investigate all relevant and competent complaints that complainants believe have not been resolved following investigation by the Scottish Government.
- 17** From time to time the Commissioner may issue guidance to clarify the code's requirements.

Sections A to J



A The skills and knowledge needed by the board are clear

- A1** When considering any appointment activity the Scottish Ministers will identify the skills and knowledge required by the board for it to function economically, efficiently and effectively. This will be done in conjunction with the chair of the body concerned.
- A2** When the Scottish Ministers decide the effective functioning of the board requires a new appointment sections B to H and J apply.
- A3** When the Scottish Ministers decide the effective functioning of the board requires a reappointment, term extension or the appointment of a deputy chair sections I and J apply.

B Gaps to be filled are identified

- B1** When planning an appointment the Scottish Ministers will review the current board members' roles, skills and knowledge and identify any gaps to be filled. For board member appointments this will be done in conjunction with the chair of the body concerned.
- B2** The Scottish Ministers will communicate to the selection panel
 - i. the role to be performed
 - ii. the skills and knowledge requiredto meet the needs of the board.

C An appropriate plan guides appointment activity

- C1** Based on the above, selection panel members will agree
 - i. a clear and accurate description of the role to be performed (the role description)
 - ii. a clear and accurate description of the skills and knowledge required to be effective in the role (the person specification). The skills and knowledge will be described in a way that is commonly understood, is capable of assessment and reflects the requirements of the role. They will not be unnecessarily restrictive.

C2 Selection panel members will agree an appointment plan containing

- i. the publicity, application and assessment methods to be used. The agreed methods will be those most likely to attract a diverse range of able applicants. Agreement of the methods will take into account appointment-specific management information held by the Scottish Government.
- ii. a timetable specifying key dates within the round.

C1 and C2 will be done at the appointment planning meeting.

C3 The timetable will include

- i. when the appointment will be publicised
- ii. the closing date for applications
- iii. when applicants may be contacted to provide further information to supplement their application
- iv. the dates of each stage of assessment
- v. the dates by which applicants will be invited to participate in each stage of assessment
- vi. the date by which the Scottish Ministers will decide whom to appoint
- vii. when the appointment begins
- viii. the dates from which applicants may request feedback.

C4 The appointment plan will reflect the Scottish Ministers' decision whether to proceed without a choice of applicants recommended for appointment.

C5 The appointment plan will be agreed with the Scottish Ministers. Once the plan has been agreed the Scottish Ministers may be kept informed about the progress of the appointment round. They will not be actively involved in the selection of applicants but may be approached for a view if any issues arise during the course of the round.

D A range of able people is attracted to apply

D1 Publicity content and appropriate, resource-efficient publicity methods will be agreed by the selection panel.

D2 Publicity will explain that the appointment is regulated by the Commissioner.

D3 Publicity will be designed to inform and attract a diverse range of able applicants.

D4 Publicity will provide potential applicants with the contact details of the individuals whom they may approach to discuss

- the board role
- the application process.



- D5** Publicity will be designed to enable potential applicants to make an informed decision about whether they meet the requirements of the role. It will provide a clear and accurate description of the role to be performed and the skills and knowledge required to be effective in the role.
- D6** Publicity will give an accurate assessment of the necessary time commitment and will state whether the position is remunerated; if remunerated, the amount will be indicated.
- D7** Publicity will describe the application and assessment methods to be used. It will make clear the fact that the selection panel may approach applicants to seek further information.
- D8** Information about the role, the appointment timetable and the application and assessment methods will be available to everyone who expresses interest in the position. It will be made available in accessible formats in response to appropriate requests.
- D9** Publicity will make clear the fact that
 - i. all information can be made available in alternative formats
 - ii. support will be available for anyone who reasonably requires help to apply.
- D10** Publicity will make clear the closing date for applications. Any change to the closing date will be agreed by the selection panel and will be fair to applicants and potential applicants.
- D11** The minimum requirements for the material to be provided or otherwise made available to applicants are set out in annexe two.

E Appropriate methods are used to identify the most able people

- E1** The methods used to assess applicants will
 - i. be capable of assessing whether applicants have the skills and knowledge required to be effective in the role
 - ii. be open and transparent
 - iii. accommodate the needs of different groups
 - iv. provide applicants with fair and equal opportunities to demonstrate their merit
 - v. remove as far as possible the impact of personal bias on selection decisions
 - vi. enable panels to explore whether each applicant is a fit and proper person for the position for which they have applied and is able to meet the time commitment required.

E2 Selection panel members will assess the merits of applicants against the skills and knowledge required (the person specification) using the methods they have agreed. New requirements will not be introduced during the appointment round.

E3 Assessment will be undertaken by individuals who are

- i. competent to assess using the methods chosen
- ii. consistent in their assessment of applicants
- iii. knowledgeable about equality and diversity issues and the impact the chosen methods may have on different groups of applicants.

Where specialist knowledge is to be assessed by an expert panel member, that member may not be required to demonstrate iii. above.

The selection panel may delegate some or all of the assessment to appropriately qualified individuals. The panel chair is responsible for ensuring code compliance when assessment activity is delegated.

E4 Assessment activity will identify the applicants who have demonstrated the skills and knowledge required to be effective in the role and those who have not.

E5 The selection panel will identify the most able of the applicants who have demonstrated the skills and knowledge required.

F The most able people are recommended for appointment

F1 The selection panel will agree an applicant summary for the appointing minister. The summary will set out the panel's decisions on how each applicant did or did not demonstrate the skills and knowledge required to be effective in the role. The applicant summary will be based on the information provided by each applicant during the appointment round and will be sufficiently detailed to

- i. identify to the appointing minister the most able applicants
- ii. provide evidence that the panel's decisions are valid
- iii. provide accurate feedback to each applicant who requests feedback on the panel's view of their suitability.

F2 The applicant summary will contain the selection panel's recommendations for appointment. The panel will recommend only the applicants they have identified as the most able.



G The most able people are appointed and meet the needs of the board

- G1** The applicant summary will be the basis of the Scottish Ministers' appointment decision. The appointing minister may wish to meet the recommended applicants before making their final decision.
- G2** The appointing minister will select the applicant whom they consider has the skills and knowledge that most closely match those required and who best meets the needs of the board.
- G3** When the minister has made the decision whom to appoint and whom not to appoint, the reasons for these decisions will be recorded. This information will form the basis of additional feedback provided on request to applicants who are recommended to the minister.
- G4** Whilst the appointing minister's decision will be based on an applicant's merit in relation to the requirements of the role it may also be based on information considered when determining whether the applicant is a fit and proper person for the appointment.

H People have confidence in the appointments made

- H1** Before the applicant summary is submitted to the appointing minister the appointment activity will be subject to independent external scrutiny.
- H2** The appointing minister will take steps to confirm that the applicant is a fit and proper person for the position to which they are to be appointed. This will require
 - i. verification of relevant information provided by the applicant
 - ii. confirmation that the applicant's conduct to date has been compatible with the public appointment
 - iii. confirmation that the applicant has no inappropriate or unmanageable conflicts of interest incompatible with their appointment
 - iv. determining that the applicant's appointment is not barred by reference to the constitution of the body concerned by way of, for example, criminal offences or other relevant matters
 - v. ensuring that the applicant agrees to be bound by the members' code of conduct for the body concerned
 - vi. establishing that the applicant is able to meet the time commitment required.

H3 If at any point from the beginning of a round information about an applicant becomes known to a member or members of the selection panel that

- i. calls into question an applicant's suitability for appointment
- ii. may affect the credibility of the appointment process
- iii. may affect the credibility of the public body concerned

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 applicant were to be appointed.

H4 The consideration of such matters will take place openly and involve transparent investigation to establish the facts. The applicant will be given an opportunity to respond before any final decision as to their suitability for appointment is made.

H5 Relevant information will be communicated in the applicant summary.

H6 The appointment process and outcome will be reviewed to ensure the capture of

- i. management information
- ii. learning
- iii. opportunities for continuing improvement.

I The skills and knowledge needed by the board are maintained

I1 The Scottish Ministers may reappoint a board member to the same position once. Decisions to reappoint will be based on

- i. evidence of effective performance during the current term
- ii. evidence that the member has the skills and knowledge required on the board at the time of reappointment and for the reappointment period.

I2 The Scottish Ministers may extend a member's appointment term. Before doing so they will obtain the written agreement of the Commissioner. Decisions to extend terms will be based on

- i. evidence of effective performance during the current term
- ii. evidence that the member has the skills and knowledge required on the board for the period of the extension
- iii. evidence that the board member's contribution is necessary to meet a relatively short-term need.

- I3** The Scottish Ministers may promote a board member to the position of deputy chair. Decisions to promote will be based on
- i. evidence of effective performance during the current term
 - ii. evidence that the member has the skills and knowledge required for the position to which they are promoted.

J Appointment decisions are communicated

- J1** The Scottish Ministers will publicise all appointment decisions. Announcements will include
- i. the name of the individual concerned
 - ii. a short description of the body to which the appointment, promotion, reappointment or term extension has been made
 - iii. a brief summary of the skills and knowledge the individual brings to the role
 - iv. the length of term of the appointment, promotion, reappointment or extension
 - v. a statement indicating the extent to which the appointment, promotion, reappointment or extension was made in line with the requirements of this code
 - vi. whether the appointment is remunerated and, if so, the remuneration amount
 - vii. whether the individual holds other public appointments and, if so, what these are and the amount of remuneration for each
 - viii. the activity noted in the political activity form completed by the individual appointed, promoted or reappointed or whose term has been extended.
- J2** On request the Scottish Ministers will provide applicants with feedback on their application. Feedback will be based on
- i. the assessment of the applicant's merit in relation to the skills and knowledge required
 - ii. the outcome of the fit and proper person test where appropriate.

Annexes



Annexe One

The Principles of External Scrutiny

Public focus

The needs and priorities of service users and the public must be the prime consideration in all external scrutiny. The public is the ultimate beneficiary of external scrutiny. As such, it is crucial that it is closely involved in both decisions about the use of scrutiny and any scrutiny activity.

Independence

External scrutiny must be independent and must not be constrained by any party in reaching its conclusions and publishing its findings. It must be free to make judgments about service delivery and report its findings into the public domain, and it must be able to decide how it discharges its responsibilities, once its focus has been agreed.

Proportionality

The use of external scrutiny within the wider public accountability system must be proportionate to the particular issue, policy context or environment. Proportionality must apply at two levels. Firstly, in deciding whether it is appropriate to use scrutiny, and secondly in deciding its nature, scope and duration.

Transparency

External scrutiny must be transparent in all its activities, its focus, decision making criteria, business processes, assessments and reporting. There should be a transparent decision framework for regulatory intervention. It is essential that the processes and mechanisms which support the use of external scrutiny are transparent, so that all parties understand the particular purpose for which it is being used at any given time. For external scrutiny to be credible, its reports must be clear, independent and consistent.

Accountability

External scrutiny must be accountable for its use of resources. It must demonstrate and report on the impact of its activities on services scrutinised, on the direct and indirect cost implications and it must demonstrate value for money. Its assessments and findings must be fair and capable of being defended.

Source

The Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland (the Crerar Review).

Annexe Two

Information to be provided to applicants

The minimum requirements are

- i. accessible contact details for named persons whom applicants may approach with any specific queries regarding the work of the board or the appointment process
- ii. information about what will or may happen at each stage of the appointment round including the method(s) of assessment that will be used to identify appointable applicants
- iii. the appointment timetable
- iv. a copy of the publicity
- v. the role description
- vi. the person specification
- vii. specific documentation relevant to the role and/or the public body including details of any disqualifications from membership and signposting the code of conduct that the board members are bound by
- viii. material appropriate to the chosen assessment method, such as an application form
- ix. the Scottish Government's monitoring form
- x. the Scottish Government's statement on its commitment to diversity and equality in public appointments
- xi. a statement about Disclosure information where such information is required
- xii. information on what will happen to documentation generated during the appointment round, advising that all information provided by the applicant will be provided to the Commissioner on the request of the Commissioner and that in applying the applicant is deemed to have consented to this
- xiii. the leaflet provided by the Commissioner describing what an applicant can do if he or she wishes to make a complaint
- xiv. information on how the appointment will be announced. This will include the requirement to publicise information about the individual appointed and their political activity within the past five years
- xv. details of reimbursement of expenses incurred if the applicant is invited for interview.

Annexe Three – glossary of terms

Act

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

Applicant

An individual who has applied for a role on a public body board. Where applicant appears in the text, this may be taken to refer to more than one.

Applicant summary

A written summary of the performance of each applicant assessed that describes the selection panel's view on how each applicant did or did not demonstrate the skills and knowledge required to be effective in the role.

Application form

A form that is completed by an individual to describe how they meet the requirements of a role.

Application pack

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

Appointment plan

A plan that sets out the actions to be taken and the timescales for these actions for a specific appointment round.

Appointment round

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

Assessment

Any method agreed by the selection panel for evaluating the merit of applicants in relation to the skills and knowledge required to be effective in the role.

Board member

A person appointed through the ministerial public appointments process to a non-executive position on the board of a regulated public body.

Code/Code of practice

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

Commissioner

The Public Appointments Commissioner for Scotland. Unless otherwise clear from the wording or context, references to the Commissioner should be taken to include the Commissioner's representative(s).

Confidentiality

Handling information related to applicants in a way that is compatible with the data protection principles and ensuring that applicants understand why their personal data are used and to whom they may be disclosed.

Disclosure information

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

Fit and proper person

An individual who is suitable for appointment because they meet the requirements of the role and because their past or present activities and/or behaviours do not render them unsuitable for a given appointment.

Key decisions

Decisions made that will have an impact on the outcome of the round or the experience of applicants. Examples include decisions taken on the chosen methods of assessment and on the suitability of applicants for a role.

Members' code of conduct

A statutory code introduced under the Ethical Standards in Public Life etc (Scotland) Act 2000. The Members' Code of Conduct is issued by the Scottish Ministers and enforced by the Standards Commission for Scotland. The Code is underpinned by nine principles of public life in Scotland and sets out standards of conduct with which members of public bodies will comply. These can be downloaded from the Standards Commission for Scotland's website: www.standardscommissionscotland.org.uk.

Merit

The combination of skills and knowledge that most closely meet the person specification set by the appointing minister.

Minister (also appointing minister)

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

Most able

The applicant(s) who has(have) demonstrated the skills and knowledge that most closely match those required to be effective in the role.

Open competition

A publicised appointment round that is open to an appropriately wide and diverse range of applicants; anyone who becomes aware of the opportunity may choose to apply.

Personal bias

Decisions made on the basis of information that does not relate to an applicant's ability to meet the criteria in the person specification and role description. Personal bias may relate to information such as name, home location, age, gender, ethnicity, educational establishments attended and qualifications gained (unless qualifications are specified as a requirement for the role).

Person specification

A document that describes the particular skills and knowledge required of the person to be appointed. The person specification will state the minimum requirements for the role – the essential criteria – and may include desirable criteria.

Person to be appointed

References to the person to be appointed should be taken to mean references to the people to be appointed where a minister plans to make more than one appointment to a board during one appointment round.

Political activity

Information about political activity during the previous five years of a person to be appointed to a board. 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 declare the political activity during the previous five years of those appointed to public bodies' boards. 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 on page 7.

Public body

A body established by the Scottish Government that has a role in the processes of national Government, but is not a Government directorate or part of one, and which operates at arm's length from ministers. All public bodies that fall within the Commissioner's remit are noted in schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 as amended by statutory instrument. A list of the bodies currently regulated by the Commissioner is available on the Commissioner's website: www.commissionforethicalstandards.org.uk

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.

Regulated public bodies

See also “Public body”. Public bodies appointments to which fall under the regulatory remit of the Commissioner by virtue of their inclusion in schedule 2 to the Act.

Role description

A document that describes the nature, purpose and responsibilities of the role on the public body board. 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 role, for example the location of an applicant's home or place of work, will be included.

Schedule 2

Schedule 2 to 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.

The Scottish Ministers

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

Scottish Parliament

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

Selection panel

Those people responsible for assessing applicants and identifying applicants who they believe are suitable for appointment.

Term

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



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