

# CPANI

The Commissioner  
for Public Appointments  
Northern Ireland

## **Commissioner for Public Appointments for Northern Ireland**

### **Business Plan 2019 - 2020**

“Guardian of the Public Appointment Process”

## CPANI Vision

The CPANI vision is to ensure that all public appointments are made on merit, in a fair and open manner and that opportunities to serve on the boards of public bodies are open to the widest possible field of candidates.

## CPANI

The post of Commissioner for Public Appointments for Northern Ireland was established in 1995, in response to the first report of the Committee on Standards in Public Life (the Nolan Committee).

The Commissioner is independent of Government.

This is the Business Plan of CPANI covering the period April 2019 - March 2020. It sets out the statutory duties of the Commissioner and the approach that the Commissioner and her office (CPANI) will take to fulfil those duties during the coming year.

## Core Values

The core values of CPANI reflect the seven key principles of public appointments. They are that public appointments should be made on the basis of:

- Merit
- Diversity
- Equality of Opportunity
- Openness, Transparency and Independence
- Integrity
- Proportionality
- Respect

## Mission Statement

The CPANI mission is to regulate and monitor public appointments to ensure that every Government Department operates systems that allow every citizen who wishes to contribute to the working of public bodies, who has skills or experience to contribute and who has the motivation and integrity to serve, to put his/her self forward for appointment and be treated, throughout the public appointment process, in a manner that is fair, consistent, open and transparent, with the goal of selecting the best candidates, on merit, for board service.

The operation of this type of public appointment system supports the building and maintenance of high functioning public boards.

## Statutory Duties of the Commissioner

CPA NI was established to regulate and monitor the compliance of the Departments with the Commissioner's 'Code of Practice for Public Appointments in Northern Ireland' (the Code). The Commissioner also provides advice and guidance, in the context of her Code, on processes of selection for public appointment, and she investigates complaints.

The statutory duties of the Commissioner are set out in the Commissioner for Public Appointments (Northern Ireland) Order 1995 as amended. They are:

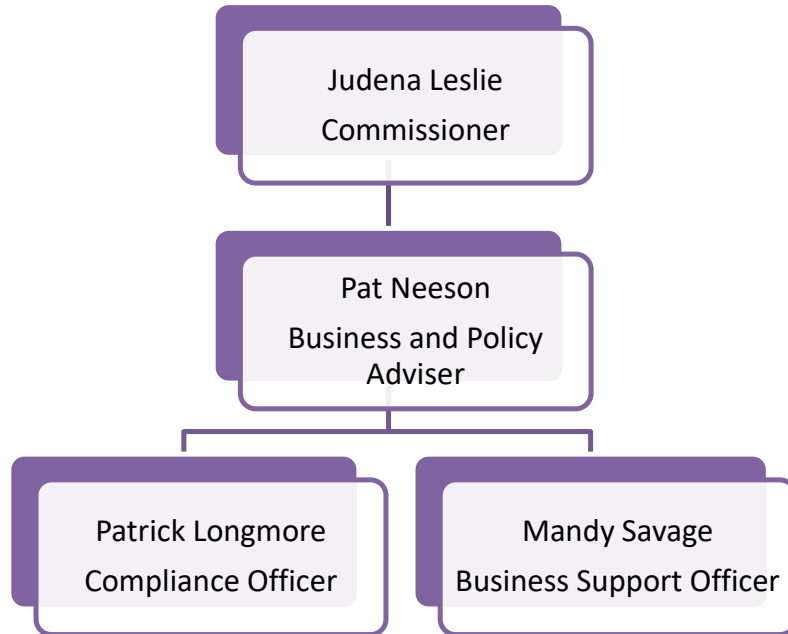
1. The Commissioner shall in the manner she considers best calculated to promote economy, efficiency and effectiveness in the procedures for making public appointments, exercise her functions with the object of maintaining the principle of selection on merit in relation to public appointments.
2. The Commissioner shall prescribe and publish a Code of Practice on the interpretation and application by Departments of the principle of selection on merit for public appointment and shall adopt and publish from time to time such additional guidance to Departments as the Commissioner shall think fit.
3. The Commissioner shall carry out an audit to review the policies and practices of Departments in making public appointments to establish

whether the Code of Practice referred to in paragraph 2 is being observed.

4. The Commissioner may require any Department to publish such summary information relating to selection for public appointments as she may specify in writing.
5. The Commissioner may from time to time conduct an inquiry into the policies and practices pursued by a Department in relation to any public appointment or description of any public appointment.
6. The Commissioner shall publish an annual report which shall include;
  - a. information as to the application by departments of the principle of selection on merit in relation to public appointments and as to the observance by departments of the Code of Practice, and
  - b. an account of the audit of policies and practices of departments in making public appointment.

## ORGANISATION STRUCTURE

The Commissioner operates with a team of three officers. In addition a team of thirty Independent Assessors is managed by a Commissioner.



## **Introduction**

In the past two years the challenges facing NI departments and Arm's Length Bodies as a result of the political uncertainties have impacted significantly on the public appointments system. Prior to the fall of the NI Executive and the Assembly almost all appointments to our public boards were made by Ministers including those where the governing legislation described them as appointments to be made by a Department. From the fall of the Executive in March 2017 until November 2018 in the absence of Ministers there was a lack of clarity around the authority of senior civil servants to exercise departmental functions including the making of certain public appointments, with an understandable reluctance by Permanent Secretaries to commence the processes. This has resulted in a backlog of appointments with multiple extensions of appointment terms being resorted to on a wide scale. The option of piecemeal extensions to terms is neither desirable nor always available. In November 2018 the NI (Executive Formation and Exercise of Functions) Act 2018 was introduced. This legislation clarified the exercise of Departmental functions by senior officers of a Northern Ireland Department during the extended period for setting up an Executive. The effect of the provisions is to enable senior officials to make certain public appointments. The legislation also set out a mechanism whereby those public appointments which were specifically a function of a Northern Ireland Minister could be made by the Secretary of State.

Since the fall of the Executive Departments have increasingly sought the advice and assistance of CPANI in managing the added pressures and uncertainties including the new processes required for appointments by senior officials and the Secretary of State. CPANI has worked hard to respond in a timely way to the needs of Departments but given our very small available resources we are struggling to accommodate the increased demands. To add to the resource implications for CPANI a number of adverse audit and complaint reports by this office show a need for training for selection panels and Departmental officials managing public appointment rounds. The Departments fully acknowledge this training requirement and are working with CPANI to develop a training package.

Not unrelated to the situation described above the public appointments process is attracting increased public interest with media attention and a number of legal challenges in the courts.

These developments are likely to continue for the foreseeable future and have resource implications for the office. A bid for an increase in resources has been made and a number of grade audits are also underway within the office.

Against this background the Commissioner's statement of key objectives remains relevant and if anything become more pressing. The two key objectives are Diversity and Good Governance on Public Boards.

### 1. Diversity

From the outset of my appointment in September 2015 I have made it clear that I intend to promote the objective of diversity on public boards in Northern Ireland. I do so for reasons of fairness, good governance and to support the delivery of quality public services.

The evidence shows that where board directors are drawn from a wide range of backgrounds and skills and where there is a strong representation of women then that board is likely to function at a higher level than one which lacks these attributes. This evidence suggests that diversity in decision making is an important part of good governance. We all have a vested interest in the delivery of high quality public services in Northern Ireland. A high functioning public board focussed on good governance will provide the leadership and direction necessary to ensure its public body delivers effective and quality public services.

In March 2016 the then First Minister and deputy First Minister wrote to me to inform me of the Executive agreement to a number of measures aimed at achieving greater diversity on the boards of our public bodies. The key measure was the setting of targets for achieving gender equality in public appointments.

These were:

- By 2017/2018 for appointments made in-year.
- By end year 2020/21 for all appointees in post, with equality reflected in board membership and at chair level.

The Northern Ireland Executive target for gender equality for chairs of public bodies breaks new ground and leads the way in the UK. Likewise there is no equivalent measure within the Republic of Ireland. NI Executive Ministers were to be commended for this forward thinking. Unfortunately a year after this announcement the Northern Ireland Executive fell and without Ministers to make appointments Departments have, in many cases, had to resort to extending the tenure of Board members. The continuing absence of an Executive has meant that the target of achieving gender equality for appointments made in-year by 2017/18 was unachievable.

Nevertheless the promotion of these Northern Ireland Executive diversity targets will continue to be a key objective for my office during the period of this business plan and beyond. This approach is reflected across a number of our activity areas including those relating to audit and compliance monitoring, training of Independent Assessors and liaison with stakeholders. In the year covered by this Plan I also expect to carry out more work in supporting and encouraging a greater representation of people with disabilities on our public board

## 2. Promoting good governance

CPANI wishes to work with other interested bodies in promoting good governance across its public sector bodies. As highlighted in the previous paragraphs the good governance objective is closely linked to that of diversity at board level. In promoting high standards of governance we hope to see our public bodies leading the way for other sectors. The challenge is to develop Northern Ireland's reputation as a high functioning administration and economy. The good governance objective is an integral part of the shared future vision for Northern Ireland which aspires to a society that is increasingly attractive to live and invest in.



The political uncertainties referred to earlier have created a governance vacuum and make the good governance objective and the wider aspirations for our society even more challenging to achieve. But rather than allow the current political uncertainty to stall administrative reform I believe that our efforts should persist.

These two business objectives of diversity in our public Boards and good governance align readily with a number of Programme for Government outcomes including high quality public services, a shared society that respects diversity and creating a place where people want to live and work, to visit and invest.

## CPA NI OPERATING PLAN: 01 APRIL 2019 – 31 MARCH 2020

The activities listed below contribute to the objectives and outcomes described in the introduction.

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p><b>CPA Code of Practice</b></p> <p>To prescribe and publish, and update as necessary, a Code of Practice on the interpretation and application by Departments of the principle of selection on merit for public appointments.</p> <p>This includes the effective maintenance, development and promotion of the Code of Practice and associated guidance.</p>	<ul style="list-style-type: none"> <li>• Monitor the implementation of the Code in recruitment processes. This takes place through a number of mechanisms: the audit and complaints procedures and the internal CPANI policy development process. To effect any necessary changes to the Code arising from these mechanisms within 2 months of publishing an audit or complaint report or finalisation of a new CPANI policy. This is continuous.</li> <li>• Liaise closely with Department Public Appointment Units and recruitment practitioners including Independent Assessors. This is continuous.</li> </ul>
<p><b>Audit and Compliance Monitoring</b></p> <p>A CPA NI programme of audit, and a compliance monitoring regime, designed to ensure that appointment processes are carried out effectively, fairly, openly, efficiently and proportionately and in line with the Commissioner's Code.</p>	<ul style="list-style-type: none"> <li>• We will conduct audits to review the policies, practices and actions of Departments in making public appointments. This audit programme is based on the CPA NI risk analysis which has an emphasis on diversity factors. We will report on findings, produce recommendations and publish. Such reports will issue promptly at end of each audit. We will carry out at least two full audits every year</li> <li>• Carry out diversity spot checks on competitions that are considered high risk. Checks are carried out in line with competition timetables.</li> <li>• To conduct regular compliance checks on documentation and processes used and issued by Departments, including Advertisements and Press Releases. Checks are carried out in line with competition timetables.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p><b>Complaints</b></p> <p>To conduct effective inquiries into Department policies, practices and actions on any public appointment process. The establishment, maintenance, publication and implementation of an effective and objective complaints system.</p>	<ul style="list-style-type: none"> <li>• Investigate and report on complaints presented to CPA NI. We will complete a complaint report within three months of commencement of the investigation of the complaint.</li> <li>• Follow up necessary action with Departments. Six monthly following publication of complaint report.</li> </ul>
<p><b>Annual Report</b></p> <p>The provision and publication of a comprehensive annual report which serves the requirements of the internal and external stakeholders of CPA NI, including the political and administrative systems of Government and the general public.</p>	<ul style="list-style-type: none"> <li>• Collate relevant information for the year and publish annual report. Annual Report to be published no later than the end of June.</li> <li>• Provide First Minister and deputy First Minister with an advance copy of report at least two weeks before the proposed publication date.</li> <li>• Present report to NI Assembly immediately following publication.</li> </ul>
<p><b>Advice and Guidance</b></p> <p>To provide advice and guidance in the conduct of effective and fair public appointment procedures that are compliant with the Code. To provide prompt and high quality responses to queries on the Code and its application, from panel chairs, Independent Assessors and other relevant parties.</p>	<ul style="list-style-type: none"> <li>• Provide regular updates, advice, guidance and training to Independent Assessors, Departmental representatives and other relevant parties. Such advice and guidance will be provided within 10 working days of request.</li> <li>• Provide advice to Departments and others on the pursuit of diversity within public appointments. Such advice and guidance will be provided within 10 working days of request.</li> <li>• To provide advice and guidance where relevant within 1 month of publication of an audit or complaint report.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
	<ul style="list-style-type: none"> <li>• To provide an update on any relevant developments in public appointment diversity policy to the Public Appointments Forum (quarterly).</li> <li>• Provide an “open door” for queries from all sources. This is continuous.</li> <li>• Maintain a system for handling, managing and recording all queries. This is continuous.</li> <li>• Respond to all requests for advice and support which arise as a result the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 regarding public appointment decisions made by the Secretary of State. Such advice and support will be provided within 10 working days of request.</li> </ul>
<p><b>Training</b></p> <p>To contribute to the planning and implementation of a training programme for public appointment practitioners and selection panel members</p>	<ul style="list-style-type: none"> <li>• Provide training to departmental public appointment practitioners where the need arises or when requested by a Department.</li> <li>• Provide training to selection panel members where the need arises or when requested by a Department.</li> </ul>
<p><b>Independent Assessors</b></p> <p>The effective management and monitoring of a trained, competent and experienced team of Independent Assessors who provide an effective and efficient service in all public appointment recruitment processes. These Assessors are independent of Government and the Commissioner.</p>	<ul style="list-style-type: none"> <li>• Manage, train, allocate and monitor a team of Independent Assessors. Meetings to be held with IAs every six months.</li> <li>• Provide training and advice to enable Independent Assessors to play a role as diversity champions within the appointments process. To provide at least one training seminar per year for Independent Assessors</li> <li>• Provide all necessary forms of support and guidance to Independent Assessors.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
	<ul style="list-style-type: none"> <li>• To issue at least 4 information bulletins per year to Independent Assessors</li> <li>• Implement effective administrative procedures and records with regard to the management of the Assessors. This is continuous.</li> <li>• Maintain the monthly operation of the system of payment for Independent Assessors.</li> </ul>
<p><b>Budget</b></p> <p>In co-operation with TEO Sponsor branch, to establish, implement and monitor the CPA NI budgetary process and financial regime. To adhere to all financial and budget guidance issued by TEO, and successfully manage the budgetary and financial processes set out in the Financial Memorandum and other relevant documents.</p>	<ul style="list-style-type: none"> <li>• Implement effective, efficient and accurate processes of budgetary and financial management. Reviewed monthly.</li> <li>• Process payments, in a timely and accountable manner, using Account NI. This is continuous.</li> <li>• Ensure that all procurement is compliant with the regulations stipulated by TEO sponsor branch. This is done on every instance of procurement.</li> <li>• Ensure that the necessary resources are secured to meet the full requirements of CPA NI and its customers, allowing for levels of complaints, issues arising from audit and compliance work, ad hoc legal advice and research requirements. At budget setting and ongoing.</li> </ul>
<p><b>Liaison with stakeholders including provision of relevant information to the public</b></p> <ul style="list-style-type: none"> <li>• To raise the profile of CPA NI and its functions, within and without the political and administrative systems of Government, in order to:</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain strong working links with Ministers, SPADs and MLAs When NI Executive and Assembly are restored. Hold at least one meeting per month to discuss latest developments in public appointments with a Minister/SPAD/MLA (Subject to the restoration of Executive &amp; Assembly)</li> <li>• Maintain strong working links with senior Civil Service and Department contacts, and other bodies. Hold at least one profile raising/networking meeting/discussion per month with a relevant body</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<ul style="list-style-type: none"> <li>- promote public appointment opportunities to a wide field of potential candidates;</li> <li>- promote diversity in public appointments in particular to promote the Executive targets for gender equality at Board member and Board chair levels.</li> <li>- increase public confidence in the fairness and openness of the public appointments system;</li> <li>- ensure that the public is aware of the independent functions provided by CPA NI and of the right to avail of the CPA NI complaints procedure.</li> <li>• An increased awareness, by all internal and external stakeholders, of public appointment opportunities and of a fair and open merit-based recruitment process.</li> <li>• Promotion of the NI Executive gender targets for appointment of members and Chairs of public boards.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to work in partnership with Departments on the promotion and development of public appointments. This is continuous.</li> <li>• Continue proactive outreach programme. This will include meeting with under-represented groups to provide information on public appointments. Hold at least two profile raising/information provision meetings during the business year with an underrepresented group.</li> <li>• The provision of workshops to promote understanding of the public appointment system and provide support to potential applicants with a focus on under-represented groups. Continue to work with Departments in the delivery of the workshops. Hold at least four workshops during the business year.</li> <li>• Development of CPA NI website to ensure it provides relevant information in a user friendly and engaging format. Keep website updated on a fortnightly basis</li> <li>• Contribute to the development and implementation of The Executive Office (TEO) strategy for promoting the NI Executive gender equality targets. This is continuous</li> <li>• Liaise with TEO on actions to deliver the strategy. This is continuous</li> <li>• Participate in the strategy delivery committee sub groups. This is continuous</li> <li>• Continue to support the Mentoring Scheme involving collaboration between the Queen’s University Belfast and Northern Ireland’s public sector. This is continuous.</li> <li>• Develop mentoring scheme to University of Ulster by September 2019</li> </ul>
<p><b>Administrative Support</b></p> <p>To plan and co-ordinate the work of the Commissioner’s office to meet the Business Plan targets in the most effective, efficient and value-for-money manner. To provide an efficient</p>	<ul style="list-style-type: none"> <li>• Monitor progress in line with each business plan key target, measure and action. This will be done on a quarterly basis. This is continuous - reviewed quarterly.</li> <li>• Fulfil the requirements of the sponsor branch as set out in the Memorandum of Understanding and other relevant documents. This is continuous - reviewed quarterly.</li> </ul>

ACTIVITY	WHAT WE WILL DO AND BY WHEN
<p>and effective service to the Commissioner and all stakeholders.</p>	<ul style="list-style-type: none"> <li>• Manage the Commissioner’s diary. This is continuous.</li> <li>• Ensure that all Personal Performance Agreements are up to date and in line with current procedures. To be in place by April 2019, in year review carried out September 2019 and end year review March 2020</li> <li>• Ensure that all staff are provided with appropriate training opportunities to help them fulfil their respective roles and meet their business objectives. Reviewed with setting of PPA/PDP and again at in-year and end-year reviews.</li> <li>• Address the ongoing absence of administrative support staff, and increased work pressures for the office.</li> </ul>
<p><b>Northern Ireland Executive Asset Management Strategy</b></p>	<p>To provide a commitment to the objectives of the Northern Ireland Executive Asset Management Strategy. This is to be reviewed annually to determine any action needed. Reviewed Annually.</p>
<p><b>Information Management</b></p> <p>To ensure all information managed and stored by CPA NI is in line with all relevant legislative requirements and Departmental policies.</p>	<ul style="list-style-type: none"> <li>• Monitor information assurance procedures. Quarterly</li> <li>• Continue to implement data sharing arrangements with all Departments. This is continuous.</li> <li>• Ensure compliance with the General Data Protection Regulation (GDPR). This is continuous.</li> </ul>