

The Office of the Commissioner for Public Appointments in Scotland Audit Report 2006-2007

Scottish Police Services Authority – Convener

Report No. 2

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Ranking of areas of non compliance in terms of priority

Priority	Definition
One	Non compliance arising from failure to document or evidence the basis of a decision on a candidate's or applicant's suitability OR where there has been a significant breach of the requirements of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code).
Two	Non compliance arising where evidence does not fully document or evidence the basis of a decision on a candidate's or applicant's suitability.
Three	Non compliance arising from failure to fully record or evidence a step in the appointment process required by the Code or PAT guidance but which is not related to a decision as to a candidate's or applicant's suitability.

Statement of Responsibility

Our report has been prepared solely for the Office of the Commissioner for Public Appointments Scotland (OCPAS) in accordance with the terms and conditions set out in our engagement contract. We do not accept or assume any liability or duty of care for any other purpose or to any other party. This report should not be disclosed to any third party, quoted or referred to without our prior written consent. Our work is subject to the inherent limitations set out at Appendix 1.

Introduction and summary

Introduction

- 1.01 Our review of the processes implemented to support the appointment of the Convener of the Scottish Police Services Authority (SPSA) was performed as part of the OCPAS audit plan agreed with the Commissioner.
- 1.02 This report has been prepared solely for the Office of the Commissioner of Public Appointments Scotland (OCPAS) in accordance with the terms and conditions set out in our engagement contract. We do not accept or assume any liability or duty of care for any other purpose or to any other party. This report should not be disclosed to any third party, quoted or referred to without our prior written consent.
- 1.03 Our audit work has been designed to assess compliance with the Code and with any supplementary guidance issued by OCPAS and / or the Scottish Executive Public Appointments Team as to compliance with that Code. It therefore addresses the processes implemented to ensure that the appointment round meets these requirements. Our observations and findings are designed to inform a programme of continuous improvement and do not challenge any decisions regarding the selection of appointable candidates.

Background

- 1.04 OCPAS is responsible for regulating the processes used and procedures followed by Scottish Ministers in the making of public appointments, to ensure that these appointments are made fairly and openly, and are based on merit. In light of this requirement, the Commissioner has developed a Code to regulate the process to be followed, which was published in April 2006. Independent OCPAS Assessors support the Commissioner and are assigned to appointment rounds to ensure compliance with the Code. Compliance with the Code should ensure equality of opportunity and treatment and ensure that all appointments made are merit-based, with evidence generated and retained to support each part of the decision making process.
- 1.05 The management of the public appointments process is the responsibility of the relevant Scottish Executive department's sponsor team. The team is responsible for initiating the process and managing it through to its conclusion. It is also responsible for generating appropriate documentation at each stage of the appointment round which records decisions taken regarding the selection, or otherwise, of individuals to go through to the next stage of the process.

- 1.06 Within the Scottish Executive, there is a centralised team, entitled the Public Appointments Team (PAT), which is responsible for the Scottish Executive's overall policy in relation to public appointments. PAT acts as the main point of contact within the Scottish Executive for OCPAS. PAT also provides advice and support to sponsor teams with any queries or problems being encountered throughout each appointment process. The PAT guidance states that key documents such as the role description, person specification and publicity for the role must be provided by the sponsor team to PAT for review.
- 1.07 To assist the sponsor teams in conducting the appointments process, the PAT has produced a detailed guidance document (entitled Making Public Appointments in the Scottish Executive) that sets out the steps to be followed at each stage of the appointment round, and includes standard documents for use by sponsor teams. The PAT guidance used for the 2006/07 appointment rounds was not fully compliant with the new Code although there is no evidence that this affected the appointment rounds subject to audit. Following a review of the guidance by the Commissioner, in relation to the requirements of the Code, actions were agreed with Public Appointments Team to amend certain information and advice contained in the guidance. The guidance has now been updated and was re-issued in May 2007.
- 1.08 OCPAS Assessors play a key role through providing assurance that the processes used to make appointments to the boards of public bodies conform to the principles and practices contained in the Code. At the end of each appointment round, the OCPAS Assessor must complete a validation statement confirming that each element of the round that they participated in complied with the Code.
- 1.09 In terms of adherence to the Code we would also highlight the importance of the role of the senior official within the sponsor division who is responsible for ensuring:
- The process fully complies with the Code;
 - The criteria submitted to the Minister for approval meets the needs of the body and its board and are testable; and
 - The Minister is provided with all the information that he/she needs in order to make a decision on appointment that is based solely on the criteria.

At the end of the process, it is the senior official who must provide a formal statement of assurance to the Minister that the process is both Code compliant and meets the relevant requirements of the PAT guidance.

Approach

- 1.10 The overall objective of our review was to consider whether the Code was complied with during the appointment round for the Convener of the SPSA. We have considered each of the stages of the appointment process (as described in more detail at appendix 1):
- Stage 1: Planning
 - Stage 2: Encouraging Applications
 - Stage 3: Processing Applications

- Stage 4: Interview
- Stage 5: Selection
- Stage 6: Post Appointment

1.11 Our approach consisted of a review of paper files and files stored within the electronic system (eRDM); as well as interviews with key staff involved in the process.

Summary of Findings

1.12 The matters arising from this review are noted below. An appendix listing areas for development, to address instances of non compliance, will be included within the annual summary report for the year ended 31 March 2007. For each of the instances of non compliance we have allocated a risk rating based on our evaluation of the impact of the finding in terms of meeting the requirements of the Code and PAT guidance.

Instances of non compliance with the Code

- The person specification did not state that the level of application of skills and knowledge demonstrated by applicants would be taken into account in the assessment of applications although the selection panel, including the OA assigned to the round, did so. This meant that applicants were unaware of the need to demonstrate that they had the appropriate level of skill and knowledge to undertake a Convener role. However, the level at which applicants had demonstrated their skills and knowledge was included as a criterion during the shortlisting meeting. The panel may only consider the suitability of applicants against the publicised criteria for a role. **(Code paragraphs 6.1c and 19.6) – Priority Two**
- The Code requires the collective decision of the panel on the outcome of interviews to be agreed and recorded. **(Code paragraph 22.11) – Priority Two**
- Missing evidence included the individual panel members' documents completed during the shortlisting and interview stages. **(Code paragraphs 19.4 and 22.10) – Priority Two.**
- One candidate was not deemed suitable for appointment following receipt of information obtained outwith the interview process. There was however insufficient evidence retained on the file to demonstrate that the requirements of Code were fulfilled in respect of the additional information. **(Code paragraphs 21.1 to 21.8) – Priority One**
- The submission provided to the Minister on the conclusion of the appointment round did not include a candidate summary containing a description of all candidates interviewed or the Statement of Validation signed by the OA. **(Code paragraphs 24.1 and 25.2) – Priority One**
- The reasons behind the Minister's decision to appoint should be recorded within the audit file for the appointment round. In this case, a reason as to why the Minister was content to appoint the single candidate should have been recorded. In this respect, we would highlight the swift action taken by the Cabinet Secretary for Finance and Sustainable Growth to address this failure. A guidance note to all Cabinet Secretaries and Ministers was issued by the Cabinet

Secretary for Finance and Sustainable Growth on 18 July 2007 introducing them to their role and responsibilities in relation to the public appointments process. Among other things, this note made it clear that they are expected to record the reason for their decisions in relation to appointments. **(Code paragraph 24.5) - Priority One.**

Areas of variance from PAT guidance¹

- The file of evidence provided did not fully record certain parts of the appointment process. Missing evidence included clearance of the press release by the successfully appointed candidate **(Scottish Executive Guidance paragraph 4.16.12) - Priority Three** and the individual panel members' documents completed during the shortlisting and interview stages. **(Scottish Executive Guidance paragraph 4.14.22 and 4.15.3) – Priority Two.**
- The content of feedback provided to one unsuccessful candidate was not recorded in the file of evidence. **(Scottish Executive Guidance paragraph 4.16.18) – Priority Two.**

Other observations noted

- At the time of this appointment round, detailed guidance on the process to be followed when there is only a single candidate deemed suitable for appointment was not available. Following subsequent advice from OCPAS, guidance has now been issued to assist sponsor teams manage similar instances. **(Scottish Executive Guidance paragraph 4.15.20)**
- Letters to the unsuccessful candidates were noted as being emailed on the same day as the press release, although the sponsor team confirmed that telephone calls were made to these candidates in advance of the letters being issued to ensure they were aware of the decision prior to the press release.

Good Practice Noted

- A weekly appointment timetable was produced, which was developed by working back from the date of appointment, and took into account times such as parliamentary recess.
- The process for developing the person specification and role description was noted as being appropriate and ensured a number of people had the opportunity to comment on the drafts produced. This process assisted in developing a person specification and role description for a new organisation.
- The post was advertised in a range of publications including national Scottish newspapers and regional newspapers. The advert was also placed in a professional journal and a paper in the Ethnic Media Group, to ensure a wide and diverse audience was informed of the appointment opportunity.

¹ Whilst the April 2006 guidance was used as the reference document for the 2006/07 audit process, we have referenced the above areas of variance to the latest PAT guidance, of May 2007, to support future compliance. The primary purpose of PAT guidance is to ensure that the processes adopted during each appointment round are compliant with the Code. Although following all parts of the guidance is not mandatory for sponsor teams (it is only mandatory to follow those parts of the guidance that fully reflect the requirements of the Code) it does provide a framework which promotes consistent application of the Code through the provision of information on the minimum requirements for each round, together with advice on what is considered to be good practice.

- The extension to the closing date was handled correctly, by getting in contact with OCPAS early to request an exception. All interested parties were then informed.
- A collective shortlist evaluation form was completed and signed by all three members of the selection panel as evidence of their collective assessment and decision regarding each applicant.

Acknowledgements

1.13 We would like to thank all staff involved in this review for their co-operation and assistance.

Detailed findings and observations

Stage 1: Planning

- 2.1 The appointments round for the Convener of SPSA commenced in June 2006, with the appointment intended to start in January 2007, a period of over six months for completion of the appointment round. An OA was assigned to the appointment round on 8 June 2006.
- 2.2 As the SPSA was a new organisation and the Convener was to be the first appointment to the board, the development of the person specification and role description was different to that of existing boards. A Programme Board had been set up with the responsibility of bringing SPSA into operation by April 2007. The Programme Board set up an HR sub-group, which discussed and approved a draft role description and person specification for the post of Convener. These were then taken to the Programme Board for review and approval. The first Ministerial submission, which included the role description and person specification, was provided to the Minister on 15 August 2006 and was subsequently approved.

Good Practice Noted

- A weekly appointment timetable was produced, which was developed by working back from the date of appointment, and took into account times such as parliamentary recess.
- The process for developing the person specification and role description was noted as being appropriate and ensured a number of people had the opportunity to comment on the drafts produced. This process assisted in developing a person specification and role description for a new organisation.

Stage 2: Encouraging Applications

- 2.3 Recruitment consultants were contracted for this appointment round to assist in the process and help attract a wide range of applicants. The advertising strategy for this appointment round was formulated by the sponsor department in conjunction with recruitment consultants. Adverts were placed in both national and regional press on 5 September 2006 with an initial closing date of 20 October 2006. In addition, the advert was also placed in the professional journal Police Review and in the Eastern Eye, a member of the Ethnic Media Group. The closing date was extended by four days after an exception was requested and granted by OCPAS. An individual had requested an extension due to being called away on business at short notice. Without the extension they would not have been able to meet the original closing date. Anyone who had expressed an interest in the position was informed of the new closing date.

Good Practice Noted

- The advertising strategy adopted helped to ensure that the opportunity was targeted at a wide and diverse population range.

Stage 3: Processing Applications

- 2.4 Nineteen applications were received for this post. Due to the small number of applications, no initial sift was conducted. All applications were submitted to the selection panel for shortlisting which took place on 8 November 2006. The panels' shortlist evaluation forms for each applicant were not retained in the file of evidence. However a shortlist evaluation form was completed and signed by the three panel members as evidence of their collective decision for each candidate. This detailed the scores given against each of the criteria, with the evidence noted for the score, as well as a paragraph (as an overall summary) and the decision on whether to invite to interview.
- 2.5 From a sample of the collective summaries completed and traced back to the relevant application form, it was noted that an additional criterion appeared to be being assessed during the shortlisting meeting (whether the applicant was of the appropriate level for a Convener post) which was not contained within the advertised person specification. It is open to the Minister to determine at the planning stage whether the skills or knowledge required have to have been used at a senior level. If so, this must be made explicit in the publicised criteria for the role.

Good Practice

- A collective shortlist evaluation form was completed and signed by all three members of the selection panel as evidence of their collective assessment and decision regarding each applicant.

Instances of non compliance with the Code

- The person specification did not state that the level of application of skills and knowledge demonstrated by applicants would be taken into account in the assessment of applications although the selection panel, including the OCPAS Assessor, did so. This meant that applicants were unaware of the need to demonstrate that they had the appropriate level of skill and knowledge to undertake a Convener role. However, the level at which applicants had demonstrated their skills and knowledge was included as a criterion during the shortlisting meeting. The panel may only consider the suitability of applicants against the publicised criteria for a role. **(Code paragraphs 6.1c and 19.6).**
- The panels' shortlist evaluation forms for each applicant were not retained in the file of evidence. **(Code paragraph 19.5).**

Area of variance from PAT guidance

- The panels' shortlist evaluation forms for each applicant were not retained in the file of evidence. **(Scottish Executive Guidance paragraph 4.14.22).**

Stage 4: Interview

- 2.6 The interviews for this appointment round took place on 1 December 2006, the date noted within the covering letter in the application pack. A record of each selection panel member's candidate interview evaluation form, for each candidate, was not retained in the file of evidence. A selection panel summary evaluation form was completed for each candidate to evidence the panel's conclusions on each candidate. However, these were not comprehensive, with only the overall summary completed, rather than an assessment against each of the stated criteria.
- 2.7 It was noted that the candidate summary evaluation form was not completed and retained for one of the candidates interviewed. This was due to the fact that additional information was obtained after the interview regarding the candidate that led the selection panel to conclude that the candidate was not suitable for appointment. No record of the additional evidence has been retained. While it may be appropriate for this information to have been used, there is a specific process to be followed as detailed in Section 21 of the Code. This section details that the accuracy of such information must be verified and the outcome recorded as part of the audit trail. The candidate should, where possible, also be informed that this information is being considered. On review of the audit file, no details were given as to the information in question, or the process followed to verify its accuracy. There was also no mention of whether or not the candidate was notified that additional information had been obtained and used in the appointment process.

Instances of non-compliance with the Code

- The assessment of each candidate at interview must be recorded and retained within the audit file of evidence, regardless of whether the final decision not to consider a candidate appointable is based on additional information obtained. The procedure for using additional information obtained about a candidate is clearly set out in Section 21 of the Code. It is important that this additional information is recorded in the evidence file. **(Code paragraphs 21.1 to 21.8).**
- Missing evidence included the individual panel members' documents completed during the interview stages. **(Code paragraph 22.10).**
- The Code requires the collective decision of the panel on the outcome of interviews to be agreed and recorded. **(Code 22.11).**

Areas of variance from PAT guidance

- The Code requires that all selection panel members record their evidence-based assessment of each candidate's performance at interview. It is important that these papers are retained as evidence for future reference. **(Scottish Executive Guidance paragraph 4.15.3).**
- The summary interview evaluation form completed did not contain sufficient information, with only the overall assessment completed. **(Scottish Executive Guidance paragraph 4.15.5).**

Stage 5: Selection

- 2.8 Only one candidate out of the six interviewed was assessed by the panel as being suitable for appointment. When this is the case, the Minister should be given the choice of whether or not the appointment round should continue on this basis. This submission should not contain any information about the candidates involved. Should the Minister accept that the round should continue, and relinquish their right to a choice of candidates, an exception to the Code must be granted by OCPAS. We acknowledge that at the time of this round the Code provided no direction on the process to be followed where only one appointable candidate was identified during the appointment process. Detailed guidance has subsequently been developed following advice received from OCPAS for such instances.
- 2.9 On review of the audit file, no submission was made to the Minister to seek approval to continue with the appointment round with no choice of appointable candidates. A submission to the Minister was made on 14 December 2006, with details of the one candidate noted as suitable to appoint. No information was provided on the other candidates not deemed suitable. The submission also did not contain the signed Statement of Validation from the OA to confirm that the process had followed the Code. The Minister's decision to appoint the successful candidate was given on 15 December 2006.

Instances of non-compliance with the Code

- The submission to Minister on the appointment round did not contain a candidate summary containing a description of all candidates interviewed nor did it include the Statement of Validation signed by the OA. **(Code paragraphs 24.1 and 25.2).**
- The reasons behind the Minister's decision to appoint should be recorded within the audit file for the appointment round. In this case, a reason as to why the Minister was content to appoint the single candidate should have been recorded. **(Code paragraph 24.5).**

Other Observations noted

- At the time of this appointment round guidance on the process to be followed when there is only a single candidate deemed suitable for appointment was not available. Following subsequent advice from OCPAS, detailed guidance has now been issued to assist sponsor teams manage similar instances. **(Scottish Executive Guidance paragraph 4.15.20)**

Stage 6: Post Appointment

- 2.10 The press release was drafted by the sponsor team using the information included within the submission to Minister for background on the successful candidate. No evidence was available to verify that the information had been cleared by the successful candidate. The press release was reviewed and approved by both PAT and the Minister before being released to the press. Letters to the unsuccessful candidates were noted as being emailed on the same day as the press release, although the sponsor team confirmed that telephone calls were made to these candidates in advance of the letters being issued to ensure they were aware of the decision prior to the press release.
- 2.11 Feedback on request was offered to all candidates invited to interview, with one request noted as being received. The file of evidence did not contain details of when the feedback was provided or the content of the feedback.

Good Practice Noted

- Since the appointment round, members of the sponsor team have attended training provided by OCPAS.

Areas of variance from the PAT guidance

- The content of feedback provided to one unsuccessful candidate was not recorded in the file of evidence. (**Scottish Executive Guidance paragraph 4.16.18**).
- There was no record on file of approval to the press release being received from the appointed candidate. This is important in order to verify the factual accuracy of the release (**Scottish Executive Guidance paragraph 4.16.12**).

Other observations noted

- Letters to the unsuccessful candidates were noted as being emailed on the same day as the press release, although the sponsor team confirmed that telephone calls were made to these candidates in advance of the letters being issued to ensure they were aware of the decision prior to the press release.

Other Comments

Evidence in Support of Decisions

- 3.01 One of the seven principles which underpin the Code is that of openness and transparency. This principle is defined in the Code as: *'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.'* For this particular area of focus, the Code highlights the importance of ensuring that there is appropriate evidence retained to support the decisions made throughout the process. In respect of this round we would comment on the following aspects of evidence available to support decisions made:

Use of additional information post interview

- In relation to this appointment round an answer provided by one of the candidates prompted the selection panel chair to make some enquiries as to the ability of the candidate to dedicate the time required to serve as Convener. During these due diligence enquiries, further information came to light that raised doubts as to the suitability of the candidate for appointment. The evidence retained in the file verifies that additional information was taken into consideration as regards the candidate's suitability.
- The evidence file however does not contain details of what this additional information was nor the reasons why it cast doubt over the candidate's suitability. A summary evaluation form was not completed with respect to this candidate, meaning no information has been retained in relation to the suitability of this candidate since the initial assessment of the application form during the shortlist meeting. Furthermore, whilst the file shows the OA requesting sight of this information, no record has been retained of the provision of this to the OA. The fact that the Statement of Validation has been signed by the OA and makes no reference to this issue suggests that she was eventually informed and subsequently agreed with the decision relating to the information.
- The submission to the Minister only makes reference to the suitable candidate, with no information provided on the five other candidates, including the individual referred to above.

Panel members' assessment forms

- The individual panel members' forms had not been retained at either the shortlisting or the interview stages of the process, with only the summary documents retained. The summary documents in relation to the interview stage were not completed to an appropriate level of detail, with only the overall summary completed, rather than an assessment against each of the criteria included in the person specification.

- 3.02 The evidence file therefore does not contain sufficient information to support all key decisions made during this appointment round. It is essential in future appointment rounds that all evidence used to inform decisions is recorded and retained within the file. If information or decisions made are felt to be of a sensitive nature, restrictions should be placed over access to the file.

Administration

- 3.03 OCPAS stated that an electronic version of the application pack had been received and upon opening the documents changes that had been made to the document were highlighted by the track change functionality of Microsoft Word. This was also evident from the testing we performed.
- 3.04 Ideally documents should be finalised in a format that does not allow for any previous versions or changes to be identified, such as through using Adobe Document files. However, where this is not possible, for example application forms that are to be completed electronically, care should be taken so that the documents do not show these tracked changes, for example, by copying the document into a new file, or through accepting all the changes highlighted in the track changes mode.

Appendix 1: Background information on each stage

Stage 1: Planning

It is important that the planning starts in good time, with appointments taking on average 6 months to complete. An appointment timetable must be produced, which will assist in the planning of the appointment round, setting deadlines for various stages of the process.

A key part of the planning process is to identify the skills, knowledge and personal qualities that are required to complement existing members of the board in question. The skills, knowledge and personal qualities identified will be used in both advertising the position, and also to assess the quality of applicants at both the application stage, and candidates at the interview stage. It is therefore important that an appropriate amount of effort is put in to identifying these requirements. The relevant Scottish Minister is ultimately responsible for public appointments, and it is therefore important that they are involved in this stage. The Minister is required to agree the specific requirements of the board and organisation in question, the role description, the person specification and the appointment timetable.

An OCPAS Assessor (OA) is assigned to each appointment round to ensure that it complies with the Code throughout the process. Early involvement of the OA is advised to allow time to take into account any comments raised.

Stage 2: Encouraging Applications

The information contained within advertisements should enable readers to make an informed decision as to their suitability for the appointment. Consideration also has to be given to the approach to publicity to encourage the largest number of suitable candidates from a wide and diverse audience to apply. As with the development of the person specification, it should be ensured that the advertisement is not discriminatory in any way, either through language or methods of publicity used.

The Minister may be asked to provide the name of any potential applicants or avenues to identify applicants. All suggestions of potential applicants are welcomed as a means of improving diversity and obtaining a satisfactory number of applicants. However any such individuals can not be favoured, and will be treated in the same way as all other applicants.

Stage 3: Processing Application

This stage involves a review of the applications received to select the candidates found to demonstrate the skills and knowledge stated in the person specification. A requirement of the Code, which differs in this respect from the Code that preceded it, states that the consideration of application forms must be anonymous, with all personal information separated from the main body of the application form. The process of selecting candidates suitable for interview can be a two stage process, starting with an initial sift undertaken by the sponsor department if a significant number of applications are received. The remaining applicants, or all applicants if an initial sift is not conducted, will then be considered by the selection panel to produce the shortlist of candidates to interview.

There must be documentation as to why decisions were taken at this time, so that feedback could be provided if requested, or so there is appropriate evidence should a complaint be received. Applicants should be kept informed and receive timely notification of the outcome of their application.

Stage 4: Interview

The interview stage of the process gives the selection panel the opportunity to further evaluate the suitability of candidates against the person specification. It is important that questioning is consistent across the candidates to ensure that the selection panel are able to provide assessment of each candidate on an equitable basis. The questioning should therefore be agreed in advance of the interviews taking place. As with the processing applications stage, it is essential that there is appropriate documentation retained as evidence to support any decision as to the suitability of the candidate. Feedback must be offered to any unsuccessful candidates, based on the evidence retained from the interview.

Stage 5: Selection

The ultimate decision to appoint is the responsibility of the Minister. The Minister should make this decision based on a candidate summary received from the selection panel, which should provide an objective analysis of each candidate's suitability for the appointment based on information obtained throughout the process. So as not to influence the Minister, the information on candidates in the summary must not be provided in any form of ranked order, allowing the Minister to make an objective decision as to who to appoint. The decision made by the Minister of who to appoint must be recorded along with the reasons for the decision.

Stage 6: Post Appointment

The evidence retained throughout the process should be used but to provide any feedback requested by any unsuccessful applicants or candidates. Any individuals that were found suitable to appoint but who were not appointed should receive additional feedback provided by the Minister as to their decision.

In the event that, pursuant to a request which OCPAS has received under the Freedom of Information Act 2000 or the Freedom of Information (Scotland) Act 2002, it is required to disclose any information contained in this report, it will notify PricewaterhouseCoopers (PwC) promptly and consult with PwC prior to disclosing such report. OCPAS agrees to pay due regard to any representations which PwC may make in connection with such disclosure and OCPAS shall apply any relevant exemptions which may exist under the Act to such report. If, following consultation with PwC, OCPAS discloses this report or any part thereof, it shall ensure that any disclaimer which PwC has included or may subsequently wish to include in the information is reproduced in full in any copies disclosed.

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