

## THE PUBLIC APPOINTMENTS PLANNING MEETING

### The issue

My Office has dealt with a number of enquiries from sponsor teams resulting from disagreements between selection panel members. These arose when the members of the selection panel did not have a common understanding of:

- how the selection criteria for a particular role were determined
- whether the criteria are appropriate for the position to be filled
- what constitutes evidence of the criteria in completed application forms
- how the principle of proportionality should be applied to each stage of the appointment round.

The absence of a common understanding can have a direct and adverse impact on the time taken for the appointment round and on the outcome of the round. Additionally, unnecessary resources can be used when the principle of proportionality is not properly considered or applied. I am therefore taking steps to address these issues.

### The solution

An early planning meeting of selection panel members is an effective way to ensure common understanding and appropriate use of resources. Tangible benefits of the planning meeting include:

- less time spent by selection panel members in reviewing and suggesting amendments to the draft information pack to be sent to potential applicants
- much greater clarity on the skills and knowledge gaps on the board and the qualities required of the one or more individuals required to fill these gaps
- a common understanding between panel members of what constitutes evidence of these qualities during shortlisting and at interview
- appropriate steps taken at every stage in the appointment to target, attract and progress applications from a range of suitable people.

Consideration by selection panel members of the principle of proportionality can also lead to a reduction in the resources required during a round and, in particular, the amount spent on publicising the opportunity.

In order to encourage efficient, effective and economic appointments, and reduce the risk of a lack of choice of appointable candidates available to the Scottish Ministers, I am issuing the following guidance which will apply to all regulated appointment rounds which begin on or after 1 April 2009.

### Guidance as to Code compliance

The chair of the selection panel will arrange a planning meeting of all panel members. Providing all panel members agree, this meeting may be conducted by video or teleconference. The purpose of this meeting is to ensure, to the satisfaction of all of the panel members, that:

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- the criteria for the role accurately reflect the requirements of the appointing Minister and the position to be filled
- the chair of the public body (or the representative of the body who will sit on the panel) has the opportunity to include the body's specific requirements in the criteria
- the criteria for the role are not unnecessarily restrictive
- the methods used to publicise the opportunity are appropriate to the position/s to be filled
- the methods to be used to assess applicants and candidates are appropriate to the position/s to be filled
- where the panel agrees that an assessment method is appropriate but notes that it will not comply with the practices set out in the Code, an exception will be sought from the Commissioner's office
- all panel members understand how to objectively assess the merits of applicants against the publicised criteria for a role

The panel chair is ultimately responsible for ensuring that the requirements of the Code\* have been met. The OCPAS Assessor will assess compliance both at the planning meeting and for the remainder of the appointment round. OCPAS Assessors will be unable to validate as Code compliant any appointment round that has not included such a planning meeting.

This guidance relates to specific sections of the Code; these are provided in the appendix.

### **Status of this guidance**

The Commissioner has the power, under the Public Appointments and Public Bodies etc. (Scotland) Act 2003, to issue guidance to the Scottish Ministers as to compliance with the [Code of Practice for Ministerial Appointments to Public Bodies in Scotland](#) (the Code). Sponsor teams should note that failure to comply with such guidance will represent non-compliance with the Code. If sponsor teams are in any doubt as to whether this guidance applies to a round that they are administering, they should contact the Resourcing Centre of Expertise within Scottish Government for advice.



**Karen Carlton**  
**Commissioner for Public Appointments in Scotland**  
**March 2009**

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

## APPENDIX

The above guidance relates to compliance with the following parts of the Code.

### Principles

The relevant principles of the Code are Ministerial Responsibility, Merit, Independent Scrutiny and Proportionality (pages 4 and 5 of the Code):

*“Ministerial Responsibility*

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

*“Merit*

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

*“Independent Scrutiny*

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

*“Proportionality*

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

### Practices

The following paragraphs of the Code flow from these principles and relate directly to planning to make public appointments and oversight of this process by the OCPAS Assessor:

5.1, 5.2, 5.3, 5.4 (if applicable), 5.5, 6.1, 7.1, 7.2, 7.3 and 7.5 (if applicable), 8.1, 8.2, 13.1 to 13.8, 19.4, 19.6, 19.7, 19.8, 32.1 and 32.2.

Additionally, consideration of the appropriate assessment methods is addressed by paragraphs 1.1 to 1.4 of the Code, which relates to proportionality, and by paragraphs 32.1 and 32.2 of the Code which allows the Commissioner to tailor aspects of the Code to reflect the circumstances in a given appointments process.