



The Office of the Commissioner for  
Public Appointments in Scotland

## PROPORTIONALITY REPORT

*Report of findings following a review of the application of the principle of proportionality  
by the Scottish Ministers during 10 separate appointment rounds*



Date of report: June 09

## **EXECUTIVE SUMMARY**

### **Background to review**

- The Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code) includes seven underpinning principles of which one is the principle of proportionality. The principle states that the practices employed during each appointment round will be appropriate for the specific post and the nature and function of the public body concerned. This report sets out the findings of a review of ten ministerial public appointments rounds. The review assessed the extent to which the principle of proportionality was applied across these rounds.

### **Findings**

We found that

- The Scottish Government had no mechanism in place to allow sponsor teams to identify what would be proportionate in the case of the appointments rounds for which they were responsible (see page 13 for detail).
- The earliest apparent engagement between the appointing Minister and the sponsor team was at the point at which a first submission was provided to the Minister and that, on occasion, Ministers were afforded relatively little time to comment on the appointment plan (see page 15 for detail).
- Consultation with body chairs on the requirements of the post to be filled was not always meaningful (see page 16 for detail).
- Decisions on where and how to publicise vacancies were not always based, as a matter of course, on an analysis of what would generate appropriate numbers of requests for application packs (see page 17 for detail).
- The person specification for some roles may be off-putting to potential applicants (see page 23 for detail).
- The composition of the selection panel appeared to be considered in relation to the nature of the vacancy to be filled (see page 25 for detail).
- The time spent on interviewing candidates varied little regardless of the number of the criteria to be tested or the nature of the vacancy to be filled (see page 27 for detail).

### **Result of review**

- In relation to these findings we have posed a number of questions for Scottish Government in the body of this report. We have asked the Scottish Government to let us know how and by what date the poor practice and non compliance identified during the review will be rectified.
- The Commissioner has made one key recommendation in this report – an early planning meeting of the selection panel – which she believes will assist participants to comply with this principle of the Code. The Commissioner issued the recommendation to Scottish Government as guidance as to compliance with the Code. It has been implemented by Scottish Government since 01 April 2009.

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## **INTRODUCTION**

This report sets out the findings of a review of public appointments conducted by the Office of the Commissioner for Public Appointments in Scotland (OCPAS).

The Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code) includes seven underpinning principles of which one is the principle of proportionality. The principle states that the practices employed during each appointment round will be appropriate for the specific post and the nature and function of the public body concerned. The review assessed the extent to which the principle of proportionality was applied across a range of appointments.

Whilst decisions about how to apply the principle of proportionality are ultimately a matter for Scottish Government, the Code is explicit about the factors that should be considered by sponsor teams when deciding on the most appropriate way to plan for and make a public appointment in a proportionate way.

## **REASON FOR THIS REVIEW**

The purpose of this review is to contribute to continuous improvement in the appointments process.

The current Code came into effect in April 2006, replacing an interim Code. Both Codes included the principle of proportionality. One of the differences between the two Codes relates to application of the principle of proportionality.

The interim Code required different approaches to be taken to appointments to what were classed as upper and lower tier public bodies. A body fell into one or other tier depending on the level of remuneration board members received and the level of funding the body received from the government. This was called the two tier system. When the Commissioner consulted on her intention to remove the two tier system, there was overwhelming support for this and for the appropriate application of a single process for all public appointments, designed to enable sponsor teams to tailor their approach to position to be filled. The consultation responses<sup>1</sup> supported the Commissioner's view that, combined with the principle of proportionality, the use of a single process for all public appointments would provide the greatest flexibility of approach within a consistent regulatory framework.

In relation to the appointment rounds examined, this review allowed the Commissioner and the Scottish Government to consider whether the appointment practices used since the new Code came into effect have applied the principle of proportionality.

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<sup>1</sup> A summary of the consultation responses can be downloaded from the OCPAS website: <http://www.publicappointments.org/downloads/SummaryOfConsultationResponses.pdf>

## WHAT THE CODE SAYS ABOUT PRINCIPLE OF PROPORTIONALITY

### *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.*

### *Applying the Principle of Proportionality*

*1.1 The Commissioner appreciates the importance of balancing the rigour of the Code with a pragmatic and cost-effective approach to implementation to enable sponsor departments to deal both efficiently and effectively with the diverse range of appointments made. Whilst it is vital that the Code is followed for every appointment, the practices applied at each stage of an appointment round should be proportionate to the size and purpose of the public body and the posts to be filled.*

*1.2 In order to translate the principles and practices contained in this Code into appropriate action during each appointment round the sponsor department will agree an appointment plan (see paragraph 7.2) with the selection panel (see paragraphs 9.1 to 9.9) during the planning phase.*

*1.3 In compiling the appointment plan the sponsor department will consider:*

- a. the role the public body plays in informing the Scottish Executive's policies*
- b. the impact the public body has on Scottish public life and on individuals in Scotland*
- c. the nature of the post to be filled*
- d. the annual budget of the body concerned*
- e. the remuneration paid to the chair and members*
- f. the cost-effective use of resources required for each stage in the appointment round*
- g. any unusual circumstances affecting the role or the public body concerned at the time of the appointment.*

*1.4 If concerns arise at any stage during an appointment round over the application of this principle, the sponsor department and the OCPAS Assessor may refer their concerns to the Commissioner for consideration.*

*7.2 The appointment plan will include:*

- a. the content of publicity and methods of publicising the appointment (see paragraphs 13.1 to 13.8)*
- b. the appointment timetable which will include the closing date for applications, interview date(s), the planned date of appointment and the deadline for feedback requests (see paragraph 26.1)*
- c. the process or processes to be used for sifting and/or shortlisting (see paragraphs 19.2 and 19.4)*
- d. the composition of the selection panel and arrangements for interviews (see paragraphs 9.1 to 9.9)*
- e. how applicants will be informed of the progress and outcome of their application*

*and will reflect the approach agreed to ensure a proportionate application of the Code (see paragraphs 1.1 to 1.4).*

## **THE COMMISSIONER'S GUIDANCE ON APPLYING THE PRINCIPLE OF PROPORTIONALITY**

The Commissioner's guidance on application of the Code\* gives further assistance and examples:

- *Applying the principle of proportionality does not mean that some requirements of the Code do not apply for certain appointment rounds. Rather, it means that the methods and practices needed to meet certain requirements will vary between appointment rounds, depending on several relevant factors.*
- *In essence, proportionality means that the approach required is directly related to the risk associated with making an inappropriate appointment. If the post in question is the chair of Scottish Enterprise who oversees a budget of more than £400 million each year, the risks involved are quite substantial. A very inclusive approach at each stage of the process would therefore be appropriate, to make every possible effort to ensure that the most suitable person for the role becomes aware of the opportunity, applies and is selected.*

### ***At which stage of the process should proportionality be considered?***

- *Proportionality must be considered with regard to every aspect of the appointment plan (see paragraph 7.2):*
  - *publicity*
  - *the appointment timetable*
  - *the process for sifting and/or shortlisting*
  - *the composition of the selection panel and the arrangements for interviews*
  - *how applicants will be kept informed.*
- *In practice, however, the aspects likely to vary most significantly for reasons of proportionality are:*
  - a) the methods of publicity, and*
  - b) the composition of the selection panel and*
  - c) possibly the arrangements for interviews.*

The guidance goes on to provide practical examples of application of the principle.

## **WHAT WE WOULD EXPECT TO FIND**

On the basis of the Code's requirements, and the guidance available on application of the principle of proportionality, we would expect the above matters to be considered by sponsor teams in both planning for and conducting appointment rounds.

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\* The guidance can be downloaded from the OCPAS website: <http://www.publicappointments.org/downloads/Guidance.pdf>

## **RESPONSIBILITIES OF THOSE INVOLVED**

The Code sets out the responsibilities of those engaged in the public appointments process. Briefly, these are as follows:

- the appointing Minister must determine the skills, knowledge and personal qualities they will require of the people to be appointed. At the end of the process, the Minister appoints one or more people to positions on the boards of public bodies.
- sponsor teams of civil servants within Scottish Government administer the public appointments process on behalf of the appointing Minister. They must run a Code compliant process and offer the Minister a choice of appointable candidates at the end of each appointments round.
- the chair of the public body, or a nominated representative, must be consulted on the needs of the body and the specifics of the position to be filled.
- OCPAS Assessors (OAs) oversee each appointments process on behalf of the Commissioner for Public Appointments in Scotland.

## **SCOPE OF REVIEW**

Sponsor teams are responsible for administering appointments on behalf of the Scottish Ministers. We reviewed ten appointments rounds, produced individual reports on each one and agreed the findings with sponsor teams. The rounds reviewed are listed in alphabetical order at APPENDIX one. The numbers assigned to these rounds in the report do not coincide with their position on the list in APPENDIX one.

We used a mechanism to allow us to compare rounds. The mechanism for comparison was based on the matters that the Code and guidance advise should be considered by sponsor teams in deciding on a proportionate approach. The mechanism for comparison was therefore based on factors such as the body's budget and the nature of the position to be filled. Each sponsor team agreed the figures that we used to allow us to compare appointments rounds. A copy of the mechanism is provided at APPENDIX two.

To conduct the review, the team examined the records maintained by sponsor teams responsible for administering ministerial public appointments processes in Scotland. The team also interviewed sponsor team members. In conducting the review, we looked for evidence that the principle of proportionality was considered by sponsor teams when planning appointments rounds. We also looked for evidence that the stages of each round reflected the nature of the position to be filled. For example, the team examined the arrangements made for publicising the vacancies and for conducting interviews.

Full details of the scope of the review and the approach used are available from OCPAS.

## **STYLE OF REPORT**

This report is a composite report, which allows for comparison across the range of appointments made. The report sets out some key observations which the Scottish Government is asked to consider. It questions the extent to which the principle of proportionality has been embedded within the Scottish Government.

By providing a number of questions based on the observations, the report is designed to encourage the Scottish Government to identify and implement improvements in practice and explain how it will ensure that sponsor teams will comply with the Code's requirements in future.

The findings of our review of separate appointments rounds are drawn together in this composite report.

The Scottish Government is provided with these findings and asked to consider whether the appointment practices employed by sponsor teams are appropriate for the specific posts and the nature and function of the public bodies concerned.

## **THANK YOU TO SPONSOR TEAMS**

We thank the sponsor teams for the support and co-operation they provided to OCPAS for the purposes of this review.

## **QUESTIONS FOR THE SCOTTISH GOVERNMENT**

The findings of the review resulted in a number of questions for the Scottish Government. The questions are designed to encourage the Scottish Government to identify and implement improvements in practice to ensure that sponsor teams will comply with the Code's requirements in future.

### **How do sponsor teams know what is proportionate?**

We used a mechanism to allow us to compare the range of the appointments rounds we reviewed (see APPENDIX two). The mechanism for comparison was based on the matters that the Code and guidance advised should be considered by sponsor teams in deciding on a proportionate approach. Such factors include the body's budget and the nature of the position to be filled. The Scottish Government had no mechanism in place to allow sponsor teams to identify what would be proportionate in the case of the appointments rounds for which they were responsible.

The Code requires sponsor teams to consider a range of relevant factors in deciding on the most proportionate way to make appointments.

Q1. How will:

- sponsor teams determine what is an appropriate approach for each appointment round they conduct?
- the Scottish Government ensure that sponsor teams consider all relevant factors when planning for and conducting appointment rounds?

### **How is Ministerial involvement in planning the appointment ensured?**

The Code requires the appointing Minister to agree a number of matters with sponsor teams during the planning stage for an appointment.

The Code requires the appointing Minister to agree, as a minimum:

- the requirements of the board of the body in question
- the role description
- the person specification
- the appointment timetable

The Minister may also agree a more detailed appointment plan.

Q2. How will the Scottish Government ensure that the appointing Minister

- is appropriately involved in planning for the appointment?
- has sufficient time to comment on the appointment plan?
- can be satisfied at the planning stage that the process is given the priority and resources required to provide a choice of quality candidates?

### **How is the chair of the body involved in planning the appointment?**

The Code requires the Scottish Government to consult the chair of the body or a representative of the body nominated in consultation with the chair, about the position or positions to be filled.

Q3. How will the Scottish Government ensure that chairs:

- are meaningfully involved in planning to fill vacancies?
- are aware that they have an opportunity to suggest significant changes to documents such as the role description, person specification, appointment plan and application pack?

#### **Were the opportunities publicised appropriately?**

The Code requires “the content of publicity and methods of publicising the appointment”, as part of the appointment plan, to reflect the nature of the position to be filled.

Q4. How will the Scottish Government:

- ensure that the nature of the position to be filled is reflected in this part of the appointment plan?
- ensure that the location and content of publicity is appropriate to the position to be filled?
- ensure that funds spent on publicising opportunities are appropriate to the position to be filled?
- assess the impact of the publicity it uses on the numbers of and quality of applicants and candidates and on the diversity of these individuals?
- ensure that spending on recruitment consultants and advertising represents best value?

#### **Are person specifications appropriate for the positions to be filled and do these affect the numbers of application packs requested and completed forms returned?**

The Code requires the Scottish Government to consider the nature of the post to be filled when compiling the appointment plan. The Code also requires the appointing Minister to be provided with a choice of candidates at the end of each round.

Q5. How will Scottish Government ensure that:

- the nature of the post to be filled informs the drafting of the person specification?
- the person specification will lead to a choice of appointable candidates for the Minister?

#### **Is the composition of the selection panel appropriate?**

The Code requires the Scottish Government to consider the nature of the post to be filled when compiling the appointment plan. This includes the composition of the selection panel.

Q6. How will the Scottish Government ensure that:

- the nature of the post to be filled informs the composition of the selection panel?
- the composition of the selection panel is appropriate for the position to be filled?

**Are arrangements for interview appropriate?**

The Code requires the Scottish Government to consider the nature of the post to be filled when compiling the appointment plan. This includes the arrangements for interviews.

Q7. How will the Scottish Government ensure that:

- the nature of the post to be filled informs the arrangements for interview and in particular the time spent on interviewing candidates?
- the arrangements for interview, or any other assessment method chosen, are appropriate for the position to be filled?

## RECOMMENDATION BY THE COMMISSIONER

Application of the principle of proportionality is a matter of judgment and discretion. For the principle to be properly applied, those involved at each stage of the process must have the ability and the relevant information to allow them to make the necessary judgments and to apply them. The Commissioner considers that the Scottish Government, in reviewing and then responding to the above questions, is best placed to decide how application of the principle is to be achieved.

However, the Commissioner is of the view that a relatively straightforward recommendation will address some of these questions and has already issued guidance to the Scottish Ministers to do so. As of 01 April 2009, the Commissioner has made an early planning meeting of selection panel members mandatory. The selection panel is now required, in particular, to ensure the following:

- 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

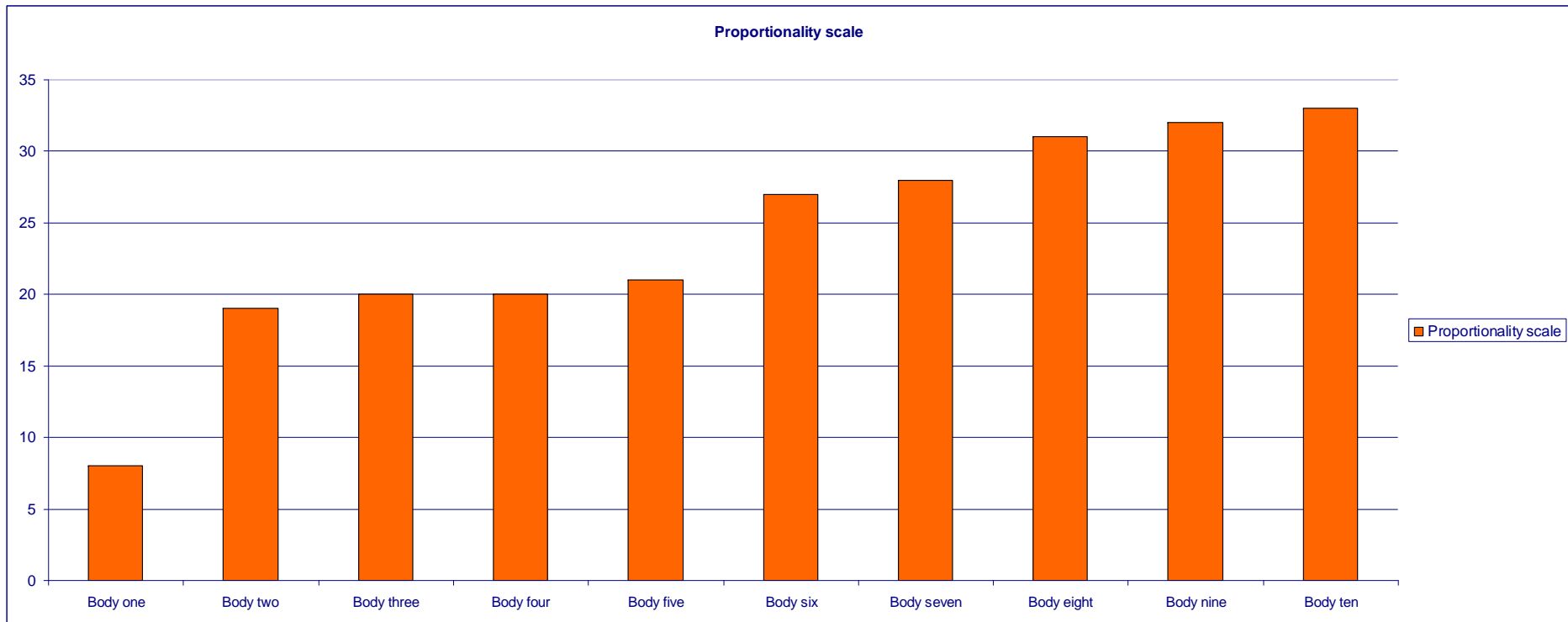
## DETAILED OBSERVATIONS

### 1. What is proportionate?

We used a mechanism to allow us to compare the range of the appointments rounds we reviewed. The mechanism for comparison was based on the matters that the Code and guidance advise should be considered by sponsor teams in deciding on a proportionate approach. Such factors include the body's budget and the nature of the position to be filled. The Scottish Government has no equivalent mechanism. Each sponsor team agreed the figures that we were using to compare rounds. The appointments to body one were calculated as being the lowest on the resulting proportionality scale and those to body ten as being the highest. This proportionality scale allows us to compare the factors that we examined as part of the review, such as the amount spent on publicising the appointment opportunities, to the relative size and purpose of the public body and the posts to be filled. The proportionality scale is set out in chart format overleaf at figure 1.



Figure 1. The proportionality scale



Question for the Scottish Government

The Code requires sponsor teams to consider a range of relevant factors in deciding on the most proportionate way to make appointments.

Q1. Q1. How will:

- sponsor teams determine what is an appropriate approach for each appointment round they conduct?
- the Scottish Government ensure that sponsor teams consider all relevant factors when planning for and conducting appointment rounds?

## 2. Ministerial involvement in planning the appointment

The Code requires the appointing Minister to agree, as a minimum:

- the requirements of the board of the body in question
- the role description
- the person specification
- the appointment timetable

Ministers may also choose to agree a more detailed appointment plan that includes where the appointment opportunity is to be publicised and the make up of the selection panel.

We noted from our review that the earliest apparent engagement between the appointing Minister and the sponsor team was at the point at which a first submission was provided to the Minister. At this point the matters listed above were already signed off by the assigned OCPAS Assessor and the body chair or representative.

In some cases, the appointing Minister was afforded relatively little time to comment on the first submission. In the case of body two, the Minister had just over three working days to comment on the submission. In the case of body five, the Minister was provided with the submission at 5pm on Friday 14 March and asked to turn it around by Monday 17 March. This very short window in which the Minister could comment was driven by a deadline to provide a final version of the text to the firm that was to place the adverts in the national press.

### Question for the Scottish Government

Q2. How will the Scottish Government ensure that the appointing Minister

- is appropriately involved in planning for the appointment?
- has sufficient time to comment on the appointment plan?
- can be satisfied at the planning stage that the process is given the priority and resources required to provide a choice of quality candidates?

### 3. Involvement of the chair of the body in planning the appointment

The Code requires the Scottish Government to consult the chair of the body or a representative of the body nominated in consultation with the chair, about the position or positions to be filled.

In the case of two bodies, the chairs felt that that consultation was not meaningful. In the case of another body, the chair commented that he had not been consulted on tailoring the criteria of the board member vacancy to the skills currently required by the board. The chair further commented that he had not known that such tailoring was permissible or possible – he had understood that the essential and desirable criteria were preset and fixed. The sponsor team made it clear that it had provided the chair with an opportunity to comment on the planning papers and provided documentary evidence to that effect. This evidence did not demonstrate that the consultation with the chair was meaningful.

In the case of body two, the chair was consulted at the planning stage via the body's Chief Executive. At the end of the process the chair commented that he was under the impression that there was little room to adjust criteria but intended to pay more attention in future.

#### Question for the Scottish Government

Q3. How will the Scottish Government ensure that chairs:

- are meaningfully involved in planning to fill vacancies?
- are aware that they have an opportunity to suggest significant changes to documents such as the role description, person specification, appointment plan and application pack?

#### 4. Were the opportunities publicised appropriately?

The Code requires the publicity to be appropriate for the nature of the vacancy to be filled. Sponsor teams took various approaches to publicising the vacancies to be filled. All the vacancies were advertised in the press, with the exception of the round for body three. The round for body three was the only round that failed to generate a choice of candidates for the appointing Minister.

As well as advertising in the press, the sponsor teams for bodies six, eight and ten used recruitment consultants. Figure 2 compares the proportionality scale to the amount spent by each sponsor team on publicising the vacancies. Figure 3 provides a further breakdown showing how much was spent on advertising and how much on recruitment consultants, when used. The lowest amount spent was by body three and the highest by body eight.

Sponsor teams gave a range of reasons for choosing to publicise the vacancies in the ways that they did. In some cases, the reasons were based on an analysis of what publicity had generated expressions of interest in previous rounds and what might, therefore, do so again. In others, the rationale was not clear.

Figure 2. The proportionality scale compared to total spend

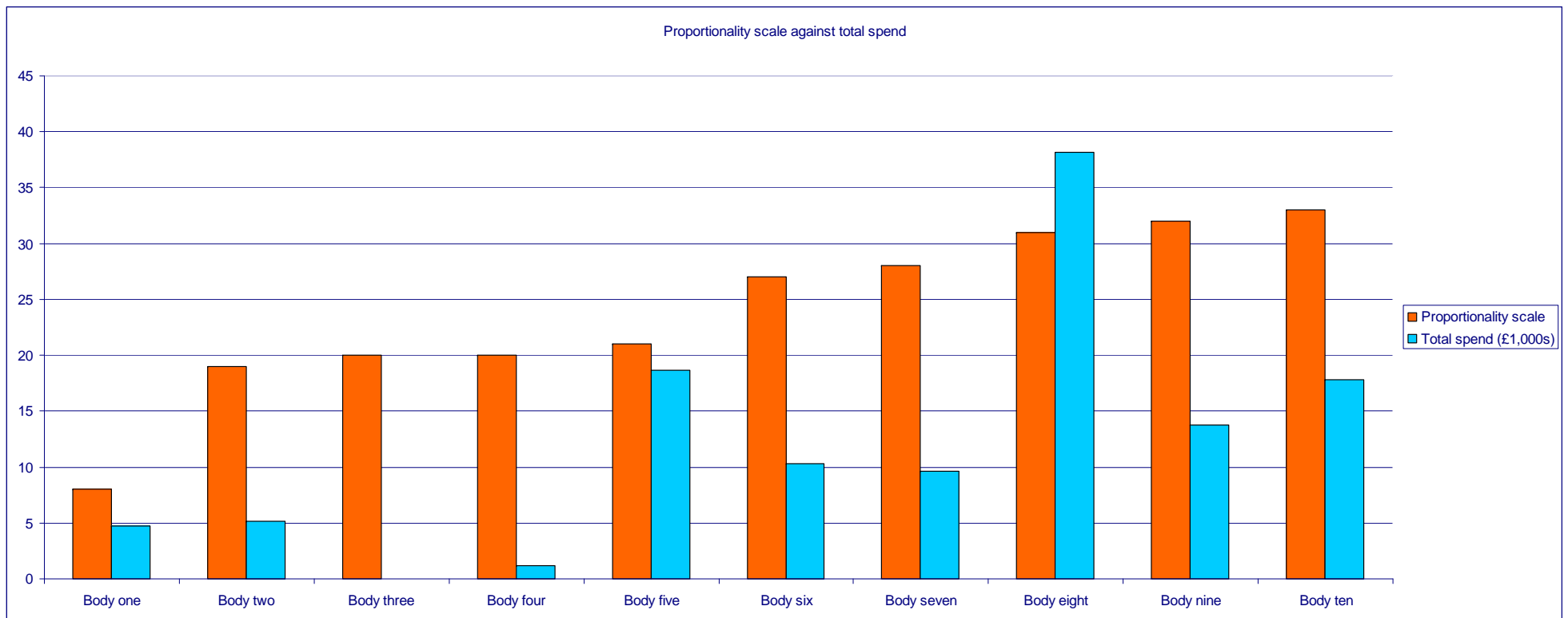
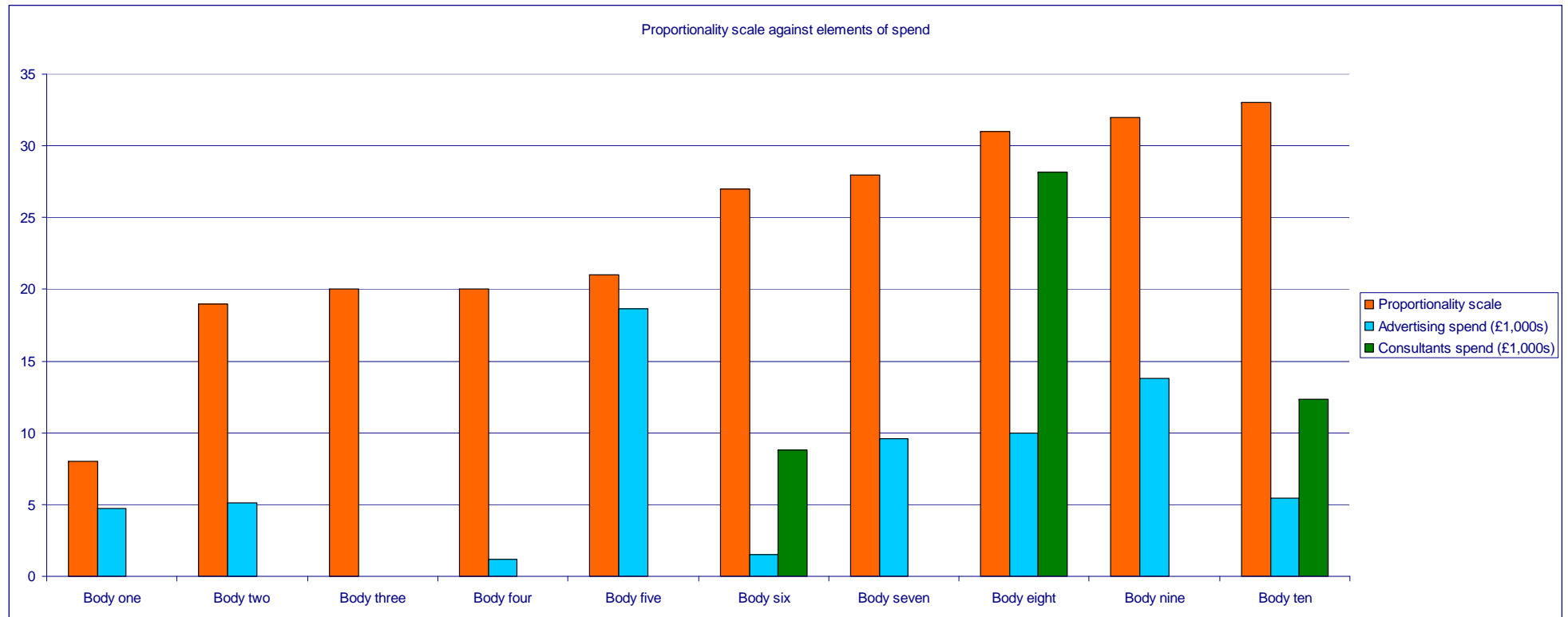


Figure 3. The proportionality scale compared to elements of the spend



The locations for advertising the opportunity varied from sponsor team to sponsor team. All regulated public appointments vacancies are publicised on the Scottish Government’s website. Additionally, some sponsor teams chose to advertise in the national press and others in the local press. Only the team that sponsored body nine chose to advertise in both the local and the national press. One of the teams advertised in a specialist journal rather than in newspapers.

Sponsor teams also had a choice about the type of advert they should use. Teams can use either a full advert, which contains more detail, takes up more space and as a consequence costs more, or a signpost advert. Signpost adverts are smaller than full adverts and contain less detail. They “signpost” sources for the full information pack so that potential applicants can find out more about opportunities that interest them.

Figure four shows where and how each sponsor team chose to advertise the vacancies. Some of the sponsor teams also publicised the opportunities in other ways at little or no cost. For example networking events were used to encourage people to apply for positions on the board of body ten.

Figure 4. Where sponsor teams advertised the vacancies

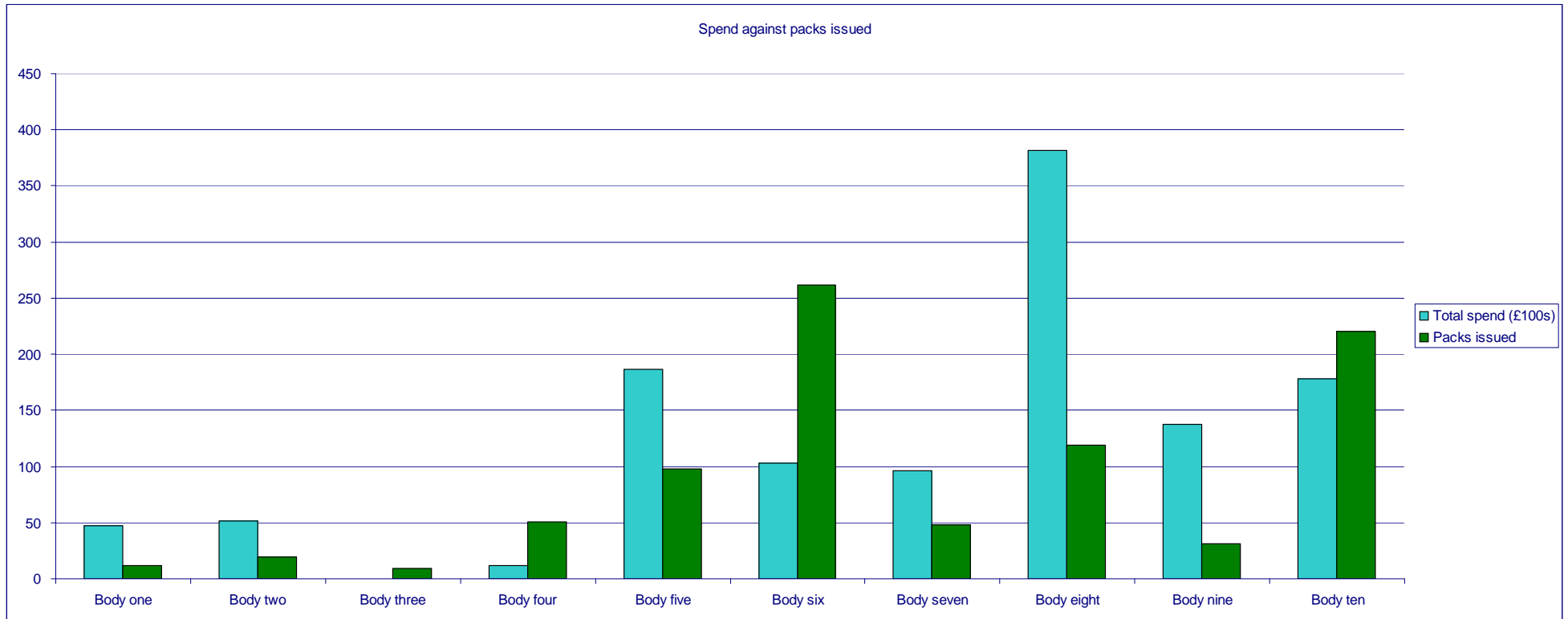
Body	Type of advertising (other than web publishing)	Where advertised
Body one	Signpost adverts used	National press
Body two	Full advert used	National press
Body three	Not published	Not applicable
Body four	Full advert used	Specialist journal
Body five	Full advert used	National press
Body six	Signpost adverts used	Local press
Body seven	Signpost adverts used	National press
Body eight	Full advert used	National press
Body nine	Full advert (a composite full advert for five bodies)	Local and national press
Body ten	Signpost adverts used	National press

Decisions on whether to use a full or signpost advert or to use the local or national press were not based as a matter of course on an analysis of what would generate appropriate numbers of requests for application packs. We compare the amount spent on advertising with the number of application packs requested on the next page.



Figure five compares the total amount spent on advertising, inclusive of the use of recruitment consultants, with the number of application packs sent out. The amount spent in this chart is illustrated in hundreds of pounds rather than thousands (as in figures 2 and 3).

Figure 5. Number of application packs issued against total spend\*



\* Where a body advertised for both a chair and members, only the figures for the chair position to be filled have been used in the chart.

## Question for the Scottish Government

Q4. The Code requires *the content of publicity and methods of publicising the appointment* to reflect the nature of the position to be filled. Having considered the above findings, how will the Scottish Government, when planning a public appointment:

- ensure that the nature of the position to be filled is reflected in decisions taken at this stage?
- ensure that the location and content of publicity is appropriate to the position to be filled?
- ensure that funds spent on publicising opportunities are appropriate to the position to be filled?
- assess the impact of the publicity it uses on the numbers of and quality of applicants and candidates and on the diversity of these individuals?
- ensure that spending on recruitment consultants and advertising represents best value?

## 5. Application packs issued and application forms returned

We reviewed the number of application packs requested by potential applicants and the number of applications received. If low numbers of application packs are requested and a low proportion of those requesting a pack return completed application forms, the Minister may not be offered a choice of appointable candidates. Figure 6 compares the number of application packs requested with the number of completed forms returned. The number of forms returned, as a percentage of application packs sent out, is commonly known as the conversion rate. A low conversion rate can mean that the application pack is off-putting to applicants.

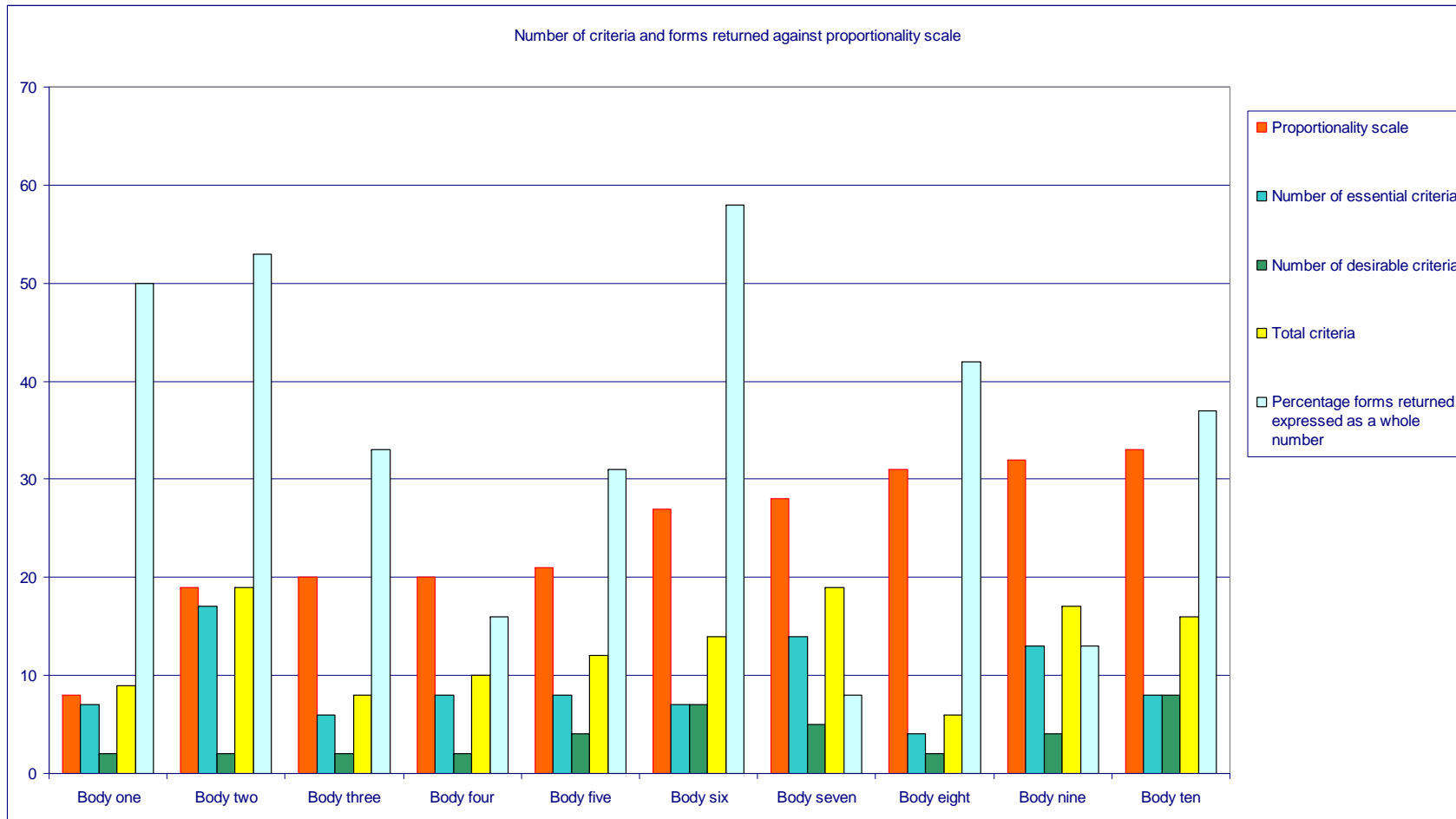
We found that one directorate had relatively low numbers of applications and relatively low numbers of forms returned for the majority of the rounds that it sponsored (see figure 5, bodies four, seven and nine). One round sponsored by that directorate did generate a significant number of requests for application packs (294 packs requested for a single board member position). However, only 15% of individuals who requested a pack returned completed application forms.

*Figure 6. Number of vacancies, number of information packs issued and number of forms returned*

<b>Body</b>	<b>Number of vacancies</b>	<b>Number of packs issued</b>	<b>Number of forms returned</b>	<b>As a percentage</b>
Body one	1	12	6	50%
Body two	1	19	10	53%
Body three (chair)	1	9	3	33%
Body three (members)	5	28	6	21%
Body four	1	51	8	16%
Body five	1	98	30	31%
Body six	5	262	153	58%
Body seven (chair)	1	48	4	8%
Body seven (member)	1	294	44	15%
Body eight	3	119	50	42%
Body nine	1	31	4	13%
Body ten	5	220	82	37%

Publicity for vacancies is unlikely to be the only factor in determining how many individuals decide to request a pack. However, it is clearly one of the levers that sponsor teams have for encouraging applications. Publicity is much less likely to be a factor in determining how many individuals who, having requested an application pack, choose not to complete and return a form. Low conversion rates tend to occur when something in the application pack is off-putting to applicants. The number of criteria for a role, which are decided on by the appointing Minister at the planning stage, can be a strong factor in making application packs off-putting. We compared the proportionality scale against the number of packs returned and the number of criteria for the role to see whether the number of criteria was having an impact on conversion rates. That comparison is provided in figure 7.

Figure 7. Essential, desirable and total number of criteria compared to the forms returned (conversion rate) and the proportionality scale.



The criteria for a position to be filled are a matter for the body concerned and for the Scottish Government. We noted that in the case of body nine, there were only four applicants, of whom only two – both existing board members – were interviewed. In the case of body seven, the Minister chose to appoint no one to the vacant chair's position at the end of the round.

#### Question for the Scottish Government

Q5. The Code requires the Scottish Government to consider the nature of the post to be filled when compiling the appointment plan. The Code also requires the appointing Minister to be provided with a choice of candidates at the end of each round. How will Scottish Government ensure that:

- the nature of the post to be filled informs the drafting of the person specification?
- the person specification will lead to a choice of appointable candidates for the Minister?

## 6. The composition of the selection panel

Membership of the selection panel is a matter for the Scottish Government, although an OCPAS Assessor must always be a member of the panel. The Code advises that the other panel members will usually be a senior civil servant and the chair of the body. This is not mandatory. It is open to sponsor teams to work with, for example, a panel consisting of two members or to use less senior individuals as panel members.

The panel consisted of three members for each of the rounds conducted, with the exception of those for bodies seven and eight. There were variances in the seniority of the civil servants involved and, on one occasion, the body representative. It did appear that proportionality had been considered by many sponsor teams when the composition of the panel was being decided on. Figure 9 gives a full breakdown of panel membership for each of the vacancies to be filled.

*Figure 9 – Panel composition (note that an OCPAS Assessor, not listed in this table, was a member of each selection panel)*

<b>Body</b>	<b>Chair of panel</b>	<b>Body representative</b>	<b>Other panel members</b>
Body one	Deputy Director	Chair of body	None
Body two	Director	Chair of body	None
Body three (chair)	Deputy Director	Chair of body	None
Body three (members)	Deputy Director	Chair of body	None
Body four	Deputy Director	Chair of body	None
Body five	Deputy Director	Deputy Chair of body	None
Body six	Deputy Director	Chair of body	None
Body seven (chair)	Director General	None	A Director and a consultant (specialist in diversity)
Body seven (member)	Director	None	A Deputy Director and a consultant (specialist in diversity)
Body eight	Director	Chair of body	Deputy Director
Body nine	Director General	None	Director
Body ten	Director	Chair of body	None

### Question for the Scottish Government

Q6. The Code requires the Scottish Government to consider the nature of the post to be filled when compiling the appointment plan. This includes the composition of the selection panel. Having considered the above findings, how will the Scottish Government ensure that:

- the nature of the post to be filled informs the composition of the selection panel?
- the composition of the selection panel is appropriate for the position to be filled?

## 7. Arrangements for interviews

We also looked at the arrangements for interviews and the interview outcomes. Figure 10 sets out the number of vacancies to be filled, the number of interviews conducted, the number considered appointable following interviews and the number appointed.

*Figure 10 – Interviews conducted, numbers appointable and appointed*

Body	Number sought	Interviews conducted	Number considered appointable	Number appointed
Body one	1	4	4	1
Body two	1	5	4	1
Body three (chair)	1	2	2	1
Body three (members)	7	6	5	5*
Body four	1	4	2	1
Body five	1	7	5	1
Body six	5	17	7	5
Body seven (chair)	1	3	2	0 <sup>†</sup>
Body seven (member)	1	6	4	1
Body eight	3	7	4	3
Body nine	1	2	2	1
Body ten	5	14	6	5

On the next page we look at the time spent on interviews.

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\* This was the only round we reviewed in which the process failed to generate a choice of appointable candidates for the Minister. It was also the only round in which the vacancies were not advertised.

† The appointing Minister chose to make no appointment

We compared the time spent on interview for each of the positions to be filled. The time spent on interview did not vary with any significance in relation to the different positions to be filled. We also found that the time spent on interviews did not appear to be directly related to the number of criteria to be tested.

Figure 11 provides detail on the timings for interview. It also provides a calculation of the amount of time that selection panels could spend on each of the criteria that they would have to cover with interviewees, assuming that each criterion will be explored at interview. Figure 12 compares the total time spent on interviews with the proportionality scale. Figure 12 appears on the following page.

### Question for the Scottish Government

Q7. The Code requires the Scottish Government to consider the nature of the post to be filled when compiling the appointment plan. This includes the arrangements for interviews. Having considered the above findings, how will the Scottish Government ensure that:

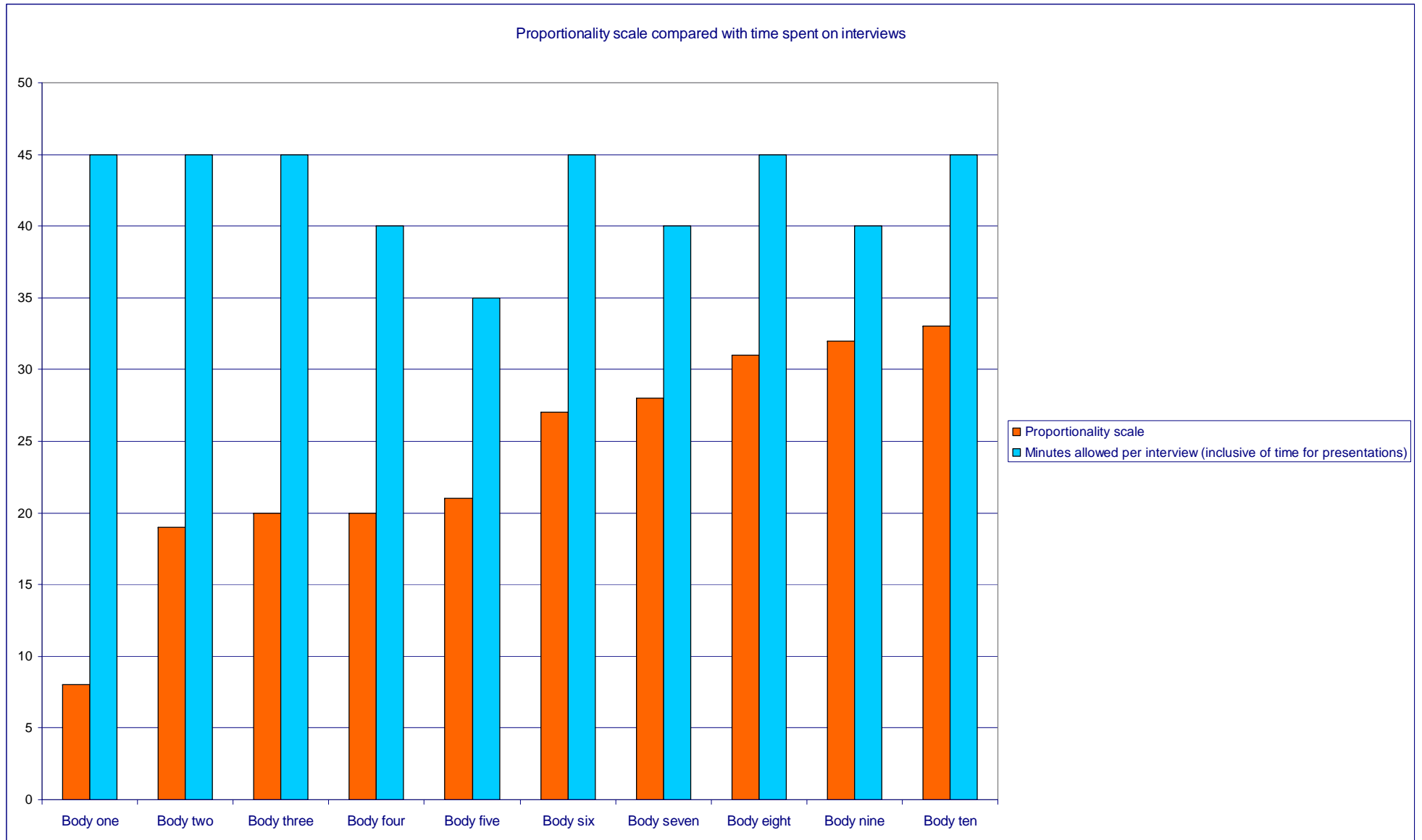
- the nature of the post to be filled informs the arrangements for interview and in particular the time spent on interviewing candidates?
- the arrangements for interview, or any other assessment method chosen, are appropriate for the position to be filled?

*Figure 11. Arrangements for interview*

<b>Body</b>	<b>Total interview time</b>	<b>Time within this total for candidates to make a presentation</b>	<b>Remaining time to test criteria</b>	<b>Total essential criteria</b>	<b>Total desirable criteria</b>	<b>Total criteria</b>	<b>Time for each of these criteria to be covered with candidates</b>
Body one	45 minutes		45 minutes	7	2	9	5 minutes
Body two	45 minutes	10 minutes	35 minutes	17	2	19	1.8 minutes
Body three (chair*)	45 minutes		45 minutes	6	2	8	5.6 minutes
Body four	40 minutes	7 minutes	33 minutes	8	2	10	3.3 minutes
Body five	35 minutes	5 minutes	30 minutes	8	4	12	2.5 minutes
Body six	45 minutes	5 minutes	40 minutes	7	7	14	2.9 minutes
Body seven (chair)	40 minutes	4 minutes	36 minutes	14	5	19	1.9 minutes
Body eight	45 Minutes	7 minutes	38 minutes	4	2	6	6.3 minutes
Body nine	40 minutes	4 minutes	36 minutes	13	4	17	2.1 minutes
Body ten	45 minutes	4 minutes	41 minutes	8	8	16	2.6 minutes

\* Where a round was simultaneously run to find a chair and members, the timings for the chair round have been used.

Figure 12. Comparison of proportionality scale against total time available for interview



## APPOINTMENTS REVIEWED (public bodies listed in alphabetical order)

Greater Glasgow and Clyde NHS, a chair sought

Highlands and islands Enterprise, five board members sought

Local Government Boundary Commission for Scotland, one deputy chair sought

Mental Welfare Commission for Scotland, a chair and a part time commissioner sought

NHS Quality Improvement Scotland, a board member sought

Scottish Children's Reporter Administration, one board member sought

Scottish Enterprise, five board members sought

Scottish Industrial Development Advisory Board, one chair and up to seven members sought

Scottish Law Commission, one commissioner sought

Scottish Water, three board members sought

## MECHANISM USED TO RANK APPOINTMENTS ROUNDS

**Nature of vacancy (the nature of the role/s to be filled)**

- 1 – single board member, advisory body
- 2 – two board members, advisory body
- 3 – single board member, executive body (includes public corps, tribunals & NHS bodies) or three or more board members, advisory body
- 4 – two board members, executive body (includes public corps, tribunals & NHS bodies)
- 5 – three or more board members, executive body (includes public corps, tribunals & NHS bodies)
- 6 – chair, advisory body
- 8 – chair, executive body (includes public corps, tribunals & NHS bodies)

Please note that these figures were added together where chair and member/s were sought simultaneously

**Budget of body**

- 1 – up to £500,000
- 2 – from £500,000 up to £2,000,000
- 3 – from £2,000,000 up to £5,000,000
- 4 – from £5,000,000 up to £10,000,000
- 5 – from £10,000,000 up to £100,000,000
- 6 – over £100,000,000

**Remuneration for members**

- 2 - £5,000 tot £10,000 per annum
- 3 – over £10,000 per annum

**Role (Role the body plays in informing Scottish Government policies)**

On a sliding scale of 1 to 10 where:

- 1 – little influence on Scottish Government policies
- 10 – direct and recognised influence on Scottish Government policies

**Impact (impact on Scottish public life and on individuals in Scotland)**

On a sliding scale of 1 to 10 where:

- 1 – little impact on public life or on individuals
- 10 – direct and recognised impact on Scottish public life and on individuals

**Remuneration for chair**

- 1 - £0 to £5,000 per annum
- 2 - £5,000 to £10,000 per annum
- 3 - £10,000 to £30,000 per annum
- 4 - £30,000 to £70,000 per annum
- 5 – over £70,000 per annum

**Formula**

The formula for assigning an overall figure for the purpose of ranking the appointments was as follows:

(If chair appointed score 1 x chair remuneration figure) + (If member appointed score 1 x member remuneration figure) + Nature of vacancy figure + Role figure + Impact figure + Budget figure