



# The Office of the Commissioner for Public Appointments in Scotland

## **Report on the views gathered during the pre-consultation phase on proposed revisions to the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code).**

### **PART ONE – CHAIRS OF PUBLIC BODIES**

We consulted with three groups of Chairs on our proposals for revisions to the Code. Events for this purpose were held in Edinburgh, Inverness and Glasgow.

The response and attendance rate was very high with 45 public bodies sending their Chair or fielding a representative instead of the Chair.

#### **Summary of views on the proposals**

All three groups of Chairs particularly welcomed the opportunity to enter into an open dialogue about the issue of public appointments.

All groups were clear that the direction of travel for the public appointments process was positive. Although it was far from perfect, the situation was better than it had been prior to regulation. Additionally, recent changes introduced by the Commissioner and being implemented by the Scottish Government were improving the process on an ongoing basis.

The majority of Chairs in all three groups agreed that there was more work to be done to improve the process in terms of:

- the competence of participants
- the advice, support and training available to selection panel members
- the accessibility of the process for applicants and potential applicants.

All groups welcomed the greater flexibility available to selection panels that the Commissioner had introduced to allow for alternative assessment methods although there was some concern that senior civil servants and/or OCPAS Assessors (OAs) were not promoting these alternative methods or allowing their use. In the case of senior civil servants, some attendees attributed this to risk aversion and an unwillingness to try new approaches.

The majority of Chairs were in favour of the option the panel now had to request career history from applicants although not all Chairs were clear that the use of this option should be directly related to the requirements set out in the person specification. Many Chairs expressed a preference for requesting such information because:

- application forms submitted without this information are often disjointed and it is hard to tell what people have done
- the Chairs felt CVs were a better way of establishing if someone would fulfil the role effectively
- the Chairs felt CVs were better for and more familiar to applicants who would probably expect to have to provide this information and who would find it easier than the current application process.

Although there was some recognition that this type of application method might militate against successful applications from people who have not followed traditional career paths, this was not the majority view.

All groups felt that the early planning meeting that the Commissioner had made mandatory in 2009 was very useful and should continue.

All groups were clear that people who participated in the appointment process should be competent to do so and that the lack of training for participants was an issue. This included lack of training on the requirements of the Code.

All groups felt that the current appointments process took too long and that it was overly complicated.

Many Chairs felt that their position in the appointments process may not be given sufficient weight, particularly when it came to the composition of the selection panel and the final appointment of people to the board by the Minister.

There were mixed views about the input, role and involvement of OCPAS Assessors.

There was general agreement that it was important to expend time and effort on getting the criteria for roles on the board right. This was considered fundamental to the successful outcome of an appointments round.

There was also agreement that the current criteria were, in the main, leading to the appointment of candidates with similar backgrounds and excluding successful applications from groups that were currently underrepresented on boards.

All groups agreed that a move to a short, simplified Code underpinned by easily understood principles and accompanied by a handbook of guidance would be welcomed.

The following pages give more detail on the comments submitted by each group of Chairs during the pre-consultation events.

## **Broad proposals from the Commissioner**

Each of the groups of Chairs was advised of the Commissioner's current proposal for the revised Code to be much simpler than at the moment. The Commissioner proposed a Code underpinned by the new principles that she had circulated in advance. The content should consist of about five A4 pages covering the main requirements of attraction, application, assessment and appointment with another page covering the role of the assessor. This would be accompanied by guidance on application of the Code.

This proposal seemed to meet with general approval from each of the groups of Chairs. There was agreement that the guidance should be provided in the form of a handbook which would be the same for everyone who had to work with the Code – the Chairs, the senior civil servants, the OAs and the sponsor teams. The handbook, to be as helpful as possible, should also contain illustrative examples.

## **Knowledge of the Code**

It was clear from comments made during the pre-consultation events that the Code and legislation governing public appointments is not universally understood. Misconceptions included:

1. The composition of the selection panel is dictated by the Code.
2. Anonymity in the process inhibits the ability of panels to appoint individuals from underrepresented groups.
3. There is no flexibility in the Code. This view may be due to an unwillingness to be flexible about application of the Code on the part of senior civil servants and/or OCPAS Assessors. One Chair described how he had "body-swerved" the Code's requirements with the assistance of a helpful OA. The Commissioner pointed out that exceptions to the Code are granted frequently, including those that had allowed this Chair to tailor the appointments process to reach a successful outcome.
4. Chairs are prevented from being specific about the skills, knowledge and personal qualities they require of the people to be appointed whether that is for single or for multiple appointments.
5. Every candidate has to be asked the same set of questions and interviews should last no more than 45 minutes.
6. Selection panels are unable to give Ministers clear information on which of the candidates most closely meet the person specification.
7. Selection panels are required to list as appointable all candidates who meet the criteria for the role even where such candidates are borderline and do not meet the criteria very closely. Some attendees were concerned that Ministers were able to appoint candidates who did not meet the criteria for a role most closely, even to the extent that borderline candidates could be appointed ahead of candidates who met the criteria very closely. Many Chairs felt that a return to a ranked list of candidates would be the best way to address this issue.

These misconceptions were not necessarily commonly held but were expressed sufficiently frequently to indicate that more support for Chairs in respect of the Code's requirements would be beneficial. Several Chairs indicated that specific training for them on the requirements of the Code would be helpful. Some Chairs expressed the view that they did not know what was possible under the Code well enough to raise legitimate concerns when the process seemed to them to be a barrier to a successful outcome.

For example, one attendee felt that training in the appointments process was very important for people. She felt that Chairs weren't even in a position to challenge the Chair of the panel or the OA if they were uncomfortable about the process. Chairs have to have sufficient training so that they can be knowledgeable enough to make constructive challenges.

The Commissioner referred one of the groups to the findings of the latest audit that she had conducted and noted that there was a major mismatch between the skills matrix, the role descriptions, person specifications and performance assessment documents used by sponsor teams and Chairs. The Commissioner felt that there were tools available to Chairs but that they weren't necessarily being used to best effect.

## **Specific questions about the proposals**

All Chairs were provided in advance with a list of questions about the Code. Their views on each of these were discussed at the events.

Many of the comments made in response to the questions related more to the public appointments process than to the content of the Code. It appeared that the Code and the process could not be divorced from each other in the minds of those who had been involved in making appointments. Custom and practice has built up in the appointments process. This has led to a situation in which participants believe, often wrongly, that the Code has dictated that custom and practice. We have included comments made about the appointments process as well as about the Code in this document. These comments have to be taken into account as revisions to the Code are considered, as such revisions should have the practical effect of changing the appointments process.

The following pages give information on Chairs' responses to the Commissioner's specific questions.

## Question one: Which parts of the current Code:

- **support successful appointment**
- **inhibit successful appointment**
- **would benefit from clarification?**

This question generated the greatest amount of discussion. Miscellaneous concerns about the appointment process were raised by participants in each of the groups consulted. These are set out below under the general headings of, “the process” and “accessibility”.

### The process

- Some attendees questioned whether public appointments were sufficiently prioritised by the Scottish Government. The Commissioner spoke of her discussions with the Cabinet Secretary for Finance and Sustainable Growth about the time taken for Ministers to make appointment decisions. This would now be reported on in the annual report. The Commissioner had also had discussions with senior civil servants on the apparent lack of priority afforded to this element of their work.
- Many Chairs expressed a concern about the lack of recognition of their position, and the lack of recognition of the body, in the process. A proportion of attendees either made or agreed with comments to the effect that the process disenfranchised them as Chairs or disengaged the board from the appointment process. Most comments of this nature focused on who should chair the selection panel and who bore the risks when things didn't go successfully during an appointment round. Other comments related to what Chairs felt that they had been prevented from doing by the senior civil servant or the OCPAS Assessor and sometimes by both in concert. Two of the groups were keen on the Code being more specific and prescriptive about the role that Chairs should play on the selection panel and several Chairs felt that the Code should not enable a selection panel to exclude the Chair except in very specific circumstances, such as new Chair appointments.
- One Chair who was unable to attend the meetings submitted comments on the role of the OA later. Having recently completed an appointments round his view was that they play a very valuable role and that, without their interpretation/explanation of what is appropriate or possible under the Code, sponsor directorates will always fall back on the rules rather than considering more flexible and innovative approaches.
- The same Chair also felt that the Code could be clearer about the minimum requirements for publicity.
- Some attendees felt that the process doesn't make effective and efficient use of resources. This applied to advertising as well as the time spent on the process.
- Attendees felt that a toolkit or handbook on options available to the selection panel would be useful. However, all attendees were clear that the assessment options available should not be taken up by panels unless they were properly resourced and had proper professional input from skilled assessors.

- A cottage industry has grown up around the appointments process. It was felt that any changes proposed for the Code should be properly resourced but that the resource implications should not be greater than at the current time.
- One attendee felt that the Code isn't prescriptive enough about the need to attract applicants appropriately.
- One attendee felt that greater flexibility in assessment methods may actually be off-putting to applicants who have applied unsuccessfully in the past and whose feedback was based on an application method that isn't used for each new appointment that they wish to apply for. No one felt that this was a strong argument against the introduction of greater flexibility.
- One attendee felt that the Code might include some clear guidance for the Scottish Government on service standards. These might include provision on how long after an interview it should take for a candidate summary to be completed and how long it should take for a Minister to make an appointment decision.
- One Chair noted that no sift had been conducted by Scottish Government officials for a recent round when many applications had been received. He felt that sifting wasn't best use of his or the panel's time.
- Another attendee was concerned that the sift could be conducted by staff working at a relatively low level within the civil service although they were reassured by the fact that this work was checked by the OA and could be checked by the other panel members. There was a suggestion that the OA check of the sifted applications could be clearer in the Code. Another Chair felt that the Chair of the body should conduct the sift, with this being monitored by the OA.
- An attendee at one of the groups felt that Ministers should not meet with candidates unless an OA was present and that an OA presence at this stage should be mandatory. This, they felt, was the only way to maintain transparency throughout the process. This opinion was shared by some but not all members of this group.
- One attendee was clear that effective appointments could be made. He was clear about what his board needed and the process had been geared up to achieve what he wanted. Another attendee confirmed that she had no problems in getting what she needed for her board either. She felt that the support of a good OA had been very useful to her. This was not a universal experience and several Chairs felt that they needed support to achieve a successful outcome in each round.
- One attendee, a recently appointed Chair, had set up a nominations committee for his board to ensure that issues such as appointment, performance assessment and management and reappointment were all considered appropriately.

## Accessibility

- Chairs at all three events agreed that the current process was not sufficiently flexible, that the application form and pack were overly complex and that the process was an inhibitor both in general and specifically for people from sectors that are currently underrepresented on boards. Criticisms were also specifically levelled at the language that was used. This applied to an extent to the language of the Code but more to adverts, application packs and to role descriptions and person specifications which used terms that were not in plain English and which many people didn't understand.
- An attendee from one group advised that the process was clearly not yet demonstrating equality of opportunity and attributed this to a number of factors including:
  - the vested interests of the Chairs not being taken into account in a way that promoted diversity
  - the civil service type approach to appointments which is process oriented
  - the lack of accessibility in the process
  - the lack of good quality HR input and advice into the process and the planning

He felt that OCPAS input, in the form of OCPAS Assessors, was valuable in this respect but the quality of Scottish Government input was not and varied greatly. It was apparent from the discussions with each of the groups that views about the value and performance of the OA varied.

- An attendee in one of the groups felt that there would be value in piloting alternative approaches to see what worked well in what circumstances. He indicated that the specifications quite often asked for skills and knowledge that could be developed in people once they were appointed. In this group there seemed to be general agreement that this was the case and that it would be useful to work out in advance what type of personal development of new appointees could be supported by the board. This would clearly have an impact on what was considered essential for new board members when new appointments were being planned.
- Attendees from all groups agreed that terms and conditions, such as time commitment, and remuneration for board members were issues.
- The Commissioner made reference to the recently published Walker report on corporate governance and noted that time commitment had an impact on the ability of people to fill non executive roles. This was particularly true for women and people from a private sector background. Many Chairs confirmed that they had been unable to appoint from these groups.
- One of the attendees felt that support for potential applicants was required too. The process was difficult and people needed more help than they were getting to navigate it. The attendee felt that their own board was not particularly representative of the communities that it served and that this would be unlikely to change without extra support for people to apply. The Commissioner agreed that there was a need for greater support for applicants but felt it would have to be provided by the Scottish Government or by the bodies themselves as OCPAS did not have either the resources

or the statutory mandate to provide this. The Commissioner referred to the pilot projects that she was running (education programme and mentoring programme) but made it clear that she would be handing these over to the Scottish Government to take forward.

- One Chair asked how best to get underrepresented groups on to boards. The Commissioner described the pilot projects that OCPAS is running with Queen Margaret University. The Commissioner also advised that all public bodies have a role in engaging effectively with the communities that they serve and in encouraging people to consider applying.
- Attendees agreed that reappointment should not be automatic although it was rare for individuals not to be reappointed for a second term.
- One attendee felt that the application process was not yet wholly understandable to the general public and that this had to be addressed.
- One attendee asked whether the Code should include a provision whereby the Chair was supported to identify what is needed for their board. The Commissioner asked who should provide that support but no conclusion on this was reached. One Chair noted that each of the boards could provide support to each other. As they did similar work, and as some Chairs would have more experience of appointment than others, there should be a lot of advice and expertise available when the group of Chairs were taken as a whole.
- Another attendee felt that it was important to try to get people from senior positions who were currently still working in the private sector onto boards.
- Another attendee felt that a recognition of the need for flexibility in the time commitment required of board members was the way of achieving this.
- In one group, an attendee made reference to the reputational risk of taking on an appointment. There was agreement that the risk was high because of the negative comments that were frequently and publicly made about the value of “Quangos” by the media. There was some agreement that the Scottish Ministers did little to ameliorate this risk or to rebuff criticism.
- There was recognition from the Chairs that the current process has moved away from the time when people were asked to provide a simple statement about why they were appropriate for a role. This means that there may be fewer applications but that they are more likely to come from applicants who are suitable. However, it has also led to a situation in which many are put off applying and some Chairs expressed the view that the pendulum between the two extremes of assessment has swung too far in one direction. In particular, applicants are not aware of what is expected of them since the process is not a common one and the common understanding of what represents evidence for most types of application process is not the same as that used for the public appointments process. Several Chairs expressed the view that either the process has to change or people have to be given much more explicit guidance on how to apply.

- Many Chairs were concerned that the process was generating the same types of appointee on a regular basis. Existing board members were described, for example, as, “clones of each other” and new appointees shared their characteristics. It was felt that more rigour could be introduced into the system to ensure that appointments were made on a sound basis and that the same narrow field of people didn’t keep reaching interview. In one group, there was agreement that the “old boys network” had been replaced with another network of individuals who were now in public life and who would remain there for as long as the same types of role description and person specification were used for every fresh set of appointments rounds. There was no suggestion that the people who were being appointed to the boards were not good quality board members. The concern expressed on several occasions was that they were all the same. Attendees from one of the groups, for example, had noted that the same people were being interviewed for positions over and over again.

## **Question two: What comments do you have on the proposed new Code principles?**

In general, the proposed new principles were well received and met with approval with a few minor caveats and comments.

Attendees endorsed the new principles but felt that there had to be more for participants in the process to follow. The Code structure should be based on the Code principles, a low number of prescribed practices and a handbook for all participants giving guidance on what was a requirement and what was not.

One of the groups expressed the view that neither the current Code nor its underpinning principles were really the issue although there seemed to be general agreement that the principles of outcome and applicant focussed might give a clearer steer to those implementing the process on what was required. For example, some Chairs expressed the view that the focus of the Scottish Government often seemed more to be on the appointment process than on the outcome.

Some attendees made a case for retaining the principle of proportionality in the Code. The process should be less complex and demanding to work with for a small advisory body with small budgets than for large significant bodies with significant budgets.

In one of the groups, one of the attendees was quite clear that the real problem was the lack of professional HR input into the process. He felt that the only source of such professionalism and advice currently came from the OCPAS Assessor and that he questioned the competence of the other panel members to make these appointments. This view was shared by some of the participants and there was a suggestion that the need for such professionalism in the process might be made clearer under both principles where they speak of competence and skills.

One attendee felt that the principle of respect for the applicant was overdue. She recalled a five month delay once between the date of the interviews and the date of appointment for members of her board. There had been no communications with these individuals during that period.

One attendee felt that a common failing was that public bodies and the Scottish Government weren't communicating with the man and woman in the street. He asked the question, "Do these principles?"

Another attendee felt that we had to be much more inclusive at the application stage. There should be much simpler descriptions for people of what it is that the board needs. This should carry through from the advert right to the application.

Another attendee felt that many had already been disenfranchised by the appointment process. They saw this as an opportunity to make the principles work by reaching out to these people. They felt the success or failure of the change would depend on how well the Commissioner sold the changes.

Another attendee felt that the principle of proportionality should not be lost and that it could be included by replacing, "appropriate" with, "proportionate" in the current wording.

One attendee felt that the wording of the applicant focussed principle was too passive. He felt that it would be better if the language was more encouraging so that, for example, rather than, “be able to demonstrate their suitability using appropriate assessment methods” applicants should be, “given the opportunity to demonstrate their suitability using appropriate assessment methods”.

A Chair who was unable to come to a consultation event submitted comments. He noted that the outcome focussed principle advised that the appointing minister would be given a choice of candidates. However, open competition does not always result in a choice for the minister. The Commissioner has granted exceptions to the Code in cases where a choice isn't generated. Exceptions to Code practices are possible but not to Code principles. Thus, if “outcome focussed” becomes a principle of the new Code it will be re-worded so that it will not result in situations where an exception to a principle will be necessary.

### **Question three: What is the value of anonymity during the early stages of an appointment round?**

Not all attendees in all groups understood why anonymity had been introduced and what its purpose was. Many of the Chairs were aware of the negative influence that unconscious bias had on the assessment of applicants and that anonymity was one tool that could be employed to ameliorate its effects. Many also understood that a commitment to work with an anonymised process removed one of the disincentives that under-represented groups cite as a reason for their not applying. However, this knowledge and view of the value of anonymity was not shared by all Chairs and there were several who felt that they should be provided with more applicants' details.

The broad views of each of the groups were as follows.

For one of the groups there was strong unanimous agreement on the value of anonymity in the process and they were clear that this requirement of the Code must stay in.

Attendees at one of the other events seemed satisfied with a proposal to let panels decide on the basis of the circumstances.

For the third group, attendees concluded that anonymity should not be abandoned as:

- it may encourage more applicants from more diverse backgrounds to apply
- it avoids the adoption of unnecessary risks by selection panels.

This reflects an overall view that anonymity serves a valuable purpose but that it may not be appropriate in certain relatively rare circumstances.

The Commissioner suggested that the final submission to the Minister might be provided in an anonymised form. There was no support for this.

#### **Question four: Are there any methods you would like to use to replace the interview as the final stage of assessment?**

None of the groups wished to dispense with interviews but equally none felt that this should necessarily be considered the final or only stage of assessment. Arguments for always conducting an interview included:

- the ability to listen and to communicate with others on a face-to-face basis is often a critical element of board work and interviews are a reasonable way of assessing such skills
- it was currently the only point in the process that one could get an idea from applicants about what they could and would do for the board if appointed.

There was balanced against a general agreement about the shortcomings of the interview as an indicator of performance.

There was broad consensus that a wide range of assessment methods could be used for the public appointments process to test different competences. These might include:

- requesting applicants to give a presentation
- one to one discussions
- role play
- open days (such as those used for the children's hearing system)
- group discussions
- other types of interview such as performance-based
- in-tray exercises
- psychometric testing
- open days, not for assessment per se, but to invite along interested members of the public so that they could meet with members of the board and so that board members could meet potential applicants

All groups were clear that methods should be proportionate but also contrasted the current public appointment process with appointments to professional positions such as to executive director positions. The lack of dedicated HR expertise and support for panels arose again when different options for assessment were discussed. Many attendees had reservations about using more methods to assess candidates without the expertise being made available to ensure that such methods were used appropriately.

One attendee advised that they had been astonished by some very well qualified people who had come unprepared for interview as they hadn't expected it to be so difficult. The attendee felt that it was important that this was communicated to applicants so that they were aware of the weight that the interview carried in the process. It was important that the lack of awareness of how the process worked should be addressed.

**Question five: Should the summary of the people considered by a selection panel to be appointable be presented to the Minister in a ranked order?**

A proportion of Chairs felt strongly about this subject and, in particular, their perception that they were unable to give a clear recommendation to the Minister about whom they wished to have appointed. One Chair even reported that he had not seen or been asked to sign off a summary of the candidates considered appointable by the selection panel before it was provided to the Minister. The incident was at least two years ago but the current Code was in force then.

There was broad agreement that the views of the Chair should not be excluded from the Minister's consideration and yet many attendees felt that the process seemed to militate against this.

For one of the groups, there seemed to be unanimous agreement that the candidate summary should be presented to the Minister in a ranked order.

A question was, however, raised in relation to the difference between Chair and member appointments. Clearly, for Chair appointments, the Ministers view would hold more weight than that of an outgoing Chair.

For another group there was broad agreement that the Minister should be free to choose whom they wish to appoint but that they should only appoint good quality candidates.

One attendee likened this to using a search consultant to fill senior positions. The Minister should be able to explain what they want and the panel should be able to identify a good choice of quality candidates who met the requirements for the Minister to choose from.

The results of the consultation in respect of ranking were not, therefore, unanimous although it was clear that Chairs felt they had insufficient say in the quality of advice provided to the Minister about who should be appointed and insufficient confidence in the Minister to always make the right appointment.

**Question six: Do you believe you are adequately supported when participating in an appointment round? Do you receive the training you believe necessary? Is there sufficient written guidance? Does the OCPAS Assessor provide useful information on the process and the requirements of the Code? What else could the Scottish Government or OCPAS do to support you?**

A view shared across all groups although not necessarily by every Chair was that panels needed more support and expertise to carry out their role. There was little agreement across the groups about where such expertise resided at the moment or how it ought to be provided in future. One group of Chairs felt that they should chair the selection panel, because senior civil servants, who currently did so, lacked the knowledge and skills required for this role. Another of the groups felt that the OCPAS Assessor should chair the panel as they would maintain independence whilst the other panel members concentrated on assessment.

Many attendees concurred that there was a question over the competence of selection panels to perform their role effectively at the current time. Few had been trained in recruitment and selection or in equality and diversity. It was apparent that for those that had some form of training there was no consistency in training for people who participated in the appointments process other than for OCPAS Assessors.

Many Chairs also made it clear that there was no mechanism for them to feed back on how they felt about the process.

One attendee noted that the OA offered a wash up meeting at the end of the process but that the Chair of the panel, the senior civil servant, was rarely keen to take the option up.

One attendee noted that they had no opportunity to provide feedback to OCPAS about, for example, OA performance or inconsistency. There should be a formal mechanism for this.

The Commissioner advised that there was a formal mechanism for the panel Chair to provide feedback on the work of the OA at the end of the round and that she would consider introducing another formal mechanism to ensure that the body Chairs had an opportunity to express their views about the process and/or the involvement of the OCPAS Assessor.

There was general agreement that, if body Chairs were the Chairs of the selection panel, they would have fewer concerns at the end of the round. The skill that Chairs had in common was their ability to Chair a panel and this skill were not generally shared by senior civil servants.

Avril Coats, who attended each of the meetings on behalf of the Scottish Government, felt that a proportion of senior civil servants would not necessarily be against this proposal.

One group was clear that not all panel members were currently competent to carry out assessment and interviews and that this issue had to be addressed by way of training and more dedicated professional input.

All three of the groups felt that that there was insufficient support for applicants in the process and that this had an impact on diversity. There should be more and better support

for individuals who wanted to apply. The current examples available for applicants were not very good and there weren't enough of them.

One Chair advised that applicants weren't always treated that well and cited an example of poor customer service experienced by a disabled applicant. They felt that this had to be addressed. They also noted that any new options for assessment must be appropriate for applicants with a disability.

Another attendee felt that too many people served on boards for too long a period. They believed that there was a reputational risk in the process from allowing people to be appointed for a third term following open competition. They also asked why appraisals couldn't be used during the assessment of individuals for open competitions as it seemed counter intuitive that such information couldn't be referred to.

**Question seven: Would you prefer the OCPAS Assessor to take a more “hands off” approach?**

A range of views on the role of the OA were expressed both across and within each of the groups of Chairs we consulted.

One group felt that the OA was currently the only reliable source of HR advice and support as well as on the requirements of the Code and, as such, should Chair the panel.

The views within the two other groups varied although it was apparent that OA involvement was sometimes viewed as dominating the process. One Chair expressed the view that the role of the OA was, per se, inappropriate as they were involved in the assessment of applicants as well as signing off the appointments process as compliant with the Code thereby endorsing the validity of the decisions that they had made. This is a matter that the Commissioner advised she has asked the Committee on Standards in Public Life to consider and comment on. Another attendee noted that, prior to OCPAS, there was always an “independent” who came from the industry or sector concerned on the panel. They felt that the OA appeared to have replaced this person.

Chair experiences of working with OAs varied also with some being very pleased with the advice and support that had been provided whilst others felt that there was variance in the quality and consistency of OAs across rounds that they had taken part in.

For these two groups, there was a consensus that a variation in the role of the OA should be considered for each appointments round and to suit the particular appointments that were to be made.

**Question eight: What, in your view, would be the most valuable role for the OCPAS Assessor to take during an appointment round?**

There was no consensus reached on this question as answers varied across and within each of the groups.

One group was clear that the OA should not be observing only and that they could be asked to take on a more significant role in the process by chairing the selection panel.

In another group, one attendee felt that the most valuable role that the OA could fulfil would be to provide advice at the planning stage as this was where they could add the most value. Their advice might also be sought occasionally on assessment. This Chair didn't feel they needed the OA to participate in interviews as they didn't need their questioning skills. Another attendee concurred that OA input at the planning stage was helpful but not at the interview stage.

One written submission from a Chair expressed the view that the OA should provide sound, impartial advice based on evidence and experience.

From the detail of the discussions it was clear that many valued the advice and support of the OCPAS Assessor but that many also questioned the extent to which they should otherwise be involved.

## **Miscellaneous comments**

Many areas of relevance to the Code were discussed during each of the meetings. The substantive views of Chairs in relation to these are captured below.

### **Disclosure checks and references**

One attendee noted that the current Code at sections 21 and 22 seemed to go against the requirement for anonymity. The Commissioner advised why these paragraphs were included in the Code and explained that they come into force once panels have been given the names of the candidates to be interviewed. The Commissioner also gave some general advice on potential conflicts of interest.

A Chair who submitted comments felt that it is good to have the opportunity to follow up information known about a candidate (as in paragraphs 21.1 to 21.8 of the current Code) but asked how the process might deal with those people about whom nothing has been heard but who also have questionable pasts. The Chair felt that this would not be apparent from an application form or factual reference.

One attendee asked whether disclosure checks on applicants should be made. They had been told that they could not make such checks (themselves) as the Minister made the appointment as opposed to the body. A general discussion ensued on disclosure checks and on the use of references.

One of the attendees asked why it wasn't possible to take character references up on candidates suggesting that this was common good practice in the private sector.

The Commissioner referred to the CIPD guidance on references and also provided guidance on the Code. Several Chairs also discussed current thinking on the value of references.

There was little support for a return to the take up of character references after this discussion.

### **Other**

Two Chairs felt that the private sector had more to offer and undertook to assist with the targeting of the leaders of business communities if any Chairs and/or the Commissioner wished to approach them about public appointments.

One attendee felt that the periods of appointment seemed to be arbitrarily set by the appointing Minister.

There was general agreement that people should be thanked for their applications and encouraged to apply again. One attendee noted that the provision of good feedback to applicants was vital both for encouraging future applications but also for the reputation of the body.