

### Annexe Two to Report Reference CPA/2007/02

#### **The Principles of the Code**

There are seven principles which underpin this Code. They are the foundations of the public appointments process in Scotland. These principles are drawn from the First Report of the Committee on Standards in Public Life (then known as the Nolan Committee) and the Members' Model Code of Conduct adopted under the Ethical Standards in Public Life etc (Scotland) Act 2000. The principles have been tailored specifically for the public appointments process.

The relevant principles for this report are Independent Scrutiny and Openness and Transparency. All the principles of the Code are provided below for completeness.

#### **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.

#### **Equality**

Accessibility to appointments is a fundamental requirement and the appointments process will promote and demonstrate equality of opportunity and treatment to all applicants.

#### **Probity and Respect**

Everyone engaged in the public appointments process will act with integrity and will demonstrate respect for all others involved in the process.

#### **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.

#### **Openness and Transparency**

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.

#### **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.

The following practices required by the Code were not complied with in relation to the appointments made.

### **8 OCPAS Assessor Involvement in Planning the Appointment**

8.1 The OCPAS Assessor will review:

- a. the role description and person specification
- b. the appointment plan
- c. a copy of the application pack which will be provided to applicants to confirm compliance with the Code.

8.2 The appointment will not be publicised in any way until the OCPAS Assessor has approved the final version of the items described in paragraph 8.1 above.

9.3 Every appointment round will involve a selection panel which will normally comprise:

- a. a senior official of the sponsor department, who will chair the selection panel
- b. the chair of the public body or a representative nominated by the Scottish Executive in consultation with the chair of the public body.  
and will always include an OCPAS Assessor.

### **14 Statutory Nominations**

14.2 In order to give the Minister a choice, nominating bodies will be asked to put forward more than one nomination for each post. If only one nominee is put forward for a post, and the sponsor department cannot encourage the nominating organisation to put another forward, the sponsor department will advise the Commissioner of this and request guidance.

### **25 OCPAS Assessor Validation**

25.1 The OCPAS Assessor will complete and sign a validation statement confirming that the appointment round conformed to the Code.

25.2 The validation statement will be passed to the Minister with the candidate summary.

### **Exceptional Circumstances**

#### **32 General**

32.2 Sponsor departments will obtain written agreement from the Commissioner in advance of any act or omission which will deviate in any way from the written procedures contained in the Code.

#### **36 Monitoring**

36.2 No appointment round may proceed without the involvement of an OCPAS Assessor.