



The Office of the Commissioner for
Public Appointments in Scotland

ADDITIONAL FINDINGS REPORT

Composite report on a range of chair and board member appointments and reappointments made between 2006 and 2008



Date of report: June 09

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INTRODUCTION

This report is a supplement to the composite proportionality report and the composite reappointment report produced by the Office of the Commissioner for Public Appointments in Scotland (OCPAS) for the 2008/09 reporting year.

It has been produced to inform the Scottish Government of additional findings that were identified during the proportionality and reappointment reviews.

It contains examples of non compliance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code). It also refers to instances of poor practice identified during the reviews.

Appendix one to this report lists in alphabetical order all of the bodies subject to the proportionality and reappointment reviews. In the body of this report public bodies are not individually named but are instead assigned numbers. To preserve anonymity, the numbers assigned to the bodies are not related to where they appear on the list in the appendix.

Thank you to sponsor teams

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

FINDINGS

1. Non-compliance identified

1.1 In the appointment round for body nine, three of the essential criteria appear not to have been tested at interview.

- ▶ The Code requires selection panels to assess, during interview, the suitability of candidates against the publicised person specification (paras 22.9 and 22.10).

1.2 In the appointment round for body four, the level at which criteria were evidenced was referred to in the shortlist evaluation documents although the person specification did not define the level at which they should be demonstrated.

- ▶ The Code states that new criteria will not be introduced during the appointment round. If the level at which skills or knowledge have to have been demonstrated by applicants is considered relevant for a given role, this must be made explicit in the person specification (para 19.6).

1.3 In the appointments round for body seven, for the chair appointment, the candidate summaries referred to criteria not in the person specification.

- ▶ The Code states that new criteria will not be introduced during the appointment round (paras 19.6 and 22.9). The selection panel's written assessment of candidates will be against the publicised person specification (24.4).

1.4 In the appointments round for body seven, the summaries for the member position, with five appointable candidates, made no reference to how each performed against the desirable criteria.

- ▶ The selection panel's written assessment of candidates will be against the publicised person specification. This written assessment will also refer to the desirable criteria for the role, where these are sought (24.4).

1.5 In the appointments round for body eight, the recruitment consultants asked every candidate interviewed to complete political activity declaration forms.

- ▶ Only the successful candidate in a round will be asked to complete a political activity declaration form (para 16.6).

2. Poor practice identified during the reviews

21. The skills matrix does not read across to the role description or person specification

During the review we found that the skills matrices did not always read across to the role descriptions and person specifications. A skills matrix sets out the combination of skills, knowledge and personal qualities required on the board overall to allow it to operate effectively. It also sets out which current board members have which skills, knowledge and personal qualities and allows for the identification of gaps in these areas on a given board. The skills matrix is not a Code requirement. It is a tool that has been adopted by sponsor teams. If a skills matrix does not read across to role descriptions and person specifications, there is a risk that individuals will be appointed or reappointed when they do not have the required attributes to meet the needs of the board.

The following table shows where we found this lack of read-across during the review and provides a brief description.

Body	Skills matrix does not match other documents
Body one	Not noted as part of the review* .
Body two	The criteria on the person specification were not an exact match for the criteria set out in the skills matrix.
Body three	Not noted as part of the review.
Body four	Not noted as part of the review.
Body five	The skills matrix did not match the person specification and the person specification did not match the role description.
Body six	Not noted as part of the review.
Body seven	There was no evidence of how the person specifications for each position to be filled were informed by the skills matrix or of how they were based on the strategic needs of the board.
Body eight	The person specification was not an exact match for the criteria set out in the skills matrix.
Body nine	A skills matrix was produced by the out-going chair. There was no evidence that it was used to inform the resulting person specification as the criteria in each were not consistent.
Body ten	Not noted as part of the review.

2.2 Performance appraisal is carried out too late to allow for open competition

The most recent performance assessment for a reappointee to body eleven was carried out in June 2008. This was two months prior to the end of the person's term. Should the appraisal not have recorded effective performance, or should the appointing Minister have decided not to reappoint, there would have been insufficient time to run an open competition.

* We did not automatically request sight of the skills matrix for the purposes of this review. Some sponsor teams submitted copies of skills matrices along with the other papers submitted for the review. The Code does not require the use of a skills matrix. The Scottish Government suggested the use of a skills matrix in what is now redundant guidance to sponsor teams. The skills matrix was provided in the guidance as a potential way of achieving compliance with paragraphs 5.2, 5.3 and 5.4 of the Code.

2.3 An open competition failed to seek specialist knowledge for a board that was essential for its effective operation

The appointment round which followed the reappointment exercise for body eleven was intended to appoint new board members to replace the individuals whose short second terms of appointment were coming to an end. Two board members whose second terms were coming to an end were the only board members with expertise in a particular specialist field. The person specification for the open competition did not include a desirable or an essential criterion relating to expertise in that specialist field. The open competition therefore did not secure an individual with expertise now considered essential by the chair for the board to operate effectively.

3.3 There was no or limited evidence on file to show how a Minister was consulted on the future direction of the body and the consequent needs of the board.

When we examined the reappointment documentation for bodies twelve and thirteen, we found no evidence of how the Minister was consulted on or made input into the future strategic direction of the organisation and its consequent membership requirements in terms of skills mix and person specification.

In the case of reappointments to both of these bodies, there was no evidence of discussion or analysis (via e-mail or other format) leading up to the production of the key elements of person specification and skills matrix or in relation to the reappointment decision or other options.

In the case of body fourteen, there was limited evidence of ministerial input around the future strategic needs / direction of the body during the development of the person specification and skills matrix.

3.4 The time spent by key participants on the reappointment exercise and the level of supporting documentation appeared limited.

In relation to reappointments to bodies twelve and thirteen, the time input from the key participants and the level of supporting documentation appeared limited considering that the members (of which one was not rated above satisfactory) were reappointed for 4 years.

APPOINTMENTS AND REAPPOINTMENTS REVIEWED (public bodies listed in alphabetical order)

Greater Glasgow and Clyde NHS, a chair sought (appointment)

Highlands and islands Enterprise, five board members sought (appointment)

Local Government Boundary Commission for Scotland, one deputy chair sought (appointment)

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

National Galleries of Scotland – three board members reappointed from October 2006, one from August 2007

NHS Quality Improvement Scotland, a board member sought (appointment)

Risk Management Authority – one board member reappointed from September 2008

Scottish Ambulance Service – two board members reappointed from April 2007

Scottish Children's Reporter Administration, one board member sought (appointment)

Scottish Enterprise, five board members sought (appointment)

Scottish Further and Higher Education Funding Council – two board members reappointed from October 2007

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

Scottish Law Commission, one commissioner sought (appointment)

Scottish Natural Heritage – two board members reappointed from April 2007 and one from April 2008

Scottish Water, three board members sought (appointment)

Tayside NHS board – four board members reappointed from April 2008