Public Appointments

Guidance to departments

March 2015

Centre for Public Appointments

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Guidance on making and managing public appointments

Annex A – departmental protocol

Annex B – Commissioner for Public Appointments’ Code of Practice

To be read in conjunction with the Commissioner for Public Appointments’ Code of Practice.
Making and Managing Public Appointments

Introduction

Ministers are responsible and accountable for public appointments. Departments are required to ensure that their processes for making such Ministerial appointments comply with the Commissioner for Public Appointment's Code of Practice. This guidance sets out the steps in the process that departments should take in making public appointments.

The Commissioner has confirmed that this guidance is compliant with his Code.

The Commissioner may audit compliance with the requirements set out in the Code.

Annex A provides an outline of the protocol departments should follow during each stage of a campaign.

Public appointments on merit

Public appointments must be made on merit. This means that the interview panel should provide Ministers with a choice of appointable candidates whose skills, experience and qualities meet the needs, as determined by the Minister, of the public body or statutory office in question. It is then for Ministers to determine merit and make the final appointment.

Departmental responsibilities

When designing and delivering appointments processes that meet the requirements of the Commissioner’s Code, Departments must seek the Minister’s agreement at the outset of each competition on all of the processes involved. This includes the selection process, job specifications and criteria, panel composition and publicity strategy – see further details under ‘Involvement of Ministers’ below.

A panel must be set up to oversee the appointments process. The role of the panel is to determine whether or not the candidates are appointable and have the relevant skills, experience and qualities against the selection criteria which the Minister has agreed.

The appointing Minister must agree the panel composition.

A Public Appointments Assessor must chair the panel for all Chair appointments. For other appointments, the Minister must agree the Chair of the panel in accordance with the Code. The panel must include an Independent Member who should provide external perspective. The panel must also include a senior official, who can represent the Minister’s views at every stage of the competition about the role and the type of person they are seeking to fill it.

Outgoing Chairs or board members should not sit on the panel.

The panel must produce a report for the Minister at the end of every appointments process. In addition to the requirements in the Code, this report should include the strengths and
weaknesses of all individuals. Officials should ask Ministers if they wish to meet with appointable candidates. In this circumstance the Minister must meet all the appointable candidates.

The appointment of the successful candidate must be publicised after the Minister has made a decision.

**Diversity**

Departments must give particular attention to attracting a strong and diverse field of candidates, including those from underrepresented groups. The Centre for Public Appointments in the Cabinet Office has published a diversity plan (www.gov.uk/government/publications/increasing-diversity-in-public-appointments).

All role descriptions should be clear, concise and accessible. They should avoid jargon, use plain English and keep the criteria broad enough so that capable candidates are not deterred or excluded. To promote diversity, role descriptions should not be too restrictive and should emphasise a candidate’s ability rather than requiring previous specific experience. When drawing up a job description, officials should not simply re-use or amend previous job adverts but consider carefully, in consultation with the Minister, the criteria required for the future board and role.

Applications should require candidates to provide a CV and accompanying expression of interest to set out how they meet the criteria for the role. Candidates should not have to complete lengthy forms and answer competence based questions.

**Involvement of Ministers**

Since the ultimate responsibility for making public appointments rests with Ministers, they must be involved throughout the process. They must be:

- Consulted before a post is advertised and agree the role specification, selection process, composition of the selection panel, selection criteria and publicity strategy. At the same time, Ministers should be asked for the names of any potential applicants to be invited to apply.

- Consulted about the use of executive search agencies. Where external firms are used, officials must ensure that the headhunters are aware of Ministers’ views at all stages of the process. A meeting between the Minister and the headhunters should be encouraged before the search begins and the headhunters should be present when the Minister meets the Chair of the panel.

- Provided with the opportunity to meet with the Chair of the panel at the start of the competition. The Chair of the panel must ensure that the panel fully understands the Minister’s expectations about the role and the type of person they are seeking. The Chair of the Panel must keep the Minister informed at all stages of the process.
Provided, before the competition closes, with the strength and diversity of the field so that the Minister can decide whether they wish to ask the panel to extend the deadline for applications. Officials should keep the Minister’s office informed and build some flexibility into the timetable to allow for this.

Provided with a copy of the list of applicants, the long list and short list of applicants. Ministers’ views should be sought at all stages about the expertise, experience and skills of the candidates. Long listing is an important stage of the process and Ministers should be advised if the Panel plans to move straight to shortlisting. The views of the Minister should be recorded in writing and provided to all members of the panel. Ministers cannot add or remove a candidate from a long or short list, but their views on candidates’ experience and suitability for the role should be reflected at these stages of the process. They can ask selection panels to review their lists in light of their comments.

Informed in good time if the panel decides not to interview a potential candidate they have recommended. The panel must give the reasons for the decision not to interview and decisions should not be communicated to candidates until the Minister has responded.

Given a choice of appointable candidates at the end of the process. The panel’s role is to decide whether candidates are appointable and they should not rank candidates. The panel should provide Ministers with the strengths and weaknesses of all individuals.

Given the option to meet with the appointable candidates. In this circumstance, the Minister must meet all the appointable candidates and be accompanied by the Chair of the interview panel or their nominee. Officials should also provide Ministers with the composition of the existing Board to inform their decision. One of the important considerations will be the diversity of the Board. The Minister may choose not to appoint any of the appointable candidates and re-run the competition.

**After the interviews**

Candidates should only be informed once final agreement on the preferred candidate(s) has been received.

Feedback should be provided to all applicants.

**Reappointments**

Reappointments require the consent of the Minister. The Centre for Public Appointments should also be consulted. They should be considered on a case by case basis and are not automatic.

When considering reappointments, Ministers should review the skills and diversity of the remaining members of the Board, as well as any current challenges facing the Public Body. A satisfactory performance assessment is essential for reappointment. Officials should build in sufficient time to allow for a full recruitment exercise if Ministers decide against reappointment.
The Centre for Public Appointments

Officials must consult the Centre for Public Appointments on appointment campaigns.

Where the post is subject to a pre-appointment scrutiny hearing, the Chair of the relevant Select Committee must be consulted. Further guidance on pre-appointment hearings is available here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259686/Guidance_publication.pdf.

Contacts:

You can contact the Centre for Public Appointments by email at publicappointments@cabinetoffice.gov.uk or by phone at 0207 276 6227.

All public appointments vacancies are advertised at http://publicappointments.cabinetoffice.gov.uk.

The Office of the Commissioner for Public Appointments is the independent regulator for all appointments.
Annex A – Departmental Protocol

**Stage 1**
Start of campaign
Officials must ensure that the Appointing Minister:
1. Agrees selection process, selection criteria e.g. selection panel and publicity strategy
2. Approves the job specification
3. Considers the diversity of the Board
4. Can suggest any individuals for the role

**Stage 2**
Long list and short list
Officials must:
1. Before the competition closes, inform Ministers of the range of experience and diversity of those who have applied.
2. At both stages, seek Ministers views on the skills, expertise and experience of candidates

**Stage 3**
The panel determines the appointable candidates. Officials must:
1. Provide Ministers with an unranked list of appointable candidates;
2. Ask Ministers if they want to meet the candidates before making a final decision.