

Triennial Review Report: Boundary Commissions for England, Northern Ireland, Scotland and Wales

Reviewing the function, form and governance of the Boundary Commissions

March 2015

Executive Summary

1. The Triennial Review of the Boundary Commissions for England, Northern Ireland, Scotland and Wales was announced to Parliament in April 2014.
2. The four Boundary Commissions are advisory non-departmental public bodies (NDPB) which review the Parliamentary constituencies in England, Northern Ireland, Scotland and Wales every five years as set out in the Parliamentary Constituencies Act 1986 as amended by the Parliamentary Voting System and Constituencies Act 2011. The Boundary Commission for Scotland also reviews Scottish Parliament boundaries in line with the Scotland Act 1998.
3. In accordance with the Government's guidelines for reviewing non-departmental public bodies, the aims of this review were to:
 - a. provide a robust challenge of the continuing need for the Boundary Commissions, in terms of both their functions and form; and, if it is agreed that the bodies should remain as NDPBs,
 - b. review their governance arrangements to ensure compliance with the corporate governance principles contained in the Cabinet Office Triennial Review Guidance.
4. The review was undertaken by the Cabinet Office (led by Sue Gray) and makes recommendations to Cabinet Office Ministers based on analysis of the issues covered in paragraph 3.

Summary of Conclusions:

5. Part 1 of this Report considers the key functions of the Boundary Commissions and whether these functions still need to be performed. The clear conclusion of the review is that there remains a strong need for a credible non-party political body which is independent from government to carry out the functions of the Boundary Commissions. The review considered a range of alternative delivery models but concludes that the Boundary Commissions should be retained as a non-departmental public body.
6. The Review has also looked at the links between the Boundary Commission for England and the Local Government Boundary Commission for England, as it is unlike that of their counterparts in Wales and Scotland. It recommends that the Boundary Commission for England and the Local Government Boundary Commission for England continue to consider whether they could share expertise, or support arrangements and services.
7. The Report goes on to consider the governance and operation of the Boundary Commissions. The Review was pleased to find that in general the Boundary Commissions operate effectively, and in accordance with corporate governance best practise. The Review would however like to highlight the following areas:
 - Consider agreeing and publishing a **Framework document** where this is not already in place
 - Sponsor Departments to assure themselves that they are carrying out an appropriate level of **Scrutiny and oversight** and **Performance reporting**
 - The diversity of **appointments**

- When new members join the Commissions, there should be **Induction** and for all members there should be regular performance **Appraisal** thereafter

Introduction

Aims of the review

8. This document sets out the findings of the Triennial Review of the Boundary Commissions. The review was announced by the Deputy Prime Minister to [Parliament](#).
9. The document describes the purpose of a Triennial Review, the process adopted for this review and presents the conclusions of the review as well as recommendations as to the future of the Boundary Commissions.

Triennial Reviews: Principles and application

10. It is the view of the Government that a non-departmental public body (NDPB) should only be set up, or remain in existence, where the model can be clearly evidenced as the most appropriate and cost-effective way of delivering the function in question. In April 2011, the Cabinet Office announced that all NDPBs still in existence following the reforms brought about by the Public Bodies Act would have to undergo a substantive review at least once every three years.
11. The Triennial Review of the Boundary Commissions was undertaken by the Cabinet Office in accordance with the [Guidance on Reviews of Non Departmental Public Bodies](#). In common with other Triennial Reviews, the Triennial Review of the Boundary Commissions was undertaken with two core aims. The first of these is to provide a robust challenge of the continuing need for the NDPB, in terms of both its functions and form. If it is agreed that the body should remain as an NDPB, its governance arrangements must be reviewed, to ensure compliance with the corporate governance principles contained in the Cabinet Office Triennial Review guidance.
12. Amongst other things, the *Guidance for Reviews of Non Departmental Public Bodies* states that reviews should be challenging, proportionate, appropriate for the size and nature of the NDPB in question, completed quickly, as well as offering value for money. The approach taken in this Triennial Review reflects the fact that the Boundary Commissions fulfil an important constitutional purpose but are small bodies in resource terms.
13. As part of the review, views were sought from a number of relevant stakeholders. The Cabinet Office would like to thank all those who gave their time in providing comments.

Background to the Boundary Commissions

Role

14. The Boundary Commissions are independent, advisory, non-departmental public bodies. The Parliamentary Boundary Commissions in the United Kingdom were established under the House of Commons (Redistribution of Seats) Act 1944, and their current

constitution and procedures are defined in the Parliamentary Constituencies Act 1986. Their main functions are:

- To review and make recommendations for reviews of constituencies in the relevant part of the United Kingdom for the Parliament at Westminster.
- The Boundary Commission for Scotland also reviews and makes recommendations for reviews of constituencies and regions for the Scottish Parliament. We have noted that the Smith Commission Heads of Agreements include the revised position that 'The Boundary Commission for Scotland will continue to operate as a UK public body. It will report to the Scottish Parliament in relation to boundary reviews for the Scottish Parliament. UK Government powers in relation to Scottish Parliament boundaries will transfer to the Scottish Government.' Draft clauses to implement this were included in the draft legislation subsequently published by the UK Government.

15. Different sponsorship arrangements apply to each of the Boundary Commissions:

- The Boundary Commission for England: sponsored by the Cabinet Office
- The Boundary Commission for Northern Ireland: sponsored by the Northern Ireland Office
- The Boundary Commission for Scotland: sponsored by the Scotland Office
- The Boundary Commission for Wales: sponsored by the Cabinet Office

16. The most recent review of Parliamentary Constituencies ('the 2013 review') was postponed by section 6 of the Electoral Registration and Administration Act 2013. The next review will report in September 2018 and be based on the electoral register as at 1 December 2015. The most recent complete review was submitted to Government in 2006 in England, 2007 in Northern Ireland, 2004 in Scotland and 2005 in Wales 2007.

Membership

17. Each Boundary Commission has slightly different arrangements for membership (see Schedule 1 of the Parliamentary Constituencies Act 1986). All are chaired by the Speaker of the House of Commons, but he takes no part in the process of reviewing boundaries. The Deputy Chairmen fulfil the day-to-day leadership role. Current incumbents and the appointments process for the Deputy Chairs are set out below.

- The Boundary Commission for England: The Honourable Mrs Justice Patterson (a judge of the High Court appointed by the Lord Chancellor)
- The Boundary Commission for Northern Ireland: The Honourable Mr Justice McCloskey (a judge of the High Court in Northern Ireland appointed by the Lord Chief Justice of Northern Ireland)
- The Boundary Commission for Scotland: The Honourable Lord Woolman (a judge of the Court of Session appointed by the Lord President of the Court of Session)
- The Boundary Commission for Wales: The Honourable Mr Justice Wyn Williams (a judge of the High Court appointed by the Lord Chancellor)

18. Other members of the Boundary Commissions are appointed by the relevant Minister following a fair and open process regulated by the relevant Commissioner for Public Appointments. The current membership is as follows:

- The Boundary Commission for England: Mr David Elvin QC (2009-2014, 2014-2019) and Mr Neil Pringle (2009-2014, 2014-2019);
- The Boundary Commission for Northern Ireland: Dr William Smith (2009-2014, 2014-2019). There is a vacancy for another Commissioner;
- The Boundary Commission for Scotland: Kenneth McDonald (2007-2011, 2011-2015) and Paula Sharp (2011-2014, 2015-2018);
- The Boundary Commission for Wales: Mr Paul Loveluck, CBE and Professor Robert McNabb (both appointed in 2011 for 5 year terms).

19. During the actual Boundary Review the Commissioners may be supported by Assistant Commissioners, who are also fee-paid public appointees. Their role and the relevant appointment process are set out in s.6 of the 1986 Act. They are not considered further by the Review.

20. The Commissioners are assisted by Assessors as follows:

- The Boundary Commission for England does not generally require its statutory Assessors to attend formal meetings, but works with the relevant organisations directly. These individuals are Michaela Gordon for Ordnance Survey, and Peter Large for the Office for National Statistics (on behalf of the UK Statistics Authority);
- The Boundary Commission for Northern Ireland: Dr Norman Caven (Registrar General in Northern Ireland), Graham Shields (Chief Electoral Officer for Northern Ireland), Mr Alan Brontë (Commissioner of Valuation for Northern Ireland), Mr Trevor Steenson (Chief Survey Officer of Land & Property Services);
- The Boundary Commission for Scotland: the Registrar General for Scotland, and the Director General of Ordnance Survey;
- The Boundary Commission for Wales: Michaela Gordon (representing the Ordnance Survey) and Peter Large (representing the Office of National Statistics on behalf of the UK Statistics Authority).

Costs

21. The costs of the Boundary Commissions and their secretariats for each financial year since 2010 is set out below. The differences between years reflect the cyclical nature of the Commissions' work.

	2013/2014	2012/2013	2011/2012	2010/2011	2009/2010
England	284,189	1,642,463	2,767,639	578,836	303,171
Northern Ireland	120,598	287,853	363,575	78,000	10,600 *
Scotland	132,064	281,261	328,373	204,864 #	554,573 #
Wales	94,270	233,516	419,591	135,590	52,849 ^

* Expenditure is low because Secretariat support for 2009/10 was wholly supplied by the Office of the District Electoral Areas Commissioner which also paid 90% of all expenditure other than that relating solely to the operation of the Boundary Commission

Scottish Parliamentary boundary review underway.

^ Total shown in the published annual report is 52859 which is not correct.

22. The Secretariats have different arrangements to enable them to manage the fluctuations in their workloads – this will be discussed in greater detail in Stage One.

- England – staffed by civil servants, and hosted by the Cabinet Office. In between reviews there is a small Secretariat some of whom also work on other issues.
- Northern Ireland – staffed by civil servants seconded from the Northern Ireland Civil Service and Home Civil Service. In between reviews the NIO provides a residual Secretariat function from within its Elections Unit.
- Scotland – staffed by civil servants employed by the Scottish Government, the Secretariat also provides support to the Local Government Boundary Commission for Scotland, a separate body which makes recommendations on local government area boundaries and electoral ward boundaries.
- Wales – the Secretariat is part of the Local Democracy and Boundary Commission for Wales, who are formally a separate body.

23. Commission members for all four Commissions are paid a per diem of £505.50.

The Review: Stage One

Functions of the Body

24. This section of the report examines the key functions of the Boundary Commissions and whether these functions still need to be performed. It then looks at whether these functions are best delivered through the Boundary Commissions, as advisory NDPBs, and what alternative delivery models may be appropriate.
25. The Boundary Commissions for England, Wales, Scotland and Northern Ireland were established under the House of Commons (Redistribution of Seats) Act 1944, and their current constitution and procedures are defined in the Parliamentary Constituencies Act 1986. Their role is to review the distribution of seats at parliamentary elections in accordance with a legislative framework as per the 1986 Act (amended, particularly by the Parliamentary Voting System and Constituencies Act 2011 which reduced the number of Westminster seats from 650 to 600). Key to this is the principle that the decisions on distribution of seats should be made independently of the political parties.
26. The Boundary Commission for Scotland also reviews constituencies and regions for the Scottish Parliament every 10 years, with interim reviews of selected areas sooner if necessary.
27. There is a separate Boundary Commission for each of England, Wales, Scotland and Northern Ireland. They are all chaired by the Speaker of the House of Commons, though day-to-day business is conducted by a Deputy Chair.
28. The Boundary Commissions are broadly similar in structure, being staffed by a small Secretariat, which generally increases in number when a review is ongoing. The Cabinet Office sponsors the Boundary Commissions for England and Wales, the Boundary Commission for Scotland is sponsored by the Scotland Office, and the Boundary Commission for Northern Ireland by the Northern Ireland Office.

Delivery Models

29. This section of the report provides an analysis of the possible delivery models for the functions performed by the Boundary Commissions. The full range of delivery models set out in the Cabinet Office guidance are considered, though some are dismissed quickly because of obvious weaknesses. The Triennial Review process offers six options to consider for the future delivery model of the function. These are:
 - Abolish
 - Move out of Central Government
 - Bring In-House
 - Merge with another body
 - Delivery by a new Executive Agency
 - Continued delivery by a NDPB

30. For information, the Political and Constitutional Reform Committee published their report 'What next on the redrawing of Parliamentary boundaries?' on 15 March 2015.

Abolish

31. The review has not addressed this option in detail, as it is evident that in a representative Parliamentary democracy constituencies need to be decided in some way. It could be debated how this should take place, and with what kind of independence from Government, but abolishing the function is not an option. Nor did the Review consider replacing the four Commissions with a single UK wide Commission as this was also not considered to be an option.

Move out of Central Government

32. Guidance on conducting a Triennial Review offers alternative delivery options which include delivering this function through local government, the voluntary sector or the private sector. At the core of the Boundary Commissions' functions is the principle that the distribution of Parliamentary seats should take place independently of the political parties, so these options are unlikely to be able to guarantee this in the same way as the current structure.

33. There is one option that has been considered in more detail: making the Boundary Commissions bodies report to their relevant Parliamentary body (so the Boundary Commission for England would report to the Westminster Parliament and the Boundary Commission for Scotland would report to the Westminster Parliament on UK constituencies and to the Scottish Parliament for Scottish Parliament constituencies). This could be similar in structure to the Electoral Commission who report annually to the Speaker's Committee on the Electoral Commission of the House of Commons.¹

34. Although this approach would in principle achieve the goal of keeping independence on from the political parties on boundary decisions it would not materially improve the accountability arrangements, and pending implementation of the Smith Commission proposals would add further complication to the next Review.

Bring In-House

35. As the core principle of the Boundary Commission's work is to operate independently from the political parties this is not an option. Bringing the work of the Boundary Commissions into their sponsoring Departments would mean that they reported directly to Ministers which would contradict their core principle of independence.

¹ Powers and duties of the Speaker's Committee , Appendix 1 of the Speaker's Committee on the Electoral Commission's report on their work in 2012, <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmspeak/1068/106804.htm> [accessed 19 March 2015]

Merge with another body

36. In the past, mergers between the Boundary Commissions and other bodies have either taken place or been proposed. The Political Parties, Elections and Referendums Act 2000 made provision for the Boundary Commissions to become Committees of the Electoral Commission. This was repealed 9 years later (through the Local Government, Economic Development and Construction Act 2009) having not ever taken effect for the Parliamentary Boundary Commissions. This followed the Committee on Standards in Public Life 2007 report on this issue.²
37. Alternatively, and again returning to a previous structure, the Boundary Commissions could report to the UK Statistics Authority (the Boundary Commission's work is in part driven by data supplied by the ONS). The Statistics and Registration Services Act 2007 put the collection and dissemination of statistics at further remove from Government and it was agreed at this stage that it would be inappropriate for them to continue their role on this. As this position has not changed, this has not been considered further.
38. One further option is for the Boundary Commission for England, like its counterparts in Wales and Scotland, to explore sharing some functions with its local government equivalent (the Local Government Boundary Commission for England). This is discussed in more detail in paragraphs 43-44. This type of merger has previously been considered in Northern Ireland, but ruled out due to the lengthy periods of inactivity between reviews, and is not explored further here.

Delivery by a new Executive Agency

39. As set out above, the core principle of the Boundary Commissions' work is to operate independently from the political parties. Bringing the work of the Boundary Commissions into an executive agency of their sponsoring Departments would mean that they reported directly to Ministers which would contradict their core principle of independence.

Continued delivery by a NDPB

40. The Triennial Review process asks a series of questions to answer where a function continues to be delivered by an NDPB. These are:
- Does the function pass at least one of the Government's "three tests"³?
 - How well is the NDPB currently delivering the function?
 - What is the view of users and stakeholders?

² The Government Response to the Committee on Standards in Public Life's Eleventh Report, *Review of the Electoral Commission* <http://webarchive.nationalarchives.gov.uk/20110218135832/http://www.official-documents.gov.uk/document/cm72/7272/7272.pdf> [accessed 19 March 2015]

³ The "three tests" are: is this a technical function (which needs external expertise to deliver); is this a function which needs to be, and be seen to be, delivered with absolute political impartiality (such as certain regulatory or funding functions); or is this a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity.

- Are the freedoms and flexibilities inherent in the NDPB model being used to deliver the function?
 - Have all other possible delivery options been examined and evaluated?
41. The Boundary Commissions clearly pass the “three tests” as they fulfil a technical role which needs to be delivered with political impartiality and independently of Ministers. The last constituency review by the Boundary Commissions was not completed as section 6 of the Electoral Registration and Administration Act 2013 postponed it until 2018. However, the Boundary Commissions were on track to deliver the boundary review in line with their statutory requirements and there is no particular stakeholder appetite to have the functions delivered in another way.
42. The conclusion of the first phase of this Triennial Review is that the functions are still needed and they should be delivered through the existing bodies.

The Boundary Commission for England

43. The Review understands that the Boundary Commission for England has in recent years discussed with the Local Government Boundary Commission for England options for closer working between the two organisations. The two Commissions looked at the potential for a “merged Secretariat”, with reference to the models in operation in Scotland, Wales and Northern Ireland. The Commissions’ early analysis was productive and helpful in surfacing some of the issues that would be raised by closer joint working, but it concluded that the different statutory structures underpinning the Commissions would make a merger at the present time difficult.
44. However, the Review understands that both Commissions remain open to the question of how best they could share expertise, and whether they could consider sharing support arrangements and services (for example IT and mapping). The Review would like to invite both Commissions to continue consideration of these issues in the context of their longer-term strategic planning.

The Review: Stage Two

45. Stage One of this review concluded that the Boundary Commissions should be maintained as Non-Departmental Public Bodies. As such, in Stage Two, the review went on to consider and assess the controls, processes and safeguards in place to ensure that the Commission is operating in line with the principles of good corporate governance. These are set out in the Cabinet Office guidance [Advisory NDPBs: Corporate Governance Arrangements](#).
46. Annex C addresses this in detail and provides responses to the supporting provisions of the six core principles of good governance, using the “comply or explain” methodology to assess whether the Boundary Commission’s governance arrangements are in line with the principles. This section highlights any central issues of governance and makes a small number of recommendations for the future.
47. Information in this section was gathered through conversations with sponsor teams, Boundary Commission Secretaries, a number of external stakeholders and some Boundary Commission Deputy Chairs and Commissioners. Our thanks are due to their assistance in this.

Central issues of governance and core recommendations

48. The Review was pleased to find that in general the Boundary Commissions operate effectively, and in accordance with corporate governance best practise. There are some areas where improvements could be made, and these are set out in more detail below.

The work of the Commissions

49. **Framework document:** There is clearly a high level of understanding of the work of the Boundary Commissions because of its importance to the functioning of the UK’s Parliamentary democracy (and it is clearly set out in legislation). However, best practice suggests that Boundary Commissions should all have a published framework document in place. The Triennial Review recommends that this should be considered before the next boundary review commences.
50. **Scrutiny and oversight:** On occasion there may be times when the Boundary Commissions’ funding needs are challenged by their sponsor Departments – in itself this doesn’t bring into doubt the independence of the Boundary Commissions, but will always need to be done in the context of the constitutional sensitivity of their role.
51. **Performance:** On the performance of the Boundary Commissions, the sponsor Departments keep an overarching brief, but no formal processes are universally in place. Boundary Commissions and sponsor teams should discuss this in further detail.

Commission membership

52. The Boundary Commissions have two main regulated appointments each, though they all appoint Assistant Commissioners. The Deputy Chair is appointed by a separate process. The Review has not considered the appointments of the Assistant Commissioners.
53. **Appointment of Commissioners:** Of the 8 Commissioners and 4 Deputy Chairs, only 2 are women. Sponsor teams need to ensure that the recruitment process attracts as diverse a field as possible, and in this regard, the Review recommends that future adverts for Commissioners do not specify the qualifications needed, and instead focus on ability (where this is not the case already).
54. **Induction:** Turnover of Commissioners is low so formal induction processes are not always in place – there does however seem to be a satisfactory induction each time this is needed. The Boundary Commissions may wish to consider whether they could standardise this process.
55. **Appraisal:** there is a mixed picture on performance evaluation of the Deputy Chair and Commissioners – this should take place regularly and not just in advance of a request for reappointment. Guidance on appraisal of Board members can be obtained from the Cabinet Office’s Centre for Public Appointments.

Conclusions

Stage Two of the Triennial Review concludes with four core recommendations:

- Sponsoring Departments should work with their Boundary Commissions to consider whether they should publish a **Framework Document**;
- Sponsor Departments should ensure that their **Scrutiny and Oversight** and **Performance monitoring** are robust and sufficient;
- Consideration of diversity in **Appointments**; and,
- **Induction and appraisal** should be carried out with regard to best practise guidance.

Annex A: The corporate governance of the Boundary Commissions

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>1. Core principle: Accountability - The minister is ultimately accountable to Parliament and the public for the overall performance, and continued existence, of the advisory NDPB.</p>	
<p>a. The minister and sponsoring department should exercise appropriate scrutiny and oversight of the advisory NDPB. This includes oversight of any public monies spent by, or on behalf of, the body.</p>	<p>The sponsor departments exercise oversight of the four Boundary Commissions including financial oversight. The Secretaries meet regularly with their Sponsor Teams – generally monthly or quarterly, depending on whether a Review is ongoing.</p> <p>There may be times when the Boundary Commissions’ funding needs are challenged by their sponsor Departments – in itself this doesn’t bring into doubt the independence of the Boundary Commissions, but will always need to be done in the context of their constitutional position.</p>
<p>b. Appointments to the advisory NDPB should be made in line with any statutory requirements and, where appropriate, with the Code of Practice issued by the Commissioner for Public Appointments.</p>	<p>The Boundary Commissions have an unusual structure as set out in the Parliamentary Constituencies Act 1986. The Chair in all cases is the Speaker of the House of Commons and solely titular in all cases. The Deputy Chair is the day-to-date head of the Boundary Commission and is a nominated senior Judge – slightly different arrangements apply for each Boundary Commission as set out in schedule 1 of the 1986 Act and copied below:</p> <p style="padding-left: 40px;">The deputy chairman—</p> <p style="padding-left: 40px;">(a) in the case of the Commission for England shall be a judge of the High Court appointed by the Lord Chancellor,</p> <p style="padding-left: 40px;">(b) in the case of the Commission for Scotland shall be a judge of the Court of Session appointed by the Lord President of the Court of Session,</p> <p style="padding-left: 40px;">(c) in the case of the Commission for Wales shall be a judge of the High Court appointed by the Lord Chancellor,</p> <p style="padding-left: 40px;">(d) in the case of the Commission for Northern Ireland shall be a judge of the High Court in Northern Ireland appointed by the Lord Chief Justice of Northern Ireland.</p> <p>The Commissioners are more conventional public appointments, and are appointed in line with normal procedures.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>c. The minister will normally appoint the chair and all board members of the advisory NDPB and be able to remove individuals whose performance or conduct is unsatisfactory.</p>	<p>See above for appointment arrangements for the Chair and Deputy Chair. It is incumbent on the Boundary Commissions and their sponsor teams to ensure that performance or conduct is satisfactory, and monitored in an effective way, so as to enable the Minister to take action when it is not. Appraisal is discussed in further detail below.</p>
<p>d. The minister should meet the chair on a regular basis.</p>	<p>This is unlikely to be appropriate for the Chair, the Deputy Chair or the Commissioners as meeting regularly with Ministers could be seen to lessen the independence of the Boundary Commissions. In the circumstances that there is an issue concerning administrative matters, rather than the work of the Commissions in designing constituencies, then the Commission Secretariats have access to Ministers if required, but this has rarely been necessary.</p>
<p>e. There should be a requirement to inform Parliament and the public of the work of the advisory NDPB in an annual report (or equivalent publication) proportionate to its role.</p>	<p>The Commissions publish annual reports on their websites each year. These are compiled in accordance with the requirements of their sponsor Departments which means that there is no exact read-across between them, but they all provide sufficient information to meet reporting requirements.</p>
<p>f. The advisory NDPB must be compliant with Data Protection legislation.</p>	<p>All Boundary Commissions comply with this requirement (and differences in the way that they conduct their work means that Scotland/Wales/Northern Ireland use anonymised data so handle very little personal information).</p>
<p>g. The advisory NDPB should be subject to the Public Records Acts 1958 and 1967.</p>	<p>The Boundary Commissions are subject to the Public Records Acts.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>2. Core principle: Roles and responsibilities - Role of the sponsoring department - The departmental board ensures that there are appropriate governance arrangements in place with the advisory NDPB. There is a sponsor team within the department that provides appropriate oversight and scrutiny of, and support and assistance to, the advisory NDPB.</p>	
<p>a. The departmental board's agenda should include scrutiny of the performance of the advisory NDPB proportionate to its size and role.</p>	<p>The Boundary Commissions are very small organisations with unusual roles – it is therefore unlikely to be necessary that they are considered on the departmental board's agenda, other than in the context of general monitoring of expenditure and performance.</p>
<p>b. There should be a document in place which sets out clearly the terms of reference of the advisory NDPB. It should be accessible and understood by the sponsoring department and by the chair and members of the advisory NDPB. It should be regularly reviewed and updated.</p>	<p>There is clearly a high level of understanding of the work of the Boundary Commissions because of its importance to the functioning of the UK's Parliamentary democracy (and it is clearly set out in legislation). However, all the Boundary Commissions should consider publishing a framework document in line with best practice guidance. The Triennial Review appreciates that other similar information is published but recommends that publication of a framework document should take place before the next boundary review commences to bring them into line with best practice.</p>
<p>c. There should be a dedicated sponsor team within the parent department. The role of the sponsor team should be clearly defined.</p>	<p>The Boundary Commissions for England and Wales are sponsored by the Electoral and Parliament Division in the Cabinet Office. Sponsorship of the Boundary Commission for Scotland is through the Constitutional Policy Team in the Scotland Office. The Boundary Commission for Northern Ireland's sponsorship team is the Northern Ireland Office's Constitutional and Political Group.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>d. There should be regular and ongoing dialogue between the sponsoring department and the advisory NDPB.</p>	<p>The Boundary Commissions and their sponsor teams keep in regular touch through both regular meetings and additional ad hoc meetings where necessary. This tends to be on a monthly or quarterly basis depending on need.</p>
<p>e. There should be an annual evaluation of the performance of the advisory NDPB and any supporting committees – and of the Chair and individual members.</p>	<p>There is mixed compliance with this principle. On the performance of the Boundary Commissions, the sponsor Departments keep an overarching brief, but no formal processes are in place. Arguably, this would be unnecessary each year (particularly between reviews) but should happen annually during reviews. Similarly, there is a mixed picture on performance evaluation of the Deputy Chair and Commissioners – this should take place regularly and not just in advance of a request for reappointment. Guidance on appraisal of Board members can be obtained from the Cabinet Office’s Centre for Public Appointments.</p>
<p>3. Core principle: Roles and responsibilities - Role of the chair - The chair is responsible for leadership of the advisory NDPB and for ensuring its overall effectiveness.</p>	
<p>a. The advisory NDPB should be led by a non-executive chair.</p>	<p>As set out above, the Chair is not involved in the day-to-day running of the Boundary Commissions. The Deputy Chair takes this role. This role is defined by legislation and is not that of a conventional non-executive chair.</p>
<p>b. There should be a formal, rigorous and transparent process for the appointment of the chair. This should be compliant with the Code of Practice issued by the Commissioner for Public Appointments. The chair should have a clearly defined role in the appointment of non-executive board members.</p>	<p>See above.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>c. The duties, role and responsibilities, terms of office and remuneration (if only expenses) of the chair should be set out clearly and formally defined in writing. Terms and conditions must be in line with Cabinet Office guidance and with any statutory requirements.</p>	<p>The Chair is titular only. The Deputy Chair takes this role on a day-to-day basis in line with their statutory duties set out in the Parliamentary Constituencies Act.</p> <p>Their remuneration is set out in the Boundary Commissions Annual Reports. The Boundary Commissions may wish to consider whether they itemise the total remuneration for each of the Deputy Chair and Commissioners separately to increase openness and accountability.</p>
<p>4. Core principle: Roles and responsibilities - Role of other members - The members should provide independent, expert advice.</p>	
<p>a. There should be a formal, rigorous and transparent process for the appointment of members to the advisory NDPB. This should be compliant with the Code of Practice issued by the Commissioner for Public Appointments.</p>	<p>See Section 1 above. The Commissioners are appointed in line with the Commissioner for Public Appointments' Code of Practice.</p>
<p>b. Members should be properly independent of the Department and of any vested interest (unless serving in an ex-officio or representative capacity).</p>	<p>This is made very clear during the recruitment process for Commissioners.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>c. Members should be drawn from a wide range of diverse backgrounds, but should have knowledge and expertise in the field within which the body has been set up to advise ministers. The advisory NDPBs as a whole should have an appropriate balance of skills, experience, independence and knowledge.</p>	<p>The Deputy Chairs are, as set out in statute, all senior judges. Historically the Commissioners have been drawn from limited fields – the approach is now less prescriptive for some of the Boundary Commissions, and the other Boundary Commissions should consider whether when they next advertise for Commissioner roles whether it is necessary to specify a legal/academic background. Instead the advert should emphasise the ability necessary to successfully perform the role.</p>
<p>d. The duties, role and responsibilities, terms of office and remuneration of members should be set out clearly and formally defined in writing. Terms and conditions must be in line with Cabinet Office guidance and with any statutory requirements.</p>	<p>The Commissioners’ remuneration is set out in the Boundary Commissions Annual Reports. The Boundary Commissions may wish to consider whether they itemise the total remuneration for each of the Deputy Chair and Commissioners separately to increase openness and accountability.</p>
<p>e. All members must allocate sufficient time to the advisory NDPBs to discharge their responsibilities effectively.</p>	<p>This does not seem to be an issue for any of the Boundary Commissions.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>f. There should be a proper induction process for new members. This should be led by the chair. There should be regular reviews by the chair of individual members' training and development needs.</p>	<p>Turnover of Commissioners is very low so formal induction processes are not always in place – there does however seem to be a satisfactory induction each time this occurs. The Boundary Commissions may wish to consider whether they could standardise this process.</p>
<p>g. All members should ensure that high standards of corporate governance are observed at all times. This should include ensuring that the advisory NDPB operates in an open, accountable and responsive way.</p>	<p>The Boundary Commissions, in line with statutory guidelines, fulfil their core role in an open, accountable and responsive way, including considering corporate governance issues at meetings and approving Annual Reports.</p>
<p>5. Core principle: Communications - The advisory NDPB should be open, transparent, accountable and responsive.</p>	
<p>a. The advisory NDPB should operate in line with the statutory requirements and spirit of the Freedom of Information Act 2000.</p>	<p>The Boundary Commissions operate in accordance with the Freedom of Information Act.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>b. The advisory NDPB should make an explicit commitment to openness in all its activities. Where appropriate, it should establish clear and effective channels of communication with key stakeholders. It should engage and consult with the public on issues of real public interest or concern. This might include holding open meetings or annual public meetings. The results of reviews or inquiries should be published.</p>	<p>As small and specialised NDPBs there is high awareness of their work with interested stakeholders such as academic, constitutional experts and the political parties. Public awareness is however more limited – it was raised with us that is difficult to see how the public can influence the work of the Boundary Commissions due to the knock-on effect of changes in one constituency to other constituency boundaries and therefore non-specialist interest is not often high.</p> <p>There are a range of statutory requirements for the Boundary Commissions in terms of public consultation: including the results of each boundary review being published, and public consultation events are held.</p>
<p>c. The advisory NDPB should proactively publish agendas and minutes of its meetings.</p>	<p>With the exception of the Boundary Commission for Scotland, these are not published until after the end of the Review. The Boundary Commission for Scotland publishes its minutes and papers at each stage of the review, that is at the same time as publication of a) Initial Proposals for constituencies b) Revised recommendations c) Final Report. All four Boundary Commissions should consider whether they should follow the same approach.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>d. There should be robust and effective systems in place to ensure that the advisory NDPB is not, and is not perceived to be, engaging in political lobbying. There should also be restrictions on members attending Party Conferences in a professional capacity.</p>	<p>Because of the role of the Boundary Commissions it is very clear that the Deputy Chair and Commissioners cannot engage in political lobbying. The Boundary Commissions are independent of political parties and this is a key tenet of their way of operating.</p>
<p>6. Core principle: Conduct and Behaviour - Members should work to the highest personal and professional standards. They should promote the values of the advisory NDPB and of good governance through their conduct and behaviour.</p>	
<p>a. A Code of Conduct must be in place setting out the standards of personal and professional behaviour expected of all members. This should follow the Cabinet Office Code. All members should be aware of the Code. The Code should form part of the terms and conditions of appointment.</p>	<p>Codes of Conduct are in place which accord with Cabinet Office's guidance, and are part of the terms and conditions of appointment. All are available on the Boundary Commissions' websites.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>b. There are clear rules and procedures in place for managing conflicts of interest. There is a publicly available Register of Interests for members. This is regularly updated.</p>	<p>The Commissions operate formal Registers of Interests which are published on the Boundary Commissions' websites.</p>
<p>c. There must be clear rules in place governing the claiming of expenses. These should be published. Effective systems should be in place to ensure compliance with these rules.</p>	<p>Expenses in the Boundary Commissions are overseen by the respective Secretary to the Commission – these are not currently published, and all Boundary Commissions should consider doing so.</p>
<p>d. There are clear rules and guidelines in place on political activity for members and that there are effective systems in place to ensure compliance with any restrictions.</p>	<p>In the recruitment of the Commissioners it is made very clear that they should not have any party political affiliations which could be seen to affect their judgement and balance. After appointment it forms part of the published Codes of Conduct. This independence from political parties is a core part of their work and this is a key principle with which they all comply.</p>

Principles of good Corporate Governance for Advisory NDPBs	Statement of compliance, or explanation of non-compliance
<p>e. There are rules in place for members on the acceptance of appointments or employment after resignation or retirement. These are enforced effectively.</p>	<p>This does not seem to be covered consistently at the moment. All Boundary Commissions should ensure that this issue is covered in either the code of conduct or the letters of appointments.</p>