



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 69/16

7 October 2016

NIAR 349-16

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Diversity and Public Appointments in Northern Ireland

1 Introduction

This Briefing Paper has been produced in the context of issues relating to diversity in public appointments raised in the Committee for Communities on 15 September 2016.¹ The paper summarises the system for public appointments in Northern Ireland and outlines the profile of boards of public bodies.

The issue of diversity in public appointments is explored and proposed measures for increasing diversity are discussed.

¹ Meeting of the Committee for Communities 15 September 2016: <http://www.niassembly.gov.uk/assembly-business/committees/communities/minutes-of-proceedings-2016---2017/>.

2 Executive Summary

As at March 2015, 38% of all public appointments were women, although 22% of chairs were female.

Of appointments made in 2014/15:

- 44% were female
- 44% were Protestant, 38% Catholic, 18% other or not known
- 1% had a declared disability
- Less than 2% were from a minority ethnic community
- 3% were under 30, 24% over 60

Details of socio-economic group are not available.

There is no bar to the number of posts an individual can hold, but appointments are limited to two terms for the same post.

As at 31 March 2015, 29% of individuals held two or more posts simultaneously. A survey of 50 individuals holding public appointments in the years ending 2010 to 2014 found that 76% of the sample held one post only and did not move on to another post during the period of the survey.

Obstacles to participation for members of under-represented groups can be on three levels: the personal level, interpersonal level and the appointment process. Strategies to address under-representation need to engage on all three levels and a mixture of methods will be required in any one context.

3 Public Appointments in Northern Ireland

Public appointments are made by a government Minister to the board of a public body. Appointment are made on merit, based on an individual's talent and skills, following a recruitment exercise, which usually involves a public advertisement².

Overall responsibility for public appointments rests with the Executive Office, which publishes annual reports on appointments for public bodies under the responsibility of every government department³. The Commissioner for Public Appointments for Northern Ireland has a role of providing guidance for departments to make public appointments, audit and report on appointments processes and investigate complaints⁴.

The seven key principles of public appointments are as follows⁵:

Merit	All public appointments must be made on the basis of merit. Only those individuals judged to best meet the requirements of the post will be recommended to Ministers for appointment to public bodies.
Diversity	The make-up of the Boards of Northern Ireland public bodies does not adequately reflect the make-up of the population. The opportunity to appoint the best people is greatly increased when every potential applicant is attracted and encouraged to apply and when individual attributes and differences are valued. Departments should ensure, as far as possible, that Boards are balanced in terms of skills and experience, and that opportunities to apply for positions on Boards are open to the communities they serve.
Equality	Departments must ensure equality of opportunity and equal treatment of all applicants at every stage of the appointment process. The 'Important Notice' at the start of this document highlights the importance of adherence to anti-discrimination law. It is for Ministers and their Departments to ensure that they are fully versed in these matters.

² 'Public appointments explained', NI Direct website, accessed 28 September 2016: <https://www.nidirect.gov.uk/articles/public-appointments-explained>.

³ 'Public Appointments', Executive Office website, accessed 28 September 2016: <https://www.executiveoffice-ni.gov.uk/articles/public-appointments>.

⁴ 'Our role', Commissioner for Public Appointments for Northern Ireland website, accessed 28 September 2016: <https://www.publicappointmentsni.org/our-role>.

⁵ Commissioner for Public Appointments (2016), *Code of Practice for Ministerial Public Appointments in Northern Ireland*, Belfast: CPANI, pp.7-9.

Openness, Transparency and Independence	<p>The practices employed by Departments at every stage in the appointment process must be transparent and consistent with the recognised principles of open government.</p> <p>All public appointment competitions must include a demonstrable element of independent participation in the assessment of applicants.</p>
Integrity	Public appointees must be people who understand, apply and are committed to the principle of integrity, and who will perform their duties with moral rigor and honesty without personal or corporate gain.
Proportionality	Whilst the Commissioner's Code must be followed for every appointment, the procedures applied at each stage of an appointment should be proportionate to the size and purpose of the public body and to the posts to be filled. The proportionality principle must not be used to circumvent proper procedures or avoid good practice.
Respect	Throughout the public appointment process, candidates should be treated with respect; this applies from the first contact with the Department through to completion of the appointment process.

The Code of Practice states that an appointee may be considered for a second term of appointment, but appointments to the same post are restricted to two terms⁶. There is no upper limit to the number of appointments an individual may hold, but a judgement is expected to be made by the appointing department regarding a candidate's availability. As at 31 March 2015, the maximum of posts any individual held was four (by three board members), as the following table shows⁷:

Number of Appointments Held	Number of People	Number of Appointments	% Appointments this year	% Appointments last year
1	981	981	71%	(71%)
2	149	298	22%	(23%)
3	27	81	6%	(5%)
4	3	12	1%	(1%)
Total	1160	1372		

⁶ Ibid., pp.29-30.

⁷ OFMdfM (2015), *Public Bodies and Public Appointments: Annual Report 2014/15*, Belfast: OFMdfM, p.22.

4 Diversity and Public Appointments

Profile of Public Appointments in Northern Ireland

At 31 March 2015, 38% of all public appointments in Northern Ireland were held by women. When broken down by chairs and members, 22% of chairs were female and 39% of members were female⁸.

Applications and appointments for 2014/15 according to identity or background are given in the following table⁹.

	Applications 2014/15	Appointments 2014/15
Gender	32% female 68% male	44% female 56% male
Community background	40% Protestant 40% Catholic 20% neither or not known	44% Protestant 38% Catholic 18% neither or not known
Disability	5% declared disability	1% declared disability
Minority ethnicity	2% minority ethnic	Less than 2% minority ethnic
Age	2% under 30 7% 30-39 15% 40-49 34% 50-59 27% 60 or over 16% not known	3% under 30 10% 30-39 18% 40-49 30% 50-59 24% 60 or over 15% not known

Information on socio-economic background of applicants is not available.

As mentioned above, 'diversity' is one of the seven principles of public appointments stated in the Code of Practice. In addition¹⁰:

⁸ OFMdFM (2015), *Public Bodies and Public Appointments: Annual Report 2014/15*, Belfast: OFMdFM, p.14.

⁹ Derived from *ibid.*, pp.20-30.

¹⁰ Commissioner for Public Appointments (2016), *Code of Practice for Ministerial Public Appointments in Northern Ireland*, Belfast: CPANI, pp.11-12,14, 24, 38.

- In the Person Specification - *When drawing up criteria for a public appointment, those involved must recognise the validity of non-traditional career paths, to encourage applications from as diverse a range as possible;*
- The departmental appointment plan must include - *a section on diversity which sets out what steps (in outreach and process) will be taken to achieve the best possible spread of applicants and, ultimately, appointees;*
- Selection panel members should have received training on equality and diversity issues;
- Publicity for the appointment should *ensure that a wide and diverse audience is made aware of the appointment and encouraged to apply;*
- The appointing Minister must be made aware of the agreed Executive targets for diversity in public appointments; and
- Social media should be used to encourage diversity of applications.

The Commissioner for Public Appointments announced in April 2016 that the Executive had committed to¹¹:

- Equal numbers of women and men appointed to boards by 2017/18
- Equal numbers of women and men as board members and chairs by 2020/21

The following measures were to be introduced to achieve this:

- departmental sponsored bodies will be required to review the culture and practice of their Boards and to ensure that these are conducive to women and other under-represented groups;
- departments will need to consider, for each of their sponsored bodies, whether the absence, or level of remuneration is a factor in deterring applications to Board positions from women and other under-represented groups;
- departments will have to consider whether there is an ongoing need for statutory nominations to the Boards of their sponsored bodies

The Code of Practice has been amended to the effect that Ministers are to be informed of the existing gender balance on boards when considering appointments.

Diversity and Public Appointments

Research carried out for the Scottish Government states that evidence shows there are benefits to having more diversity on public and private boards, including the following¹²:

¹¹ 'Diversity', CPANI website, accessed 28 September 2016: <https://www.publicappointmentsni.org/diversity>.

¹² Matthew Dutton and Robert Raeside (2014), *Overcoming Barriers to Equality and Diversity Representation on Public, Private and Third Sector Boards in Scotland*, Edinburgh: Scottish Government, pp.8-14: <http://www.gov.scot/Publications/2014/12/3043>.

- The external view of a diverse board is a signal of a better company
- Diverse boards perform better, primarily because board members of the majority identity apply themselves more in the presence of 'other' identities
- Boards can recruit from a wider talent pool, with a greater range of experience and perspective

However, there are barriers to participation for identities with less representation on boards. Evidence gathered by the Welsh Government in 2013 to investigate increasing under-represented groups on boards included the view that boards tend to recruit 'in their own image' and also there was a perception that there was a group of the same people moving from one board to another¹³.

A sample of 50 individuals holding public appointments in Northern Ireland was tracked for the years ending 2010 to 2014¹⁴. Eight (16%) held two posts simultaneously and three (6%) held three posts. Four individuals (8%) moved from one appointment to another, three of whom held multiple posts simultaneously. While there may be a perception of a small group of people occupying public appointments, 76% of the sample held one post only and did not move on to another post during the reporting years 2010 to 2014.

Research for the UK Government Equalities Office (GEO) identified three levels of barriers to diverse participation on boards¹⁵:

1. *Individual Level* – There was no evidence that people from under-represented groups lacked the necessary skills or qualifications, but perceived lack of opportunities may have lowered career expectations and persistent stereotyping leads to biased perceptions of skills and aspiration
2. *Interpersonal Level* - Candidates from under-represented groups lack social capital and networking opportunities and boardroom cultures can be inhospitable to diversity
3. *Appointment Process* – Evidence from this level is mainly from boards of private companies, but applies to public boards to a certain extent, where there is a perceived lack of transparency, unclear selection criteria and weak links between candidate search and diversity

¹³ Welsh Government (2013), *Increasing the Number of Women and Other Under-Represented Groups in Public Appointments – Meeting on Under-Represented Groups in Public Appointments*, Cardiff: Welsh Government: <http://gov.wales/topics/people-and-communities/equality-diversity/increasing-diversity-public-appointments/?lang=en>.

¹⁴ The 50 individuals were selected at random from the 2010 Public Appointments Annual Report and tracked to the 2014 report. Individuals are identified by surname and initial in the reports, so there is a possibility of duplication for some of the multiple posts reported.

¹⁵ Ruth Sealy, Elena Doldor and Susan Vinnicombe (2009), *Increasing Diversity on Public and Private Sector Boards: Part 1 – How Diverse are Boards and Why?* London: Government Equalities Office, pp.18-34.

Measures to Increase Diversity

Broadly speaking, there are two main approaches to increasing diversity on the boards of public bodies, as follows:

- **Voluntary** - In 2013, the UK Government expressed an intention that half of all public appointments would be female by 2015. Consequently, an action plan was published to deliver this aspiration¹⁶. Appointments to year ending 31 March 2015 in the UK were 44% female¹⁷. The action plan is reproduced at Appendix 1.
- **Compulsory** - In France, gender parity laws have applied quotas to appointments to public bodies. A law of 2012 required at least 40% of either sex to be represented on boards of public bodies, extended in 2014 to quotas for sporting bodies, chambers of commerce and consultative bodies¹⁸.

In addition to these broad approaches, there are initiatives which can be undertaken to increase diversity. These include¹⁹:

- Increasing public awareness of the role of boards
- Wider advertising of vacancies
- Training, mentoring and networking opportunities
- Reporting on equality targets

The evidence suggests that there is no 'one size fits all', and different methods will work to varying degrees to different circumstances. The research carried out for the GEO, referred to above, mapped initiatives to increase diversity to the three levels of obstacles to participation. The initiatives suggested are²⁰:

- Board-ready training for under-represented groups
- Professional networks
- Development programmes
- Databases of potential candidates

¹⁶ Cabinet Office (2013), *Increasing Diversity in Public Appointments*, London: Cabinet Office:

<https://www.gov.uk/government/publications/increasing-diversity-in-public-appointments>.

¹⁷ 'Percentage of public appointments made to women: April 2014 to March 2015', Cabinet Office 14 October 2015:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467910/20151014_Percentage_of_New_Public_Appointments_made_to_Women_in_2014_2015.csv/preview.

¹⁸ See Research and Information Service Briefing Paper 86/14 *Act for Real Equality between Women and Men – France*, 22 September 2014, pp.5-6: <http://www.niassembly.gov.uk/assembly-business/research-and-information-service-raise/research-publications-2016/research-publications-2014/>.

¹⁹ Matthew Dutton and Robert Raeside (2014), *Overcoming Barriers to Equality and Diversity Representation on Public, Private and Third Sector Boards in Scotland*, Edinburgh: Scottish Government, pp.16-19.

²⁰ Ruth Sealy, Elena Doldor and Susan Vinnicombe (2009), *Increasing Diversity on Public and Private Sector Boards: Part 1 – How Diverse are Boards and Why?* London: Government Equalities Office, pp.13-32.

- Mentoring schemes
- Diversity charters
- Legal remedies
- Mandatory equality legislation

The table below shows these initiatives mapped according to obstacles²¹.

Types of initiatives which seek to improve representation on boards

Summary of initiatives				
Scheme	Countries located	Target group	Impact	Impact level
1. Board-ready training	UK, Norway, Canada, Australia, Spain	Predominantly women, sometimes mixed sex, a few at BME – private and public	Helps women and BME feel confident. However, appears sometimes to be viewed as remedial – assumption of an innate ability.	Individual
2. Professional networks	Canada, Norway, Spain, UK, the Netherlands, France, USA, New Zealand, Australia	Women	Mixed impact, depending on how managed and whether can get board-level males involved.	Interpersonal
3. Development programmes	UK	Women and men in financial and professional service firms to predominantly public/third sector boards	Seen as developmental opportunities with obvious strategic benefits for organisation. In addition, internal board-ready programmes include managing placement roles. One bank made public commitment to first woman on board within 36 months.	Individual + Interpersonal
4. Databases	Norway, Spain, Canada, USA, UK, the Netherlands	Women – private and public sectors	Often not been utilised to any great advantage, but UKRC and Public Appointments Commission exceptions. Spain is hopeful, recent F350 launched.	Appointment Process
5. 'Recommendations' (i.e. legislation without recourse)	Norway, Sweden, Spain and possibly France	Women – private sector	Increased numbers in Norway and Sweden but nowhere near to target. Likewise so far in Spain.	Appointment Process
6. Equity Law	Norway, Canada	Norway – women on boards, Canada – Employment Equity Law, not board level aimed at women, visible minorities, Aboriginal and disabled	Norway – met societal target of 40+%. Impacts still being researched. Canadian law has not had significant impact on numbers, but is viewed as competitive within industries.	Societal
7. Charters	None known about at board level. General diversity level in the Netherlands, Germany, France, Belgium, UK, Spain, Switzerland	Public and private sectors, some just women (Netherlands, UK), some more general	Useful when at early stages of diversity management. Public commitment to measurement and targets is generally positive. More successful when led by business rather than government.	Individual, Interpersonal + Appointment Process
8. Mentoring Programmes	UK, Norway, Canada, Australia, Spain, USA, France, New Zealand, South Africa, the Netherlands	Predominantly women, a few for BME – public and private sectors	At the level of Chair/CEO being mentor; the biggest benefit is at the interpersonal level in terms of the mentee breaking into the network. In addition it may also affect the appointment process once the Chair/CEO becomes true advocate.	Individual, Interpersonal + Appointment Process

²¹ Ibid., p.12.

Appendix 1: UK Action Plan 2013 - Increasing Diversity in Public Appointments

The Centre for Public Appointments:

- The Government has established the Centre for Public Appointments (CPA) in the Cabinet Office to co-ordinate across Government and promote roles on Public Boards to a range of candidates with diverse skills and backgrounds.
- The CPA is also working with the Commissioner for Public Appointments who is committed to increasing the diversity of appointments through his role as regulator and his work with Public Appointments Assessors.

Raising Awareness:

The CPA is encouraging applications from candidates by:

- contacting potential candidates about suitable opportunities;
- advertising all opportunities on the public appointments website, Twitter and distributing a fortnightly newsletter on upcoming appointments;
- simplifying adverts and using language which will encourage candidates to apply;
- working with both the executive search industry and representative networks to encourage prospective applicants from diverse backgrounds;
- providing a dedicated resource to help potential candidates understand and prepare for the application process; and
- raising awareness of public appointments by hosting events and raising the profiles of existing role models.

Job adverts and specifications:

In order to make job adverts and specifications clear, concise and accessible, the CPA is ensuring that:

- job adverts and specifications use plain English and avoid jargon to appeal to the widest field of applicants;
- job adverts and specifications promote diversity by emphasising, where possible, a candidate's ability rather than previous experience;
- job specifications should focus on key skills and should not rule out or deter potential candidates by being too restrictive in the criteria; and
- applications must request CVs and supporting statements rather than lengthy forms

Diversity within the recruitment process:

In order to reinforce the need for diversity throughout the process, the CPA is ensuring that:

- Ministers are aware of the diversity of the existing Board at the start of a campaign;
- Ministers meet with those involved in the campaign, including the Chair of the panel and executive search firm (if used) to ensure that all parties are clear on the requirement to find a diverse field of candidates;
- Ministers see details of the field before competitions close, to decide if they are content with the diversity of applicants;
- Ministers are reminded of the diversity of the existing Board when given details of all

candidates who were deemed appointable at interview;

- Ministers agree panels with independent panel members who will provide an external perspective;
- feedback is provided to candidates
- strong candidates who are not appointed are encouraged to apply for other roles; and
- reappointments are the exception rather than the rule, to encourage greater diversity in new appointments.

Monitoring progress

We are monitoring our progress by:

- publishing six monthly reports on Departments' performance on appointing women to public appointments.