

A Response to

***Draft Code of Practice for
Ministerial Public Appointments in
Northern Ireland***

By
**Women's Support Network
&
Women Into Politics**

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1. Introduction

- 1.1. The Women’s Support Network and Women into Politics welcome this opportunity to respond to the Draft Code of Practice for Ministerial Public Appointments in Northern Ireland. We commend the Commissioner opening the draft Code to consultation when she has no statutory duty to do so.
- 1.2. This response has been produced in partnership with Women into Politics, a longstanding key member of the Network, and in discussion with other women’s groups and organisations who strive to support to women in the community to be full and active participants in public life. Women into Politics was also part of the initial consultation of the Code of Practice in Slieve Donard in 2007.
- 1.3. **Women’s Support Network**
 - 1.3.1. The Women’s Support Network (WSN), established in 1989, is an infrastructural umbrella organisation, which provides support services to, and represents over 40 groups (see Appendix 1 for full member and associate member listing) including: community-based Women’s Centres, women’s projects and women’s infrastructure groups.
 - 1.3.2. WSN aims to achieve social, political and economic justice through the promotion of the autonomous organisation of women. The Network aims to strengthen the collective voice of women’s groups and to promote and develop networking opportunities, to enable collective action and to impact upon policy and decision making processes. The

WSN provides an accessible, feminist, relevant and high quality support service and resource for its member groups.

- 1.3.3. The Network is also an important information resource on issues relevant to community-based women's organisations and for other infrastructure groups, nationally and internationally.

1.4. Women into Politics

- 1.4.1. Women into Politics is a cross-community organisation, practicing and encouraging the principles of democracy, feminism and community development. We are independent of all political parties, promote good relations and actively encourage the participation of women in all their diversity.
- 1.4.2. Communities cannot be developed from without and must build their internal capacity for change and growth. We bring together women, encouraging their involvement in negotiation and conflict resolution to build a more positive future for everyone.
- 1.4.3. Women into Politics aims to raise awareness of the principles of community relations and strategies for building peace and promoting reconciliation. We seek to contribute to the development of new methods of decision-making that ensure equal opportunities for participation. We encourage and support women in acquiring the skills and knowledge necessary to enter or to progress in political and public life.
- 1.4.4. Women Into Politics works in partnership with grassroots organisations in a cross-community context and in co-operation with all elected representatives and policy makers for the advancement of women and to the benefit of the women's sector.
- 1.4.5. Women into Politics is the only NGO in Northern Ireland whose main strategic focus is to increase the number of women in decision making roles at all levels in our society. We have an excellent working

relationship with all the NI political parties and have embarked on the next stage of our political skills programme in partnership with NILGA.

2. General Comments

2.1. There are several issues we wish to address about the current public appointments system that we believe have a particular impact on women:

- Addressing Barriers to Women
- Nominated Positions
- Ministerial Appointments

2.2. *Addressing Barriers to Women*

2.2.1. The Public Appointments Annual Report 2007-2008 (OFMDFM) reveals that women currently hold 32% of public appointments in Northern Ireland, revealing that there is significant under-representation compared to the overall population. The report also shows that the number of women holding the role of Chairperson has decreased by 4% in that year.¹

2.2.2. The Office of Public Appointments for Northern Ireland (OCPA NI) 13th Annual Report acknowledges the need *'for diversity to be rigorously addressed in the new Code'*². However, we do not feel that the current Draft adequately addresses the importance of taking specific action to promote equality and diversity in general, nor does it specifically address the societal and systemic barriers to women taking up public appointments.

2.2.3. In line with other women's organisations, we would recommend that the Commissioner reviews the Scottish Model³, on public appointments.

2.2.4. We strongly advocate for the new Code be revised in order to rigorously address the need for diversity and inclusiveness. A transparent process should be introduced from selection to appointment. We support the recommendations made on the Audit of the Invest NI recent public appointment process.

¹ OFMDFM, Public Appointments Annual Report 2007-2008
http://www.ofmdfmi.gov.uk/annual_report_volume_1_composite.pdf

² Commissioner for Public Appointments Northern Ireland 13th Annual Report
http://www.ocpani.gov.uk/13th_ocpani_ar.pdf

³ Diversity Delivers (2007)
<http://www.publicappointments.org/consultations/documents/DiversityDeliversCosultationNov2007FINALWordWeb.doc>

2.2.5. We further ask that the Commissioner explore options for advocating positive action measures for certain public bodies to have 'reserved seats' for appointable candidates from ethnic minorities, people with disabilities, and LGBT people, to ensure that their views are heard.

2.3. *Nominated positions*

- 2.3.1. It is a matter of fact that there are currently too few female councillors/MLA's in Northern Ireland to ensure equal gender balance on boards and bodies where positions are nominated.
- 2.3.2. We therefore believe that a policy that implements positive action measures to address insufficient gender representation is both justified and required.
- 2.3.3. We suggest the District Policing Partnership recruitment model as an example of good practice, which aimed to reflect the diversity of local groups in Northern Ireland society throughout their recruitment and selection process.
- 2.3.4. **We therefore urge the Commissioner to explore examples of good practice where positive action measures have been taken to ensure nomination and representation of women.**
- 2.3.5. **Should the majority of respondents support the nomination process, we hope that the Commissioner include in a requirement for gender balance as part of this process.**
- 2.3.6. **We would support the introduction of a competency based process or set criteria for political parties to adhere to as a minimum requirement for all their nominations.**

2.4. *Ministerial Appointments*

- 2.4.1. We are deeply concerned that Ministers making the ultimate decision as to who they appoint are not bound by the current Code of Practice.
- 2.4.2. Ministerial Appointments must be seen to be transparent and fair. Ministers must therefore demonstrate that they have taken representation, equality and diversity into account when making their decisions.
- 2.4.3. There are several examples of when this has not been the case. One example is the recent Invest NI Board appointment. The eight vacant posts advertised were eventually filled by men. There has to be a system in place to alert Ministers that various Section 75 groups are not represented at every stage of the recruitment process and that an option to re-advertise the post is available. There are inconsistencies in when Ministers chosen whether or not to re-advertise public appointments, e.g. DCAL re-advertised the posts for the Arts Council

as the then Minister (Edwin Poots) felt there was an uneven geographical distribution of candidates short listed. The posts were then re-advertised.

2.4.4. Due to this inconsistency in the Ministerial public appointment process, a similar process used by DCAL should have been used by DETI when all successful candidates were male.

2.4.5. DCAL failed to appoint a female candidate who was Highly recommended, who had both a rural and urban background but was not selected in the same process that the Minister felt it appropriate to re-advertise. Furthermore within a few months of the appointments process, when a female member of the Arts Council Board stepped down, the Minister appointed a male candidate over the Highly recommended female candidate. Due to a lack of transparency and the Code of Practice not extending to Ministerial appointments, it raises serious concerns about the fairness of the process.

2.4.6. We are concerned that the Strategic Investment Board (SIB) are yet to make a decision on the appointment of their new Board members. This process happened a year ago and to date no appointment has been made.

2.4.7. We consider this to be a major equality issue, which runs the risk of eroding public confidence in the appointments process. We therefore ask that the Commissioner take steps to address the fact that Ministers do not currently have to abide by the same minimum standards of practice when making decisions under the current public appointments system. We therefore strongly recommend that the Code of Practice extends to the Ministerial appointments.

2.4.8. We further recommend that valid feedback is provided to candidates who are Highly Recommend but fail to be appointed in particular, when a suitable candidate is selected instead.

3. Specific Comments

3.1. OCPA NI Assessors

3.1.1. We suggest that Assessors receive mandatory equal opportunities and diversity training, and that assessment of representation based on Section 75 categories be introduced into Assessors' criteria for recommendations.

3.1.2. We strongly recommend that Independent Assessors are not paid by the Department hosting the Public Appointment. Assessors being paid to be part of the assessment process cannot be considered to be independent if they are paid by the host recruiting Department. A system should be introduced where the Assessors are employed and paid by the Office of the Commissioner for Public Appointments. There is a clear conflict of interest if this particular is not addressed.

3.2. Merit Principle

3.2.1. We agree that all public appointment nominations be based on merit. However, we believe that positive action measures are required to redress the under-representation of certain equality groupings, including women. **The Merit principle has to recognise experience in addition to third level qualifications. The community and voluntary sector employ a high number of women in senior positions. Those women have budgetary and strategic experience and this should be taken into account.**

3.3. Selection Panel

3.3.1. In the constitution of all selection panels, it must be demonstrated that steps have been taken to ensure appropriate gender balance.

3.3.2. All panel members should be made aware of the requirement for promoting equality and diversity prior to the selection process, and Section 75 training made available where knowledge of equality issues is limited.

3.4. Publicity

3.4.1. We recommend that the Code outlines a requirement to demonstrate the steps taken to target under-represented groups, including women.

3.5. Informing applicants

3.5.1. We would welcome a set timeframe for applicants to be notified of the outcome of applications.

3.5.2. We recommend that comprehensive feedback is offered to candidates who are not shortlisted and appointed. In particular, there has to be a transparent process to explain why candidates who are 'Highly Recommended' are not appointed.

3.6. Statutory nominations

3.6.1.1. 35% of all appointments are through statutory nominations, and approximately 10% of these are held by local Councillors. This makes it likely for positions to be given to men.

3.6.1.2. We believe that this trend will be further exacerbated by the implementation of the Review of Public Administration (RPA).

3.6.1.3. We ask that the Commissioner considers the limitations within the statutory nomination process that hinder women's participation, and particularly addresses the impact of RPA on women's continued under-representation in decision making in Northern Ireland.

3.6.1.4. We recommend that political parties are given the same competence based criteria to be applied to their nominated

candidates as with other public candidates going through the same process. This should be recorded and sent to the assessment panel, who should have the final say on the appointment of the nominated candidate. An interview should also be offered to political party nominations.

WSN Member groups

All Ireland Mother's Union
Antrim & Ballymena Women's Aid
Ardmonagh Women's Group
Ardoyne Women's Group
ATLAS
Al Nisa Women's Group
Ballybeen Women's Centre
Ballymurphy Women's Group
Belfast & Lisburn Women's Aid
An Munia Tober (Travellers)
Carrickfergus Women's Forum
Carew II
Causeway Women's Aid
Clan Mor Women's Group
Derry Well Woman
Derry Women's Centre
Falls Women's Centre
First Steps Women's Group
Footprints Women's Centre
Foyle Women's Aid
Foyle Women's Information Network
Granaghant District Women's Group
Greenway Women's Centre
Kilcooley Women's Centre
Lesbian Advocacy Services Initiative
Lesbian Line

Lenadoon Women's Group
Ligoneil Family Centre
Markets Women's Group
NI Women's Aid Federation
NIWEP
Newry & Mourne Women
Older Women's Network
Omagh Women's Aid
Rape Crisis Centre
Shankill Women's Centre
Strabane & Lifford Women's Centre
Windsor Women's Centre
Women into Politics
Women's Information Group
Women's News
Women's TEC
WRDA

Associate Members

Ballymena Community Forum
EBCEC
HIV Centre
Newtownabbey Community Voice
Parents Advice Centre
WEA

Rasharkin Women's Group

Affiliated Members

National Women's Council of Ireland