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- FROM: DAVID THOMSON
- TO: FINANCE DIRECTORS
- DATE: 30 OCTOBER 2008

APPOINTMENTS TO THE BOARDS OF THIRD PARTY ORGANISATIONS

- 1. As part of the follow up to the Westminster Public Accounts Committee's report on the Emerging Business Trust, we have been discussing with OFMDFM and the Commissioner for Public Appointments how to manage the relevant appointments issues concerning TPOs (as defined).
- 2. There were two commitments in relation to appointments to TPOs given in DFP's Memorandum responding to the report, namely
 - "Although the Code is restricted to executive NDPBs and health and personal social service bodies, departments have agreed, as far as is practicable (and with due regard to proportionality), to apply the Code to all public appointments".
 - "As noted in the response to conclusion 6, the Code of Practice issued by the Commissioner does apply, as far as is practicable (and with due regard to proportionality) to all public appointments. Similarly, compliance with the Code will be a condition of future offers of funding to TPOs".
- 3. It is important to note that TPOs represent a small number of the many bodies which are funded by departments and NDPBs. The key feature which separates them from the more normal category of "third sector bodies" (voluntary and community groups, charities, sports clubs etc) is that they have been both set up and funded by the public sector. The vast majority of third sector bodies which receive public funds have

been set up independently and departments and public bodies have no direct control over their board appointment processes.

- 4. Specifically, we have been working with departments and the Commissioner on both a list of TPOs and also guidance as to how the Commissioner's Code would apply, a first draft of which I sent to permanent secretaries on 28 February 2007.
- 5. I now attach a copy of the final guidance and current list of TPOs.
- 6. I would be grateful if this could be drawn to the attention of those in your department who are responsible for funding any of the TPOs included on the list and ensure that the commitment given by ministers, that compliance with the code would be a condition of future funding to a TPO, is complied with.

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DAVID THOMSON

Guidance on appointments to the Boards of Third Party **Organisations Attachment** can be accessed separately under Public Audit **Business (PAB) section of AASD** website