

**Department of Agriculture and Rural Development
Research and Education Advisory Panel - Economist Competition
(Monitored Appointment)**

Terms of Reference

- 1.1 The audit of the public appointments process for the Economist Member of the Research and Education Advisory Panel (REAP), administered by the Department of Agriculture and Rural Development (DARD), forms part of the Commissioner for Public Appointments' Audit Programme in respect of 2006-07.
- 1.2 This audit process is conducted under the Commissioner for Public Appointments (Northern Ireland) Order 1995 and the Commissioner for Public Appointments (Amendment) Order (Northern Ireland) 2001 and included an assessment of the extent to which relevant recommendations from previous Departmental audits have been taken forward (**Appendix 1** refers).
- 1.3 The applicable guidance in force was the 'Code of Practice for Ministerial Appointments to Public Bodies' August 2005 (the Code), issued by the Commissioner for Public Appointments for Northern Ireland.

Executive Summary

- 2.1 The Research and Advisory Education Panel (REAP) was established in September 2005, arising out of one of the recommendations of the O'Hare Report. It exists as an independent expert advisory body to provide advice on the development and review of education, research and development and technology transfer strategies. Under its Terms of Reference, REAP is constituted in the form of a Chair and 11 Members, to include one Member with economics expertise. However, the economist Member position had been vacant since REAP's inception "as a suitable candidate was not forthcoming to the 2004 appointments process". This public appointments process during 2006-07 was designed to fill the existing recognised need for economist advice to the work of REAP, in the form of an open competition.
- 2.2 The format of this audit report is based on an examination of the main stages of the appointments process and a number of audit issues have been identified. These are set out in detail within the report and summarised in an Audit Issues Grid within **Appendix 2**, which includes associated audit recommendations and the Department's responses. The main issues identified are:
 - ❖ The Code states that a copy of the advertisement produced in relation to a public appointments process must be sent to OCPANI, however, this did not take place, and was not followed up by OCPANI

- ❖ There were no details relating to this competition included in the Central Appointment Unit's relevant six-monthly list of forthcoming vacancies, which is a Code requirement if vacancies are being publicly advertised
- ❖ The eligibility sift and shortlisting process was undertaken by the panel using anonymised application forms, however, this approach meant that it was more difficult for the IA to ascertain at the outset of the process whether he knew any of the applicants, in order to declare the relationship and for this to be recorded, as required under Annex H to the Code. This would be of particular importance in the event of a likely conflict of interest, where the IA might have to step down from the process
- ❖ The IA carried out exploratory questioning around the issues of probity and conflicts of interest at interview. Although none of the candidates had declared any conflicts of interest (actual or potential) at the application stage, panel members documented potential circumstances in respect of two candidates in their notes at interview. However, the conclusions arising from the panel's considerations, on whether a conflict of interest existed in either case, were not documented on the panel summary interview rating sheets provided, which each panel member signed off
- ❖ It was noted from an examination of interview panel documentation that one of the four panel members consistently failed to record the outcomes of questions on conflict of interest and probity issues, although frameworks were provided to enable these responses to be recorded individually by all panel members (*raised as an audit issue in a previous Departmental competition*)
- ❖ One of the essential criteria set, regarding academic qualifications, was deemed to have been passed at the written application stage. It was noted that the Department carried out an equivalency check where an applicant held a qualification awarded by a non-UK institution, to ensure that the criterion had been fully met. However, at the close of the appointments process, the Department did not consider it necessary to consistently apply a best practice approach by validating the appointee's stated qualifications, prior to details being placed in the public domain through a Departmental Press Release
- ❖ Under Section 3.36 of the Code, the IA was required to certify his satisfaction or otherwise that the public appointments process had conformed to the requirements of the Code of Practice, by completing and returning a Validation Certificate provided by the Department. However, only the first page document was signed off and returned and this was not followed up with the IA by the Department

- ❖ A Press Release related to public appointments should include “a list of other Ministerial appointments held and any remuneration received. If none, this should be clearly stated”. However, the Press Release issued did not include a statement to this effect
- ❖ There is a Code requirement in place which states that OCPANI must be provided with a copy of the publication of an appointment (generally, the Press Release), however this was not received from the Department and it was not followed up by OCPANI
- ❖ There is a Code requirement which states that at the close of the appointments process, the IA should receive a copy of the Minister’s final decision regarding appointments, for example through the issue of the Press Release – however, the IA did not receive any such notification.

Overall Conclusion

- 3.1 Overall, the quality of the appointments process associated with this competition in terms of compliance with the Code (on a scale of High-Medium-Low) has been assessed as *Medium*, as a result of the number and nature of the audit issues identified.

Main Stages of the Appointments Process

(1) Planning and Preparation

- 4.1 The panel members involved in the competition were the DARD Deputy Secretary; the Chair of REAP; a DARD staff member and the IA.
- 4.2 The competition was advertised publicly in the media and on the Agricultural Economics Society website, along with written correspondence to the Rural Stakeholders Forum Members; the REAP Chair and Members; the Northern Ireland Council for Ethnic Minorities; Disability Action and all females on the Central Appointments Unit list who had registered an interest in public appointments.
- 4.3 The Minister was consulted on and cleared the appointments process including the Person and Role Specifications and the public advertisement. It was agreed with the Minister that the candidates would be presented in merit order in the Ministerial Submission.
- 4.4 From the examination of the competition documentation, the following wording was noted in the Person Specification section relating to probity and conflicts of interest: “candidates are asked to advise in their application of any matter that might cause conflict of interest. The panel may choose to explore this issue with the candidate at interview”. This wording runs contrary to Annex C of the Code which requires this

area to be raised at interview “even if a candidate does not declares a conflict of interest on their form....the interview provides a good opportunity to cover such issues openly”. While recognising that the panel did address this area during the interviews, the wording of the documentation issued to candidates should, as a matter of good practice, have been more definitive. This issue is not being raised formally in the Audit Issues Grid.

Issues Arising

- 4.5 There is a Code requirement at Section 3.23 and Annex G which states that a copy of the advertisement produced in relation to a public appointments process must be sent to OCPANI, however this did not happen, and was not followed up by OCPANI – **ISSUE**.
- 4.6 There was evidence on file showing that a request had been submitted for the advertisement for this competition to be placed on the Central Appointment Unit’s (CAU) website. However, there were no details relating to this competition included in the CAU’s relevant six-monthly list of forthcoming vacancies (‘All Aboard’), which is a requirement under Section 3.24 of the Code, if vacancies are being publicly advertised – **ISSUE**.

(2) Selection

- 4.7 A detailed Information Pack was issued to applicants on request, along with an application form. There was one application received after the closing date which, in line with DARD policy, was not accepted.
- 4.8 It was noted that the Department required candidates to submit their application form and monitoring forms to two different contact addresses, as a means of separating data provided for different purposes - however, the Code’s only stipulation is that the separation of monitoring data from application forms takes place before the panel members receive candidate applications for initial consideration. The use of this method meant that in the case of one candidate, who sent in monitoring data and then subsequently failed to submit an application form, there was a delay in registering that this had happened (in this case, the reason was a withdrawal due to illness when the application form was about to be submitted). Although this point is not being raised formally in the Audit Issues Grid, the Department may wish to reconsider the suitability of this approach for future public appointment processes.
- 4.9 The selection process involved the completion of a written application followed by an eligibility sift and, if successful, a formal interview. The sift process was carried out by three of the four panel members (the remaining panel member was unavailable due to illness). Nine application forms submitted were considered against two essential criteria set out in the Person Specification in determining how, and to

what extent, each criterion had been met. The essential criteria were (1) a minimum 2:2 Honours Degree in economics or agricultural economics or an equivalent subject or a minimum of a 2:2 Honours Degree in any subject plus a Postgraduate Degree in economics, agricultural economics or an equivalent subject and (2) 5 years relevant experience gained within the last 8 years, in the application of economic principles in analysing complex problems to inform policy development and set strategic direction.

- 4.10 Prior to consideration of the application forms, the panel decided that, for shortlisting purposes, criterion (2) would be applied starting at the maximum period stipulated in the application form (8 years relevant experience in the last 10 years). The panel also decided that 5 candidates was the optimum number to be interviewed, and, if this number did not meet the maximum shortlisting criteria being applied, then interview candidates would qualify according to the years/months of relevant experience held. Setting an optimum number of candidates for interview was of particular note, given that the need for this appointments process was as a result of a previous economist member appointment not being made due to a lack of suitable candidates. It is also noteworthy that of those individuals who initially expressed an interest in the economist vacancy, just over 50% actually applied and, of these, 30% were deemed ineligible and a further 10% were removed from the process after shortlisting criteria were applied. After this stage was completed, one candidate withdrew due to illness, leaving 4 candidates attending for interview.
- 4.11 At interview, criterion (2) was to be tested, along with two others – proven communication skills and a working knowledge of the agricultural and/or rural economy. Criterion (1) was deemed to have been passed through the application process.
- 4.12 One applicant's Political Activity Form was completed but not formally signed and dated, and there was no indication that this had been followed up by the Department with the individual concerned, as required by Section 3.28 of the Code. While this candidate did not progress beyond the eligibility sift stage of the appointments process, early follow-up with applicants is recognised good practice, which the Department should have observed. (This is not being raised formally in the Audit Issues Grid).
- 4.13 Panel members were required to record the results of each criteria-based interview individually, using a framework provided by the Department. The Panel Chair also completed a summary interview rating sheet following each interview, which was signed off by each panel member.
- 4.14 It was noted that DARD policy on the take-up of References following the interview stage is a matter for individual Sponsor Branches to decide – it did not take place in this case. In relation to Performance

Assessments, where a candidate holds or has held a public appointment, DARD policy states that an assessment should be obtained from the appropriate sponsoring Department, made available to the panel members prior to interview, and taken into account when assessing candidates. Based on the information provided by the candidates at the application stage, which identified that no public appointments were or had been held, no further action was taken. The Code currently places no requirement on Departments to carry out and document follow-up on the Performance Assessments with regard to new appointments.

Issues Arising

- 4.15 The eligibility sift and shortlisting processes were undertaken by the panel using anonymised application forms with the conflict of interest section removed, as a means of promoting equality in the process. However, using this approach meant that it was more difficult for the IA to ascertain at the outset of the process whether he knew any of the applicants, as Annex H to the Code places a requirement on the IA to declare any relationship and for this to be recorded. This would be of particular importance in the event of a likely conflict of interest, where the IA might have to step down from the process. In discussions with the IA, he confirmed that he did not know any of the candidates involved in the competition, however, there was no coverage of this issue or the outcome recorded on Departmental files – **ISSUE**.
- 4.16 The IA had responsibility for exploratory questioning around the issues of probity and conflicts of interest at interview. None of the candidates declared any conflicts of interest (actual or potential) at the application stage, but at interview, most panel members had documented potential circumstances in respect of two candidates in their interview notes. However, the conclusions reached as a result of the panel's considerations on whether or not an actual conflict of interest existed in either case were not documented on the panel summary interview rating sheets provided by the Department, (which included a section headed "Overall Comments (inc Conflicts of Interest)"), although these had been signed off by each panel member following the interview process (Section 3.35 and Annex C to the Code refer) – **ISSUE**.
- 4.17 From an examination of interview panel documentation produced during the appointments process, it was noted that one of the four panel members consistently failed to record the outcomes of questions on conflict of interest and probity issues, as required by Section 3.35 of the Code, although a recording framework was provided to enable this to be done (*this was raised as an audit issue in a previous Departmental competition*) – **ISSUE**.
- 4.18 One of the essential criteria set, regarding the attainment of academic qualifications to a pre-determined standard, was deemed to have been passed at the written application stage. It was noted that the

Department carried out an equivalency check for one applicant who held a qualification awarded by a non-UK institution, with his co-operation, to ensure that the criterion had been met in full. However, at the close of the appointments process, the Department did not consider it necessary to consistently apply a best practice approach by validating the appointee's stated qualifications, prior to details being placed in the public domain through a Departmental Press Release (Section 3.27 of the Code refers) - **ISSUE.**

(3) Post-Selection

- 4.19 This stage of the process related to the preparation of the Ministerial Submission for consideration and approval, and then dissemination of the outcomes, along with the provision of feedback to candidates as required and to the IA on their role in the process as a whole.
- 4.20 The candidate assessment summary contained in the Ministerial Submission was signed off by the IA. The Minister subsequently approved the recommendation made for appointment in the Ministerial Submission and the appointee was notified and informed that a Departmental Press Release would issue in due course – due to a series of circumstances (including a pre-election period), this took place some 8 months later, although the appointee had already taken up the post in December 2006.
- 4.21 The Panel Chair completed a feedback form on the IA's role in the process and this was passed through to OCPANI, as required by the Code.
- 4.22 There was nothing on file to indicate that any of the candidates requested feedback on their performance in the public appointments process from the Panel Chair.

Issues Arising

- 4.23 Prior to the drafting of the Ministerial Submission, the IA was required to certify his satisfaction or otherwise that the public appointments process up to that stage had conformed to the requirements of the Code of Practice, by completing and returning a Validation Certificate provided by the Department (as required by Section 3.36 of the Code). The two-page document sent to the IA required him to initial the relevant stages in which he had been involved and to sign off a declaration, however, only the declaration page was returned to the Department, and this was not subject to follow-up with the IA – **ISSUE.**
- 4.24 Section 3.42 of the Code requires that the Press Release issued at the close of the appointments process includes “a list of other Ministerial appointments held and any remuneration received. If none, this should be clearly stated”. The Press Release failed to state that this was the case, neither had the Department checked with the appointee to

ascertain if there had been any change to his circumstances in the period between his appointment and its formal announcement – **ISSUE.**

- 4.25 Section 3.43 of the Code sets out the requirement for OCPANI “to be provided with a copy of the publication of an appointment (generally, the Press Release)” – however, OCPANI staff confirmed that a copy of the Press Release was not received from the Department and it was not followed up by OCPANI – **ISSUE.**
- 4.26 The Code at Section 3.35 requires the Department to “provide the IA with a copy of the Minister’s final decision on who is appointed, for example, through the issue of the Press Release”. The IA confirmed that he did not receive a copy of the Press Release following this appointments process – **ISSUE.**

APPENDIX 1

Previous audit recommendations considered as part of 2006-07 competition audit

- ❖ Was there early IA involvement in the process? YES
- ❖ Was a detailed Information Pack made available? YES
- ❖ Was an outline of the shortlisting process available? YES
- ❖ Was there individual scoring and narrative assessment by each panel member to substantiate feedback prior to a consensus being reached, summarised and signed off by each panel member and were all decisions fully documented? NO

Other general departmental audit recommendations arising which are pertinent to this competition

- ❖ Do Departmental guidance updates fully reflect Code changes? YES
- ❖ Was a specific date/closing time set for the receipt of applications and adhered to? YES
- ❖ Were standardised shortlisting and interviewing practices and procedures in place? YES
- ❖ Were conflict of interest and probity issues tested at interview? YES
- ❖ Were all relevant details included in the Press Release? NO
- ❖ Was the IA notified of the outcome? NO

AUDIT ISSUES

APPENDIX 2

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
1	The Code requirement at Section 3.23 and Annex G, which states that a copy of the press advertisement produced in relation to a public appointments process must be sent to OCPANI, was not observed (and was not followed up by OCPANI)	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions	1	DARD can find no documentary evidence of this. It may not have happened because this requirement is not included in the main body of the Code at Paragraph 3.23 (which refers to regulated advertisements only) but in Annex G DARD will bear this requirement in mind for future appointments

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
2	There was evidence on file showing that a request had been submitted for the advertisement for this competition to be placed on the Central Appointments Unit’s (CAU) website. However, there were no details relating to this competition included in the CAU’s relevant six-monthly list of forthcoming vacancies (‘All Aboard’), which is a requirement under Section 3.24 of the Code, if vacancies are being publicly advertised	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions	1	<p>The timing of this competition meant that it was not picked up in the routine biannual request from CAU for entries to the six-monthly list. DARD has provided documentary evidence of this and also its request for a copy of the advertisement to be placed on the CAU website. In the circumstances, it does not appear to DARD that it was responsible for breach of the Code.</p> <p>However, as a measure of good practice, we will in</p>

					future check the CAU website to confirm that such details are included and, if appropriate, record on file that CAU has declined to or is unable to comply with DARD's request
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AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
3	<p>The eligibility sift and shortlisting processes were undertaken by the panel using anonymised application forms with the conflict of interest section removed, as a means of promoting equality in the process. However, using this approach meant that it was more difficult for the IA to ascertain at the outset of the process whether he knew any of the applicants, in order to declare the relationship and for this to be recorded, as required under Annex H to the Code – in the event of a likely conflict of interest, the IA could be required to step down from the process. Although the IA confirmed during the audit that none of the candidates were known to him, there was no coverage of this issue or the outcome recorded on Departmental files</p> <p>In addition, the use of anonymised application forms meant that any difficulty arising would not have become apparent until candidates names were issued in an interview timetable</p>	<p>This is a Code compliant issue</p>	<p>That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions</p> <p>The necessary assurances could be achieved through the completion of a pro-forma return by the IA early in the process, and retention of this on file</p> <p>The Department may also wish to consider extending the requirement for completion of a written declaration to all panel members, as a best practice measure</p>	1	<p>It is a standard part of good personnel practice in DARD for anonymised application forms to be used at sift and shortlisting stages of recruitment and promotion competitions. The Department accepts that it may have been more difficult for the IA to ascertain if he had a conflict of interest at sift stage. However, he would have been aware of his conflict of interest responsibilities and could have alerted the Department to any difficulties in advance of the interviews taking</p>

				<p>place. Furthermore, it does not appear to DARD that it has breached the Code on this issue since there appears to be no specific requirement for the IA to record that candidates are unknown to him/her and/or that s/he does not have a conflict of interest. Nevertheless, DARD will consider what further guidance might be included in the DARD Public Appointments Supplementary Guidance to ensure the IA has sufficient opportunity to declare a Conflict of Interest</p>
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AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
4	The IA had responsibility for exploratory questioning around the issues of probity and conflicts of interest at interview. None of the candidates declared any conflicts of interest (actual or potential) at the application stage, but at interview, panel members documented potential circumstances in respect of two candidates in their interview notes. However, the conclusions reached as a result of the panel’s considerations on whether or not an actual conflict of interest existed in either case were not documented on the panel summary interview rating sheets provided by the Department (which included a section entitled “Overall Comments (inc Conflicts of Interest)”), although these had been signed off by each panel member following the interview process (Section 3.35 and Annex C to the Code refer)	This is a Code compliant issue	That all panel members are reminded that formal documenting of all key conclusions reached during public appointment processes is required, and that this is carried out utilising the Departmental recording framework already provided	1	Whilst all panel members are made aware of the requirement to formally document decisions, DARD accepts that this requirement was not fully observed and in future will take particular care to highlight to panel members their obligations in respect of Conflict of Interest

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
5	From an examination of interview panel documentation produced during the appointments process, it was noted that one of the four panel members consistently failed to record the outcomes of questions on conflict of interest and probity issues, as required by Section 3.35 of the Code, although a marking framework was provided by the Department for this purpose (<i>this was raised as an audit issue in a previous Departmental competition</i>)	This is a Code compliant issue	That all panel members involved in public appointment processes are reminded of the requirement to formally and consistently record interview responses, utilising the recording framework issued by the Department for this purpose	1	All panel members were advised of the need to complete the documentation provided. However, DARD accepts that this requirement was not fully observed by one panel member and, in future, will take particular care to highlight to panel members their obligations with regard to Conflict of Interest, as well as the need to use the Departmental framework for responses at all times

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
6	One of the essential criteria set, regarding the attainment of academic qualifications to a pre-determined standard, was deemed to have been passed at the written application stage. It was noted that the Department carried out an equivalency check for one applicant who held a qualification awarded by a non-UK institution, with his co-operation, to ensure that the criterion had been met in full. However, at the close of the appointments process, the Department did not consider it necessary to consistently apply a best practice approach by validating the appointee’s stated qualifications, prior to details being placed in the public domain through a Departmental Press Release (Section 3.27 of the Code refers)	This is a Code compliant issue	That the Department adopts a best practice approach at all stages of the public appointments process, particularly in obtaining independent assurance regarding the suitability of candidates for appointment where this cannot be assessed by standard means	1	DARD policy is for the Sponsor Branch to validate qualifications where this appears appropriate and necessary. In the case of the candidate with a non-UK qualification, DARD sought to establish whether this qualification was equivalent to a UK qualification and thereby confirm eligibility for the competition. In this instance, DARD sought to confirm eligibility for the competition. The appointee was known on a

				<p>professional basis to a number of senior DARD staff (none of whom played any role in the selection process). Therefore, it was considered unnecessary to validate the appointee's qualifications. Finally, validation of qualifications does not appear to be an explicit requirement of the Commissioner's Code. Therefore, DARD does not accept that it has breached the Code on this issue.</p> <p>Nevertheless, it will review whether qualifications, if a requirement of the post, should be checked in all cases</p>
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Department of Agriculture and Rural Development – Research and Education Advisory Panel - Economist

					prior to a successful candidate's appointment
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AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
7	Prior to the drafting of the Ministerial Submission, the IA was required to certify his satisfaction or otherwise that the public appointments process up to that stage had conformed to the requirements of the Code of Practice, by completing and returning a Validation Certificate provided by the Department (Section 3.36 refers). The two-page document sent to the IA required him to initial the relevant stages of involvement and sign off a declaration - however, only the declaration page was returned to the Department, and this was not subject to follow-up with the IA	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions, ensuring that follow-up is carried out in a timely manner, where necessary	1	On reflection, the Department agrees that this was an oversight on its behalf
8	Section 3.42 of the Code requires that the Press Release issued at the close of the appointments process includes “a list of other Ministerial appointments held and any remuneration received. <u>If none, this should be clearly stated</u> ”. The Press Release did not state that this was the case, neither had the Department checked with the appointee to ascertain if there had been any change to his circumstances in the period between his appointment and its formal announcement	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions	1	The Department agrees that this was an oversight on its behalf

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
9	Section 3.43 of the Code sets out the requirement for OCPANI “to be provided with a copy of the publication of an appointment (generally, the Press Release)” – however, OCPANI staff confirmed that a copy of the Press Release was not received from the Department and it was not followed up by OCPANI	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions (for example, through the inclusion of a specific step on a pro-forma action checklist)	1	The Department agrees that this was an oversight on its behalf
10	The Code at Section 3.35 requires the Department to “provide the IA with a copy of the Minister’s final decision on who is appointed, for example, through the issue of the Press Release”. The IA confirmed that he did not receive a copy of the Press Release following this appointments process	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions (for example, through the inclusion of a specific step on a pro-forma action checklist)	1	The Department agrees that this was an oversight on its behalf