

**Department of Health, Social Services and Public Safety
Northern Ireland Fire and Rescue Service Board Members Competition
(Regulated Appointment)**

Terms of Reference

- 1.1 The audit of the public appointments process for the Members of the Northern Ireland Fire and Rescue Service (NIFRS) Board, administered by the Department for Health, Social Services and Public Safety (DHSSPS), 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 Following a review of the Fire Service across the UK, a constitutional amendment was introduced with powers granted under the Fire and Rescue Services (Northern Ireland) Order 2006 to establish a new body to replace the Fire Authority for Northern Ireland – The Northern Ireland Fire and Rescue Service (NIFRS) Board – came into operation with effect from 1 July 2006. The new Board consists of a non-executive Chair, the Chief Fire Officer, and 10 non-executive Members of whom four are members of district councils (drawn from nominations made by the Northern Ireland Local Government Association - NILGA). The Board is responsible for providing fire and rescue services across Northern Ireland.
- 2.2 The method of appointment of Members to the NIFRS Board took place using a two-fold process, which consisted of:
 - (1) an open competition in respect of six of the 10 Members being appointed which involved an Independent Assessor (IA), and
 - (2) a nomination process for the members of district councils through NILGA (allowed for in Schedule 1 to the main Order), where nominees were assessed on the basis of written evidence only and not required to participate in a formal selection process.

In addition, two separate Ministerial Submissions were prepared for the two sets of candidates involved. The IA approved the candidate assessment summary in respect of the open competition candidates, but did not have sight of the Submission in relation to district council nominated appointees.

2.3 The format of this audit report is based on an examination of the main stages of the appointments process. A separate section considers the Department's approach to the appointments process for the district council nominees, with a number of audit issues being identified in relation to the appointment of the 10 Members. 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:

- ❖ There was no evidence on file that consultation took place with the Minister on the selection criteria to be used during the appointments process; on how this should be conducted, or on the form which the Ministerial Submission should take (*raised as an audit issue in a previous Departmental competition*)
- ❖ Notification of the competition was not included in the Central Appointment Unit's relevant six-monthly list of forthcoming vacancies
- ❖ The IA's involvement was limited to active participation in the sift and interview stages of the competition only. While the Department's processes are generally well-defined, Section 3.32 of the Code suggests that greater involvement by the IA is appropriate (although particularly with regard to paid appointments), including input to the Person Specification – however, the general principle of encouraging IA involvement from the earliest stages of the process remains
- ❖ The wording used in the Declaration Section of the application form, an abridged version of that contained in CAU's Best Practice Guide, means that candidates do not formally confirm at any stage that they have read the Probity and Conflicts of Interest Booklet issued, and, having done so, then completed the relevant section of the application form on Conflicts of Interest in an informed manner
- ❖ An applicant's Political Activity Form was completed but not signed off, and there was no indication that this had been followed up by the Department with the individual concerned
- ❖ It was noted from an examination of interview panel documentation that only one of the three panel members consistently recorded the outcomes of questions on conflicts of interest and probity issues, although marking frameworks were provided to record this information
- ❖ The Press Release issued at the close of the appointments process included background information on one appointee from the open

competition who had declared political activity within the last five years. However, the party political affiliation of the appointee was not listed, as intended by the Code, only their local council membership. This also occurred in respect of the four district council nominated appointees to the NIFRS Board (*raised as an audit issue in a previous Departmental competition*)

- ❖ With regard to the nominated positions on the Board, there was no evidence on file to indicate that the Department had: (1) followed up with NILGA and further encouraged it to comply with its original request to provide at least two nominees for each appointment opportunity, or (2) consulted with OCPANI to explain what “exceptional circumstances” had arisen which led to single nominations being made, followed up with notification to OCPANI of the final outcome regarding these nominations
- ❖ Section 3.35 of the Code states that no individual should be appointed on the basis of written evidence alone – however, in the case of the nominated Board Members, there was no evidence on file to indicate that this did not occur (*raised as an audit issue in a previous Departmental competition*).

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 Director of Regional Strategy and Public Safety within DHSSPS; the recently appointed Chair of the new Fire and Rescue Service Board and the IA.
- 4.2 The competition was advertised publicly in the media and the DHSSPS had also brought the forthcoming vacancies to the attention of the Chair of the Fire Authority Board (the previous Board in place) for circulation to existing Board Members and any other potential candidates.

Issues Arising

- 4.3 There were no papers on file to indicate that any Ministerial consultation took place on the selection criteria to be used for the appointments process; the way this was to be conducted, or on the

form which the final Ministerial Submission should take (merit order or suitable/unsuitable), as required under Sections 3.4-3.5 and 3.37-3.38 of the Code. This was also raised as an audit issue in a previous Departmental competition (**Appendix 1** refers) - **ISSUE**.

- 4.4 Notification of this competition was not included in the Central Appointments Unit's relevant six-monthly list of forthcoming vacancies ('All Aboard'), which is a requirement under Section 3.24 of the Code if vacancies are to be publicly advertised – **ISSUE**.
- 4.5 It was noted that the participation of an IA was only requested by the Department in relation to the sift and interview stages of the public appointments process. This meant that the IA had sight of the Role and Person Specifications retrospectively, although there could have been additional benefits arising from IA involvement from the initial stages of the process, in terms of providing feedback on the competition documentation as it was under preparation. This is reflected in Section 3.32 of the Code, although particularly in relation to paid appointments – "OCA suggests a greater involvement [of the Independent Assessor] in the case of paid appointments, such as assisting in the preparation of the Person Specification". However, the general principle of encouraging IA involvement from the earliest stages of the process remains – **ISSUE**.
- 4.6 It was noted that Section 9 of the application form, the Declaration Section, contained an abridged version of the wording provided in the Central Appointment Unit's Best Practice Guide template. While this template provides a guide for Departments, the excluded wording relates to candidates confirming that they have read the Probity and Conflicts of Interest Booklet and, on that basis, have completed Section 8 of the form on Conflicts of Interest in an informed manner – these areas are not formally 'signed off' under any other element of DHSSPS' documentation (however, other excluded wording on the requirements for the applicant to raise any probity or conflicts of interest issues where these arise during a term of appointment is specifically covered in DHSSPS documentation issued later in the process) – **ISSUE**.

(2) Selection

- 4.7 The selection process used involved the completion of a written application form followed by an eligibility sift and, if successful, a formal interview. The eligibility sift involved three members of staff from the DHSSPS Public Appointments Unit, with the content of the application forms being considered against the eligibility criteria set out in the Person Specification to determine how and to what extent each criterion was being met. In line with the Department's more usual procedure, the IA then considered each application against the set criteria separately and quality-assured the process undertaken – on this occasion, the IA deemed one of the candidates judged as 'Ineligible' to be 'Eligible' and provided reasons to support this

judgement, which the Department accepted – this candidate was subsequently successful at interview and appointed to the Board.

- 4.8 A full and detailed Information Pack was issued to applicants, which included details of the statutory disqualification criteria which applied in relation to these Board appointments (imprisonment for an offence; adjudged bankrupt; appointment as an MLA). There were no late applications, which, under DHSSPS policy, would not have been accepted.
- 4.9 The IA had responsibility for exploratory questioning around the issues of probity and conflicts of interest at interview. None of the candidates had made any such declarations at the application stage and no further evidence was identified during the interview process. A satisfactory outcome was also achieved in obtaining assurances of candidates' ability to commit the necessary time to undertake the duties required of Board Members.
- 4.10 Each panel member was required to complete a rating sheet for each candidate, with the Chair also completing a summary rating sheet, while the panel also signed off individually on a panel summary statement at the end of the interview process.
- 4.11 It was noted that it is DHSSPS policy not to take up References following the interview stage. In relation to Performance Assessments on public appointments held outside DHSSPS, the Department only obtains confirmation of these appointments from the CAU database in order to reflect these accurately (position(s) held; remuneration level(s); etc) in the Ministerial Submission and also in the Press Release when issued - there is no follow up to confirm an appropriate level of performance in any other public appointments held. However, a formal audit issue is not being raised in this area, as 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

- 4.12 It was noted in the case of one applicant, that an Equal Opportunities Monitoring Form was submitted unsigned, although this was followed up by the Department before interview. This applicant's Political Activity Form was similarly completed but not signed off, however, there is no indication that it was followed up by the Department with the individual concerned – this applicant was subsequently appointed as a Board Member. On a general point of good practice, neither of the monitoring forms submitted by another applicant had been date stamped when received by the Department – **ISSUE**.
- 4.13 From an examination of the panel documentation produced during the appointments process, it was noted that only one of the three panel members consistently recorded the outcomes of questions on conflict

of interest and probity issues and the ability of candidates to fulfil the necessary time commitment, as required by Section 3.35 of the Code, although marking frameworks were provided to record this information – **ISSUE**.

(3) Post-Selection

- 4.14 This stage of the process related to the preparation of the Ministerial Submission for consideration and approval and dissemination of this, along with the provision of feedback to candidates as required and to the IA on their role in the process as a whole.
- 4.15 The candidate assessment summary contained in the Ministerial Submission was signed off by the IA. Following the Minister’s approval of the recommendations made for the six non-executive appointments through the open competition, the IA received a letter confirming these appointments and a copy of the Press Release. The Panel Chair also completed a feedback form on the IA’s role in the process and this was passed through to OCPANI, as required by the Code, and followed up by the IA.
- 4.16 Documentation on file indicates that one candidate received verbal feedback on their performance in the public appointments process from the Panel Chair.

Issues Arising

- 4.17 The Press Release issued at the close of the appointments process included background information on one appointee who had declared political activity within the last five years. Section 3.42 of the Code sets down the requirement for “the political activity of appointees (if any declared) to be published. This statement should be followed by details of the appointee’s response to the political activity question” – OCPANI has confirmed that a requirement exists to publish the name of the political party on whose behalf the political activity has occurred. However, the Press Release only made reference to the fact that the appointee was a local councillor on a Borough Council, with no indication of party political affiliation – **ISSUE**.

Appointments Process for District Council Nominees

(1) Planning and Preparation/Selection/Post Selection

- 4.18 As noted in Para 2.2, there was a two-fold appointments process in respect of NIFRS Board Member appointments, one element of which consisted of a nomination process from amongst members of district councils through NILGA for four Member appointments, as allowed for in Schedule 1 to the Fire and Rescue Services (Northern Ireland) Order 2006.

- 4.19 The Department had sought guidance from OCPANI on this area during June 2005 and was advised at that time that “the Sponsor Branch (Public Safety Unit) will need to ensure that NILGA understands that nominees must be fit for purpose and the other Code stipulations on Statutory Nominees are applied”.
- 4.20 The Department’s Public Appointments Unit subsequently informed the Sponsor Branch that there would be no requirement for these nominees to participate in a formal interview [or in a less formal ‘Conversation with a Purpose’, two potential methods of selection available]. A detailed Information Pack and nomination form was issued to each nominee (which sought personal details; employment history; public appointments held and a response to a standard conflicts of interest question, but required no criteria-based responses to be provided, as for the open competition applicants). Once these forms were submitted, the results of disqualification criteria checks were obtained by the Department, prior to a Ministerial Submission being drawn up.
- 4.21 In relation to IA involvement in this process, she confirmed during discussions that, although aware of a process being undertaken to appoint four nominated Members, the Department did not seek any advice or involvement from her on any aspect of these appointments, neither did she raise this with Departmental staff at any stage.

Issues Arising

- 4.22 The Department, in line with the Code, requested at least two nominees for each appointment opportunity from NILGA. However, only four nominations were received for the four places available. There was no evidence on file to indicate that the Department had: (a) followed up with NILGA and further encouraged it to comply with this request, as required by Section 3.25(c), or (b) consulted with OCPANI to explain what “exceptional circumstances” had arisen which led to single nominations being made and then notified OCPANI of the final outcome regarding these nominations (Section 3.25(c) and Annex G). There was, however, evidence on file to show that one political party which had not featured among the original nominations later expressed concerns about “adequate democratic representation” arising from their party’s exclusion from this appointments process. This was raised at a NILGA members meeting at a time when the announcement regarding Board appointees was imminent. The party concerned unsuccessfully sought for an additional Member position to be made available (this would have breached the legislative provisions) – **ISSUE**.
- 4.23 Section 3.35 of the Code states that “no individual should be appointed on the basis of written evidence alone” however, there is no evidence on file to indicate that this did not occur. A less formal ‘Conversation

with a Purpose' process could have been utilised for these appointments, but again, Departmental papers do not indicate that this was considered as a possible course of action, although in light of the Secretary of State's March 2006 statement regarding public appointments, this could reasonably have been expected. *This was also raised as an audit issue in a previous Departmental competition* (**Appendix 1** refers) – **ISSUE**.

- 4.24 The Press Release included background details on the four district council nominated appointees, with associated political activity within the last five years. In line with Section 3.42 of the Code, OCPANI has confirmed that a requirement exists to publish the name of the political party on whose behalf the political activity has occurred. However, the Press Release only made reference to the fact that the appointees were each members of City or Borough Councils and not to their party political affiliation. *This was also raised as an audit issue in a previous Departmental competition* (**Appendix 1** refers) - **ISSUE**.

APPENDIX 1

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

- ❖ Were any Code provisions set aside requiring referral to the Commissioner in advance? NO
- ❖ Was there involvement by the Minister at the outset? NO
- ❖ Was there early IA involvement in the process? YES
- ❖ Was a detailed Information Pack made available? YES
- ❖ Did the application form design allow skills and experience to be measured against criteria and assessment of responses? YES
- ❖ Was there a late applications policy in place? YES
- ❖ Was consistency in handling late applications apparent? N/A
- ❖ Are there measures in place to ensure that all statutory nominees met the criteria? NO – no indication as to how this was assessed
- ❖ Were areas of questioning agreed in advance? YES
- ❖ Were standardised shortlisting and interview practices/procedures apparent? YES
- ❖ Was there a pro-forma in use for sifting/shortlisting/interviewing? 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? YES, apart from Issue 6 in Appendix 2
- ❖ Were all relevant details included in the Press Release? NO – some political activity details missing (party affiliation not listed)

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

- ❖ Was the IA notified of the outcome? YES
- ❖ 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 conflict of interest and probity issues tested at interview? YES

AUDIT ISSUES

APPENDIX 2

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
1	There were no papers on file to indicate that any Ministerial consultation took place on the selection criteria to be used for the appointments process; the way this was to be conducted, or the form which the final Ministerial Submission should take (merit order or suitable/unsuitable), as required by Sections 3.4-3.5 and 3.37-3.38 of the Code	This is a Code compliant issue	That the Department observes this Code of Practice requirement at the outset of any public appointments process	1	The Department notes the recommendation made for future competitions and will endeavour to adhere to the relevant sections of the Code
2	Notification of this competition was not included in the Central Appointments Unit's (CAU) relevant six-monthly list of forthcoming vacancies ('All Aboard') as required by the Code at Section 3.24, where vacancies are 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	The Department's Public Appointments Unit complied with the Code by notifying CAU of these potential vacancies for inclusion in the six-monthly list, with the caveat that the legislative requirements in establishing the NI Fire and Rescue Service Board might result in a timing issue

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
3	The IA's involvement was limited to active participation in the sift and interview stages of this public appointments process only. While the Department's processes may generally be well-defined, Section 3.32 of the Code suggests that greater involvement by the IA is appropriate, including input to the Person Specification. Although the requirement is particularly in relation to paid appointments, the general principle of encouraging IA involvement from the earliest stage of the process remains	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the decision-making process in running competitions	1	Noted - Person Specifications are now reviewed by the IA at an early stage in the process

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
4	As the wording used in the Declaration Section of the application form is an abridged version of that contained in CAU's Best Practice Guide, this means that candidates do not formally confirm at any stage of the appointments process that they have read the Probity and Conflicts of Interest Booklet issued to them and, having done so, then completed the relevant section of the application form on Conflicts of Interest in an informed manner	Candidates for public appointments may not be fully informed on this important aspect of the appointments process	That the Department includes suitable wording on this aspect, either in the Declaration Section within the application form or in the covering letter issued with the candidate Information Pack, to highlight its importance	2	The abridged wording is intended for brevity, taking account of the detailed documentation which is issued to candidates with a covering letter during the appointments process However, the application form has now been revised to reflect this recommendation

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
5	It was noted in the case of one applicant, that their Political Activity Form was completed but not signed off, however there was no indication that it was followed up by the Department with the individual concerned at that time, as required by Section 3.29 of the Code. This applicant was subsequently appointed as a Board Member	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 notes the recommendation made for future competitions
6	It was noted from an examination of interview panel documentation that only one of the three panel members consistently recorded the outcomes of questions on conflict of interest and probity issues (and the ability of candidates to fulfil the necessary time commitment), as required by Section 3.35 of the Code	This is a Code compliant issue	That all panel members are made aware of the requirement to formally and consistently record interview responses (utilising the marking frameworks issued by the Department)	1	The Department will continue to instruct all panel members to formally record interview responses

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
7	The Press Release issued at the close of the appointments process included background information on five appointees who had declared political activity within the last five years - one through the open competition and four nominated through NILGA. Section 3.42 of the Code sets down the requirement for “the political activity of appointees (if any declared) to be published. This statement should be followed by details of the appointee’s response to the political activity question”. This Code requirement includes naming the political party on whose behalf the political activity has occurred. However, the Press Release only referred to appointees as members of City or Borough Councils and not to their party political affiliation	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 notes the recommendation made for future competitions, although draws attention to the use of the word “response” in the Code – the wording is perhaps somewhat ambiguous. For example, should the information in the Press Release include the appointee’s response to the political activity question in its entirety (affirmation of activity; nature of activity; donations made and political party), only the affirmation and political party or some other combination of the elements of the “response”

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
8	<p>In line with the Code, the Department requested at least two nominees for each appointment opportunity from NILGA, although only four nominations were submitted for the four places available. File papers failed to demonstrate that the Department had either:</p> <p>(a) followed up with NILGA and further encouraged it to comply with this request, as required by Section 3.25(c) of the Code, or</p> <p>(b) consulted with OCPANI to explain what “exceptional circumstances” had arisen which led to single nominations being made and then notified OCPANI of the final outcome regarding these (Section 3.25(c) & Annex G)</p> <p>There was evidence on file to show that one political party, not represented in the original nominations, later expressed concerns regarding their exclusion from this process, when the announcement regarding appointees was imminent. The party unsuccessfully sought for an additional Member position on the Board (as this would have breached legislative provisions)</p>	<p>This is a Code compliant issue</p>	<p>That the Department observes the Code of Practice requirements in this area as a means of promoting transparency and accountability in the public appointments process</p>	<p>1</p>	<p>Noted. The Department will endeavour to fully implement the particular sections of the Code for future competitions</p>

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
9	Section 3.35 of the Code states that “no individual should be appointed on the basis of written evidence alone”. However, there is no evidence on Departmental files to indicate that this did not occur in relation to the appointments process for the four district council nominees. A less formal ‘Conversation with a Purpose’ process could have been utilised for these appointments, but again, Departmental papers make no reference to this having been considered as a possible course of action, although, in light of the Secretary of State’s March 2006 statement regarding public appointments, this could reasonably have been expected	This is a Code compliant issue	That the Department observes the Code of Practice requirements in this area as a means of promoting transparency and accountability in the public appointments process	1	Noted. The Department will endeavour to fully implement the particular sections of the Code for future competitions