



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Audit Report 2012/2013

Department of Enterprise, Trade and Investment – Invest NI

October 2012

Introduction

1. The Commissioner for Public Appointments (Northern Ireland) Order 1995 requires the Commissioner 'to carry out an audit to review the policies and practices of Departments in making public appointments to establish whether the code of practice is being observed'. This audit was carried out in the context of the Commissioner's Code of Practice for Ministerial Appointments in Northern Ireland (the Code) version released 10 February 2010 as amended 01 August 2011.
2. A competition carried out by the Department of Enterprise, Trade and Investment (DETI) was selected to be audited during the 2012/13 year. The main objective was to evaluate whether Ministerial appointments to the Board of Invest NI were made in accordance with the Code. The Commissioner wrote to the Permanent Secretary informing him of his decision to carry out the audit.
3. What follows are the results of a stage by stage examination of the process used to make the appointments, using the Code as a guide.

Authorisation and Planning

4. A competition initiation meeting took place on 01 March 2011. It was clear that the Department gave careful consideration to the selection criteria, consulted with Invest NI regarding the role specification and took on board agreed changes.
5. The Department consulted the Minister early in the appointment process. A submission dated 27 October 2011 requested Ministerial approval for all necessary aspects of the process, including the appointment timetable, panel members and the manner in which the Minister preferred to have candidates suitable for appointment presented to her. It provided details of the specific requirements of the posts that were to be filled.

Role and Specification

6. The competition was to appoint three members to the Board of Invest NI. Two posts were for 'generic' members, and a third post was a specialist post for a 'university' member. Applicants for the generic posts had to meet a set of four criteria: business development, corporate governance, strategy and analytical thinking. The university post applicants were

also required to meet four criteria: strategy and analytical thinking plus two criteria specific to this post. One criterion required applicants to hold a senior management position within a Northern Ireland university, with industry links, and the other criterion was business related research and development.

7. No specific academic qualifications were required for any of the appointments. This is a positive approach to ensuring that applicants with non-traditional career paths and background would be encouraged to apply for the posts. Paragraph 3.28 of the Code supports this approach.

Encouraging Applications

8. The Information Pack was set out clearly and provided an overview of the role. The application form was straightforward and asked only what was truly required. It allowed applicants to provide information in a clear manner, and should not have deterred potential applicants who might not have been familiar with the completion of such forms. The guidance included in the Information Pack was extensive but straightforward. The language was consistent in the application form and the guidance notes.
9. The advertisement included a 'welcoming statement' which the Department considered appropriate 'as women, people with disabilities and ethnic minority communities are currently under-represented on the Invest NI Board'.

Under-Representation

10. Consideration of diversity was apparent and there was evidence that enhanced outreach and targeting of specific groups took place. The Department acknowledged that as appointment is based solely on merit, the focus was on achieving as wide a pool of potential applicants as possible. The under-representation of women on the current board was also highlighted. In addition to the public advertisement, Public Appointments Unit (PAU) issued mail-shots to its list of interested people / organisations: S75 groups, underrepresented groups including women's groups, various websites and appropriate social media. The Permanent Secretary wrote to the Vice Chancellors of QUB and the UU to bring the competition to the attention of suitable candidates for the university post.

Selection Panel / Selection of Applicants

11. The selection panel consisted of a senior Departmental representative, the Chair of Invest NI Board and an Independent Assessor.
12. Each panel member carried out an individual assessment of each application. They recorded a score for each criterion and supported this with overall comments. The Department kept full and contemporaneous records of all assessment deliberation and outcomes

Final Assessment

13. The panel agreed that 18 was a feasible number of applicants to interview over a three day period. 52 applicants passed the short-listing stage, so the panel conducted a further short-listing exercise, and agreed to interview only those applicants scoring 21 and above. This is in line with the information provided in the Information Pack. It stated 'The Selection Panel will assess which applicants meet the selection criteria for both types of post. If the Department is oversubscribed with applications at this stage, the panel will conduct a short-listing exercise and will interview only those who best meet the criteria'. This led to 19 candidates being called for interview.

Ministerial Submission

14. A submission was presented to the Minister on 14 February 2012. The Minister had previously requested an unranked list of applicants suitable for appointment. Of 19 candidates interviewed, 17 were deemed suitable for appointment. The applicant summary presented to the Minister regarding these 17 candidates provided an 'objective analysis of each applicant's skills and experience, based on the information provided by each applicant during the appointment round and the selection panel's assessment of that applicant'. It also provided the Minister with a note on any conflicts of interest. The Department also provided comprehensive pen pictures of the existing board members to assist the Minister in making decisions that ensured the board was balanced in terms of diversity of skills and experience.

Ministerial Decision

15. The Minister agreed to appoint four candidates. This was owing to an additional vacancy arising during the competition when one of the existing members was appointed as Invest NI Chairman. One candidate was selected for appointment to the university post and three generic members were appointed. The Minister did not wish to create a reserve list.

Feedback Procedures

16. Paragraph 3.46 of the Code states, 'the Department must ensure it has a process in place to provide feedback to applicants'. The procedures relating to this competition were included in the appointment plan and communicated to all relevant staff within the competition process. The appointment plan stated 'It was agreed that requests for a review of the panel's decision will be considered up to five working days after receipt of their regrets letter. Applicants will be required to state why they feel the decision was incorrect. The panel will have five working days to reassess any such applications'.
17. One applicant requested reassessment on 13 January 2012. All three panel members reassessed the application and agreed that the candidate still did not meet the eligibility criterion. The applicant received a response dated 26 January 2012 from the Head of Public Appointments Unit confirming that the appeal was unsuccessful.
18. The applicant received a response ten working days after his initial request for feedback. This is outside the target response time agreed and stated in the Appointment plan. The Department should ensure that it complies with its own targets for providing feedback to applicants.
19. Two applicants out of the seventeen deemed suitable for appointment, who had not been selected by the Minister for appointment, requested feedback. A PAU representative provided feedback that was timely, informative and based on contemporaneous records kept by the panel.
20. Paragraph 3.47 requires 'feedback to be carried out by the Chair of the panel...in exceptional circumstances...another member of the selection panel may be substituted'. The documentation provided by the Department gave no reason why the Chair did not provide the applicant with feedback. It would be useful if, in such cases, the Department

would record the reason when feedback is provided by a person other than the Chair of the panel.

Announcing the Appointment

21. The submission to the Minister dated 28 March 2012 included letters to the three successful candidates. The Head of Public Appointments Unit wrote to the unsuccessful candidates on 28 March 2012 to inform them of the Minister's decision. The successful candidates were written to on 29 March 2012. The public announcement was issued as a press release to all parties on 06 April 2012. The press release met the requirements of the Code and it was copied to CPANI.

General Observations

22. Overall, this was a well-planned competition that sought to encourage applicants from diverse backgrounds. The Department and selection panel maintained properly documented evidence to support decision-making. This ensured an open and transparent process that allowed for applicants to be judged solely on merit. The Department had effective systems in place to communicate relevant information to the selection panel and senior departmental personnel in a timely manner.

Overall Conclusions

23. The evidence provided demonstrates that the Department complied with the Code in most respects. Action will be required to address the one issue highlighted in the recommendations below. Follow-up will be conducted by the Commissioner's office in due course. It is worth noting that the applicant summaries to the Minister in this competition were particularly good and were augmented by pen-pictures of existing board members, assisting the Minister in achieving a balanced board.

Recommendations

24. When feedback is provided by a person other than the Chair of the panel, the Department should ensure that the reason for this is recorded.