



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Audit Report 2012/2013

Department of Education – General Teaching Council

September 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 01 February 2010, amended 01 August 2011.
2. A competition carried out by the Department of Education (DE) was selected to be audited during the 2012/13 year. The main objective was to evaluate whether Ministerial appointments to the General Teaching Council for Northern Ireland (GTC) 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.

Ministerial Authorisation and Planning

4. The GTC members' appointment terms ended on 14 October 2010. A submission, to the then Education Minister on 24 September 2010, requested that the four existing members be reappointed. The Minister instructed that reappointments not be made, and that an open process to recruit four new members should be commenced. The recruitment process was not started until September 2011. The Department has provided no explanation for the delay of almost one year.
5. The Department should ensure that, in future, board member vacancies are addressed and planned for, and competitions to recruit new members are commenced in a timely manner.
6. The Department consulted the present Minister by formal submission on 13 October 2011. The submission requested Ministerial approval for aspects of the process, including the publication of the draft advertisement, intended dates of interviews and appointment and the manner in which he preferred to have candidates suitable for appointment presented to him. The Minister was also invited to suggest possible candidates, who would complete an application on the same basis as other candidates.

7. The Minister's response indicated that the advertisement should seek applicants from as broad a spectrum as possible, i.e. from community, voluntary backgrounds etc., The Minister requested an unranked list of successful candidates and did not suggest any potential candidates.
8. The Department sought the views of the Chair of the body on issues including selection criteria and the balance of the board.

Role and Specification

9. It was evident that the Department gave consideration to the selection criteria, by developing essential criteria for all candidates. This was to take into consideration that 'members are appointed with the approval of the Education Minister in order to bring an independent judgement to bear on issues of strategy and performance within the Council. They will bring wide experience and critical detachment to the work of the Council'.
10. The role profile described the nature, purpose and responsibilities of the role. It stated the length of the appointment term, which was four years; however, as these were existing vacancies, the term would end on 14 October 2013. The post is voluntary and is not remunerated but allowable expenses are paid. The role profile gave an indication of the time commitment required for the post-holder to fulfil the role.

Selection Panel

11. The first panel meeting took place on 19 September 2011. The purpose of the meeting was to agree the role profile, the person specification and the advertisement, for forwarding to the Minister for approval. Records show that this was done.
12. There is no evidence to show that panel members had received appropriate training based on the requirements of paragraph 3.10 the Code.
13. The Department must ensure that all panel members have received timely and relevant training as specified within paragraph 3.10 of the Code.

Publicity

14. The Minister requested that the advertisement should seek applicants from as broad a spectrum as possible. This resulted in the following line being added to the advertisement, 'Applications are welcome from those with an interest in serving in the education sector including those who have not previously held a position in this area and those from the community, voluntary, etc.'. However, there is no evidence that enhanced outreach took place that would turn the desire for 'a wider spectrum' of applicants into reality.
15. In the light of previous experience in public appointments, it is unlikely that the welcoming statement alone would be successful in attracting a significantly wider range of candidates; the Department should consider how it might, in future competitions, target, inform and encourage under-represented sections of the community.
16. The advertisement was available in alternative formats and publicity carried the CPANI logo. It was published in English and Irish.

Information Pack

17. The Information pack contained the documents specified in the Code, including role profile and person specification, information about the GTC, information on the recruitment process including the Minister's request for an unranked list, and the planned dates for interview. A copy of the CPANI Guidance on 'Complaint, Conflicts of Interest and Integrity' was included. A telephone number for potential applicants to obtain information about the appointment process and the progress of their applications was also included.

Application Forms

18. The guidance notes state 'The Department is not just interested in people who have a traditional career path. Many appointments are open to people who do voluntary or community work, or have direct experience of the education service. Make sure you take full advantage of this section to provide practical experience and examples of how you feel you are suitable for a public appointment, on the basis of the selection criteria for appointees, as outlined in your application pack'. Guidance notes go on to explain techniques for providing adequate and constructive responses to the questions in the

application form. It is noteworthy that no specific qualifications were required for these appointments.

19. The Commissioner commends the Department for taking cognisance of the diversity issue in the application forms by encouraging applicants to provide examples of their experience from non-traditional career-paths and backgrounds. This reflects paragraph 3.29 of the Code.
20. Paragraph 3.22 of the Code states that 'application forms must be simple, straightforward and ask only what is truly required'. Three addresses were requested; personal, correspondence and business address. Also, despite having stated in the person specification that no specific qualifications were required for the appointment, qualifications were requested [although it was stated that provision of this information was not mandatory].
21. The Department should simplify its request for addresses, and seek details of candidates' qualifications only when necessary for a specific post.

Closing Date

22. The competition advertisement first appeared in the press on 22 November 2011. The closing date for applications was noon on 02 December 2011. The Department had a procedure for handling late applications. Two applications were received after the closing date. The Department forwarded these applications to the selection panel for assessment. After assessment they were rejected for being late.
23. The rejection procedure for late applications should be carried out prior to short-listing.
24. In future competitions, the Department should consider a longer application period than the 10 days given in this competition. This would allow for greater coverage of potential applicants and give applicants a more reasonable period in which to deal with the complexities of the application process. This is all the more important when the Department is, in its own words, seeking applicants from a wider spectrum; it is likely that such candidates will be unused to the public appointment application process.

Selection

25. Ten applications were received. The eight 'on time' applicants were shortlisted for interview. The short-listing papers indicated that each candidate met the six criteria.
26. There were written procedures detailing the process to reassess candidates who submitted a query, challenged the process or made a complaint. There is no evidence to show that the Department received any such requests.

Final Assessment

27. A formal interview was used as the method of final assessment to determine which candidates were suitable for appointment. Eight candidates were selected for interview. Two candidates subsequently withdrew from the process.
28. Interviews were conducted in compliance with the requirements of the Code. Records were made of all six interviews by all panel members and retained with each application. Individual scores were recorded and an agreed panel score for each candidate was recorded. In instances of differing scores between panel members, no reasons were recorded relating to the agreed moderated scores.
29. To fulfil the requirements in paragraph 3.31 of the Code that 'Full contemporaneous records of all the assessment procedures, deliberations and outcomes must be kept', it is essential that agreed scores after moderation are accompanied by the panel's reasons for the agreed score.

Ministerial Submission / Decision

30. A submission was made to the Minister on 20 January 2012. The Minister had requested an unranked list of applicants suitable for appointment. Of the six candidates interviewed, five were deemed suitable for appointment. The applicant summary presented to the Minister regarding these five candidates was limited in content.
31. The Department must ensure that it complies with paragraph 3.43 of the Code, which states 'The applicant summary will provide the Minister with 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.'

32. The Minister agreed to appoint three successful candidates. There is no record of the reason for selecting the three candidates.

33. A record of the Minister's decision is a requirement of the Code. The Department must ensure that it complies with paragraph 3.45, that is;

'When the Minister has made the decision whom to appoint and whom not to appoint, the reasons for these decisions will be recorded'.

Announcing the Appointment

34. The Department wrote to the successful candidates on 16 February 2012 to advise them of the Minister's decision. The unsuccessful candidates were written to on 01 March 2012. The submission to the Minister, dated February 2012, included letters to the three successful candidates only, and did not include the letters to the two unsuccessful candidates.

35. The Department should consider providing to the Minister, for signature, all letters to candidates who have been deemed appointable and whose names have been submitted to the Minister for possible appointment. As a matter of good practice, letters advising of the Minister's decision should be issued to all such candidates on the same date [successful or unsuccessful]. This will ensure openness and transparency and avoid potential embarrassment to individual candidates.

36. The public announcement was issued as a press release on 12 March 2012 and it was included on the NI Direct website. The press release met the requirements of the Code. A copy of the press release was issued to OFMDFM Central Appointments Unit at the time of issue. No copy was issued to CPANI.

37. The Department must ensure that CPANI is provided with a copy of all press releases for public appointments, as specified in paragraph 3.50 of the Code.

General Observations

38. The Department did not initially provide all the necessary documentation for the audit. Further documentation was provided following emailed requests.

39. Paragraph 5.3 of the Code relates to recording and retention of documents. It states 'Departments will ensure a full and complete audit trail is readily available including all

pertinent contemporaneous records. The unit administering the process will be responsible for collating all appropriate records from throughout the Department etc and making them available for audit or as requested by the Commissioner.' It is essential that this paragraph is complied with. The Department must ensure that for future audits all documentation is provided to CPANI.

Overall Conclusions

40. The competition to appoint members to the General Teaching Council for Northern Ireland failed to a substantial degree to comply with the Code of Practice for Ministerial Appointments in Northern Ireland.
41. Seven breaches of the Code are identified in this audit report [Paragraph numbers below refer to paragraphs in the Code]:
 - Paragraph 3.10 - All selection panel members must have received appropriate training,
 - Paragraph 3.22 - Application forms must be simple, straightforward and ask only what is truly required,
 - Paragraph 3.31 - The Department must keep full contemporaneous records of all assessment procedures, deliberations and outcomes,
 - Paragraph 3.43 - The applicant summary will provide the Minister with 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,
 - Paragraph 3.45 - When the Minister has made the decision on whom to appoint and whom not to appoint, the reasons for these decisions will be recorded,
 - Paragraph 3.50 - The public announcement must be copied to CPANI at the time of publication,
 - Paragraph 5.3 - Departments will ensure a full and complete audit trail is readily available including all pertinent contemporaneous records.
42. Paragraph 1.7 of the Code states, 'It is the responsibility of Northern Ireland Government Departments to ensure the principles and practices contained in the Commissioner's Code

are upheld throughout the process'. In light of the above breaches of the Code, the Department should give urgent consideration as to how it will address the matters raised and should ensure that action is taken to prevent such breaches in all future competitions. The Commissioner should be apprised by the Department of its proposed actions, as soon as is practicable, to enable follow-up to this audit by CPANI.

43. CPANI has identified five further issues which, whilst not being breaches of the Code, fall short of what CPANI would see as being best practice:
- Planning future competitions to ensure continuity on Boards.
 - Enhanced outreach to target, inform and encourage under-represented groups or individuals.
 - Improving rejection procedures.
 - Providing more reasonable application periods.
 - Handling of Ministerial letters to candidates.
44. The Department should consider how it might handle these issues more effectively in future competitions. As with the breaches of the Code, the Commissioner should be apprised by the Department of its proposed actions, as soon as is practicable, to enable follow-up to this audit by CPANI.