

Code of Practice has been properly applied. The most important element at this stage is to review in good time and to your satisfaction:

- the role and person specification;
- the department's approach to seeking applications, including the briefing given to any recruitment consultants;
- the content of the application form;
- any formal advertising and other publicity; and
- the selection criteria used for drawing up the 'long list' of candidates.

You must then be directly involved in:

- decisions on which candidates to shortlist for interview;
- reviewing the selection criteria to be applied at interview;
- the interview process itself; and
- the selection of those candidates to be recommended for appointment.

If you are an Independent Assessor involved in making appointments to **Monitored** bodies, you must be able to review comprehensively the documented process outlined above, up to and including the shortlisting of candidates and you must do this before any final recommendations are made.

With the Commissioner's encouragement, departments may ask you to participate in the process more fully in the case of paid appointments and particularly when the appointment is likely to attract public interest.

In both Regulated and Monitored appointments, you will be asked to certify with a validation certificate that you are satisfied that the standards of the Commissioner's Code of Practice have been met.

Types of panel

In the case of **Regulated** bodies, the key stages of the appointment process must be

overseen by a panel rather than an individual and an interview, or conversation with a purpose, must take place. Full panels are not obligatory for lower profile appointments though, in the public interest, the Commissioner strongly encourages their use in high profile, or potentially controversial, cases.

Panel membership

Whichever type of panel is used, its membership will normally include an official from the sponsoring department, a representative from the public body concerned or other interested group as appropriate and an Independent Assessor.

Usually, Independent Assessors will make up one third of the panel membership. However, for certain appointments, there may also be a technical, medical or scientific expert, when a specific area of an applicant's expertise needs to be tested.

Membership of selection panels should remain constant throughout a competition. In some circumstances, officials or representatives may vary, but the Independent Assessor cannot be replaced once the process has started, unless the department has obtained the agreement of the Commissioner's Office.

Panel Chairs

As an Independent Assessor, you should not be asked, and should refuse any invitation, to Chair a selection panel. In the case of a ministerial appointment, it is the prime responsibility of the Chair to ensure that the panel, collectively, selects a number of suitable candidates from which ministers may make their final selection. The Independent Assessor is there to act primarily as guardian of the appointments process and not as a specialist in the subject matter dealt with by the body to which the appointment is being made.

Whilst in principle and in practice, responsibilities are commonly shared by all the panel members, it remains the fact that the Chair is directly accountable to the minister for the

outcome of the interview process and the assessor for providing a demonstrably independent assurance of its integrity.

If the same person takes on both roles, there is a risk of a conflict of interest (actual or, just as importantly, perceived). Whether such a conflict is really likely to arise or not, the Commissioner feels that the principle of visibly independent scrutiny should be preserved from even the smallest risk of compromise.

Section Five: Role of Independent Assessors

Objectives and main duties

As an Independent Assessor, your objectives are:

- to assist ministers in the task of making effective public appointments that command public confidence;
- to provide an assurance that the appointment process has conformed with the principles and practice set out in the Code of Practice issued by the Commissioner for Public Appointments; and, in particular,
- that appointments have been made on merit after a fair, open and transparent process.

Your main duties in pursuit of these objectives may vary. You may be required to:

- To play a full and active part at appropriate stages in the appointment process in order to provide an assurance that the procedures employed by the department comply with the Commissioner for Public Appointments' for Northern Ireland Code of Practice;
- When required, to act as a member of a selection panel, to review the documented procedures relating to the selection of candidates before recommendations are put to ministers. You are also likely to be involved in shortlisting and interviewing candidates;
- Whenever necessary, to raise concerns about any shortcomings in the process with the selection panel, responsible officials in departments, or the Commissioner, as appropriate.

- To sign the validation certificate to verify your satisfaction that the process up to the stage of ministerial submission has conformed with the requirements of the Code of Practice.

Section Six: Relationships with departments

When a department is running a competition for appointments, they will contact OCPA NI, which will identify a suitable Independent Assessor. The Department will then contact this person to arrange the competition details. When and how often you will be called upon will vary considerably, depending on the number of competitions held in any given year, the number of Independent Assessors on the list and your own availability.

At the end of every round of appointments, departments will welcome your observations on the way the process operated. This need not be a long or difficult task. You might simply note that you were satisfied with the way the Commissioner's Code of Practice was applied at each of the key stages in the process in which you were involved. You should, as a matter of course, record any concerns that you had and how these were resolved. Departments would also welcome your thoughts on issues which, though not problematic, might be addressed better, or differently, in future.

The Code of Practice now requires Independent Assessors to sign a Validation Certificate at the end of each appointments' process, to certify for the record that they are satisfied that the procedures have complied fully with the Code.

Section Seven: Relationships with the Commissioner and the Commissioner's Office

Induction

When you are appointed as an Independent Assessor, you will be invited to an induction seminar. This seminar is designed to reinforce the information in this guide and in the Code of Practice and will give new Independent Assessors the opportunity to meet. Newly appointed Independent Assessors will be expected to attend an induction seminar before participating in an appointments process. This is not in any way a reflection on your knowledge, skills and personal qualities; it is simply a means of ensuring consistency of approach in the process and sustaining public and parliamentary confidence in the public appointments process.

After Your Induction

OCPA NI staff are always available to advise and guide you. Contact details are on page 31. You should contact OCPA NI immediately, if a particular appointment causes you any concerns that you have been unable to resolve satisfactorily with the department concerned. OCPA NI may also contact you for assistance or information, if the Commissioner receives a complaint about the way that a particular appointment in which you were involved was handled.

Strengthening the Commissioner's links with Independent Assessors is an important aspect of the quality assurance measures. The *Sentinel*, the newsletter for Independent Assessors is sent out direct from OCPA and OCPA's regular seminars will continue to provide training and up-to-date information in order to equip Independent Assessors to carry out their role. The seminars also provide the opportunity for Independent Assessors to meet, share experiences and keep abreast of developments, for example new legislation.

"I like to meet Independent Assessors whenever I can. I want to hear about your experiences, to know that you are comfortable in your role, and to be assured

that you have received all the assistance and support that you need to be able to do your job effectively.”

Dame Rennie Fritchie

Commissioner for Public Appointments, July 2001

Section Eight: Key points for guidance

Being part of the selection process for public appointments can be a fascinating and rewarding experience. By playing a part in the process, you will be providing a valuable public service. You must always take care to remain focused on your role. If you are coming to the appointments process for the first time, there is much to learn. Even experienced assessors may want to refresh their memory from time to time. To help you, this chapter provides a broad guide of good practice on key points.

Procedures and legislation

The Commissioner's Code of Practice provides detailed, mandatory guidance to departments on the conduct of ministerial public appointments. You need to know the Code intimately in order to ensure that the appropriate procedures are followed scrupulously. You will also need to be familiar with any relevant legislation, for example, the Data Protection Act.

As yet, it has not been determined whether other statutory obligations, like the Human Rights Act or equality legislation, can, or should, rightfully be applied to the public appointments process. Nevertheless, all those involved will want to ensure that, so far as possible, appointment to public office complies with the spirit of this legislation and the ethical imperatives behind it. The sponsoring department will be able to offer advice on this.

Every key stage in the selection process must be fully documented and the records must be lodged with the department, to ensure compliance with the Data Protection Act. Formal notes completed during interviews will form part of the permanent official record and you should give the notes you make to the departmental official who is on the panel with you when the panel has completed its task, along with copies of application forms and other documents provided to you. These notes will be kept on departmental files for a minimum of two years.

Key stages which form the mandatory element of every competition

Regulated Appointments

- Scrutiny of the application pack (including person specification and role description) and publicity plan;
- Scrutiny of all applications received;
- Agreeing the shortlist for interviews with the other panel members, ensuring a fair and consistent approach is taken to select candidates on the basis of merit;
- Participation in the formal interviews and any subsequent decision-making stages to ensure a fair and consistent approach is taken to assess candidates on the basis of merit;
- Approving the 'candidate assessment summary' for inclusion in the Ministerial submission that summarises the outcome of the appointments round.

Monitored Appointments

- Scrutiny of the application pack (including person specification and role description) and publicity plan;
- Scrutiny of all short-listing;
- Scrutiny of selection procedure (interview or conversation), prior to any final decision being made to ensure a fair and consistent approach is taken with the appointments procedure;
- Scrutiny of the 'candidate assessment summary' for inclusion in the Ministerial submission that summarises the outcome of the appointments round.

You should note that in Northern Ireland, some monitored appointments are high profile and may be conducted under more rigorous procedures, similar to those used for Regulated Appointments.

In all cases, you must be notified promptly, by the relevant department, of the eventual ministerial appointment on which the candidate is appointed.

Conflicts of Interest

One of the more sensitive areas for Independent Assessors concerns the principle of probity, particularly the possibility of **conflicts of interest** that might arise, for example, from financial interest or shareholdings, personal friendships or associations, or shared membership of societies or professional associations. Even an unfounded perception of a conflict of interest can be damaging to the public appointments process, if it cannot be proved untrue promptly, openly and convincingly. All candidates for public appointments are sent a copy of the OCPA NI booklet “Conflicts of Interest: A Guide for Candidates” and are asked to disclose information or personal connections, which, if they were appointed, could constitute a real conflict of interest, or be misconstrued.

You should ensure that this is done at the earliest feasible point in the recruitment process and that any potential conflicts have been fully explored with the candidate to establish whether the details are sufficiently significant to prevent an appointment. Departments are required to keep full records of all such discussions and the outcome.

You should be alert, too, to any actual or perceived conflict of interest which might call your own independence into question and discuss these with the person chairing the panel, or the departmental official responsible for the process.

“Actually, I happen to know.....

On occasions, fellow interviewers will declare that they know candidates well; this is particularly the case, given the scale of Northern Ireland. In some cases, depending on the nature of the association, it may be appropriate for that person to withdraw from the interview and any subsequent discussion of the candidate. Where, however, interviewers are confident that they can maintain their impartiality despite the occasion, it is particularly important to have taken sufficient note of what the candidate says, to be able to determine independently whether the candidate appears to meet the selection criteria. Private, anecdotal information about candidates and their abilities is not relevant and must not be taken into account.

Section Nine: The ‘Good Practice Checklist’³

The Checklist is designed to give you an idea of what you and others might be expected to do at the various possible stages of an appointments process, and at the same time provide best practice guidance. It goes through all the possible stages of a full appointments process to illustrate how it works. The Checklist is not the definitive word on what should happen every time. In practice, actual processes will vary considerably between departments and between individual selections for appointment.

Recruitment and Selection for Executive Non-Departmental Public Bodies: Good Practice Checklist

1. Strategic issues for consideration

1.1 Departments should agree the key background issues with all stakeholders and the overall ENDPB objectives, then ensure the process is in line with the agreed issues/objectives, allowing for proportionality.

1.2 Departments should consider if new appointments can be used to improve the diversity of existing teams, or create new diverse teams.

2. Role

2.1 A role description must be produced for each and every appointment as a member, Chair or deputy Chair of a public body. These must be reviewed each time a post becomes vacant and not automatically assumed to have remain unchanged since the last time an appointment was made.

2.2 Roles should be explained clearly, with minimal jargon, so that they are comprehensible to people from a range of backgrounds and of knowledge. As a

³ The checklist was produced by Paula Grayson, herself an experienced independent assessor in Great Britain and a member of the Focus Group that assisted in the production of this guide. (Ms Grayson is a companion of the Chartered Institute of Personnel and Development.)

minimum, they should contain: title; summary of purpose of role; main accountabilities (active verbs if possible); where based; constraints (e.g. potential conflicts of interest); details of any remuneration; conditions of service; and a realistic indication of the time commitment required.

3. Person specifications

3.1 Person specifications should be derived from the description of the role. Required skills/competencies should encourage objective assessments of candidates, allowing selectors to determine 'material and substantial reasons' for choosing candidates. A person description must be produced for each and every appointment as a member, Chair or deputy Chair of a public body. These must be reviewed each time a post becomes vacant and not automatically assumed to have remain unchanged since the last time an appointment was made. Departments could consult on the wording with Independent Assessors.

3.2 Required skills/competencies should be distinguished as 'essential' or 'desirable' with only the most vital ones being 'essential' to ensure candidates with potential can be considered. Essential attributes must be held; desirable attributes are those which could offer added value.

3.3 Person specifications should be meaningful, understandable to any reader, reasonably specific, realistic, objective (not those of former post-holders) and follow good equal opportunity practices.

3.4 Where positive action is taken to attract applications for a particular group, extreme care is to be exercised to avoid anything which might constitute positive discrimination.

3.5 Requirements for relevant experience should acknowledge paid or unpaid employment and voluntary work with quality of experience, not duration, location nor organisation, being valued.

3.6 Person specifications should be sent to candidates with application forms and details of the role, to assist with self-selection.

4. Publicising Vacancies

4.1 Advertisements should follow directly from role and person specifications. Departments could discuss the wording with Independent Assessors to check advertisements are meaningful to non-experts (e.g. reducing jargon) and might attract diverse candidates.

4.2 As a minimum, advertisements should contain: role and title; remuneration and benefits (or no remuneration); likely time commitment; essential skills/competencies; procedure for applying; other formats available for applications.

4.3 Advertisements should use wording or images that are appropriate to a range of applicants with appropriate skills/competencies.

4.4 Positive action statements can be used where teams are not diverse – e.g. “applications are particularly welcomed from women because they are under-represented at this level/in this role” – though care should be taken to ensure that recommendations for appointment continue to be based on merit.

4.5 All public appointment vacancies must be publicised on the Central Appointments Unit’s six-monthly list of forthcoming vacancies, which is accessible at www.ofmdfmni.gov.uk/publicappointments

4.6 All advertisements for posts within the Commissioner’s remit must display the OCPA NI Regulated kitemark. Advertisements for public appointments to bodies which wish to be monitored by OCPA NI must display the OCPA NI Monitored kitemark.

5. Application forms

5.1 Application forms should be simple and straightforward and not ask for personal or sensitive information (e.g. monitoring information such as race, gender, disability) without explaining the purpose of collecting it and how it will be used. Monitoring and Political Activity information should be separate from the main application form.

5.2 Application forms should contain: instructions on completion/forwarding; name; academic and/or professional qualifications (only if required); work record (reverse chronology, all employment, self-employment, work experience, voluntary work); non-executive posts; space to demonstrate how past experience/knowledge demonstrates the essential skills/competencies; space for any other information; conflicts of interest declaration (accurate information given/checks may be made); data protection controls and release to use for selection/recruitment.

5.3 OCPA NI have drawn up a standard political activity form and this should be used by all Departments. Monitoring forms must contain information on gender, community background, ethnic background, and disability, though the layout and wording of the form may vary across Departments. We do not require information across the full range of Section 75 categories.

5.4 Application forms or accompanying letters should clarify when references will be taken up.

6. Sifting

6.1 For large numbers of applications, departments may carry out initial internal sifts, providing those sifting have been trained in selection skills and equal opportunities. Departments should consider using Independent Assessors on sifting panels (second sifts for large numbers) because this stage is the least easily defended against complaints. Sifting panels should formally agree their sifting criteria from the essential skills/competencies in person specifications.

6.2 Sifting should be methodical, e.g. using a grid of skills/competencies and candidates should be measured against these, not against each other. Sifting should be consistent for all candidates, allowing proper consideration without assumptions about levels of experience/relevance for posts. Assumptions about the possible future impact of a disability should not be made, unless there may be potential health and safety risks.

6.3 Sifting should preferably be carried out independently by those sifting, then as a panel, checking and discussing views about all candidates. Consensus views should be reached and recorded on candidates, taking account of policy, strategy, proportionality and diversity.

6.4 If initial sifts produce too many candidates for a reasonable interview field, those identified as fully meeting the skills/competencies can be selected for interview. If this reduces the diversity of the interview field and the bodies are currently insufficiently diverse, the sift should be re-examined to ensure the assessments of diverse candidates were appropriate and merit-based.

6.5 Sifted candidates should be contacted as soon as possible with an invitation to attend for interview. Panels should agree the arrangements for the selection process.

6.6 Application forms should be returned to a confidential and safe place until required for further action (writing to applicants, or interviewing).

6.7 All decisions, including those to reject, must be fully documented.

7. Preparing for interviews

7.1 The make-up of panels, including Independent Assessors, should be agreed to allow appropriate evidence gathering, using a range of expertise and reasonable diversity of panel members. Independent Assessors who assisted with sifting should preferably be used for panel interviews. Where this is not possible, the sifting Independent Assessor should brief their replacement. A change in Independent Assessor must be agreed in advance with OCPA NI.

7.2 Invitations to interview should give at least one week's, and preferably two weeks', notice and should request any particular interview requirements (e.g. reasonable adjustments for people with disabilities). Material sent to candidates about interviews should be clear and up to date, giving the date, location, time, likely duration, style of interview (e.g. questioning by a panel), names/responsibilities of panel members and enclosing any useful further information about the post.

7.3 Candidates' interview requirements should be considered prior to their arrival, e.g. changing time or venue to allow people with restricted mobility to travel and attend safely.

7.4 Reception should be aware of candidates' dates/times of arrival and should be briefed about welcoming/assisting them to use a comfortable waiting area, with some privacy if possible. Any no-smoking policy and location of specified smoking areas should be given on their arrival.

7.5 For panel interviews, candidates are likely to need ten minutes per interviewer and/or per skill/competence for sufficient evidence to be gathered. At least ten minutes between interviews should be allowed for reflection and comfort break.

7.6 Interviewers should remind themselves of the role and person specification and should study all the candidates' application forms, making notes of areas of particular interest for checking skills/competencies.

8. Arrangements on the interview day

8.1 Candidates' particular interview requirements should have been arranged. There should be privacy and freedom from interruptions, either by personal callers, or by telephone/fax/e-mail (audible/visible). Seating arrangements should help candidates and panel members to feel comfortable (lighting, heating, ventilation, type of chair, chair/table configurations).

8.2 It is courteous for interviewers to take refreshments between interviews. Water should be available for candidates and interviewers.

8.3 Interview summary documents should be provided, listing the required skills/competencies against which evidence should be gathered. At least one interviewer, and preferably all, should complete the summary. Interviewers should agree how notes will be taken consistently for all candidates.

8.4 Interviewers should have been trained in interviewing skills and equal opportunities/diversity issues.

8.5 Panel members, including Independent Assessors, should have a preliminary meeting to agree the interview structure, e.g. who will chair (Independent Assessors should not chair panels); interviewer order; which skills/competencies will be selected for evidence gathering. Panel members should agree on etiquette for the day (standing/sitting at beginning; shaking hands; how panel members will address each other and the candidates; time signals).

9. Selection interviews

9.1 On being brought into the room, candidates should be shown where to sit and allowed to become calm, while the interviewers are introduced clearly by name and responsibility. The interview sequence should be described, by the interviewer chairing the panel, explaining that notes will be taken with an opportunity to ask questions at the end. The first question should be straightforward to put candidates at ease.

9.2 All panel members should ask at least one question and should be courteous to other members about their share of the allocated interview time. The smooth handover of questioning can assist candidates by linking the next set of questions to responses given to the previous interviewer.

9.3 Objective interview notes are important for audit purposes or any complaints.

Section Ten: OCPA NI CONTACT DETAILS

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