



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Appointment of four Non-Executive Members to the Patient and Client Council

Department of Health, Social Services and Public Safety

August 2014

Introduction

1. A competition to appoint four non-executive members to the Patient and Client Council [PCC] was selected for audit as part of the 2014/15 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPANI). This competition was administered by the Department of Health, Social Services and Public Safety (DHSSPS).
2. The audit was conducted under the Commissioner for Public Appointments (Northern Ireland) Order 1995 (as amended) and was designed to assess compliance with the 'Code of Practice for Ministerial Public Appointments in Northern Ireland' (the Code), version issued September 2012.
3. The Commissioner is required, by law, to prescribe and publish the Code to regulate the process by which public appointments are made. The Code sets out principles and practices which the Commissioner requires Government Departments to adopt.
4. The role of the Commissioner is to regulate, monitor, report and advise on the way in which Ministers make appointments to the Boards of public bodies in Northern Ireland. The Commissioner's key concern is to ensure that public appointments are made in ways that are open, transparent and merit-based.
5. Responsibility for appointments rests with the relevant Minister.
6. Northern Ireland Government Departments have the responsibility of ensuring that the principles and practices contained in the Commissioner's Code are upheld throughout every public appointment recruitment competition.

Approach

7. This audit report is the result of an examination of the PCC appointment process, from which two breaches of the Code, three instances of 'less than best-practice' and two instances of particularly good practice were identified.
 - For each breach of the Code and each identified issue of 'less than best-practice', CPANI has produced a recommendation which the Department must address.

- Recommendations are summarised at the end of the report and will be followed up by CPANI in six months for evidence of implementation by the Department.
 - Where instances of good practice are highlighted, it is hoped by CPANI that all Departments will study these for use in their own competitions.
8. CPANI carried out a comprehensive review of all appropriate records, as provided by the DHSSPS Public Appointments Unit. All documentation provided by the Department was of a high standard and was comprehensive and well organised.

Acknowledgements

9. The Commissioner would like to thank the staff from the DHSSPS Public Appointments Unit for their assistance and cooperation throughout this audit.

Stage 1 – Initial Planning of recruitment competition

Consultation with the Chair of the Patient and Client Council

10. The Department consulted with the Chair of the PCC in the early planning stages of the process. It was agreed that at least one appointee would bring financial expertise to the PCC; this was reflected in the criteria.

Independent Assessor

11. CPANI allocated an Independent Assessor at the outset; the Assessor was involved in all relevant stages of the selection process.

The Selection Panel

12. The selection panel consisted of the Chair of the PCC, a senior official from DHSSPS and the Independent Assessor. The Department ensured that all panel members were fully trained in line with the Code. The panel members signed confidentiality forms early in the process. All selection panel members were involved in all aspects of the selection process prior to the Ministerial decision.

Role Profile and Person Specification

13. The role profile and person specification were developed by DHSSPS with input from the selection panel. These included all the information required by the Code. Four non-executive member positions were available on the PCC, in three categories.
 - I. One lay member – No specific eligibility requirements for this post.
 - II. One local government representative member – Open to all currently elected District Councillors.
 - III. Two voluntary and community members – Open to anyone who is currently involved in a voluntary/community organisation with an interest in health and social care. Applications for this category had to be supported by at least one recognised body which operates within the health and social care context.
14. Applicants for all three categories were required to meet five essential criteria. One member position, from any of the three categories, was reserved for an applicant with financial experience and expertise; applicants were invited to address a further financial criterion if they wished to be considered for appointment as a member with financial experience.
15. An applicant, who was found to have met the five essential criteria, but not the financial criterion, would still be eligible for appointment as a member.

Ministerial Authorisation and Planning

16. A submission containing the role profile, person specification and appointment plan was approved by the Minister on 10 April 2013. The Minister requested an unranked alphabetical list of candidates suitable for appointment.

Stage 2 - Preparation

Information Pack and Application Form

17. The Information Pack included all the key components required by the Code. Comprehensive guidance was provided on completing and submitting an Application Form, and on the appointment process as a whole. Applicants were also fully informed of which details would be included in the press release, should they be appointed.
18. The Information Pack contained a section entitled *“What we are looking for in a Non-executive Member”*. This section, looking at each criterion, providing a detailed description of the type of skills and behaviour an effective member of the PCC would display. It also described how an applicant could best highlight skills and experience, however gained, when addressing the criteria in the Application Form.
19. This detailed information and guidance is helpful for all potential applicants, especially those applying for a public appointment for the first time. CPANI commends the Department for this helpful approach.
20. The Information Pack stated that a higher pass mark may be introduced at the sift stage, in circumstances where a high volume of applications was received.
21. The Application Form was clear and straightforward.
22. Section five of the Application Form, which required applicants to demonstrate how they met the criteria, included the following statement.

“Complete each box below using additional sheets if necessary.”
23. This flexibility for applicants, in relation to their responses when completing the Application Form, is a practice rarely seen by CPANI in public appointment competitions.
24. The Department should consider applying a limit to applicants’ responses to the criteria. This will aid the process for the selection panel and the Department, by requiring all applicants to be reasonably succinct in their responses.

25. **Recommendation:** The Department should consider restricting the length of responses from applicants to encourage succinctness.
26. The Application Form included an integrity/probity and conflicts of interest section. Applicants were advised that conflicts of interest would be explored at interview.

Monitoring Form

27. Monitoring Forms requested the applicant name.
28. **Recommendation:** The Department should give consideration to a form of coding of Monitoring Forms, rather than using applicant names, to ensure anonymity.
29. The Monitoring Form contained a question on disability, stating.
“If you have answered “yes” and are subsequently invited to interview, you will be asked to identify any special requirements you may have at that time.”
30. It would be more appropriate to request such information in the Application Form, rather than in the Monitoring Form which is to be used solely for monitoring purposes and should therefore not feature further in the application process.
31. **Recommendation:** Requests for candidates to identify particular requirements for interview should be included in the Application Form and not the Monitoring Form.

Stage 3 - Encouraging Applications

32. The vacancy was advertised in the Belfast Telegraph, the Irish News and the Newsletter. It was posted on the websites of Action on Hearing Loss, CPANI, DHSSPS, Disability Action, OFMDFM and the Royal National Institute of Blind People. An information flyer was issued to all current District Councillors, and to the Chief Executives of the District Councils. The flyer was also issued to those on the departmental mailing list, including a wide range of under-represented groups. CPANI commends the Department for the effort put into promoting the vacancy.

Stage 4 - Selection

Processing Applications

33. The closing date for applications was 09 May 2013. Forty-six applications were received.

Sift

34. Selection panel members attended meetings on 30 and 31 May 2013 to assess the applications for eligibility. Copies of all Application Forms were provided to the selection panel prior to this.
35. Panel members were asked to complete a form declaring if any applicant was known to them and whether or not a conflict of interest existed. While two panel members confirmed that at least one applicant was known to them, no conflicts of interest were declared.
36. Each member of the selection panel completed a short-listing assessment form for each applicant, with a score and brief comments given against each criterion. A summary of the panel's collective decision on each applicant was documented and agreed by all selection panel members.
37. A requirement for a pass mark of four out of seven in each criterion had previously been agreed by the selection panel. In addition to this, the panel decided that applicants for the lay and voluntary & community positions were required to achieve an overall score of twenty-four or above to be invited to interview.
38. This was in line with information provided on the appointment process, set out in the Information Pack.
39. A letter to those applicants who did not pass the eligibility sift was issued on 10 June 2013. The letter advised applicants of the panel's decision and set out the score achieved in each of the criteria.
40. Applicants were also advised that a review of the decision could be requested within ten working days of the date of the letter.

41. Seventeen applicants passed the eligibility sift exercise and were invited for interview.
42. Two requests for feedback were received following the sift. They were dealt with in a timely manner by the Chair of the selection panel.

Interview

43. A letter inviting candidates to interview was issued on 11 June 2013.
44. Interviews took place on 26, 27 and 28 June 2013. Each panel member completed an individual interview assessment booklet for each candidate, to record the evidence against the criteria. An agreed panel summary statement was also completed and signed by all panel members. This included the agreed panel score along with summary evidence for each criterion. The panel also agreed an applicant summary and a statement which outlined what skills and knowledge the individual would bring to the role.
45. All candidates were asked to identify any conflicts of interest and were tested on issues of integrity. They were also questioned on the time commitment for the post and the seven principles of public life.
46. Three applicants withdrew from the competition prior to interview.

Applicant Summary

47. At interview, nine candidates were found to be suitable for appointment, five of whom met the financial criterion.
 - Two for the local government representative category
 - Four for the voluntary & community category
 - Six for the lay category
48. Several candidates had applied for more than one category.
49. Those candidates found unsuitable for appointment were informed of the decision in a letter issued 29 July 2013.

50. Applicant summaries were prepared by the Department and agreed by the selection panel. Each applicant summary gave a balanced and accurate summary of information provided by the candidates in their Application Forms and findings and comments of the selection panel at interview.

Ministerial Decision

51. An alphabetical list of the nine candidates found suitable for appointment was submitted to the Minister on 15 August 2013.
52. On 17 October 2013, the Minister selected two candidates for appointment, one as a lay member and one as a voluntary & community member. Both candidates met the financial criterion.
53. On 18 October 2013, the Minister selected one further candidate for appointment as a voluntary & community member.
54. Following the resignation of a lay member of the Patient and Client Council, the Minister selected one further candidate for appointment as a lay member on 18 November 2013.
55. The Minister chose not to appoint a local government representative member, stating that he would like a larger pool of candidates from which to choose.
56. An Access NI check was carried out on the candidates selected for appointment by the Minister.
57. The successful candidates were informed of the decision in a telephone call. Letters formally offering the voluntary & community member positions were issued on 27 November 2013. Letters formally offering the lay member positions were issued on 11 December 2013 and 17 December 2013. This was the first correspondence with these candidates since the interviews in late June.
58. Unsuccessful candidates for the lay and voluntary & community member positions were informed of the decision by letter dated 13 December 2013. This was the first correspondence with these candidates since the interviews in late June.
59. Letters were issued to the candidates for the local government representative member position on 15 January 2014. Candidates were informed that due to the low number of

applications for this post, the Minister had requested that a new competition be run to attract a larger pool of applicants. This was the first correspondence with these candidates since the interviews in late June 2013.

60. Paragraph 3.25 of the Code states,

“Everyone who applies for a post must be kept informed by the Department of the progress and ultimate outcome of his or her application in a timely and courteous manner.”

61. Paragraph 2.9 of the Code states.

“Throughout the public appointment process, candidates should be treated with respect; this applies from the first contact with the Department through to completion of the appointments process.”

62. Following the interviews, candidates should have been kept apprised of the situation in a timely manner. The length of delay in this competition makes this breach of Code a serious one, and demonstrates a lack of respect for the candidates.

63. **Breach:** The Department breached paragraphs 2.9 and 3.25 of the Code.

Recommendation: The Department must ensure that all candidates are kept informed of the progress of their application.

64. One candidate, deemed unsuitable for appointment, asked the Department for the reasons why he was not selected for appointment by the Minister. In its response, the Department failed to adequately address this query, merely informing the candidate that the Minister is required to record his reason for whom he selects. The Department did not, in its response, provide the candidates with the reasons.

65. **Breach:** The Department breached paragraph 3.47 of the Code.

66. **Recommendation:** The Department must take steps to ensure that it holds sufficient information to provide timely and informative feedback to candidates and that it provides such feedback in accordance with paragraphs 3.47 and 3.48 of the Code.

Announcing the Appointment

67. The Department announced the appointments in a press release which fulfilled the requirements of the Code of Practice.

General Conclusions

68. This audit revealed two breaches of the Code and three instances of less than best practice, in respect of which five recommendations are detailed in Section nine.
69. The audit also identified two examples of particularly good practice for which the Department is commended.
70. It is of some concern that the breaches of Code impacted directly on candidates, with respect to major delays in providing information on their results and the failure to provide meaningful feedback. Both of these issues, delays and poor feedback, are frequently cited by candidates as sources of criticism of the public appointment process and they need to be addressed effectively by the Department as a matter of priority.

Summary of Recommendations

71. The Department should consider restricting the length of responses from applicants to encourage succinctness.
72. The Department should give consideration to a form of coding of Monitoring Forms, rather than using applicant names, to ensure anonymity.
73. Requests for candidates to identify particular requirements for interview should be included in the Application Form and not the Monitoring Form.
74. The Department must ensure that all candidates are kept informed of the progress of their application.
75. The Department must take steps to ensure that it holds sufficient information to provide timely and informative feedback to candidates and that it provides such feedback in accordance with paragraphs 3.47 and 3.48 of the Code.