



The Commissioner  
for Public Appointments  
Northern Ireland

**“Guardian of the Public Appointment Process”**

Audit Report 2014/2015

Appointment of Chair to the Board of the Belfast Harbour Commissioners

Department for Regional Development

February 2015

## Introduction

1. A competition to appoint a Chair to the Board of the Belfast Harbour Commissioners (the Board) was selected for audit as part of the 2014/15 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPANI). The competition was administered by the Department for Regional Development (DRD).
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 February 2014.
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 appointment process from which one breach of the Code, three instances of 'less than best practice' and five 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 DRD Public Appointments Unit. All documentation provided by the Department was of a high standard, comprehensive and well organised.

#### Acknowledgements

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

### **Stage 1 – Initial Planning of recruitment competition**

#### Consultation with the outgoing Chair of the Board

10. The Department consulted the outgoing Chair of the Board, in the early planning stages of the process, on the criteria and publicity for the forthcoming competition. The Chair's suggestions were incorporated into the person specification and appointment plan.

#### Independent Assessor

11. CPANI allocated an Independent Assessor at the outset; the Assessor was involved in all relevant stages of the selection process. The Department maintained regular contact with the Assessor over the course of the competition, ensuring she was kept up to date on progress. CPANI commends the Department for this constructive working relationship with the Assessor.

#### The Selection Panel

12. The selection panel consisted of two senior officials from DRD and the Independent Assessor.
13. The selection panel attended a competition initiation meeting on 16th May 2014, where panel members discussed and agreed a range of issues including the appointment timetable, the competition documentation and the appointment process, including the scoring framework to be used.

14. The Department ensured that all panel members were fully trained in line with the Code and that there were no conflicts of interest or integrity issues.
15. All selection panel members signed a confidentiality agreement. In addition, the Independent Assessor signed a declaration confirming her independence from the Department and the Belfast Harbour Commissioners, a declaration that as a civil/public sector employee she was aware of the “double payment” principle, and a data protection act assurance statement.
16. Selection panel members were involved in all relevant aspects of the selection process prior to the Ministerial Decision.

#### Substitution of Chair of the Selection Panel

17. Following the advertisement of the vacancy, and prior to the deadline for receipt of applications, there was a change of DRD Permanent Secretary. As Chair of the Selection Panel, the outgoing Permanent Secretary was replaced by the new one. The incoming Chair of the selection panel was fully apprised of all decisions taken by his predecessor, and signed all relevant documentation.
18. Paragraph 3.8 of the Code of Practice states that,  
  
*“The Members of the selection panel must remain the same throughout the appointment process, unless extraordinary circumstances require substitution.”*

19. CPANI is content that the appropriate action was taken.

#### Role Profile and Person Specification

20. The role profile and person specification were developed by DRD. These included all information required by the Code. Candidates were required to meet five essential selection criteria.

#### Ministerial Authorisation and Planning

21. A submission containing the role profile, person specification and appointment plan was approved by the Minister on 04 June 2014. The Minister requested an unranked list of candidates.

22. The Minister was provided with guidance on Ministerial Choice, the aim of which was to ensure that the Minister would be in a position to make sound, non-discriminatory, evidence-based decisions. CPANI commends the Department for this positive approach.

## **Stage 2 - Preparation**

### Information Pack and Application Form

23. 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 informed of which details would be included in the press release, should they be appointed.
24. For each of the criteria, the Information Pack provided a detailed description of the types of skills and behaviours an effective Chair would display.
25. Potential applicants were informed that, in line with the Minister's diversity initiative, reappointment to this Chair position for a second term would not be automatic, but that the successful applicant would be eligible to apply for a second term in open competition.
26. The Guidance Notes included in the Information Pack stated that,  
  
*"The Department wishes to recognise less traditional career patterns and experiences such as community involvement or voluntary work, as well as those experiences found within the employment field. Therefore, in your application form, you may use examples from your working or personal life, eg part-time or leisure activities, including any voluntary or community work you are or have been involved in."*
27. CPANI welcomes and commends this positive approach by the Department in encouraging applicants to highlight relevant skills and experience, however gained, when addressing the criteria in the Application Form.
28. The Application Form was clear and straightforward.
29. Applicants were asked to list all current and previous public appointments, including the remuneration involved. Departments are required by the Code to include, in a press release, any current Ministerial Public Appointments held by the successful candidate(s) and details of any remuneration received. This does not necessitate the provision by applicants of a list

of all previous public appointments held. Information on previous appointments held by applicants continued to be used by the Department at various stages throughout the process. Paragraph 3.21 of the Code requires that Application Forms “*should only ask what is truly required*”.

30. **Recommendation:** In future competitions the requirement to list details of previously held public appointments held should be removed.
31. Applicants were asked to provide details of two referees who know them in a professional capacity. The references were taken up for all eligible applicants.
32. Section four of the Application Form asked for information on criminal convictions, criminal investigations, bankruptcy, dismissal from public office, disqualification as a company director and company liquidation, receivership or administration.
33. The Department had in place a Guaranteed Interview Scheme which guaranteed an interview to anyone with a disability whose application met the minimum eligibility criteria. The Information Pack stated that,  
  
*“If the Department is oversubscribed with applications which meet the essential criteria, the Panel reserves the right to apply a scoring system to further shortlist applicants for interview, based on the quality of evidence provided.”*
34. In this situation, applicants with a disability would remain shortlisted despite the application of the additional scoring system.

### **Stage 3 - Encouraging Applications**

35. The vacancy was advertised in mid-June in the Belfast Telegraph, the Irish News and the Newsletter, and in the Export & Freight publication. It was posted on the websites of CPANI, DRD and the Office of the First Minister and deputy First Minister (OFMDFM). The vacancy was tweeted by DRD. The advertisement was issued to those on the Departmental mailing list, including a wide range of under-represented groups. Notifications were sent to the British and Irish Ports Associations and UK Major Ports Groups. The advertisement was issued to several local organisations asking them to disseminate it to their membership. A Ministerial Press Release was issued inviting applications from all sections of the community, particularly encouraging applicants from under-represented groups.

36. CPANI commends the Department for the effort put into promoting the vacancy, and for the proactive use of social media.

## **Stage 4 - Selection**

### Processing Applications

37. The closing date for applications was 08 August 2014. Twelve applications were received.

### Sift

38. Selection panel members attended a meeting on 04 September 2014 to assess the applications for eligibility.
39. A word limit was in place for each criterion. As previously agreed by the selection panel any text beyond the allowed number of words was disregarded and not considered by the panel. Six applicants exceeded the word count in at least one criterion.
40. Panel members were asked to complete a form declaring if any applicant was known to them, and whether this was in a personal or professional capacity. Two panel members confirmed that several applicants were known to them in a professional capacity; no conflicts of interest were declared.
41. Each member of the selection panel completed a shortlisting assessment form for each applicant, providing a score and brief comments against each criterion. A summary of the panel's collective decision on each applicant was documented and agreed by all selection panel members.
42. A letter to those applicants who did not pass the eligibility sift was issued on 05 September 2014. The letter advised applicants of the panel's decision and set out the score achieved in each of the criteria.
43. Applicants were advised that a review of the decision could be requested within ten working days of the date of the letter. One request was received, for a review of the decision and further feedback; this was dealt with in a timely manner by the Chair of the selection panel.
44. Nine applicants passed the eligibility sift and were invited for interview.

45. It was clear that the DRD Public Appointments Unit provided high quality support during the sift stage, and throughout the whole selection process. CPANI commends the Department for the level of support provided to the selection panel.

### Interview

46. A letter inviting candidates for interview was issued on 16 September 2014.
47. Interviews took place on 01 and 14 October 2014. Each panel member completed an individual interview assessment booklet for each candidate, to record the evidence against the criteria. A panel member score and an agreed panel score were recorded, along with a justification for both scores.
48. An agreed panel summary statement was 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, for each candidate, what skills and knowledge the individual would bring to the role.
49. 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.
50. Prior to interview, DRD sought information from other Government Departments on any areas of concern relating to current public appointments held by candidates. No Department raised any concerns with respect to any candidate.
51. Following the interviews, DRD carried out a bankruptcy disqualification check on all candidates found suitable for appointment. Applicants had not been advised of this in the Information Pack.
52. **Recommendation:** The Department must ensure applicants are made aware, in the Information Pack, of any check to be carried out during the recruitment process.

### Applicant Summary

53. At interview, all nine candidates were found to be suitable for appointment. Candidates were informed of the outcome in a letter dated 16 October 2014.
54. Applicant summaries were drafted by the Department and agreed by the selection panel.

55. The applicant summary for one candidate contained a minor piece of information which was not from the candidate's application form, the selection panel's interview notes or the agreed panel summary statement. Whilst this had no evident effect on how the candidate was portrayed in the applicant summary, it was information extraneous to the process.

56. **Breach:** The Department breached paragraph 3.42 of the Code.

**Recommendation:** The applicant summary must be based solely on information provided by each applicant during the appointment round and the selection panel's assessment of that applicant.

#### Ministerial Decision

57. An alphabetical list of the nine candidates was submitted to the Minister on 28 October 2014.

58. As stated above, this submission contained one item of extraneous information on a candidate. It also included pen pictures for all current Belfast Harbour Commissioners, four of whom were considered suitable for appointment and one of whom was appointed. These pen pictures contained additional information to that included in the applicant summary.

59. Whilst this approach, in helping to identify skills gaps in the existing board, can be a useful aid to a Minister, as a matter of good practice the Department must ensure that when existing board members are also candidates for appointment, information extraneous to that provided by them in application or at interview, is not included.

60. **Recommendation:** The Department must not include information extraneous to that in the applicant summary, for any candidate currently sitting on the board to which their application relates. This may be perceived as unfairly advantageous to those candidates.

61. On 13 November 2014, the Department informed all nine candidates in writing that their names were being considered for appointment by the Minister.

62. On 19 November 2014, the Minister selected one candidate for appointment, and placed two candidates on a reserve list.

63. The successful candidate was informed of the decision in a telephone call.

64. A letter informing the candidate of the Minister's decision was issued on 21 November 2014. A further letter formally offering the position was issued on 26 November 2014. The successful candidate formally accepted the offer on 27 November 2014.
65. The unsuccessful candidates were informed of the decision by letter dated 21 November 2014

#### Announcing the Appointment

66. The Department announced the appointment in a press release which fulfilled the requirements of the Code.

#### Post-Appointment

67. One candidate requested further information on the process. This information was supplied by the Department.

### **General Conclusions**

68. This competition was generally well run and the Department is commended for several instances of good practice. However, at the 'applicant summary' stage, the Department breached the Code with its inclusion of one item of extraneous information on one candidate.

### **Summary of Recommendations**

69. In future competitions the requirement to list details of previously held public appointments held should be removed.
70. The Department must ensure applicants are made aware, in the Information Pack, of any check to be carried out during the recruitment process.
71. The applicant summary must be based solely on information provided by each applicant during the appointment round and the selection panel's assessment of that applicant.
72. The Department must not include information extraneous to that in the applicant summary, for any candidate currently sitting on the board to which their application relates. This may be perceived as unfairly advantageous to those candidates.