CPANI

The Commissioner
for Public Appointments
Northern Ireland

"Guardian of the Public Appointment Process"

Audit Report 2017/2018

Appointment of a Chair to the Board of the Arts Council NI

Department for Communities

August 2017

Introduction

1. A competition to appoint a Chair to the Board of the Arts Council NI (the Arts Council) was selected for audit as part of the 2017/18 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPANI). This competition was administered by the Department for Communities (the Department).

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 June 2016.

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.

Role of Commissioner

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 duty is to ensure that public appointments are made in ways that are open, transparent and merit-based.

Diversity in public appointments

5. The Commissioner is concerned about the low level of diversity that currently characterises many of our public Boards. Poor diversity undermines a Board's effectiveness. In particular very few women hold Board Chair positions and to a lesser extent they are underrepresented at member level. People with disabilities are also underrepresented and the age profile of membership of public Boards is too restricted. The Commissioner is committed to working to improve this situation.

6. Responsibility for appointments rests with the relevant Minister. 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. They are also tasked with improving the low

levels of diversity on our public Boards. These responsibilities are given added emphasis with the NI Executive policy of a target for gender equality at both membership and Chair level by 2020-2021.

Approach

7. This audit report is the result of an examination of the appointment process, from which two instances of 'less than best-practice' and two instances of particularly good practice were identified.

   - For 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 subsequent audits 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 Department's Public Appointments Unit.

Acknowledgements

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

Summary

10. Overall this was a well-run selection process; it was clear that the Department put considerable effort into the planning of the competition and addressing diversity throughout.

11. It is evident that the Department is aware of recommendations published by CPANI in other audit reports, and its obligation to inform everyone involved in the selection process of these recommendations. CPANI commend the Department for this.

12. The report highlights two instances of less than best practice and these are the subject of recommendations below.

Background

13. At the outset of the competition the Arts Council consisted of a Chair, a vice-Chair and thirteen members. The gender breakdown at this point was eight females and seven males; this was a well-balanced board.

14. The Chair position on the Arts Council became vacant with effect from 01 October 2016. This competition was to appoint a new Chair.

Stage 1 – Initial Planning of recruitment competition

Consultation with the outgoing Chair of the Arts Council

15. The outgoing Chair of the Arts Council advised the Department on the skills and experience required in the new Chair; he also assisted with identifying a suitable selection panel member to represent the Arts sector.

Independent Assessor

16. CPANI allocated an Independent Assessor at the outset; the Assessor was involved in all relevant stages of the selection process. The role of the Independent Assessor included acting as a diversity champion throughout the process.

The Selection Panel

17. The selection panel consisted of a senior official from the Department who chaired the panel, the Independent Assessor and a further individual with suitable experience within the arts sector. Selection panel members were involved in all relevant aspects of the selection process prior to the ministerial decision.

18. The Department ensured that all selection panel members were fully trained in line with the Code.

Person Specification and Role Profile

19. The person specification and role profile were developed by the Department with input from the selection panel. These included all information required by the Code.

20. The role profile was comprehensive both in terms of the Chair's individual role and responsibilities, and the overall role of the Board. The Chair's role and responsibilities were consistent with the criteria for appointment.

21. One of the responsibilities of the Chair was to *"advise the Department of the needs of the Board when vacancies arise".* CPANI considers the skills audit to be an essential early element in any appointment process and commends the Department for its inclusion.

The Criteria

22. Applicants were required to meet six essential criteria.

    i. Corporate Governance and Accountability
    ii. Communication
    iii. Equality and Social Inclusion
    iv. Interest in the Arts
    v. Leadership
    vi. Strategic Planning

23. In addition, applicants had to address one desirable criterion should this be required for short-listing purposes.

    vii. Board Experience

Ministerial Authorisation and the Appointment Plan

24. A submission containing the appointment plan, person specification and role profile issued to the Minister on 22 August 2016, and was approved on 25 August 2016. The Minister requested an unranked alphabetical list of applicants suitable for appointment.

25. The appointment plan included all items required by the Code.

26. The section of the appointment plan on diversity was strong and demonstrated the high level of consideration given to diversity across all aspects of the appointment process. It included the conscious effort to simplify the competition documentation to make it more 'user friendly'. CPANI commend the Department for the effort made in addressing diversity in the planning of this competition.

27. The appointment plan included details on the measures the Department would take to keep applicants informed of the progress of their application in the event of a delay.

28. All procedures set out in the appointment plan were efficient and uncomplicated.

Stage 2 – Preparation

Information Pack and Application Form

29. The Information Pack included all the key components required by the Code including the person specification and the role profile.

30. The Information Pack included a welcoming statement from the Chair of the selection panel encouraging applications.

31. Applicants were advised that in addressing the criteria their experience could be *"gained in the public, private or community and voluntary sector"* and that they may use examples from their personal or working life.

32. Examples were provided for each criterion of the types of evidence the selection panel would be looking for. The wording used here was clear and easy to understand; CPANI considers these examples to be relevant to all potential applicants including those with a background in a non-traditional area.

33. The Department ran the Guaranteed Interview Scheme for this competition meaning that any applicant with a disability who met the six essential criteria would not be subject to any further shortlisting should this have taken place.

34. Applicants were informed that the interview process would include a presentation on a topic linked to one of the selection criteria, and on which the selection panel would ask questions. The remaining criteria would be tested by formal interview. Further details on the presentation and the topic to be presented would be provided to those applicants invited for interview.

35. The application form was clear, straightforward and asked only what was truly required. It contained clear guidance for applicants on how to complete the form.

36. Applicants were limited to 350 words per criterion.

Monitoring Form

37. Applicants were asked to complete an equal opportunities monitoring form. This was not mandatory.

Stage 3 - Encouraging Applications

38. The competition was launched on 08 September 2016.

39. The vacancy was advertised in the Belfast Telegraph, the Irish News and the Newsletter.

40. It was posted on the websites of the Arts Council, Community NI, CPANI, the Department, Disability Action and the Rural Community Network, and featured on the social media accounts of the Arts Council, the Department and the Rural Community Network.

41. A letter from a departmental official issued on 02 September to all individuals and groups on the Department's Section 75 consultee list, including organisations representing groups currently under-represented on Northern Ireland's public bodies. This letter advised that applications would soon be sought for the Chair position, and asked recipients to promote the vacancy to those within their sectors. The letter also highlighted the Department's wish to encourage applicants with a less traditional background.

42. A further letter issued on 08 September again advising of the vacancy and encouraging applications. This letter issued to a range of organisations including women's groups, business groups and neighbourhood renewal area and partnership groups.

Stage 4 – Selection

Processing Applications

43. The closing date for applications was 30 September 2016. Six applications were received, comprising of three female applicants and three male applicants.

44. At 26 September 2016 only two applications had been received. At this stage the Department advised the selection panel of the low number of applications and that the vacancy had been once again highlighted on the Department's and Arts Council's social

media outlets. The Department also reviewed the number of views the vacancy had received on both its own and the Community NI website. The Department and selection panel decided that there had been sufficient interest in the vacancy and as there were still four days for the submission of applications that no further action would be taken.

45. The selection panel were updated on the number of applications following the closing date. The selection panel were content to proceed to the sift stage of the process and following this to consider seeking additional applicants dependent on the number of applicants passing the sift exercise and the calibre of the applicants. In the event the selection panel considered that there was no need to seek additional applicants.

46. The processing of applications was well handled by the Public Appointments Unit who had in place clear and comprehensive procedures.

Sift

47. Selection panel members attended a sift meeting on 14 October 2016. Anonymous copies of all Application Forms were provided to the selection panel prior to this.

48. All selection panel members signed a confidentiality statement at this meeting.

49. At the meeting the selection panel were provided with a summary of the Code and a briefing on the work of the Arts Council and its relationship with the Department. The background to the competition and the main requirements for the post were discussed by the selection panel.

50. In order to pass the sift exercise applicants had to meet a pass mark of four out of seven for each criterion. A representative of the Public Appointments Unit recorded the selection panel's consensus decision.

51. All six applicants passed the sift exercise.

52. Upon completion of the sift exercise, selection panel members were provided with the names of the applicants and asked to declare any conflicts of interest. Each selection panel member knew at least one applicant. No conflicts of interest were declared. One member of the selection panel declared that one applicant was known to them with no

conflict of interest, this member did not provide further relevant information on their knowledge of the applicant despite being requested to do so.

53. **Recommendation:** Should any applicant be known to a member of the selection panel, details of how they are known to them should be recorded regardless of whether or not a conflict of interest exists.

54. One applicant had indicated that they would not be available on the published interview dates. The selection panel agreed to reconvene to accommodate this applicant.

55. The selection panel agreed that the topic for the presentation element of the interview would relate to the Leadership criterion. Draft interview questions were supplied for the selection panel which were subsequently reviewed, amended and agreed.

Interview

56. A letter inviting applicants to interview was issued on 25 October 2016. The letter informed applicants that the presentation would be used to assess the Leadership criterion, and included the topic to be presented.

57. Interviews took place on 08, 09 and 14 November 2016. Applicants were eligible to claim reimbursement for travel expenses for attendance at interview.

58. Prior to the interviews a representative from the Public Appointments Unit provided the selection panel with an overview of recent recommendations made in CPANI audit reports. These recommendations related to record keeping at the interview stage and the preparation of the applicant summaries. The selection panel were asked to review these and if necessary submit any queries.

59. Applicants had thirty minutes preparation time for the presentation. The presentation itself lasted seven minutes, with five minutes allocated for any follow-up questions. Applicants were allowed only a flipchart and writing material, and no additional visual aids.

60. The pass mark of the presentation was nine out of fourteen. Applicants were then questioned on the five remaining essential criteria. In order to pass the interview applicants had to meet the pass mark of four out of seven in each criterion.

61. Each member of the selection panel completed an individual assessment booklet for each applicant, recording the evidence provided, a panel member score and the agreed consensus score for each criterion.

62. The selection panel chair recorded the agreed total score, an agreed panel assessment as a justification for the total score, and whether or not the applicant was recommended for appointment.

63. All applicants were asked to identify any perceived, potential or real conflicts of interest and were questioned on integrity and adherence to the principles of public life. They were also questioned on time commitment. In addition applicants were asked about how satisfied they were with the overall recruitment process to date and whether they had any questions or issues they wished to raise with the selection panel. Applicant responses were recorded on the individual assessment booklets.

64. At interview four applicants were found to be suitable for appointment; two female and two male.

65. Those applicants found unsuitable for appointment were informed of the decision in a letter dated 18 November 2016. This correspondence included the offer of feedback on the selection process or the applicant's performance at interview. Feedback was requested by both unsuccessful applicants and this was provided in a timely manner.

Applicant Summaries

66. Applicant summaries were prepared by the Department, amended and agreed with the selection panel. Each applicant summary included: a section on the applicant's skills and experience; a section covering the applicant's performance at interview; and, details on any conflicts of interest.

67. Two applicants had conflict of interest issues which the selection panel felt the Minister should be made aware of. The information here was comprehensive and objective, and included a determination by the selection panel on whether or not the conflict of interest could be managed should that applicant be appointed.

68. The section covering the applicant's performance at interview included a direct lift of the agreed panel assessment. For one applicant the descriptor recorded here by the

selection panel against one criterion did not relate to the score that applicant had been awarded. While this had no evident effect in this instance, such an inaccuracy could potentially have an adverse impact on the outcome of the selection process.

69. **Recommendation:** The selection panel must ensure that it adopts accurate record keeping for all applicants.

70. The applicant summaries were submitted to the Minister in an alphabetical list on 21 November 2016. The submission contained details of the Northern Ireland Executive's targets on gender equality and details of the current Board membership and its gender breakdown.

Ministerial decision

71. On 07 December 2016 the Minister selected one applicant for appointment, and chose to place the three remaining applicants on a reserve list

72. The successful applicant was informed of the decision by letter dated 909 December 2016. The appointment took effect from 01 January 2017.

73. The three applicants placed on the reserve list were informed of the decision by letter dated 09 December 2016.

Announcing the Appointment

74. The Department announced the appointments in a press release dated 21 December 2016 which fulfilled the requirements of the Code.

Summary of Recommendations

75. Should any applicant be known to a member of the selection panel, details of how they are known to them should be recorded regardless of whether or not a conflict of interest exists.

76. The selection panel must ensure that it adopts accurate record keeping for all applicants.