



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Audit Report 2012/13

Department for Employment and Learning

Labour Relations Agency

March 2013

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 January 2012.
2. A competition carried out by the Department for Employment and Learning (DEL) was selected to be audited during the 2012/13 year. The main objective was to evaluate whether the Ministerial appointments of two members to the Board of the Labour Relations Agency (LRA) 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.
4. The Commissioner for Public Appointments for Northern Ireland (CPANI) would like to thank the staff from Central Management Branch, DEL for their assistance and co-operation during this particular audit.

Ministerial Responsibility and Involvement

5. The two Board members being sought were an Employee member and an Employer member. It was clear that the Department gave careful consideration to the selection criteria, through consultation with the LRA, and fully informed the Minister of the criteria, skills and personal qualities required of the two members.
6. A submission was provided to the Minister on 11 June 2012 requesting approval for necessary aspects of the process, including the role profile, the person specification, appointment plan and advertisement.
7. The submission also provided details of current Board membership of the LRA and it sought the Minister's agreement for the creation of a reserve list for the duration of one year following the appointment of the two members.

8. The submission also included the request for Ministerial agreement that successful candidates would be presented in suitable and highly recommended categories, but not in rank order. The Minister was made aware of the implications of a ranked or unranked list. The Minister approved the submission on 12 June 2012.

Planning

9. The person specification consisted of six essential criteria for each of the member roles. One of the criteria was specific to the role of Employee member and one specific to that of Employer member. The Department did not stipulate any requirement for formal qualifications. This is a positive approach to ensuring that potential applicants with non-traditional career paths and backgrounds would be encouraged to apply.
10. The Department prepared a detailed and comprehensive appointment plan that addressed all the requirements of the Code.

The Selection Panel

11. The selection panel comprised five panel members. These were a senior Departmental representative, the Chair of the LRA, a representative of employees nominated by the Northern Ireland Committee Irish Congress of Trade Unions (NICICTU), a representative of employers nominated by the Confederation of British Industry (CBI) and an Independent Assessor allocated by CPANI.
12. The Department advised that selection panel members were trained in line with the requirements of the Code. However the Department did not provide actual documentation to evidence the training received.
13. The Department should ensure that it is satisfied that training has been undertaken by selection panel members within the 36 months prior to the commencement of the competition.

Encouraging Applications

Publicising the appointment

14. Publicity was designed to ensure that a wide and diverse audience was made aware of the appointments and encouraged to apply. The appointments were advertised in three regional newspapers on 28 and 29 June 2012. The advertisement was issued to an extensive list of Section 75 groups, under-represented groups and was included on the Department's website and Twitter account. The advertisement was available in alternative formats, carried the CPANI logo and addressed all the requirements of the Code.
15. The Department conducted an exercise seeking feedback from persons who had requested an application form but had not submitted it. The Commissioner commends this as a positive approach in encouraging applications from a wider range of candidates.

Information Pack / Application Form

16. The information pack addressed all the requirements of the Code. It was clear and straightforward, and the language used was consistent with the application form and guidance notes. The guidance notes contained a detailed explanation of the personal attributes and competencies required to meet the essential criteria.
17. Separate application forms for the Employee and Employer member were available. Both application forms were clear and straightforward and asked only what was truly required. They were designed to enable applicants to describe easily their skills and experiences against the criteria. The information requested on the application form matched that referred to in the advertisement, the information pack and the person specification.

Closing date

18. The closing date for the receipt of applications was 12 noon on 27 July 2012. This date was included on the front cover of the application form. An application period of four weeks was given. One application was received after the closing date, was rejected in line with Departmental procedures, and was therefore not assessed by the selection panel.

Selection of Applicants

19. All applicants were advised of the outcome of their application by letter dated 29 August 2012. Owing to electronic data retention restrictions the Department could not provide copies of application acknowledgement responses issued to all applicants.
20. The Department must ensure that a complete audit trail is readily available including all pertinent contemporaneous records, to ensure compliance with paragraph 5.3 of the Code.
21. Monitoring forms and application forms were presented for audit to CPANI together as a complete document and applicants' names were on the monitoring forms. The Department should give consideration to a form of coding of monitoring forms and application forms, rather than using applicants' names, and should retain the forms separately at all times.
22. There were 30 applications received. The short-listing meeting was carried out by all panel members on 15 August 2012. Prior to the meeting the selection panel was provided with a short-listing pack that contained an anonymised copy of each of the 30 application forms, individual sift scoring sheets, panel member sifting guidance and a slide presentation on the CPANI Code of Practice. Each panel member carried out an individual assessment of each application prior to the meeting.
23. Whilst some panel members indicated that they either knew, or knew of, a number of candidates, it was agreed that no relationship existed which could undermine a fair and objective process as the candidates were known in a professional capacity only.
24. The selection panel agreed that all applicants were required to meet all the essential criteria for the post, and to meet each criterion 50% of the indicators must be satisfied. The Department retained the necessary supporting documentation.
25. The panel agreed that six candidates were eligible to be interviewed for the Employer position and three for the Employee position. One applicant who was not invited for interview appealed the selection panel decision. The panel reassessed the application and agreed to invite the candidate to interview for the Employer member position.

Final Assessment

26. Interviews for the ten candidates took place on 11 and 12 September 2012. The panel had agreed an interview marking framework. Each candidate was interviewed on six criteria.
27. Of the seven candidates interviewed for the Employer position, five were found to be suitable for appointment and one was highly recommended. All three candidates interviewed for the Employee position were found suitable for appointment. The Department retained the necessary supporting documentation to support decision-making.
28. The candidates were questioned on integrity and conflicts of interest. Any issues that arose were discussed at interview, and details of any issues were included in the applicant summaries provided with the Ministerial submission.

Appointment

Ministerial Submission

29. A submission was provided to the Minister on 10 October 2012. It included an applicant summary for each of the nine candidates successful at interview, along with information regarding potential conflicts of interest. The applicant summary had been agreed by all panel members. However, it was brief and did not contain a sufficient account of the applicant's performance at interview as based on the recorded selection panel summaries of interviews.
30. The Department should provide more informative and detailed applicant summaries to assist the Minister in making his decision on which applicants to appoint.

Ministerial Decision

31. The Minister selected for appointment a candidate for the Employer member role and a candidate for the Employee member role. The Minister formally recorded his reasons for his selection.

Feedback

32. The Department had clear procedures for handling requests for feedback and reassessment. Four candidates requested feedback on their unsuccessful applications.

Three applicants who were found suitable for appointment but not selected by the Minister, requested feedback on their interview performance. All feedback requests were provided by the selection panel Chair and handled appropriately by the Department in line with its established procedures.

Announcing the Appointment

33. The Minister wrote to the two successful candidates on 18 October 2012 to confirm their appointment. The Permanent Secretary wrote on 17 October 2012, to advise the seven candidates they were successful at interview but not appointed, and to inform them that their name would be held on a reserve list until 15 October 2013. A letter was also issued on 17 October 2012 to the one unsuccessful candidate.
34. The public announcement was issued as a press release on 22 October 2012. The press release met the requirements of the Code and it was copied to CPANI. All members of the selection panel were advised of the Minister's decision prior to the public announcement.

Overall Conclusions

35. The evidence provided overall demonstrates that the Department complied with the Code in most respects. Action will be required to address the four recommendations below. A follow up will be conducted by the Commissioner's office in due course.

Recommendations

36. The Department should ensure that it is satisfied that training has been undertaken by selection panel members within the 36 months prior to the commencement of the competition.
37. The Department must ensure that a complete audit trail is readily available including all pertinent contemporaneous records, to ensure compliance with paragraph 5.3 of the Code.
38. The Department should give consideration to a form of coding of monitoring forms and application forms, rather than using applicants' names, and should retain the forms separately at all times.
39. The Department should provide more informative and detailed applicant summaries to assist the Minister in making his decision on which applicants to appoint.