



The Commissioner  
for Public Appointments  
Northern Ireland

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

Audit Report 2017/2018

Appointment of two non-executive members to the Board of the Warrenpoint  
Harbour Authority

Department for Infrastructure

June 2017

## **Introduction**

- 1.01 A competition to appoint two non-executive members to the Board of the Warrenpoint Harbour Authority (the Harbour Authority Board) was selected for audit as part of the 2016/17 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPA NI). This competition was administered by the Department for Infrastructure (the Department).
- 1.02 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 2015.
- 1.03 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**

- 1.04 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**

- 1.05 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.
- 1.06 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**

- 2.01 This audit report is the result of an examination of the appointment process, from which nineteen instances of 'less than best-practice' were identified.
- For each identified issue of 'less than best-practice', CPA NI has produced a recommendation which the Department must address.
  - Recommendations are summarised at the end of the report and will be followed up by CPA NI in subsequent audits for evidence of implementation by the Department.

- Where instances of good practice are highlighted, it is hoped by CPA NI that all Departments will study these for use in their own competitions.

2.02 CPA NI carried out a comprehensive review of all appropriate records, as provided by the Department's Public Appointments Unit.

### **Acknowledgements**

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

### **Summary**

4.01 The outcome of this competition in terms of Board diversity was very disappointing and will have a negative impact on progress towards the NI Executive gender targets for appointments to public Boards. With the new appointments, female representation on the Board actually fell from 25% to 12.5%.

4.02 A lack of diversity in Board membership can undermine a Board's performance and that of the organisation it governs. In this case it also presents a poor image in general for the public administration of Northern Ireland. In particular the lack of female representation on the Board of the Warrenpoint Harbour Authority puts a focus on its culture.

4.03 All decision makers involved in this public appointment process were aware that the then current Warrenpoint Harbour Authority suffered from a low level of representation of women on its Board. Accordingly there was an onus on those involved in the decision making process – the relevant senior Departmental officials, the Chair of the Harbour Authority Board, the selection panel members and the Minister – to take vigorous legitimate action to improve the situation. This responsibility was given added emphasis by the NI Executive publicly stated target of gender equality on public Boards by 2020/2021.

4.04 The efforts made during the course of this appointment process to tackle the Harbour Authority Board's lack of diversity were similar to those made by some Departments but in this case were insufficient to meet the challenge. In addition to raising concerns about the long term performance of the governing body of Warrenpoint Harbour Authority the outcome raises question marks about the decision makers' commitment to achieving diversity and particularly improved female representation in public appointments.

4.05 If the Department and Warrenpoint Harbour Authority are truly committed to the principles of high standards of corporate governance and understand the importance of a diverse Board with balanced female representation then they will take steps now to ensure that the next round of public appointments will attract more female applicants. This will involve putting in place as soon as possible a programme of outreach work to explain and promote the work of the Harbour Authority across a wide range of sectors which should include women's networks. The Department and

the Harbour Authority Board should also implement the measures set out in the Northern Ireland Executive policy on increasing diversity in public appointments. In particular this should include a review of the culture of the Board to ensure that any barriers to the participation of women which might exist are removed.

## **Background**

- 5.01 At the outset of the competition the Harbour Authority Board consisted of a non-executive Chair and seven non-executive members. The gender breakdown at this point was two females and six males (25% of board membership was female with a male Chair). This represented a poor gender balance.
- 5.02 In March 2014 the then Minister for Regional Development implemented a new policy within the Department to move away from the automatic reappointment of Board members for a second term. Board members would instead apply for a second term through an open competition.
- 5.03 The first terms of appointment for two Board members were due to finish on 8<sup>th</sup> November 2016. This competition was initiated to fill these positions.

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

### **Consultation with the Chair of the Board**

- 6.01 Representatives from the Department held a meeting with the Chair of the Harbour Authority Board on 17<sup>th</sup> February 2016. The Department in response to CPA NI enquiries has stated that the skills required on the Board, the criteria for appointment and the diversity on the current Board were all discussed at this meeting. There was, however, no documented record kept of the meeting. This is surprising given that in essence the discussion provided the information for the skills audit for the competition and presumably the plan of action to tackle diversity. A comprehensive record should have been kept of the discussion.
- 6.02 **Recommendation: The Department must ensure that a comprehensive record is kept of any consultation with the Chair of the Body at the beginning of the process.**

### **Independent Assessor**

- 6.03 CPA NI 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 findings in this audit report raise questions about how effective the role was.

### **Diversity letter from CPA NI**

- 6.04 CPA NI issued a letter to the Department at the outset of the process which highlighted the significant imbalance between men and women members of the Harbour Board Authority and advised the Department that positive action to address under-representation and promote diversity must be reflected in the appointment plan and throughout the competition. The letter was provided to the Chair and panel members.

This letter was an alert signal to the decision makers that they needed to take vigorous, innovative legitimate steps to tackle the low level of women representation on the Board.

6.05 There was no documentary evidence that the CPA NI diversity letter was discussed by the selection panel at the competition initiation meeting held on 23<sup>rd</sup> May 2016. This suggests that the discussion around diversity was cursory. It is important that this letter, and the wider diversity issue, is discussed at the competition initiation meeting with a note of actions agreed. While the Department have stated in response to CPA NI enquiries that the letter was discussed the minutes of the meeting must accurately and comprehensively reflect this.

6.06 **Recommendation: A full written record of the competition initiation meeting should be kept. This should include where relevant a note of any discussion on the need to improve diversity and the actions to be taken.**

### The Selection Panel

6.07 The selection panel consisted of a senior official from the Department who chaired the panel, the Chair of the Harbour Authority Board and the Independent Assessor. Selection panel members were involved in all relevant aspects of the selection process prior to the ministerial decision.

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

6.09 The selection panel attended the competition initiation meeting on 23<sup>rd</sup> May 2016 at which panel members agreed a range of issues including the criteria and all competition documentation. All selection panel members signed a confidentiality agreement and a data protection act assurance statement. In addition, the Independent Assessor signed a declaration confirming her independence from the Department and the Warrenpoint Harbour Authority, and a declaration that she was aware of the “double payment” principle and not employed in the civil/public sector.

### Person Specification and Role Profile

6.10 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.

6.11 The role profile was comprehensive particularly in terms of an individual member’s responsibilities on the Harbour Authority Board, which were clear and straightforward.

### The Criteria

6.12 Applicants were required to meet five essential criteria in total – four mandatory criteria, and the choice of one further criterion from a selection of three.

I. Relevant experience

In accordance with the Warrenpoint Harbour Authority Order (NI) 2002, members of the Board of WHA are appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in one or more of:

- The management of harbours
- Shipping
- Port usage
- Industrial, commercial or financial matters
- Administration
- The organisation of workers; or
- Have in some other respect special knowledge or experience which would be of value to the Commissioners in the discharge of their functions. Such special knowledge or experience includes:
  - logistics and estate management,
  - marine safety,
  - commerce and trade,
  - human resources,
  - management and corporate finance,
  - planning processes,
  - an understanding of the Port's role in the local economy and working at senior level in the local community.

- II. Governance, Control and Accountability – How an applicant has applied the principles of corporate governance in an organisation they have worked in or been involved with.
- III. Interpersonal and Communication Skills – How an applicant has used communication skills to develop constructive working relationships both internal and external to an organisation they have worked for or been involved with.
- IV. Judgement and Decision Making – How an applicant has used their judgement and made decisions that solved problems as an individual or as a team member in an organisational environment.

Applicants were then asked to pick one criterion from the choice of the following three.

- V. Financial Management – How an applicant has influenced the delivery of challenging financial targets and the future financial shape of an organisation.
- VI. Organisational Change – How an applicant has identified, developed and successfully implemented plans for an organisational change programme.
- VII. Developing and Delivering Strategy – How an applicant has been able to influence the strategic direction of an organisation in a challenging environment to ensure the delivery of its longer term goals.

- 6.13 CPA NI considers this menu style approach, which allows the applicant to a certain extent to select which criteria they address, to be positive. This approach should have opened up the vacancies to a wider range of potential applicants with different backgrounds, skills and abilities.
- 6.14 However, when drawing up the criteria the Department and the selection panel knew they faced a significant challenge in trying to attract female applicants. There was an onus on those preparing the criteria to make this element of the process as accessible as possible for the under-represented group. It followed that this element of the process needed to be carefully considered and the criteria thoughtfully developed to improve their accessibility to a wider pool of applicants. For example, clear descriptors drawing on a range of examples including from the voluntary and community sector would have been helpful. There was little evidence that the criteria were considered in this way. It was likely that the criteria as presented were a factor in the failure to attract a well balanced applicant pool (five female applicants; thirty-three male applicants).

### **Ministerial Authorisation and the Appointment Plan**

- 6.15 A submission containing the appointment plan, person specification and role profile issued to the Minister on 3<sup>rd</sup> June 2016, and was approved on 16<sup>th</sup> June 2016. The Minister requested an unranked alphabetical list of candidates suitable for appointment.
- 6.16 The Minister confirmed the continuation of the policy not to automatically reappoint board members for a second term.
- 6.17 The ministerial submission highlighted the gender imbalance on the Harbour Authority Board. It also included details on the provision of a Guaranteed Interview Scheme for applicants with a disability, and the use of the menu approach to the criteria, both of which the Department hoped would attract a wider range of applicants. However, the outcome of the competition shows that the use of the menu approach without further consideration of accessibility to the under-represented group was insufficient to achieve a balanced pool of applicants.
- 6.18 The Minister was offered an additional briefing with officials from the Public Appointments Unit on ministerial choice in public appointments, the Code and on equality and diversity.
- 6.19 The appointment plan included all items required by the Code.
- 6.20 The appointment plan included a section which set out how applicants would be kept informed of the progress and outcome of their application. This section indicated that applicants would be advised whether they had progressed at each stage and what information such communication would provide, and that applicants passing the sift stage would be invited for interview at least two weeks in advance. This section must be developed to show how long after each stage of the process an applicant will be updated on progress, it should also include potential measures to be taken by the

Department to keep applicants informed in the event of a delay, setting out a maximum length of time applicants must wait before contact from the Department. It should be noted that in the event applicants were kept informed of their progress in a timely manner and the timetable for this competition did not change to any significant degree. Nonetheless the Department should expand on this section in their appointment plan

**6.21 Recommendation: The Department must develop its procedure for keeping applicants informed of the progress and outcome of their application.**

6.22 As required by the Code the appointment plan included procedures for handling late applications; an applicant's query regarding her or his omission from the short-list or interview list; and where an applicant is unable to attend for assessment on the published date. These procedures were comprehensive and practical.

## **Stage 2 – Preparation**

### **Information Pack and Application Form**

7.01 The Information Pack included all the key components required by the Code.

7.02 The Information Pack set out the criteria for the post with the following accompanying statement.

*“For this competition, applications would be particularly welcome from candidates with experience in financial management and contract negotiation/management”.*

Contract negotiation/management does not appear as part of any of the criteria. This is confusing for applicants and the Department must ensure that in future any similar statements relate solely to the advertised criteria.

**7.03 Recommendation: The Department must ensure that any accompanying statement relates solely to the advertised criteria.**

7.04 Applicants were asked when addressing each of the criteria to include dates and length of experience. It is unclear why applicants were asked to provide this information. For the Relevant Experience criterion applicants were asked to include dates and length of experience and any relevant qualifications. This additional request to include detail of relevant qualifications may be off-putting for those applicants without qualifications. Those with qualifications had every opportunity to include these in their evidence. Paragraph 3.21 of the Code states that Application Forms should ask only what is truly required.

**7.05 Recommendation: In future competitions the requirement to provide dates, length of experience and qualifications should be removed, unless this is truly required.**

- 7.06 Applicants were advised that should they complete more than five of the criterion in error, the first five only would be considered and assessed by the selection panel. As highlighted in a previous CPA NI audit report this has been a problem encountered by Departments, it is encouraging to see the issue being controlled by the Department.
- 7.07 The Information Pack contained examples for each criterion, of the types of evidence that an applicant could use to demonstrate their suitability. The language used was jargonistic and heavy with in-house public sector terminology. In a situation where a Department was faced with a challenge to attract a wider pool of applicants CPA NI would expect to see, at the least, the criteria described in an accessible format using examples which included those relevant to an applicant with a background in non-traditional areas such as the voluntary or community sectors. This would portray to the applicant how their non-traditional skills relate to the post and could encourage more applications from those with a non-traditional career history.
- 7.08 **Recommendation: The Department must ensure that the criteria for a post are carefully considered on grounds of accessibility and clear descriptors provided including areas of a non-traditional background.**
- 7.09 The Information Pack stated that if the Department received a high number of applications which met the essential criteria, the selection panel reserved the right to apply a scoring system to further shortlist applicants for interview, based on the quality of evidence provided. Given the wide range of criteria and the use of the menu approach the Department should be clearer about what format any additional scoring system would take, this should be agreed and in place before the launch of the competition.
- 7.10 **Recommendation: The Department must ensure that they have in place a predetermined mechanism for shortlisting which is accurately explained in the Information Pack.**
- 7.11 The Information Pack stated that late applications would not be accepted.
- 7.12 The Information Pack provided detailed information for applicants on conflicts of interest and integrity.
- 7.13 Applicants were informed that it was the Department's policy to take up two references covering "applicants' professional capacity and probity". These references were collected by the Department but not been seen by the selection panel or the Minister, and so played no part in the selection process. It is therefore unclear why these are required. The Code requires that the application form should 'ask only what is truly required'; CPA NI recommends that in future references are not requested.
- 7.14 **Recommendation: The Department should remove the requirement for applicants to provide references.**

- 7.15 Applicants were advised that the Department would check with other Departments for any integrity or performance issues associated with applicants who currently hold other public appointments.
- 7.16 Applicants were reminded that any applicant who has served two terms in the non-executive member position would be ineligible for appointment. Applicants were asked to declare any previous membership of the Harbour Authority Board in the Application Form.
- 7.17 The Information Pack contained guidance for applicants from the public sector on the potential for “double payment” (being paid twice from the public purse) should they be appointed.
- 7.18 Applicants were asked to provide details of any reasonable adjustments required to enable them to attend interview or to take up appointment, and to declare that they were prepared to abide by the seven principle of public life.
- 7.19 The Information Pack included guidance on how to complete the Application Form, and on the overall appointment process including how to address the criteria and structure examples. It was recommended for applicants to read Make your Mark, The Executive Office’s guide to public appointments.
- 7.20 The guidance 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 with.”*

### **Monitoring Form**

- 7.21 Applicants were asked to complete an equal opportunities monitoring form. Completion of the form was not mandatory.

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

- 8.01 The competition was launched on 27<sup>th</sup> June 2016.
- 8.02 The vacancy was advertised in the Belfast Telegraph, the Irish News and the Newsletter, as well as in local publications the Mourne Observer and the Newry Reporter. The advertisement stated that applications from women would be particularly welcome.
- 8.03 It was posted on the websites of CPA NI, the Department and NI Direct, and featured on the departmental twitter account.
- 8.04 An e-mail with an attached flyer and a copy of the advertisement issued to a range of organisations, including those of under-represented groups. The e-mail and flyer

highlighted the Minister's wish to combat the current under-representation and improve diversity on the Harbour Authority Board. The e-mail asked the groups and organisations to advise their membership of the opportunity and encourage them to apply.

8.05 A ministerial press release issued encouraging applications.

8.06 In other circumstances this level of outreach might have resulted in attracting a balanced pool of applicants. However the make-up of the applicant pool shows clearly that the Department and the Warrenpoint Harbour Authority need to do much more to further develop their outreach programmes. Examples of this might include adapting the style and tone of the e-mail and flyer towards a more personal type letter from a senior representative of the Department highlighting the under-representation and actively encouraging members of these under-represented groups to apply. In addition, an article written by a current female Board member published in local papers may be helpful in encouraging female applicants. Contacts within the Department and the public body can also be utilised to publicise the vacancy at events and meetings. Outreach work should be undertaken now by the Warrenpoint Harbour Authority and the Department to promote awareness of the Authority among under-represented groups particularly women's groups.

8.07 Both the Department and the Harbour Authority should move quickly to implement the measures set out in the NI Executive policy on increasing diversity in public appointments and in particular to achieve the targets for gender equality. The policy indicates that Departments should develop a range of initiatives to broaden the pool of female applicants for public appointments to identify obstacles to female participation and success in the appointment process and to identify and eliminate unintentional bias. The CPA NI [January 2014] report [on Under-representation and lack of Diversity in Public Appointments in Northern Ireland] suggested that the culture of the Boards of some public bodies was a factor in dissuading applications from women and other under-represented groups, that the absence, or low level, of remuneration for Board membership might deter candidates from diverse backgrounds, and that statutory appointments to public bodies (eg by District Councils, employer organisations etc) might reduce opportunities for Ministerial appointments to advance fairer participation.

8.08 **Recommendation: The Department and the Warrenpoint Harbour Authority should develop its outreach programme targeting groups currently under-represented on the Board. The Department and the Authority should also take all steps necessary to implement the measures agreed in the NI Executive policy on increasing diversity in public appointments. This work should be undertaken as soon as possible and in a sustained way in order to prepare for future appointments.**

## **Stage 4 – Selection**

### **Processing Applications**

- 9.01 The closing date for applications was 22<sup>nd</sup> July 2016. Thirty-eight applications were received, comprising of five female applicants and thirty-three male applicants. This was a very disappointing result in terms of the number of female applicants.
- 9.02 The continuation of the competition at this point highlights the failure by the Department and the selection panel to take seriously the implications of a badly unbalanced applicant pool. Given the small number of female applicants it was very possible their number would decrease as the process continued through its various selection stages with the prospect of a poor diversity outcome.
- 9.03 At this early stage the process should have been paused. Consideration should have been given to the need to take further steps to improve the rate of female applications. This could have included extending the closing date and using the time to draw the vacancies more specifically to the attention of women’s groups and organisations with outreach to women members. At the very least the Minister should have been informed of the issues. The role of the Independent Assessor was to emphasise to the selection panel the need to take these steps.
- 9.04 There is no indication in the documentation to suggest that any of this was considered or that indeed any of those involved were unduly exercised by the poorly balanced applicant pool.
- 9.05 **Recommendation: Where an applicant pool is poor in terms of diversity careful consideration should be given to what actions can be taken to try to improve the applicant pool.**
- 9.06 One applicant failed to address the Relevant Experience criterion. The Information Pack stated that *“the department will not examine applications until after the closing deadline and failure to fulfil the application requirements may result in your application form being excluded from the process”*. In line with this the applicant was informed that their application would not be considered by the selection panel.
- 9.07 Receipt of the Application Forms was acknowledged, and applicants were informed of the dates for the sift exercise and the week in which the Department hoped to inform applicants whether they would be invited for interview.
- 9.08 One potential applicant sent the form to an incorrect e-mail address; this person did not make contact with the Department until two weeks after the closing date. Their application was rejected in line with the departmental policy on late applications.
- 9.09 One applicant was eligible for the Guaranteed Interview Scheme.
- 9.10 The processing of applications was well handled by the Public Appointments Unit who had in place clear and comprehensive procedures.

**Sift**

- 9.11 Selection panel members attended a sift meeting on 8<sup>th</sup> August 2016. Anonymous copies of all Application Forms were provided to the selection panel prior to this.
- 9.12 A word limit was in place for each criterion. As was stated in the Information Pack any text beyond the allocated number of words was redacted from the Application Forms issued to the panel. Twelve applicants had exceeded the word limit in at least one criterion.
- 9.13 Each member of the selection panel individually assessed the applications, and allocated a score against each criterion, along with comments. A consensus panel score was agreed. The Chair completed an agreed individual summary for each applicant and this was signed by all panel members.
- 9.14 The selection panel agreed that a representative of the Public Appointments Unit would produce a record of the panel's discussions, in place of the panel recording comments on the agreed individual summary. Comments would be recorded where there was a significant difference in marks awarded by different panel members, or where the panel wanted something in particular noted.
- 9.15 Comments were recorded for all unsuccessful applicants.
- 9.16 In order to pass the sift exercise applicants had to meet the pass mark of ten out of twenty-one in each criterion. A total of thirteen candidates, two female and eleven male, were invited for interview.
- 9.17 Upon completion of the sift exercise, selection panel members were provided with the names of the successful candidates and asked to declare any conflicts of interest. Five of the candidates were known to at least one of the panel members. No conflicts of interest were declared.
- 9.18 A letter to those applicants who did not pass the sift exercise was issued on 9<sup>th</sup> August 2016. The letter listed the score awarded for each of the criteria and provided background on the process. While this represents feedback for an applicant, the letter did not include details on how an applicant could request feedback beyond this. Applicants were advised that they could request a reassessment within ten working days of the date of the letter.
- 9.19 **Recommendation: The Department must ensure that applicants are made aware of how to request further feedback.**
- 9.20 One request for feedback was received. This was provided by the Chair of the selection panel by letter.
- 9.21 Four requests for reassessment were received. The sift documentation, including the anonymous Application Forms, was reissued to the selection panel who were asked to

liaise with one another to reassess each of the criteria. There was no variation to the panel's collective decision in any instance.

- 9.22 One applicant requested information on the number of applicants and the number invited for interview. This information was provided by the Public Appointments Unit.
- 9.23 Successful applicants were informed that they had passed the sift exercise on 9<sup>th</sup> August, the letter included details on how they were scored by the selection panel.
- 9.24 It is unclear whether the provision, at this stage, of details on how an applicant scored represents an advantage to any applicant. On the negative side it may unjustifiably raise applicants' expectations.
- 9.25 **Recommendation. CPA NI would recommend that in future competitions, the scores awarded at the sift stage are not provided to applicants until the completion of the process.**

## References

- 9.26 Reference requests were issued for all applicants on 10<sup>th</sup> August 2016. All references were returned. See paragraph 7.13 and accompanying recommendation on the use of references.

## Interview

- 9.27 A letter inviting applicants to interview was issued on 16<sup>th</sup> August. Applicants were asked to confirm their attendance and provided with further guidance on the format of the interview. Such guidance on the interview process is especially helpful for an applicant applying for a public appointment for the first time.
- 9.28 The Department carried out a Company Director disqualification and bankruptcy check on all applicants on 11<sup>th</sup> August 2016. No issues were detected. Applicants had been informed of this check in the Information Pack.
- 9.29 Applicants were eligible to claim reimbursement for travel expenses for attendance at interview.
- 9.30 On 11<sup>th</sup> August 2016 the Department sought information from other Government Departments on any areas of concern relating to other public appointments held by applicants. No department raised any concerns with respect of any applicant.
- 9.31 The Public Appointments Unit provided comprehensive notes for the selection panel covering all aspects of the interview process, this included an overview of individual selection panel member responsibilities during each interview.
- 9.32 One applicant withdrew from the process prior to interview.
- 9.33 Interviews took place on 1<sup>st</sup> and 2<sup>nd</sup> September 2016.

- 9.34 Applicants were questioned on the four mandatory criteria, as well as the fifth criterion they chose to address in the Application Form. In order to pass the interview applicants had to meet the pass mark of four out of seven in each criterion.
- 9.35 Each panel member completed an individual interview assessment booklet for each applicant, to record the evidence against each criterion. An individual panel member score was recorded along with the final agreed panel score for each criterion. There was a space to record a brief justification for the panel member score and agreed panel scores however this was not completed consistently by all selection panel members.
- 9.36 **Recommendation: All members of the selection panel must complete the documentation recording their assessment of each applicant.**
- 9.37 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. Applicant responses were recorded on the individual interview assessment booklets.
- 9.38 A summary sheet recording an agreed panel score was completed and signed by all selection panel members. Evidence for the agreed score was provided for each criterion. The summary sheet stated that this evidence should *“include a record of the candidate’s relative strengths against each criterion”*. What was actually recorded here was the brief descriptor (excellent, very good, good or satisfactory) taken from the scoring framework which corresponded to the mark out of seven awarded. In other words no summary evidence was actually provided here for the five criteria.
- 9.39 **Recommendation: Summary comments must be provided for each applicant in addition to numeric scores against the criteria.**
- 9.40 In the case of one applicant, the descriptor recorded here against one criterion did not relate to the score that applicant had been awarded.
- 9.41 **Recommendation: The panel must ensure that it adopts accurate record keeping for all applicants.**
- 9.42 The selection panel also recorded a written applicant summary including a determination on what skills and knowledge each individual would bring to the role.
- 9.43 At interview six applicants were found to be suitable for appointment, one of whom was female.
- 9.44 Those applicants found suitable for appointment were informed of the decision in a letter dated 5<sup>th</sup> September 2016. The letter advised candidates that their name would appear on the list to be presented to the Minister and that the decision making process could take a number of weeks.

- 9.45 Those applicants found unsuitable for appointment were informed of the decision in a letter dated 5<sup>th</sup> September 2016. This correspondence included a copy of the scoring framework and the score awarded for each criterion.

### **Applicant Summaries**

- 9.46 Applicant summaries were prepared by the Department and agreed with the selection panel. Each applicant summary included: a section on background and career history; a section covering the panel assessment including the skills and knowledge the individual would bring to the role; and, details on current public appointments, any time commitment issues and any conflicts of interest or integrity issues.

- 9.47 The background and career history section relied heavily on the applicants' employment history, and often job titles were listed without being linked directly to the criteria. CPA NI does not consider it good practice to include the term "career history" as part of a section title in an applicant summary. Background information provided in the applicant summary should be an objective overview of information on the candidate as taken from the Application Form and interview notes and relating to her/his performance against the set criteria. It should not portray an applicant career history.

- 9.48 **Recommendation: To merely list an applicant's employment history without directly relating the experience to the criteria is poor practice. Employment history is out of keeping with a criteria based process. This practice may also mitigate against improving the diversity on public boards.**

- 9.49 In the case of several applicants the background and career history section included figures and information provided by the applicant which were not directly related, in the applicant summary, to any of the criteria. Examples of this included information on the number of staff members an applicant managed, or the turnover figure for a company for which an applicant was a director.

- 9.50 **Recommendation: The Department and selection panel must ensure that all information provided in the applicant summary should relate to the applicants performance against the set criteria.**

- 9.51 The applicant summaries included a section informing the Minister whether or not each applicant currently held any public appointments. Four applicants held public appointments.. This section for two applicants contained supplementary information on the public appointments they held, namely details of membership of committees. This information had been referenced by these applicants when addressing the criteria in the application form. CPA NI does not consider this additional information to be relevant to this section and it should not in the future be included here.

- 9.52 **Recommendation: When informing the Minister whether or not an applicant currently holds a public appointment, the Department must ensure that it does not**

**include additional information provided by the candidate when addressing the criteria.**

- 9.53 The applicant summaries also contained a section entitled “Panel Assessment including skills and knowledge the individual will bring to the role”. This section for all applicants included a statement which relayed the quality of evidence the applicant had provided “across most or all of the criteria”. This wording is confusing and does not accurately convey to the Minister the selection panel’s assessment of the applicants. This is especially important where a Minister has requested an unranked list and is reliant on the applicant summaries to provide accurate information to allow them to make an informed decision on which candidates to appoint. While this had no effect on the highest and lowest scoring applicants, for three applicants scoring 21, 22 and 23 out of a possible 35, the same statement was used.
- 9.54 The Independent Assessor raised concerns about this aspect of the applicant summaries. CPA NI supports these concerns and considers this approach to be confusing and unhelpful.
- 9.55 This section of the applicant summaries also listed the skills and knowledge each applicant demonstrated at interview. The information included here had not in every case been accurately transferred across from the selection panel’s summary sheet. In the case of one of the candidates not appointed by the Minister an important area of skills and knowledge noted on the selection panel’s summary sheet signed off by the panel was not highlighted in the section of the applicant summary presented to the Minister and titled “Panel Assessment including skills and knowledge the individual will bring to the role”.
- 9.56 **Recommendation: The Department must ensure any findings recorded by the panel are accurately conveyed to the Minister.**
- 9.57 The applicant summaries were submitted to the Minister in an alphabetical list on 30<sup>th</sup> September 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. The Minister was informed of the outreach employed for the competition and the gender breakdown of the applicant pool. The Minister was made aware that two of the applicants were current members of the Board and that they were eligible for appointment for a second term.

### **Ministerial decision**

- 9.58 On 11<sup>th</sup> October 2016 the Minister selected two applicants, both male, for appointment, and one female applicant to be placed on a reserve list. The Minister cited the particular skills of the successful candidates in justification of his selection decision. One of the skills he cited in justification was the skill omitted for the candidate not appointed as described in paragraph 9.55 above.

9.59 The unsuccessful applicants were informed of the decision by letter dated 12<sup>th</sup> October 2016.

9.60 The two successful applicants were informed of the decision by letter dated 12<sup>th</sup> October 2016.

### **Announcing the Appointment**

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

### **Post-appointment review**

9.62 The Department conducted a post-appointment review of the process. This included an analysis of which of the criteria were most popular with female applicants in an effort to advise future competitions and to making public appointments more attractive to female applicants. This was a useful exercise which will hopefully aid future efforts to improve the representation of women on the port Authority Board.

### **Summary of Recommendations**

10.01 The Department must ensure that a comprehensive record is kept of any consultation with the Chair of the Body at the beginning of the process.

10.02 A full written record of the competition initiation meeting should be kept. This should include where relevant a note of any discussion on the need to improve diversity and the actions to be taken.

10.03 The Department must develop its procedure for keeping applicants informed of the progress and outcome of their application.

10.04 The Department must ensure that any accompanying statement relates solely to the advertised criteria.

10.05 In future competitions the requirement to provide dates, length of experience and qualifications should be removed, unless this is truly required.

10.06 The Department must ensure that the criteria for a post are carefully considered on grounds of accessibility and clear descriptors provided including areas of a non-traditional background.

10.07 The Department must ensure that they have in place a predetermined mechanism for shortlisting which is accurately explained in the Information Pack.

10.08 The Department should remove the requirement for applicants to provide references.

10.09 The Department and the Warrenpoint Harbour Authority should develop its outreach programme targeting groups currently under-represented on the Board. The

Department and the Authority should also take all steps necessary to implement the measures agreed in the NI Executive Paper on increasing diversity in public appointments. This work should be undertaken as soon as possible and in a sustained way in order to prepare for future appointments.

- 10.10 Where an applicant pool is poor in terms of diversity careful consideration should be given to what actions can be taken to try to improve the applicant pool.
- 10.11 The Department must ensure that applicants are made aware of how to request further feedback.
- 10.12 CPA NI would recommend that in future competitions, the scores awarded at the sift stage are not provided to applicants until the completion of the process.
- 10.13 All members of the selection panel must complete the documentation recording their assessment of each applicant.
- 10.14 Summary comments must be provided for each applicant in addition to numeric scores against the criteria.
- 10.15 The panel must ensure that it adopts accurate record keeping for all applicants.
- 10.16 To merely list an applicant's employment history without directly relating the experience to the criteria is poor practice. Employment history is out of keeping with a criteria based process. This practice may also mitigate against improving the diversity on public boards.
- 10.17 The Department and selection panel must ensure that all information provided in the applicant summary should relate to the applicants performance against the set criteria.
- 10.18 When informing the Minister whether or not an applicant currently holds a public appointment, the Department must ensure that it does not include additional information provided by the candidate when addressing the criteria.
- 10.19 The Department must ensure any findings recorded by the panel are accurately conveyed to the Minister.