



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Follow-up report on recommendations made in May 2012 audit of Regulation and
Quality Improvement Authority

Department of Health, Social Services and Public Safety

January 2013

The report of the investigation into the process to appoint three non-executive members to the Board of the Regulation and Quality Improvement Authority (RQIA) was issued to DHSSPS Minister and Permanent Secretary on 24 May 2012. The DHSSPS Minister responded to the Commissioner on 11 July 2012 and indicated that the Department had accepted all six recommendations within the report. The Minister provided details of proposed Departmental action to address each of the recommendations with regard to future DHSSPS public appointment competitions.

The Commissioner wrote to the Minister on 08 January 2012 advising him that, in accordance with CPANI standard procedures, a follow-up review would be conducted to establish whether the recommendations within the report had been implemented.

On request from CPANI, Public Appointments Unit (PAU) within DHSSPS provided documentation related to a competition to appoint three members to the board of the Northern Ireland Medical and Dental Training Agency (NIMDTA). General Departmental policy guidance and standard competition administrative templates were also provided. The appointment process for this competition began in August 2012.

Detailed below are the six recommendations, the Ministerial responses and a summary of the CPANI findings following review of the NIMDTA documentation.

Recommendation 1

The Department should ensure that the length of the appointment term is provided in submissions to the Minister for future public appointments.

Ministerial response to recommendation 1

The Department will ensure that the length of the appointment term is included in all future initial submissions. The Department has an established practice that initial terms of appointment are for a four year period.

Follow-up findings

CPANI reviewed a submission provided to the DHSSPS Minister at the beginning of the public appointment process. The length of the appointment term was included within this submission. In this instance the term was for a period of two years, as at the time of the appointment process, the public body was under review. This recommendation has been actioned.

Recommendation 2

The Department should consider that if employment history is not part of the selection process then it is an unnecessary part of the application form.

Ministerial response to recommendation 2

This section of the Application Form has been removed following an internal review of all documentation.

Follow-up findings

An application form from the NIMDTA competition was reviewed. The employment history section of the application form has been amended, following the audit report, to seek information on current employment only. The application form contains a section for candidates to complete their current employment and/or voluntary work experience. Stated beneath the heading is 'current employment history plays no part in the selection process, however this information is used to identify any potential disqualifications or conflicts only'.

PAU advised that it is necessary to include this information in order to inform the selection panel and potential candidates of any possible conflicts of interest or disqualifications. This allows for the selection panel to discuss with the candidate at interview, any potential conflicts of interest and discuss potential disqualification that the candidate may not have been aware of. It also offers the candidate the opportunity to consider stepping down from a current public appointment to accept a new one, if they are successful at interview.

This recommendation has been actioned. However, the Department should consider removing the word 'history' from the sub-heading, to provide clearer instructions to applicants.

Recommendation 3

The Department should consider, in future competitions, the benefit of advising candidates in the information pack, that in the case of a high volume of applications a further score requirement may be introduced.

Ministerial response to recommendation 3

The Department has worked closely with CPANI to determine how best to advise candidates that in the case of a high volume of applications further short-listing may be required. The current

wording in our Information Pack resulted from previous liaison between DHSSPS and CPANI. We will revise the wording in line with observations/comments contained within this review.

Follow-up findings

An Information Pack for the NIMDTA competition referred to above was reviewed. This application form contained a section entitled 'Appointment Process' and it stated the following:

"A selection panel consisting of a Departmental Official, the Chair of the NIMDTA and an Independent Panel member will assess your application.

Short listing for interview is based on merit.

When assessing each application against the criteria, the selection panel will use a Marking Frame with a scale of 1 – 7 to determine how an applicant's skills, knowledge, experience and qualities as displayed throughout the entire application form meet the criteria.

Further short listing may be required and a further score may be introduced in circumstances where there is a high volume of applications received. A proportionate approach will be applied to this as agreed by the panel (the usual method is, of those who have met the initial short listing criteria, to rank them in numerical order, with the highest scores first etc). The selection panel are then presented with a factual summary of the outcome of the short listing process e.g. 2 applicants awarded overall score of 30, 5 applicants awarded an overall score of 29 etc. Based on these findings, the panel identify a sufficient number of applicants to be invited for interview whilst ensuring that it is proportionate to the number of posts being filled."

This account of the short-listing process provides the applicant with a clear and fair understanding of how his/her application will be assessed and processed. This recommendation has been actioned.

Recommendation 4

The Department should ensure that it complies with paragraph 3.42 of the Code which states that 'the applicant summary should provide the Minister with an objective analysis of each applicant's skills and experience, based on the information provided by each applicant during the appointment round and the selection panel's assessment of that applicant'.

Ministerial response to recommendation 4

The Department will revise the Chair Summary Rating Sheet (completed by all panel members) to incorporate an 'applicant summary' section which will provide the Minister with an objective analysis of each applicants skills and experience based on the information provided by each applicant during the appointment round and the panel's assessment of that applicant.

Follow-up findings

PAU provided a copy of the revised 'Panel Summary Statement (including Applicant Summary)' pro forma. This allows for the panel Chair to record a summary narrative of the evidence, as displayed by the candidate, to support the panel consensus rating for each criterion.

A submission provided to the Minister on 06 December 2012 was also reviewed. It related to the appointment of two non-executive members to the board of NIMDTA. The submission for the third dental member to be appointed, a dental member, is to be provided following interviews in late January for this position.

The submission included an Applicant Summary that was provided by the selection panel. The Applicant Summary contained information on the knowledge and skills that the applicants cited and demonstrated during the appointment round, and the panel's assessment of what skills the applicant will bring to the board, along with a brief pen picture of the applicant's experience. This recommendation has been actioned.

Recommendation 5

The Department should ensure their feedback procedures are compliant with paragraphs 3.47 and 3.48 of the Code.

Ministerial response to recommendation 5

The Department has robust procedures in place to provide applicants with the opportunity to ask for their application to be 'reassessed' within 10 working days (as detailed in the Information Pack) of receiving the decision of the short listing panel should they be dissatisfied with that decision; or to receive general feedback as outlined in paragraphs 3.47 and 3.48 of the Code.

Whilst the interviews took place during the 10 day period, the panel gave an undertaking that should a 'review' result in an applicant being invited for interview the panel would have reconvened to facilitate this, prior to any notification on the outcome of the interviews being sent

to the Minister; this was documented on the table recording 'Queries arising from 'Appointment Process' for that competition.

General feedback requests are accepted at any stage of the appointment process as this often informs applicants for future applications.

The RQIA competition yielded one challenge to the panel's short listing decision and nine feedback requests (seven following short listing and two following interview).

Follow-up findings

The documentation provided was the 'Departmental Policy on handling applicants' requests for feedback'. Paragraph 11 of the policy states;

"Public Appointments Unit will ensure where possible that the interview dates span beyond the 10 day period to allow for any re-assessment of application which result in the applicant being invited for interview being facilitated. In the event that the interviews are scheduled within the 10 day period, the panel will be made aware that a successful review will result in the applicant being offered an interview date as soon as possible after the initial interviews and that no submission will be sent to Minister until all interviews (including those as a result of a re-assessment) have been concluded."

In the past six months, the situation has not arisen where a candidate has been invited for interview following a re-assessment. However, based on the guidance provided, this recommendation has been actioned.

Recommendation 6

The Department should review the marking framework. It should be in place for upcoming DHSSPS appointment competitions so as to provide clarity for potential candidates on the requirements of their application.

Ministerial response to recommendation 6

The Department noted the comments following feedback provided to applicants during the RQIA competition and revised the marking framework as part of an internal review of all our documentation. The revised documentation has been shared with a number of panel members and three independent assessors to ensure it provides clarity for applicants.

Follow-up findings

The documentation provided was the 'Overall summary marking frame'. The marking criteria contain a mark rating scale of 1 to 7. Each of the 7 ratings has a brief descriptor, for example rating 7 is 'very good' and rating 3 is 'less than acceptable'. To support the brief descriptor there is a narrative detailing the 'level of evidence provided in respect of Essential Criteria'. This narrative has been amended following the audit report, and now includes a clear indication to candidates on the requirements of their application. This recommendation has been actioned.

Conclusion

Having reviewed the documentation provided, it can be concluded that the six recommendations, included within the report of the audit of the competition to appoint three members to the Board of the Regulation and Quality Improvement Authority (RQIA), have been implemented by the DHSSPS.

The Commissioner commends the Department for its work on these issues.