



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Audit Report 2013/2014

Department of the Environment

Historic Buildings Council

June 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 of the Environment (DOE) was selected to be audited during the 2013/14 year. The main objective was to evaluate whether the Ministerial appointments of seven members to the Historic Buildings Council (HBC) 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 Public Appointments Unit, DOE for their assistance and co-operation during this audit.

Ministerial Responsibility and Involvement

5. It was clear that the Department gave careful consideration to the selection criteria for the members' posts, through consultation with the HBC. The Minister was fully informed of the criteria, competencies and knowledge required of the seven members in a submission dated 01 October 2012. The submission included a copy of the competition advertisement.
6. A submission dated 20 August 2012 requested the Minister to approve the process to reconstitute the HBC and to agree the manner in which he required the list of suitable candidates to be presented to him. Although the submission included an appointment timetable and while we acknowledge that this contained most of the required information, the submission did not include the appointment plan as is required in paragraph 3.2 of the Code.

7. **Recommendation:** In order to comply with paragraph 3.2 of the Code and to fully inform the Minister of the detail and the timeframe for key aspects of the process, the Department should ensure that an appointment plan is included in all future Ministerial submissions relating to public appointment processes.

Planning

8. The person specification contained seven essential criteria which were clearly articulated.
9. The Department did not stipulate any requirement for formal qualifications. However, knowledge or practical experience in the built environment and a commitment to its investigation, conservation and preservation was essential. This is a positive approach to ensuring that applicants with non-traditional career paths and backgrounds would be encouraged to apply. Paragraph 3.28 of the Code supports this approach.
10. The selection panel comprised two Departmental representatives, the Chair of the HBC and an Independent Assessor allocated by CPANI. The selection panel was appointed at the outset of the selection process and took part in all the relevant stages. All selection panel members were trained in line with the requirements of the Code.

Publicising the appointment

11. Publicity was designed to ensure that a wide and diverse audience was made aware of the appointments and encouraged to apply. It included a welcoming statement to encourage applications from women and people with a disability who are currently known to be under-represented on public bodies. Paragraph 3.13 of the Code supports this approach.
12. The appointments were advertised in three regional newspapers on 18 and 26 October 2012. The advertisement was issued as an interest circular to an extensive list of Section 75 groups. It was included in under-represented groups' e-newsletters and was posted on the websites of the Department, the NI Environment Agency and OFMDFM. It was also included in the October 2012 edition of the OFMDFM 'All Aboard' publication.
13. The advertisement included the CPANI logo and it addressed all necessary aspects of the Code apart from the requirement to specify whether publicity could be made available in alternative formats.

14. **Recommendation:** In order to comply with paragraph 3.19 of the Code, and in keeping with the principles of diversity and equality, it is important that potential applicants are made aware that information in alternative formats will be available upon request.

Information Pack / Application Form

15. The information pack was clear and straightforward, and the language used was consistent with the advertisement, application form and guidance notes. The information pack addressed the requirements of the Code, with the exception of detailing whether expenses relating to the selection process would or would not be reimbursed.
16. **Recommendation:** In order to comply with paragraph 3.20 of the Code, the Department should ensure that it informs potential applicants whether expenses relating to the selection process will or will not be reimbursed.
17. The application form was clear and straightforward and was divided into three separate sections; personal information; skills, knowledge and experience, and monitoring information. The information requested matched the role profile and person specification approved by the Minister at the outset of the process.
18. The application form included a section for candidates to include their qualifications. This included the statement, *'You need only complete this section if you consider it is relevant to your application'*.
19. **Recommendation:** The Department should consider that if qualifications are not part of the selection process then they are an unnecessary part of the application form.

Closing date / Informing Applicants of progress

20. The closing date for the receipt of applications was noon on 09 November 2012. This date was included on the front cover of the application form. An application period of three weeks was given. The Department did not receive any late applications.
21. The Department received fourteen applications and all were acknowledged promptly in writing or by email. All applicants were advised of the outcome of their application by letter dated 20 November 2012.

22. All monitoring forms were removed prior to the application forms being presented to the panel for short-listing.

Selection of Applicants

23. The short-listing meeting was carried out by all panel members on 19 November 2012. Prior to the meeting the selection panel was provided with a short-listing pack that contained an anonymised copy of each of the fourteen application forms, individual sift exercise summary sheets and a sifting exercise key. To be invited for interview candidates had to meet all seven essential criteria. The Department retained the necessary supporting documentation relating to the assessment of each application and the minutes of the sift meeting recorded the agreed panel decisions relating to the sifting exercise.
24. Four applications did not meet the essential criteria. The Department did not receive any requests for reassessment or feedback from the four applicants. The Department invited ten candidates for interview by letter dated 20 November 2012.

Final Assessment

25. Interviews took place on 04, 06 and 10 December 2012. The panel had agreed the interview questions, the timings and the marking framework. The questions posed at the formal interview were consistent with the seven criteria in the person specification and information pack. In order to be successful at interview, and therefore be recommended to the Minister as suitable for appointment, candidates had to achieve a pass mark of five in each criterion.
26. The interviews complied with the requirements of the Commissioner's Code and panel members each signed a statement on 19 November 2012 to confirm they would carry out their duties in line with the Commissioner's Code. The candidates were questioned on integrity and conflicts of interest, and any issues that arose were discussed at interview. The selection panel determined that there were no such issues that needed to be addressed further.
27. Of the ten candidates interviewed, nine were found suitable for appointment. The Department retained the necessary documentation to support decision-making. All panel members agreed each applicant's score and applicant summary.

Appointment

Ministerial Submission

28. A submission was presented to the Minister on 19 December 2012. The Minister had previously requested an unranked list of applicants suitable for appointment. The applicant summaries presented to the Minister regarding the nine candidates provided 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'. The Department also provided comprehensive pen pictures of the existing members to assist the Minister in making decisions that ensured the HBC was balanced in terms of diversity of skills and experience.

Ministerial Decision

29. The Minister selected seven candidates for appointment to the member roles. The Minister formally recorded his reasons for his selection on 29 January 2013.

Post Ministerial Decision

Political Activity Forms

30. In line with paragraph 3.45 of the Code, each of the seven candidates selected by the Minister for appointment, was issued with a political activity form on 31 January 2013. All forms were completed and returned, as required by the Code, and none of the appointed candidates declared any political activity within the previous five years.

Feedback

31. The Department had clear and comprehensive procedures on handling requests for feedback and reassessment. No such requests were received by the Department at any stage of the process.

Announcing the Appointment

32. The public announcement was issued as a press release on 07 March 2013 and met all the requirements of the Code.

33. The Minister wrote to the successful candidates on 29 January 2013. The candidate who was unsuccessful at interview, and the two candidates not selected for appointment by the Minister, were advised by letter on 01 February 2013. The letter did not specifically inform each candidate whether they had been unsuccessful at interview or whether they had not been selected by the Minister for appointment.
34. **Recommendation:** Paragraph 3.25 of the Code states, 'Everyone who applies for a post must be kept informed by the Department of the progress and ultimate outcome of his or her application in a timely and courteous manner'. If, following the interview, the panel members have determined a candidate should not be recommended to the Minister as suitable for appointment, it is important that the candidate is advised of this. If a candidate has been recommended to, but not selected by the Minister, the Department should communicate this to the candidate. This may assist in encouraging candidates to apply for other public appointment positions.

Overall Conclusions

35. The evidence provided demonstrates that this was a well run competition in which the Department complied with the Code in most respects. Action will be required to address the five recommendations below. A follow up of the audit will be conducted in six months' time.

Recommendations

36. In order to comply with paragraph 3.2 of the Code and to fully inform the Minister of the detail and the timeframe for key aspects of the process, the Department should ensure that an appointment plan is included in all future Ministerial submissions relating to public appointment processes.
37. In order to comply with paragraph 3.19 of the Code, and in keeping with the principles of diversity and equality, it is important that potential applicants are made aware that information in alternative formats will be available upon request.
38. In order to comply with paragraph 3.20 of the Code, the Department should ensure that it informs potential applicants whether expenses relating to the selection process will or will not be reimbursed.

39. The Department should consider that if qualifications are not part of the selection process then they are an unnecessary part of the application form.
40. In its letters to candidates who are unsuccessful at interview stage or at Ministerial decision stage, the Department should take steps to ensure that it complies with the requirements of Paragraph 3.25 of the Code.