



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Audit Report 2019/2020

Appointment of two members to the Northern Ireland Authority for Utility
Regulation

The Department of Finance

December 2019

Introduction

1. A competition to appoint two non-executive members to the Board of Northern Ireland Authority for Utility Regulation (the Authority) was selected for audit as part of the 2019/20 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPA NI). This competition was administered by the Department of Finance (the Department). The final appointment decision was taken by the Permanent Secretary of the Department under the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018.
2. The Department contracted HR Connect, the human resources shared service provider for government departments to carry out the administrative aspects of the selection process on its behalf.
3. 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 Public Appointments Code), version issued December 2016.
4. The Commissioner is required, by law, to prescribe and publish the Public Appointments Code to regulate the process by which public appointments are made. The Public Appointments Code sets out principles and practices which the Commissioner requires government departments to adopt.

Role of Commissioner

5. The role of the Commissioner is to regulate, monitor, report and advise on the way in which government departments 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

6. 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 Chair positions and to a lesser extent they are under-represented at member level. People with disabilities are also under-represented and the age profile of membership of public Boards is too restricted. The Commissioner is committed to working to improve this situation.
7. Northern Ireland government departments have the responsibility of ensuring that the principles and practices contained in the Public Appointments Code are upheld throughout every public appointment recruitment competition. They are also tasked with improving the low levels of diversity on our public Boards.

Approach

8. This audit report is the result of an examination of the appointment process, instances of less than best practice and examples of good practice were identified.
 - For identified issues of 'less than best-practice', CPA NI has produced a recommendation which departments must address.
 - Recommendations are summarised in the report and will be followed up by CPA NI in future competitions for evidence of implementation by departments.
 - 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.

Acknowledgements

9. The Commissioner would like to thank the officials from the Department for their assistance and co-operation throughout this audit.

Making public appointments in the absence of an Executive in Northern Ireland

10. The absence of an Executive in Northern Ireland since January 2017 means that Northern Ireland departments are without Executive Ministers to make new public appointments. On 1st November 2018 the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 came into operation. The Act enables departments to exercise certain departmental functions in the absence of Northern Ireland Executive Ministers to include the making of public appointments. In this case the Act enables the Permanent Secretary of the Department to make appointments to the NI Authority for Utility Regulation during the period while there is no Executive.
11. In the absence of Northern Ireland Executive Ministers the obligation on the Department to comply with the Public Appointments Code at all stages of an appointment process remains unaltered.

Summary

12. This audit investigation found good work by departmental officials in terms of carrying out a comprehensive skills audit at the start of the process and work undertaken to try to attract a diverse pool of applicants. The specialised industry experience required for these posts is likely to have impacted on the breadth of the applicant pool. Despite the good efforts to secure a strong and diverse applicant pool there were few women applicants. Applications were received from other underrepresented groups including from an ethnic minority background and from those with a declared disability. I recommend that going forward the Department and the Authority continue to develop their outreach programme aimed at under-represented groups in order to prepare for future appointments.

13. Overall this process was broadly compliant with the Public Appointments Code but the audit identified a number of areas where the appointment process could be improved and these are the subject of recommendations below. CPANI recognises that many of the areas identified, for example, use of a marking framework, record keeping and drafting candidate summaries, are recurrent audit issues across the range of public appointment rounds and across Departments. CPANI characterises these as presenting a training need.
14. Accordingly, CPANI working with TEO is rolling out a training package for administrators and selection panel members which will specifically address the training needs identified in this and other audits. CPANI sees this as an important capacity building initiative. It is strongly recommended that in future Departmental administrators and all selection panel members (including panel Chairs) access this training.
15. As a general observation it appears that the use of HR Connect documentation, which is not specifically tailored to a public appointment selection process, was a contributing factor to some of the problems identified including the record keeping by the selection panel.

List of recommendations

16. The illustrative examples of evidence under each selection criterion should be sufficiently detailed/informative so as to assist any candidate who may be unfamiliar with competency based application forms.
17. The Department should remove the requirement to provide details of all current commitments. Candidates should be asked to consider any current commitments when providing information on issues of integrity, conflicts of interest or disqualification criteria.
18. CPANI is supportive of the extension of a closing date in an effort to enlarge an applicant pool but those candidates who have already submitted an application should be given the opportunity to amend their application should they choose to do so. Candidates must also be informed as soon as possible following the decision to extend the closing date.
19. Going forward the Department and the Authority should continue to develop their outreach programme aimed at under-represented groups in order to prepare for future appointments.
20. Paragraph 3.30 of the Public Appointments Code states that Departments must keep full, contemporaneous records of all the assessment procedures, deliberations and outcomes and in line with this all members of a selection panel must ensure an

adequate written justification for the individual and consensus decisions when conducting a sift of applications. Any documentation provided to the selection panel including HR Connect documentation must facilitate compliance with this part of the Code.

21. Where candidates are asked to demonstrate the length of their experience as part of a criterion the Department must clearly explain to candidates how this should be done. Where a candidate demonstrates the requisite length of experience in a manner different to that requested by the Department, this should not be used as a mechanism to rule out that candidate.
22. The Department must ensure that performance indicators are in place from the outset of the competition and used by the selection panel as part of the marking system. This is standard practice across Departments.
23. The Department must advise candidates of the process by which they can request reassessment.
24. Paragraph 3.30 of the Public Appointments Code states that Departments must keep full, contemporaneous records of all the assessment procedures, deliberations and outcomes. Accordingly selection panels should record agreed comments to support the outcomes of the interview stage of assessment.
25. Where it is recorded that the panel is aware of conflicts this must be clearly and comprehensively explained and documented.
26. CPANI recommends that when using HR Connect to conduct a competition, Departments must take extra care to ensure that all documentation is specifically tailored to the public appointment selection process and must facilitate compliance with the Public Appointments Code.
27. Where one particular criterion is to be weighted this must be agreed at the outset of the competition at the same time as the appointment plan, person specification and role profile are agreed. Applicants must be made aware throughout the process whether specific criteria are to be weighted and how this will be applied at the different stages of the process.
28. The Public Appointments Code requires that the selection panel must ensure that the candidate summaries provide an objective analysis of each candidate's skills and experiences based on the information provided by each candidate and the selection panel's assessment of each candidate. Those involved in managing a public appointment process and selection panel members should have access to specific

training on drawing up candidate summaries as part of a wider public appointments training initiative.

29. The candidate summary was used to record the panel's consensus decision whereas it would have been better practice for the panel discussion and decision to have been recorded with some indication of the terms of the discussion, at the time of interview on the interview booklet.
30. The Department must ensure that all candidates are kept informed of the progress of their application.

Background

31. The Authority, set up under the Energy (Northern Ireland) Order 2003, is a non-ministerial government department. It is responsible for regulating the electricity and gas industries and water and sewerage services in Northern Ireland, to protect the short and long-term interests of consumers.
32. The statutory objectives of the Authority are to:
 - Protect the short and long-term interests of electricity, gas, water and sewerage consumers with regard to price and quality of service;
 - Promote a robust and efficient water and sewerage industry, where appropriate to deliver high quality services;
 - Promote competition, where appropriate, in the generation, transmission and supply of electricity; and
 - Promote the development and maintenance of an economic and coordinated natural gas industry.
33. Schedule 1 of the 2003 Order provides for the appointment of the Chair and members of the Authority:

"The Authority shall consist of a chairman; and not fewer than three other members appointed by the Department of Finance."
34. At April 2018 the Authority consisted of a Chair and five members. The diversity profile at this stage was one woman and five men (17% women representation). The tenures of two Board members were due to expire in December 2018.
35. In April 2018 the Department decided that it was in the public interest to initiate an appointment process and the then Permanent Secretary approved the initiation of a public appointment competition to appoint two members to the Authority. The Department highlighted at this early stage the under-representation of women on the Board and acknowledged that action would be required to address this.

36. Following this decision to initiate the process a new departmental Permanent Secretary assumed responsibility for decisions in relation to the selection process.

Stage 1 – Initial Planning of appointment process

Consultation with the Chair of the Board

37. A comprehensive skills audit was carried out and the views of the Chair of the Authority were sought. The audit was fully documented and looked at the skills and experience of the current individual Board members. CPANI commend the Department and the Board for this approach; a good skills audit is an essential preliminary to determining the criteria for appointment.

The selection panel

38. CPA NI allocated an independent assessor at the outset; the assessor was involved in all relevant stages of the selection process.
39. The selection panel consisted of a senior official from the Department who chaired the panel, the Chair of the Authority, a senior official from the Department for Infrastructure and the independent assessor. All selection panel members were involved in all relevant aspects of the selection process prior to the final appointment decision.
40. The Department ensured that all selection panel members were fully trained in line with the Public Appointments Code.

Diversity Letter from CPANI

41. CPANI issued a diversity letter to the Department at the outset of the process which highlighted the significant imbalance between men and women on the Authority Board and advised the Department that action to address under-representation and promote diversity must be reflected in the appointment plan and throughout the competition.

Person specification and role profile

42. The Department developed the person specification and role profile on the basis of the skills audit (paragraph 37 above). The responsibilities of the role set out in the role profile related directly to the appointment criteria set out in the person specification and all of the information required by the Public Appointments Code was included.

The selection criteria

43. All candidates were required to meet the following essential criteria.

[I] At least five years' experience at a senior level in:

- a) A regulatory electricity utility or generator, or gas utility with an understanding of energy markets; or
- b) A regulated company from another utility sector, such as water, railways or telecommunications; or
- c) An economic regulator that protects consumer interests.

and

Have an understanding of how effective regulation contributes to the delivery of government policies.

[II] Strategic Decision Making – Experience at a senior level of evaluating information and making justifiable decisions to set the strategy for an organisation (for example, but not limited to, corporate finance).

[III] Delivering results and engaging people – experience of working collaboratively with internal and external stakeholders to develop and deliver an organisation's strategy.

[IV] Corporate Governance – ability to apply the principles and practice of corporate governance and an understanding of the roles of non-executive directors.

44. The Department provided the following definition for a senior level.

“Experience at senior level includes taking decisions affecting the corporate body or organisation within which an individual is working, or providing detailed advice at Board level on such issues.”

45. In general CPANI does not favour the use of any timeframe in the criteria for a public appointment and advises that the focus must be on the quality rather than the length of the experience. In this instance given the specialized and impactful work of the Authority in relation to the electricity, gas and water and sewerage industries CPANI is content the decision to ask for five years' experience at a senior level for these non-executive Directorship appointments was appropriate. This approach had been agreed with CPANI in advance.

46. With respect to criterion one the Department asked for comprehensive evidence including roles and responsibilities, and dates to demonstrate at least the minimum five years' senior level experience.

Competition initiation meeting

47. The selection panel attended a competition initiation meeting on 3rd August 2018 at which the panel members discussed several administrative issues, publicity and outreach, the information pack and the assessment process. A record of the meeting and discussions was kept by HR Connect. At this meeting the selection panel members signed a confidentiality agreement.
48. The record of the competition initiation meeting indicated that criterion one would carry double the weight of the other three criteria.

Appointment plan

49. On 22nd August 2018 CPANI agreed to an exception to the Public Appointments Code to enable the Permanent Secretary to approve the appointment plan, person specification and role profile in the absence of a Minister. At this point the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 had not come into operation.
50. The DoF officials running the competition put forward a submission to the DoF Permanent Secretary requesting her approval for the competition documentation on 2nd October 2018. The submission contained the appointment plan, person specification and role profile.
51. The appointment plan contained all items required by the Public Appointments Code.
52. No decision was taken at this stage as to how, following interviews, the list of appointable candidates would be presented, that is in a ranked or an unranked list, as it was not then known who would make the final appointment decision (that is an NI Executive Minister or the Department of Finance).

Stage 2 – Preparation

Information pack and application form

53. The information pack included all the key components required by the Public Appointments Code.
54. It is frequently related to CPANI that the competency based system favours public sector candidates who are likely to be more familiar with its terminology than candidates from other sectors. In particular non-public sector candidates tend to be unfamiliar with the presentation of evidence against the eligibility / selection criteria. The information pack in this competition contained brief examples of the types of evidence for each criterion that a candidate could use to demonstrate his/her suitability. There is scope for these illustrative examples to be more informative in order

to assist non-public sector candidates. Candidates were, helpfully, advised that in addressing the criteria they could use examples from their working or personal life including any voluntary or community work they had involvement in.

55. **Recommendation:** The illustrative examples of evidence under each selection criterion should be sufficiently detailed/informative so as to assist any candidate who may be unfamiliar with competency based application forms.
56. Candidates were asked in the application form to provide details of all current commitments including employment, company directorships, voluntary and community work and any other information they considered to be relevant to the appointment. Candidates were advised that,

“This information will be used to help identify any potential disqualifications or conflicts of interest, and may be raised at interview.”
57. The Department did not require this information as candidates were asked in a further section of the application form to confirm that their candidacy was compliant with the eligibility rules (the disqualification criteria were included in the information pack) and to provide details of any conflicts of interest or integrity issues which might impact upon any appointment to the Authority.
58. Paragraph 3.21 of the Public Appointments Code states that application forms should ask only what is truly required. CPANI does not consider that details of all current commitments is required information.
59. **Recommendation:** The Department should remove the requirement to provide details of all current commitments. Candidates should be asked to consider any current commitments when providing information on issues of integrity, conflicts of interest or disqualification criteria.
60. Neither the information pack nor the application form informed candidates that criterion one would be weighted (dealt with at paragraphs 98-101 of this report). This is relevant information for candidates. Candidates should be informed of how criteria are to be weighted from the outset.

Stage 3 – Encouraging applications

61. An outreach plan was drawn up by the Department early in the process in an effort to address the substantial imbalance on the Board in term of men and women members. This plan was reviewed and commented on by the NI Civil Service diversity and inclusion champion to ensure its effectiveness.

62. Prior to the launch of the competition the Chief Executive of the Authority wrote an article promoting the work of the Authority and highlighting the forthcoming opportunities to sit on the Board. The Department contacted a range of groups and organisations representative of women or the utility industries to discuss ways to promote the vacancies. Where possible the CEO's article was included in membership newsletters, bulletins or blogs of these groups and organisations.
63. The competition launched on 22nd October 2018. The vacancies were advertised widely in the press, on social media and circulated to the membership of a wide range of organisations representative of traditionally under-represented groups. The outreach was targeted taking into account the nature and current membership profile of the Board.
64. The work undertaken by the Department to try to attract a diverse pool of applicants in particular to attract more women applicants is to be commended. There are a number of examples of good practice here.
65. The original closing date for applications was Friday 16th November 2018. The Permanent Secretary had previously requested regular updates on the number of applications received and the gender profile of the applicant pool. By the afternoon of Thursday 15th November sixteen applications had been received (thirteen men and three women). Given the low number of applications the Permanent Secretary decided, on 15th November, to extend the application period by one week. This again is an example of good practice. The new closing date was 23rd November 2018.
66. Candidates were informed of the extension on the morning of Tuesday 20th November 2018. One candidate contacted the Department to advise that they had made an effort to meet the original closing date and had they known that it would be extended would have delayed submitting the form. This candidate was informed that once an application had been submitted to HR Connect it could not be amended.
67. The information pack had stated that *"Please be aware that the Department may decide to extend the closing date for this competition. If this is the case, all applicants who have submitted an application by the original closing date/time will be informed"*.
68. **Recommendation:** CPANI is supportive of the extension of a closing date in an effort to enlarge an applicant pool but those candidates who have already submitted an application should be given the opportunity to amend their application should they choose to do so. Candidates must also be informed as soon as possible following the decision to extend the closing date.

Stage 4 – Selection

Processing Applications

69. Thirty-one applications were received in total comprising of five women candidates and twenty-six men candidates (16% women / 84% men). Despite the Department's good efforts to secure a strong and diverse applicant pool there were few women applicants.
70. **Recommendation:** Going forward the Department and the Authority should continue to develop their outreach programme aimed at under-represented groups in order to prepare for future appointments.

Sift

71. Anonymous copies of the application forms were provided to the panel members. Selection Panel members conducted an individual sift of all applications. Panel members recorded, on forms provided by HR Connect, a determination as to whether each candidate had passed/failed each criterion. The form required panel members to record the 'reason for failure' where a candidate failed a criterion. The form did not require for panel members to record any comment where they had passed a candidate and where his/her decision was different to that of the other panel members. Three of the four panel members did not record any individual comment for any candidate or criterion. This level of record keeping is problematic.
72. Comments must be recorded by all members of the selection panel for all criteria when conducting an individual sift of an application. Such comments allow panel members to record the reasoning for their decisions and are used at the sift meeting to inform any discussion and the agreement of a consensus decision. These comments can be used when providing feedback to candidates which the Public Appointments Code states must be based on the contemporaneous records kept by the panel of its assessment of a candidate.
73. The selection panel attended a sift meeting on 19th December 2018. A final consensus panel decision was taken following panel discussion as to whether each candidate either met or did not meet the essential criteria for appointment. A representative from HR Connect recorded the panel decision in respect of the four criteria for each candidate and recorded a brief comment on the reason for failure where a candidate failed a criterion. The brevity of the recorded reason for rejecting an application is problematic. The lack of any substantive reasoning meant that in the event of a request for feedback from a rejected applicant there was little recorded information that the Department could avail of in order to provide a meaningful response. For many competitions, this one included, completing the application form can be an onerous exercise for applicants. Moreover, in seeking to widen the applicant pool Departments may expect

to have applications from individuals who are applying for the first time or who are unfamiliar with the public appointments process. It is not only a matter of courtesy to candidates that selection panel members adequately record their reasons for rejecting an application; transparency of process requires adequate recorded reasoning for decisions. The provision of good feedback should also be part of a commitment to encourage a more diverse applicant pool.

74. **Recommendation:** Paragraph 3.30 of the Public Appointments Code states that Departments must keep full, contemporaneous records of all the assessment procedures, deliberations and outcomes and in line with this all members of a selection panel must ensure an adequate written justification for the individual and consensus decisions when conducting a sift of applications. Any documentation provided to the selection panel including HR Connect documentation must facilitate compliance with this part of the Code.
75. The HR Connect representative also recorded that the selection panel members were not aware of any conflicts of interest with any candidate at this stage.
76. In the application form candidates were informed that with respect to criterion one the selection panel would be looking for “comprehensive evidence, including roles and responsibilities and dates to demonstrate at least the minimum five years’ senior level experience”. For several candidates the recorded ‘reason for failure’ included the fact that the candidate had not provided specific dates for criterion one. In one instance where this was recorded as part of the reason why this candidate had not met criterion one, a review of the application form showed that the candidate had provided dates to demonstrate five years’ experience. For an applicant who did not pass the sift and had simply stated the number of years’ experience they had, the selection panel noted that the candidate had not provided specific dates. Other candidates who passed the sift had similarly stated the number of years as opposed to providing specific dates. While no candidate was unsuccessful at the sift stage solely on the basis of not providing specific dates there was a lack of consistency to the approach taken by the selection panel with respect to assessing the timeframe element of criterion one.
77. **Recommendation:** Where candidates are asked to demonstrate the length of their experience as part of a criterion the Department must clearly explain to candidates how this should be done. Where a candidate demonstrates the requisite length of experience in a manner different to that requested by the Department, this should not be used as a mechanism to ruling out that candidate.
78. Candidates had to pass all four essential criteria in order to be invited for interview.
79. In carrying out the sift of applications the members of the selection panel did not use performance indicators as part of the marking system. Indicators to describe some of

the types of evidence a candidate might include in their examples should have been developed at the same time as the essential criteria. The lack of indicators meant that each selection panel member had for the most part to decide individually what type and level of evidence would demonstrate that a candidate had or had not met the criteria.

80. **Recommendation:** The Department must ensure that performance indicators are in place from the outset of the competition and used by the selection panel as part of the marking system. This is standard practice across Departments.
81. Out of the thirty-one applications only seven candidates were invited to interview comprising of three women and four men (43% women / 57% men). This is a substantial (77%) reduction in the applicant pool using the sift mechanism. Looking forward to future selection processes CPANI would encourage the Department to look at the reasons why so few candidates got through to the interview stage.
82. A letter to those candidates who did not pass the sift exercise issued on 21st December 2018. The letter set out the criteria the candidate did not meet and provided panel feedback based on the brief consensus comments recorded at the sift meeting. The letter did not contain details on how a candidate could challenge the sift decision, nor had this been covered in the information pack. Paragraph 3.31 of the Public Appointments Code requires that the Department have in place a process to reassess candidates who challenge the result of any part of the selection process. It is good practice to inform the candidates of this process.
83. **Recommendation:** The Department must advise candidates of the process by which they can request reassessment.

Stage 5 - Interview

84. A letter inviting candidates to interview issued on 21st December 2018. The letter informed candidates that following the interviews the selection panel would submit an unranked list of candidates deemed suitable for appointment to the DoF Permanent Secretary and that in the absence of a Minister the Permanent Secretary would make the appointment decision.
85. One candidate withdrew from the competition prior to interview.
86. Five interviews took place on 15th and one on 21st January 2019. Candidates were asked three questions against criterion one, and one question each for criteria two, three and four. Candidates were scored against a marking framework which had been agreed by the selection panel.

87. Each member of the selection panel completed an individual interview assessment booklet for each candidate, recording the evidence provided, a panel member score and justification for that score. Each panel member also recorded the agreed panel score for each criterion.
88. The interview booklet contained a section for each criterion. This included the lead questions, a selection of possible supplementary questions and positive indicators for use by the selection panel.
89. All candidates were asked to identify any perceived, potential or real conflicts of interest and were questioned on integrity issues. Responses were recorded on the individual interview assessment booklet.
90. The selection panel completed and signed a document which detailed the outcome of the interview stage. This document recorded the agreed total score for each candidate and whether they were found to be suitable or unsuitable for appointment. There was no space on this document for the selection panel to record agreed comments on the candidates' overall performance, performance against individual criteria or to cover any panel discussion on issues of integrity or conflicts of interest.
91. Paragraph 3.30 of the Public Appointments Code requires that Departments keep full contemporaneous records of all the assessment procedures, deliberations and outcomes. In this competition the candidate summaries (see paragraphs 102 - 108) which were drawn up and agreed by the panel some days after the interviews had ended, doubled up as the consensus panel comments and findings for each candidate's performance against the criteria. It is preferable for selection panel consensus comments to be recorded on the day of the interview. Such comments should relate to the agreed allocated score and the associated evidence, any significant variations in panel member scores and any conflicts of interest or integrity issues. In this case the HR Connect documentation did not provide the space to record comments in the manner required.
92. **Recommendation:** Paragraph 3.30 of the Public Appointments Code states that Departments must keep full, contemporaneous records of all the assessment procedures, deliberations and outcomes. Accordingly selection panels should record agreed comments to support the outcomes of the interview stage of assessment.
93. Under the heading of 'Conflict of Interest' the interview outcome document included the following question to be answered by the selection panel.

"Are competition participants aware of any potential conflicts of interest at this stage?"

94. The panel recorded an answer of yes to this question with no further explanation. It is unclear whether competition participants refers to the selection panel members in relation to any conflict with a candidate, or to a conflict held by a candidate in relation to the post.
95. **Recommendation:** Where it is recorded that the panel is aware of conflicts this must be clearly and comprehensively explained and documented.

HR Connect documentation

96. CPANI has now engaged in a number of competitions where HR Connect documentation has been used and has proved problematic for the sort of reasons outlined above.
97. **Recommendation:** CPANI recommends that when using HR Connect to conduct a competition, Departments must take extra care to ensure that all documentation is specifically tailored to the public appointment selection process and must facilitate compliance with the Public Appointments Code.

Weighting of criterion one

98. A Minister, or as in this instance a Permanent Secretary, may when determining the criteria, skills and personal experience required on the Board of a public body decide to weight one or more of the criteria. Such weighted criteria will be considered more important to the Board concerned than the other criteria for appointment. Such weighting may be applied at the sift, interview and final appointment decision stages. Where a criterion is weighted this must be clearly set out in the competition documentation and candidates must be made aware of how this weighting will be applied at all stages of a selection process.
99. At interview candidates were scored out of twenty for criterion one (with a pass mark of ten) and out of ten for criteria two, three and four (pass mark of five). Candidates had not been informed at any stage that criterion one would be weighted in such a way.
100. Ahead of the interviews and in the continuing absence of a Minister candidates had been informed that an unranked list would be presented to the Permanent Secretary. The use of an unranked list, whereby candidates would not be ranked by total score at interview, meant that the weighting of criterion one was only relevant if this played a role in the Permanent Secretary's decision making process. There is no evidence that this was the case or that the Permanent Secretary was aware that this criterion had been weighted in such a way.
101. **Recommendation:** Where one particular criterion is to be weighted this must be agreed at the outset of the competition at the same time as the appointment plan, person specification and role profile are agreed. Applicants must be made aware throughout

the process whether specific criteria are to be weighted and how this will be applied at the different stages of the process.

Candidate summaries

102. At interview five candidates were found to be suitable for appointment comprising of two women and three men. Candidate summaries were agreed by the selection panel on 21st January 2019.
103. Each candidate summary included a brief outline of the selection panel's assessment of the evidence provided both at interview and in the application form for each criterion. The comments used to describe the performance of candidates were at times confusing and there was a lack of consistency in terms of the wording used across the full list of candidates.
104. For one candidate the comments referred to "*significant generic experiences as Chair and Member of Boards in diverse non-regulated organisation*". Aside from the confusing nature of the wording used here such experience was not a published criterion for appointment and should not have been included.
105. The references in the candidate summaries against criterion one referred to the three questions posed to each candidate and the evidence they presented against these. There is no evidence that the Permanent Secretary was made aware of the questions which were asked at interview so it is a moot point as to how helpful these references were to the Permanent Secretary in her decision making.
106. Elsewhere the candidate summaries, when referring to the evidence provided in the application form, included the number of examples each candidate had supplied in their application form. It is unclear why this was included. It might be construed that a candidate presenting more examples could be seen as stronger than a candidate using only one example which is not necessarily the case. Similarly it is not clear that noting where a candidate had used the same example in the application form and at interview was relevant.
107. Overall the candidate summaries could have been more informative and more consistent in language used.
108. **Recommendation:** The Public Appointments Code requires that the selection panel must ensure that the candidate summaries provide an objective analysis of each candidate's skills and experiences based on the information provided by each candidate and the selection panel's assessment of each candidate. Those involved in managing a public appointment process and selection panel members should have access to specific

training on drawing up candidate summaries as part of a wider public appointments training initiative.

Conflicts of Interest

109. The candidate summaries included a section on integrity and conflicts of interest. It is a requirement of the Public Appointments Code that the selection panel must assess whether there is a conflict of interest issue and how it will be handled. The panel must document the discussion and conclusions arrived at.
110. For several candidates a potential conflict was identified and on each occasion the candidate summary stated that the potential conflict was “considered manageable after discussion at interview”.
111. **Recommendation:** The candidate summary was used to record the panel’s consensus decision whereas it would have been better practice for the panel discussion and decision to have been recorded with some indication of the terms of the discussion, at the time of interview on the interview booklet.

Stage 6 – Appointment

Permanent Secretary’s decision

112. The selection panel’s list of candidates found suitable for appointment was submitted to the Permanent Secretary in an alphabetical list on 31st January 2019. The candidate summaries containing the assessment of the selection panel accompanied the list. The submission included guidance on making evidence based appointment decisions as well as legal advice on the use of unranked lists by a Permanent Secretary.
113. On 26th February 2019 the Permanent Secretary selected two candidates for appointment (one man and one woman) and chose to place two candidates on a reserve list (one man and one woman). The Permanent Secretary recorded her reasons for her choices on the basis of the candidate summaries provided to her by the selection panel.
114. All candidates were informed of the outcome by letter dated 8th March 2019.
115. This was the first correspondence with all candidates since the interviews on 15th and 21st January 2018 except where a candidate had requested an update. Paragraph 3.25 of the Public Appointments Code requires that candidates must be kept informed of the progress and outcome of her or his application in a timely manner. The appointment plan for the process indicated that following interview a holding letter would issue to advise candidates when they might expect a decision. No holding letter issued to candidates. Candidates should have been better apprised of the situation.

116. **Recommendation:** The Department must ensure that all candidates are kept informed of the progress of their application.

117. Two requests for feedback were received; from one candidate unsuccessful at interview and from one candidate not selected for appointment. Feedback was provided by the Department in a timely and helpful manner.

Announcing the Appointment

118. The Department announced the appointments in a press release dated 17th April 2019 which fulfilled the requirements of the Public Appointments Code.

119. On completion of this process the diversity profile of the Authority was improved with an increase in the representation of women from 17% to 33%.