



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Audit report 2012/213

Office of the First Minister and deputy First Minister – Commissioner for Victims
and Survivors

January 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 Office of First Minister and Deputy First Minister (OFMDFM) was selected to be audited during the 2012/13 year. The main objective was to evaluate whether the Ministerial appointment of the Commissioner for Victims and Survivors was 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 appointment, using the Code as a guide.

Ministerial Responsibility and Involvement

4. During the planning stage, Departments must consult Ministers to confirm whether they require an alphabetical list of a pool of candidates (unranked) deemed suitable for appointment, or a merit-ordered list (ranked), in the Ministerial submission. This information was not sought from Ministers in the submission. The Department provided documentary evidence dated 26 March 2012 to show deputy First Minister's preferred choice of an unranked list. The Department was unable to provide documentation to support First Minister's preferred choice of list.
5. In order to comply with paragraph 3.3 of the Code, the Department should ensure that Ministerial approval is sought via a Ministerial submission to determine how the Ministers require the list of appointable candidates to be presented.
6. The Department must ensure that a complete audit trail is readily available including all pertinent contemporaneous records, to ensure compliance with paragraph 5.3 of the Code.

Planning

7. The competition process was administered by HR Connect and overseen by Victims Branch, OFMDFM.

Appointment Plan

8. The Department provided a skeleton copy of the appointment plan for the competition that partially addressed the requirements of paragraph 3.6 of the Code.
9. The Department should ensure that the appointment plan is a fully comprehensive document that addresses all the requirements of paragraph 3.6 of the Code clearly and in detail.

The Selection Panel

10. The selection panel consisted of a senior Departmental representative, an Independent Assessor and two other panel members. All panel members were involved at the beginning of the selection process, and took part in all stages.

Revisions to the Appointment Timetable

11. There were eight variations between dates specified in the appointment timetable and the dates on which the stages actually occurred. The Department advised that the timetable was 'indicative' and that selection panel members were advised that it may be subject to change. No evidence was provided that applicants were alerted to date changes.
12. As stated in the Code in paragraph 3.11, if the timetable must be varied all applicants must receive notice and an explanation of any variation which may affect them.

Encouraging applications

13. It was evident that the Department sought to encourage applications and widen the potential pool of candidates. For example, evidence on awareness of the consequences of conflict on victims and survivors was not restricted to experience with working with victims and survivors in Northern Ireland only. Experience in Corporate Governance and Accountability was not restricted to public sector only.

Publicising the Appointment

14. To attract a wide and diverse field of applicants, and in compliance with paragraph 3.13 of the Code, the competition was widely advertised throughout the UK and Ireland, and it was included on the NICS and OFMDFM websites.
15. As this was a CPANI regulated competition, the advertisement clearly displayed the CPANI logo. However, it was not copied to CPANI at the time of publication, which is a requirement of paragraph 3.18 of the Code.
16. The Department should ensure that all advertisements are provided to CPANI at the time of publication as required in paragraph 3.18 of the Code.

Information Pack

17. The information pack did not include details of reimbursement of expenses in relation to the selection process.
18. In future competitions, details of expenses should be included as stated in paragraph 3.20 of the Code.

Application Forms

19. The application form was clearly laid out in seven sections plus a separate equal opportunities monitoring information section. Applicants were requested to set out how their experience, skills, achievements, knowledge and awareness made them a suitable candidate for the position in relation to the seven criteria. The seven criteria matched those in the person specification, and each criterion was addressed in one straightforward question. There were no arbitrary restrictions on the use of technology in completing the application form. The information pack had also invited candidates with a disability that might have affected their completion of the application form to contact HR Connect for assistance.

Processing and Assessing Applications

20. Thirty-six applications were received on time. One application was received after the closing date, was rejected in line with HR Connect procedures for handling late applications, and

was therefore not assessed by the selection panel. All equal opportunity monitoring forms had been removed before the applications were provided to the selection panel.

21. Each selection panel member was asked prior to the sift meeting to carry out an individual assessment of each application. However, individual panel members' sift documentation was not retained by HR Connect and could not be provided for this investigation. A 'Skills assessment matrix' for all applications was completed by the four panel members at the sift meeting. In instances where an applicant failed to meet a criterion, a reason for the failure was recorded.
22. In keeping with the principles of openness and transparency, and to comply with paragraph 3.30 of the Code, the Department should ensure that all selection panel individual applicant assessment documents are retained. This applies equally when an outside agency is used.

Final Assessment

23. The selection panel assessed the thirty six applications and agreed that thirteen candidates had passed and should be invited for interview. Two of the thirteen candidates subsequently withdrew from the competition before the interview stage. Interviews for eleven candidates were held on 28 and 29 May 2012. The selection panel concluded that five out of the eleven candidates interviewed would be recommended to Ministers for their consideration.
24. Records at interview of all individual panel members' assessment and deliberations were kept. However, a consensus panel score and comment sheet, that reflected the applicant summaries provided to Ministers, was not retained.
25. In keeping with the principles of openness and transparency, and to comply with paragraph 3.30 of the Code, the Department should ensure that it keeps full and contemporaneous records of all the assessment procedures, deliberations and outcomes.

Ministerial Submission

26. A submission was provided to both Ministers on 30 May 2012 and included an applicant summary for each of the five candidates successful at interview, along with information regarding potential conflicts of interest. The applicant summary had been agreed by all panel members.

27. A letter was issued to all eleven interviewed candidates on 15 June 2012. It advised that a list of successful candidates had been passed to the Ministers for their consideration. It indicated that further correspondence would be issued within the next 21 days. Correspondence did not issue to candidates until 31 August 2012, a full eight weeks later than indicated.
28. 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'. In cases where there may be unavoidable delays, it is important that candidates are kept informed. The Department should ensure that it does this in all future competitions.

Ministerial Decision

29. Both Ministers agreed to appoint one candidate as Commissioner for Victims and Survivors and jointly recorded their reasons for selecting the successful candidate, and their reasons for not selecting the other four candidates. This document is signed by both Ministers although it is not dated. The selection panel was advised of the Ministerial decision by telephone on 01 August 2012, as is required in paragraph 3.44 of the Code.
30. In keeping with the principles of openness and transparency, the Department should ensure that the date of the Ministerial appointment decision is recorded in the relevant documentation.

Guardian Newspaper Online application issues

31. The Guardian was one of the newspapers in which the competition advertisement was placed. Applicants were invited to apply for the post through the Guardian's jobs website. Following a query from an applicant, it became evident that the wrong response mechanism was used by the Guardian newspaper. Following an investigation by Executive Information Service and HR Connect it was confirmed that 16 applicants had used this facility. After an extensive search it was established that 13 applicants received the information pack. Three applicants could not be found on the system. Following agreement with the Ministers, the three applicants were issued with information packs and offered the opportunity to submit an application within a one week deadline. One of the three applicants responded with a

completed application. It could not be ascertained whether the remaining two applicants received the information pack, as documentation to show such issue was not provided.

32. As required in paragraph 3.30 of the Code, the Department should ensure that it keeps full and contemporaneous records of all the assessment procedures, deliberations and outcomes. In cases where an outside contractor is handling the procedures, the Department must continue to discharge its responsibility for such procedures. The Department should review its control mechanisms with regard to contractors for future competitions.

Announcing the Appointment

33. A letter signed by both Ministers was issued to the successful candidate on 23 August 2012. On 31 August 2012 letters to candidates who were deemed suitable but not selected by Ministers were issued.
34. The public announcement was issued as a press release on 03 September 2012. The press release met the requirements of paragraph 3.49 of the Code and it was copied to CPANI as required.

Conclusion

35. This competition was run largely in accordance with the Code but there were some flaws in the administration of the process, as illustrated in the sections above and dealt with in the recommendations. Of particular note was the relationship with the outside contractor, HR Connect. The Department should ensure that contractors employed to manage recruitment processes are fully aware of Departmental policies and procedural requirements, including the CPANI Code of Practice and the need for the proper retention of documents to ensure that a complete audit trail is readily available. In its own 'in-house' work, the Department should ensure that key aspects of the CPANI Code of Practice are adhered to, such as the preparation of a fully comprehensive appointment plan, and the establishment of a realistic appointment timetable that is monitored effectively. Communication with applicants regarding the progress of their applications should also be regarded as a priority.

Summary of Recommendations

36. In order to comply with paragraph 3.3 of the Code, the Department should ensure that Ministerial approval is sought via a Ministerial submission to determine how the Ministers require the list of appointable candidates to be presented.
37. The Department must ensure that a complete audit trail is readily available including all pertinent contemporaneous records, to ensure compliance with paragraph 5.3 of the Code.
38. The Department should ensure that the appointment plan is a fully comprehensive document that addresses all the requirements of paragraph 3.6 of the Code clearly and in detail.
39. As stated in the Code in paragraph 3.11, if the timetable must be varied all applicants must receive notice and an explanation of any variation which may affect them.
40. The Department should ensure that all advertisements are provided to CPANI at the time of publication as required in paragraph 3.18 of the Code.
41. In future competitions, details of expenses should be included as stated in paragraph 3.20 of the Code.
42. In keeping with the principles of openness and transparency, and to comply with paragraph 3.30 of the Code, the Department should ensure that all selection panel individual applicant assessment documents are retained. This applies equally when an outside agency is used.
43. In keeping with the principles of openness and transparency, and to comply with paragraph 3.30 of the Code, the Department should ensure that it keeps full and contemporaneous records of all the assessment procedures, deliberations and outcomes. In cases where an outside contractor is handling the procedures, the Department must continue to discharge its responsibility for such procedures. The Department should review its control mechanisms with regard to contractors for future competitions.
44. 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'. In cases where there may be unavoidable delays, it is important that candidates are kept informed. The Department should ensure that it does this in all future competitions.

45. In keeping with the principles of openness and transparency, the Department should ensure that the date of the Ministerial appointment decision is recorded in the relevant documentation.