



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointments Process”

Audit Report 2013/2014

Appointment of four members to the Council for the Curriculum, Examinations
and Assessment

Department of Education

March 2014

Introduction

- 1.01 A competition to appoint four members to the Council for the Curriculum, Examinations and Assessment (CCEA) was selected for audit as part of the 2013/14 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPA NI). This competition was administered by the Department of Education (DE).
- 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 2012.
- 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.
- 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 key concern is to ensure that public appointments are made in ways that are open, transparent and merit-based.
- 1.05 Responsibility for appointments rests with the relevant Minister.
- 1.06 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.

Approach

- 2.01 This audit report is the result of an examination of the appointment process, from which audit issues have been identified and recommendations made.
- 2.02 CPA NI carried out a comprehensive review of all appropriate records, as provided by the DE Education Governance Branch. All documentation provided by the Department was of a high standard and it was comprehensive and well organised.

Acknowledgements

- 3.01 The Commissioner would like to thank the staff from the DE Education Governance Branch for their assistance and co-operation throughout this audit.

Stage 1 – Initial Planning of recruitment competition

Independent Assessor

- 4.01 CPA NI allocated an Independent Assessor at the outset of the process. The Department consulted with the Assessor on the appointment plan, publicity and the Information Pack prior to publication. The Assessor was involved in all relevant

stages of the process.

The Selection Panel

- 4.02 The selection panel consisted of the Chair of CCEA, a senior official from DE and the Independent Assessor.
- 4.03 The Department ensured that all panel members were fully trained in line with the Code. All panel members were involved in all aspects of the selection process prior to the Ministerial decision.

Role Profile and Person Specification

- 4.04 The role profile and person specification were developed by DE with input from the selection panel. These included all the information required by the Code.
- 4.05 Candidates were required to meet four essential criteria.

Ministerial Authorisation and Planning

- 4.06 A submission containing the role profile, person specification and appointment plan was approved by the Minister. The Minister requested an unranked alphabetical list of candidates suitable for appointment.
- 4.07 The Department provided the Minister with a comprehensive and detailed evaluation of the advantages and disadvantages of ranked and unranked lists.

Stage 2 - Preparation

Information Pack

- 5.01 The Information Pack included all the information required by the Code.

Application Form

- 5.02 Part four of the Application Form asked applicants to detail all current appointments and any others held during the last five years, both public sector appointments and private sector appointments, including any remuneration received.

Whilst paragraph 3.49d of the Code requires any Ministerial public appointments held by the appointee and details of any remuneration received to be included in the press release announcing the appointment, the additional use here, of the term 'private sector appointment', may be confusing to applicants.

It is stated in the Application Form that "*public sector appointments are those made by or on behalf of a Minister or government department*". The Department however, does not give a definition of what constitutes a private sector appointment, and it is unclear why applicants are required to provide this

information, not only on private sector appointments held, but also on the remuneration they receive for these.

5.03 **Recommendation: It is recommended that in future competitions the requirement for details of ‘private sector appointments’ should be removed.**

5.04 Paragraph 3.23 of the Code states.

“Applicants should be made aware on the Application Form that, if they are appointed, some of the information they have provided will be placed in the public domain.”

While the Application Form included a declaration that informed applicants of how the Department would use their information, it was vague regarding the fact that some of it would be placed in the public domain.

5.05 **Recommendation: It must be made clear on all Application Forms that if an applicant is appointed, some of the information they have provided will be placed in the public domain.**

Stage 3 - Encouraging Applications

6.01 The vacancy was advertised in the Belfast Telegraph, Foinse, the Irish News and the Newsletter. It was posted on the DE Youtube channel and on the websites of CPA NI, DE and the Office of the First Minister and deputy First Minister (OFMDFM). A press release was issued announcing the vacancy, to the Department’s media distribution list, including provincial papers. An e-mail including a copy of the advertisement was issued to section 75 groups.

CPA NI commends the Department for the effort put into promoting the vacancy

6.02 The Information Pack included the following section.

Assistance for Members with Disabilities

Every effort will be made to provide whatever reasonable support any member of the board may need to help them carry out their duties.

This consideration by the Department for people with disabilities not only in the recruitment process but in the event that they are appointed is welcomed as a positive step in encouraging applications from this under-represented group.

6.03 Consideration of breadth/diversity and widening the potential pool of applicants was apparent both in the publicity and Information Pack. It is hoped that the Department will continue and develop this approach in future competitions.

Stage 4 - Selection

Processing Applications

- 7.01 The closing date for applications was 10th May 2013. Fifteen applications were received.

Sift

- 7.02 An initial process meeting was held on 14th May 2013 at which the selection panel signed a confidentiality agreement.
- 7.03 Selection panel members attended a sift meeting on 21st May 2013 to assess the applications for eligibility. Anonymous copies of all Application Forms were provided to the selection panel members prior to this meeting.
- 7.04 Each member of the selection panel completed an individual eligibility form for each applicant, before a summary of the panel's collective decision on each applicant was documented. A summary report on the outcome of the sift meeting was drafted, issued to, and agreed by all selection panel members.
- 7.05 A letter to those applicants who did not pass the eligibility sift was issued on 24th May 2013. The letter advised applicants of the panel's decision and provided feedback on the criteria not met. Applicants were also advised that a review of the decision could be requested within five days of receipt of the letter.
- 7.06 Eleven applicants passed the eligibility sift exercise and were invited for interview.

Interview

- 7.07 A letter inviting candidates to interview was issued on 24th May 2013.
- 7.08 Interviews took place on 25th, 26th and 27th June 2013. Each panel member completed a candidate interview assessment form for each candidate, to record the evidence presented against each of the criteria. The selection panel did not score candidates individually, instead discussing, agreeing and recording one consensus panel score at the end of each interview. This approach was agreed by all panel members at a pre-interview meeting on 19th June 2013.

The allocation of individual candidate scores by panel members is seen by CPA NI as good practice. It ensures that differences in initial scoring between panel members are identified, providing a rational starting point for the moderation discussion that leads to an agreed score by the panel. It also helps ensure the independence of each panel member, allowing each member to have his / her opinion, on the allocation of scores, to be heard and recorded.

- 7.09 **Recommendation: It is recommended that in future competitions panel members score candidates individually at interview, before an agreed score is allocated.**

- 7.10 All candidates were asked to identify any real or perceived conflicts of interest and were tested on issues of probity. They were also questioned on the time commitment for the post and the seven principles of public life.
- 7.11 A summary note of interview scores and candidate suitability for appointment was completed and signed by the panel.
- 7.12 One candidate withdrew from the competition prior to interview.

Applicant Summary

- 7.13 At interview, seven candidates were found to be suitable for appointment.
- 7.14 The three candidates found unsuitable for appointment were informed of the decision in a letter issued 1st August 2013, providing details of how to request feedback.
- 7.15 An applicant summary was drafted by the Department and agreed by the selection panel.
- 7.16 In what appears to have been an administrative error, the applicant summary for one candidate did not accurately reflect that candidate's performance at interview, as follows:
- Candidate A achieved a higher score than candidate B at interview.
 - The overall panel comments for Candidate A were, presumably by mistake, used to draft the applicant summary for both candidates, A and B; this included the superior interview performance of A being accredited to both candidates.
 - The panel members, when signing off the applicant summaries before presentation of the unranked list of 'appointable candidates' to the Minister, and the responsible Department officials, did not detect the error.
 - Candidate B was therefore selected for appointment by the Minister, based on an applicant summary that included inaccurate information on that candidate's interview performance.
 - Candidate A was not selected for appointment.

Recommendation: The Department should:

[1] Investigate the process that allowed a serious error to be made in the preparation of applicant summaries, and take steps to ensure that such errors are prevented in future competitions.

[2] Examine the effect that the error had on the candidates and institute whatever measures of correction or restitution it believes are appropriate.

Ministerial Decision

- 7.17 An alphabetical list of candidates found suitable for appointment was submitted to the Minister on 6th August 2013.

- 7.18 The Minister selected four candidates for appointment on 22nd August 2013.
- 7.19 Successful candidates were informed of the Ministerial decision on 2nd September 2013 and were asked to complete documentation to enable the Department to carry out pre-appointment checks. There was a subsequent delay in completing the pre-appointment checks. The Department issued a letter on 23rd October 2013 to the successful candidates advising them of this delay.

Letters of appointment were issued on 18th November 2013.

- 7.20 Letters to unsuccessful candidates, advising them of the Minister's decision, were not issued until 22nd October 2013. This was the first correspondence with these candidates since their interviews in late June. 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."

Candidates should have been kept apprised of the situation.

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

Feedback

- 7.22 The Department had clear and comprehensive procedures for handling requests for feedback. These were adhered to.

Announcing the Appointment

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

General Conclusions

- 8.01 This competition, which was carefully planned and generally conducted in an excellent manner was, unfortunately, marred by a serious administrative error in the preparation of applicant summaries for the Minister, which may have influenced the outcome. There was also some lack of regard for candidates shown in the lengthy delay in informing some candidates that they had been unsuccessful.

Summary of Recommendations

- 9.01 It is recommended that in future competitions the requirement for details of 'private sector appointments' should be removed.
- 9.02 It must be made clear on all Application Forms that if an applicant is appointed, some of the information they have provided will be placed in the public domain.

- 9.03 It is recommended that in future competitions panel members score candidates individually at interview, before an agreed score is allocated.
- 9.04 The Department should investigate the process that allowed a serious error to be made in the preparation of applicant summaries, and take steps to ensure that such errors are prevented in future competitions.
- 9.05 The Department should examine the effect that the error had on the candidates and institute whatever measures of correction or restitution it believes are appropriate.
- 9.06 The Department must ensure that all candidates are kept informed of the progress of their application.