



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

FOLLOW-UP REPORT
April 2013

ON RECOMMENDATIONS MADE IN SEPTEMBER 2012 AUDIT OF

DE – General Teaching Council

Competition to appoint three members to the General Teaching Council - Follow-up review of audit

The report of the investigation into the process to appoint three members to the General Teaching Council for Northern Ireland (GTC) was issued to the Department of Education (DE) Minister and Permanent Secretary on 11 September 2012. The DE Minister responded to the Commissioner on 28 September 2012 and indicated that the Department had accepted all recommendations within the report. The DE Permanent Secretary wrote to the Commissioner on 3 October 2012 and provided details of proposed Departmental action to address each of the 12 recommendations with regard to future DE public appointment competitions.

The Commissioner wrote to the Minister on 29 March 2013 advising him that, in accordance with CPA NI standard procedures, a follow-up review would be conducted to establish whether the recommendations within the report had been implemented.

On request from CPA NI, Central Support & Co-ordination Unit within DE provided documentation relating to two recent competitions. One was to appoint a Chair and seven members to the Council for Curriculum, Examinations and Assessment (CCEA), and the second was to appoint a Chair and four members to the Education Skills Authority (ESA). General Departmental policy guidance relating to late applications, and guidance to applicants on criteria-based selection was also provided.

Detailed below are the 12 recommendations, the Departmental responses and a summary of the CPA NI findings following review of the documentation described above.

Breaches of the Code

Recommendation 1

The Department must ensure that all panel members have received timely and relevant training as specified within paragraph 3.10 of the Code.

Departmental response to recommendation 1

The Team Leader managing the appointment process will be responsible for keeping and providing a complete audit trail to the Compliance Officer. The Team Leader will work closely with the Compliance Officer to ensure their requirements are met.

Follow-up findings

The Department provided evidence confirming that all panel members involved in a recent public appointments competition had received appropriate training.

This recommendation has been actioned.

Recommendation 2

The Department should simplify its request for addresses, and seek details of candidates' qualifications only when necessary for a specific post.

Departmental response to recommendation 2

The Team Leader will develop a bespoke application form for each public appointment competition to ensure it reflects the latest guidance from the Commissioner's office.

Follow-up findings

The Department provided a copy of an application form for the appointment of members to the ESA. This application form was clear and straightforward, and asked applicants to provide a main and a correspondence address only, and did not seek information relating to applicants qualifications.

This recommendation has been actioned.

Recommendation 3

To fulfill the requirements in paragraph 3.31 of the Code that 'Full contemporaneous records of all the assessment procedures, deliberations and outcomes must be kept', it is essential that agreed scores after moderation are accompanied by the panel's reasons for the agreed score.

Departmental response to recommendation 3

The Team Leader managing the appointments process will be responsible for advising the panel throughout the appointment process and will highlight the importance of documenting all decisions clearly.

Follow-up findings

The agreed panel candidate interview summaries for the candidates interviewed for the posts of Chair and members to the Council for the CCEA were reviewed. It was evident from this documentation that details of panel members' agreed decisions regarding interview performance were accurately recorded.

This recommendation has been actioned.

Recommendation 4

The Department must ensure that it complies with paragraph 3.43 of the Code, which states 'The applicant summary will 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.'

Departmental response to recommendation 4

The Team Leader will provide the Minister with an analysis of the applicants' skills and experience based on the information provided by each applicant in the appointment process.

Follow-up findings

The submission provided to the Minister on 11 December 2011 regarding the appointment of the Chair and seven members to the Council of the CCEA was reviewed. The submission contained comprehensive applicant summaries that

included a pen picture of each applicant's experience and an agreed panel summary of their performance at interview.

This recommendation has been actioned.

Recommendation 5

A record of the Minister's decision is a requirement of the Code. The Department must ensure that it complies with paragraph 3.45, that is; 'When the Minister has made the decision whom to appoint and whom not to appoint, the reasons for these decisions will be recorded'.

Departmental response to recommendation 5

The Central Support Team will develop a template for the Minister to complete, recording the reasons for his decisions.

Follow-up findings

A template was provided to the Minister with the above CCEA submission. The Minister completed this template on 3 January 2013 indicating his reasons for selecting the eight appointees.

This recommendation has been actioned.

Recommendation 6

The Department must ensure that CPA NI is provided with a copy of all press releases for public appointments, as specified in paragraph 3.50 of the Code.

Departmental response to recommendation 6

The Team Leader managing the appointment process will be responsible for ensuring the press release is copied to CPA NI at the time of publication.

Follow-up findings

The press release regarding the appointment of the Chair and seven members to the Council of the CCEA was released on 30 January 2013. It was fully compliant and CPA NI was advised at the time of issue.

This recommendation has been actioned.

Recommendation 7

Paragraph 5.3 of the Code relates to recording and retention of documents. It states 'Departments will ensure a full and complete audit trail is readily available including all pertinent contemporaneous records. The unit administering the process will be responsible for collating all appropriate records from throughout the Department etc and making them available for audit or as requested by the Commissioner.' It is essential that this paragraph is complied with. The Department must ensure that for future audits all documentation is provided to CPA NI.

Departmental response to recommendation 7

The Team Leader managing the appointment process will be responsible for keeping and providing a complete audit trail to the Compliance Officer. The Team Leader will work closely with the Compliance Officer to ensure this requirement is met.

Follow-up findings

The Department provided in a timely manner, all the necessary documentation that was requested for the follow up review of the GTC audit.

This recommendation has been actioned.

Matter of 'Less than Best Practice'

Recommendation 8

The Department should ensure that, in future, board member vacancies are addressed and planned for, and competitions to recruit new members are commenced in a timely manner.

Departmental response to recommendation 8

The Team Leader managing the appointment process will consider public appointment competitions in a timely manner.

Follow-up findings

Evidence provided by the Department demonstrates that it is implementing this recommendation.

This recommendation has been actioned.

Recommendation 9

In the light of previous experience in public appointments, it is unlikely that the welcoming statement alone would be successful in attracting a significantly wider range of candidates; the Department should consider how it might, in future competitions, target, inform and encourage under-represented sections of the community.

Departmental response to recommendation 9

The Team Leader managing the appointment process will consider how to reach applicants from a 'wider spectrum' and seek advice on this matter from the Central Support Team and the Commissioner's Office.

Follow-up findings

The Department responded to this recommendation by developing and enhancing the guidance notes on criteria-based selection provided to potential applicants. This guidance included supplementary information to assure prospective candidates that evidence against the criteria can be from a wide range of non employment related experiences, and explained this in user friendly language.

The advertisement for the ESA competition was issued to approximately 450 bodies / groups within the Department's Section 75 list, and included an informative narrative about the posts.

This recommendation has been actioned.

Recommendation 10

The rejection procedure for late applications should be carried out prior to short-listing.

Departmental response to recommendation 10

The Team Leader managing the appointment process will be responsible for ensuring that rejection procedures are followed.

Follow-up findings

The Department received one late application for the competition to appoint members to the Board of the Education and Skills Authority. A copy of the rejection letter to this applicant was reviewed, and it had been handled in line with the Department's policy on late applications.

This recommendation has been actioned.

Recommendation 11

In future competitions, the Department should consider a longer application period than the 10 days given in this competition. This would allow for greater coverage of potential applicants and give applicants a more reasonable period in which to deal with the complexities of the application process. This is all the more important when the Department is, in its own words, seeking applicants from a wider spectrum; it is likely that such candidates will be unused to the public appointment application process.

Departmental response to recommendation 11

The Team Leader managing the appointment process will ensure that the period for return of application forms is reasonable and allows sufficient time.

Follow-up findings

The advertisement to appoint a Chair and four members to the Education and Skills Authority first appeared in the press on 22 November 2012. The closing date for receipt of applications was 19 December 2012, making a four week application period.

This recommendation has been actioned.

Recommendation 12

The Department should consider providing to the Minister, for signature, all letters to candidates who have been deemed appointable and whose names have been submitted to the Minister for possible appointment. As a matter of good practice, letters advising of the Minister's decision should be issued to all such candidates on the same date [successful or unsuccessful]. This will ensure openness and transparency and avoid potential embarrassment to individual candidates.

Departmental response to recommendation 12

The Team Leader managing the appointment process will ensure that

- The Minister signs all letters to candidates that he has considered; and
- All applicants are notified of the outcome of a competition at the same time.

Follow-up findings

The letters to the candidates selected for appointment by the Minister to the post of Chair and members to the Council of the CCEA, and the letters to the five

candidates not selected for appointment, were reviewed. The letters to all 13 candidates were signed by the Minister on 22 January 2013.

This recommendation has been actioned.

Conclusion

Having reviewed the documentation provided, it can be concluded that the 12 recommendations, included within the report of the audit of the competition to appoint three members to the General Teaching Council for Northern Ireland (GTC) have been implemented by the Department for Education.

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