

CPANI

The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Audit Report 2014/2015

Appointment of a Commissioner for Children and Young People

Office of the First Minister and deputy First Minister

March 2015

Introduction

- 1.01 A competition to appoint a Commissioner for Children and Young People was selected for audit as part of the 2014/15 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPA NI). This competition was administered by the Office of the First Minister and deputy First Minister (OFMDFM) in conjunction with HR Connect the Human Resource Shared Service provider for Government Departments.
- 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 February 2014.
- 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 six breaches of the Code and nine instances of 'less than best-practice' practice were identified.
- For each breach of the Code and each identified issue of 'less than best-practice', CPA NI has produced a recommendation which the Department must address.
 - Recommendations are summarised at the end of the report and will be followed up by CPA NI in subsequent audits for evidence of implementation by the Department.
- 2.02 CPA NI carried out a comprehensive review of all appropriate records, as provided by the OFMDFM Legislation, Finance and Governance branch and HR Connect.

Acknowledgements

- 3.01 The Commissioner would like to thank the staff from the OFMDFM Legislation, Finance and Governance branch and HR Connect for their assistance and

cooperation throughout this audit.

Involvement of Young People

4.01 In keeping with previous competitions, it was decided to involve young people in the selection process. Inviting nominations from relevant organisations, the Department assembled a panel of young people from a range of backgrounds to participate in the final assessment stage of this appointment process.

The Department appointed a Key Facilitator to the young people, whose role was to be the first point of contact for any queries the young people had, to organise and deliver training for the young people and to be present during the final assessment stage to offer support and advice.

This final assessment stage consisted of three parts:

- A Role Play exercise.
- A Presentation.
- An Interview.

The role play exercise was conducted and assessed by the panel of young people.

The presentation was made to, and assessed by, an adult selection panel along with two young people.

The interview was conducted and assessed by the adult selection panel.

Stage 1 – Initial Planning of recruitment competition

Independent Assessor

5.01 CPA NI allocated two Independent Assessors to this competition.

One Assessor was allocated on 28th March 2014.

A second independent Assessor was allocated in June 2014; this Assessor monitored and assisted the team of young people in carrying out a role play exercise for candidates as part of the final assessment. This Assessor had no input to the scoring of applicants.

The Selection Panel

5.02 The selection panel consisted of:

- a senior official from the Department of Education, who chaired the panel;
- a senior official from the Department for Health, Social Services and Public Safety;
- a senior official from OFMDFM; and
- a CPA NI Independent Assessor.

- 5.03 The Department ensured that all selection panel members were fully trained in line with the Code. The selection panel members signed confidentiality forms.

Role Profile and Person Specification

- 5.04 The role profile and person specification were developed by OFMDFM. These included all the information required by the Code.
- 5.05 Applicants were required to meet eight essential criteria. Two further desirable criteria were included should they be required for short-listing purposes.

Ministerial Authorisation and Planning

- 5.06 A submission containing the role profile, person specification and appointment plan was approved by Ministers on 2nd June 2014. Ministers requested an unranked list of candidates.
- 5.07 Subsequent to this, changes were made to the essential and desirable criteria following a meeting of the selection panel on 9th June 2014. These changes were made without further involvement or comment from Ministers.

Paragraphs 3.2 and 3.5 of the Code require Ministers to agree the person specification, including the criteria for appointment, for each appointment process. Any subsequent amendment to the criteria at a later stage in the process must receive Ministerial approval.

- 5.08 **Breach: The Department breached paragraphs 3.2 and 3.5 of the Code.**

Recommendation: The Department must obtain Ministerial agreement for the criteria for appointment.

- 5.09 The appointment plan, which included all items required by the Code, was insufficient in detail.

For example, the names of the selection panel members were not included.

- 5.10 **Recommendation: 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.**

- 5.11 Paragraph 3.6 of the Code requires Departments to prepare an appointment plan, which will include,

“A section on diversity which sets out what steps (in outreach and process) will be taken to achieve the best possible spread of applicants and, ultimately, appointees.”

There was no evidence in the appointment plan, of a proactive and planned approach to Diversity. This limited the steps taken to improve Diversity throughout

the appointment process.

5.12 **Breach: The Department breached paragraph 3.6 of the Code.**

Recommendation: The Department must ensure that the appointment plan includes a section on Diversity which sets out the steps, in outreach and process, which will be taken to achieve the best possible spread of applicants.

Stage 2 - Preparation

Information Pack and Application Form

6.01 The Information Pack included all the key components required by the Code.

Guidance was provided on completing and submitting an Application Form, and on the final assessment stage of the process.

6.02 Potential applicants were informed that:

“You can use examples from either your working life or your personal life including any voluntary or community or trade union work you are, or have been, involved in.”

CPA NI welcomes this positive approach by the Department in encouraging applicants to highlight relevant skills and experiences, however gained, when addressing the criteria in the Application Form.

6.03 Applications were required to be submitted by hard copy, or by completing the online Application Form. HR Connect did not accept Application Forms by e-mail nor were potential applicants able to download an electronic version of the application form to complete.

6.04 **Recommendation: The Department should reconsider the decision taken not to accept applications by e-mail.**

6.05 Paragraph 3.21 of the Code requires that Application Forms must be clear and straightforward and ask only what is truly required.

The online application form asked applicants for the date they moved to their address, their town and country of birth and whether they are currently, or have ever been employed by the Northern Ireland Civil Service (NICS). None of this information is asked for in the hard copy Application Form.

CPA NI would query why this information is required when it plays no part in the recruitment process.

6.06 **Breach: The Department breached paragraph 3.21 of the Code. The application form requested information which was extraneous to the Public Appointment process. The seriousness of this breach is compounded by two factors:**

1. The online form asked for this information and the hard copy did not.
2. This issue was raised in a previous audit and has clearly not been addressed.

Recommendation: The Department should take steps to ensure that information requested from Applicants is relevant to the appointment, and Application Forms in different formats, for example online or hard copy, should be identical in the questions they ask.

- 6.07 The online Application Form included a text box, introduced by the following statement.

“If your country of birth is NOT in one of the categories listed in the ‘Nationality’ paragraph of the Candidate Information Booklet, please state how you meet the nationality requirements for this post.”

There is no such paragraph or nationality requirement in the Information Pack.

This is unacceptable, leading to potential confusion among candidates or suspicion that there might be ‘nationality restrictions’ on this public appointment.

- 6.08 **Breach: The Department breached paragraph 3.21 of the Code.**

Recommendation: The Department must ensure that it complies with paragraph 3.21 of the Code, in particular that “all application forms must be clear and straightforward and should ask only what is truly required”.

- 6.09 Part Two of the application form asked applicants to detail all relevant employment, self employment and voluntary experience. Information provided by applicants in this section of the application form was provided to the selection panel prior to the eligibility sift.

- 6.10 **Breach: The Department breached paragraph 3.21 of the Code.**

Recommendation: It is recommended that in future competitions the requirement for a ‘list-style’ employment history should be removed. Candidates should be encouraged to use such information in answers to the questions on the competencies.

- 6.11 Part three of the application form asked applicants to,

“provide details of any current or previous appointments to which you were appointed by any Government Minister or Department, giving the dates you held the appointment, the position and the name of the relevant public body.”

Departments are required by the Code to include, in a press release, any current Ministerial Public Appointments held by the successful candidate(s) and details of any remuneration received. This does not necessitate a list of all previous public

appointments held.

- 6.12 **Recommendation: In future competitions the requirement to list details of previous public appointments held should be removed.**

- 6.13 Part three of the online Application Form appears to include "Previous and current Public Appointments" as part of the eligibility and short-listing criteria.

The hard copy format appears to indicate the "Previous and current Public Appointments" are not part of the eligibility and short-listing criteria.

This could substantially affect how applicants address this requirement.

- 6.14 **Recommendation: All information requested in the Application Form should be included in the appropriate section, and should be consistent across all formats of the Form.**

- 6.15 Applicants were asked to provide their National Insurance Number on their Application Form. There appears to be no job related reason for asking for this.

This request for a National Insurance Number is less than best practice as highlighted in Paragraph 10D.7 of the Equality Commission for Northern Ireland's "Unified Guide to Promoting Equal Opportunities in Employment".

- 6.16 **Recommendation: All information requested from Applicants should be relevant to the vacancy.**

Monitoring Form

- 6.17 Applicants were asked to complete and return an Equal Opportunities Monitoring Form. The form included the following statement,

"Please Note this form is regarded as part of your application and failure to complete and return it will result in disqualification."

As Public Appointments are based on merit, CPA NI is unable to accept that Monitoring Forms are "part of your application" and therefore unable to accept that "failure to complete and return it will result in disqualification".

- 6.18 **Recommendation: Monitoring Forms should only be used for the accumulation of statistical details and should not be regarded as part of an application or a basis for disqualification.**

Stage 3 - Encouraging Applications

- 7.01 The vacancy was advertised in a wide range of regional and national newspapers. It was posted on the websites of CPA NI, OFMDFM and NICS Recruitment.

A press release was issued by the junior OFMDFM Ministers on 23rd June highlighting the beginning of the recruitment process, and encouraging applications.

The vacancy was included in the March 2014 edition of "All Aboard", the OFMDFM public appointments news-sheet.

There was no evidence of any outreach by the Department towards any under-represented groups.

Recommendation: In the interests of achieving greater diversity in Public Appointments the Department should consider enhancing its outreach activity in addition to advertising and press releases.

Stage 4 - Selection

Processing Applications

8.01 The closing date for applications was 7th July 2014. Forty-seven applications were received.

8.02 The application period ran from 20th June until the closing date. Given that this took place at the beginning of the summer and there was a large number of criteria to be addressed in the Application Form, this application period could be considered to be insufficient.

8.03 **Recommendation: The Department should allow for a suitable application period taking into account generally defined holiday periods and the amount of time and input required from applicants.**

Sift

8.04 Selection panel members attended a meeting on 17th July 2014 to assess the applications for eligibility.

8.05 Anonymous copies of all Application Forms were provided to the selection panel members prior to this meeting.

These application forms included details of employment history and current and previous public appointments.

8.06 Each member of the selection panel completed an assessment sift matrix recording whether or not each applicant met the essential criteria. A summary of the panel's collective decision on each applicant was documented and agreed by all selection panel members.

It was agreed by the selection panel members that the desirable criteria would not be applied.

- 8.07 A letter to those applicants who did not pass the eligibility sift was issued on 21st July 2014. The letter advised applicants of the panel's decision and provided feedback on the criteria not met.
- 8.08 This letter did not provide details of the reassessment process, nor was any information on reassessment included in the Information Pack, or anywhere in the competition documentation.
- 8.09 **Recommendation: The Department must ensure that applicants are made aware of the process by which they can have their applications reassessed.**
- 8.10 Twelve applicants passed the eligibility sift and were invited for interview.

Final Assessment

- 8.11 A letter inviting candidates for the final assessment stage was issued on 22nd July 2014. The letter provided information on the three parts of this assessment.
- 8.12 One candidate withdrew from the competition prior to the final assessment.
- 8.13 The final assessment stage took place on 4th, 5th and 6th August 2014.
- 8.14 Candidates first took part in a role play situation with seven young people.

Three other young people completed an assessment booklet for each candidate; an individual panel member score was recorded along with a justification for the score awarded. An agreed panel score was also recorded.

The CPA NI Independent Assessor was present to monitor and assist the panel of Young People in performing the role play exercise.

- 8.15 Following the role play, candidates were given thirty minutes to prepare a brief presentation.

The presentation was assessed by the selection panel along with two young people, each of whom completed an assessment booklet; an individual panel member score was recorded along with a justification for the score awarded. An agreed panel score was also recorded.

- 8.16 Immediately following the presentation each candidate was interviewed by the selection panel.

Each panel member completed an individual assessment booklet for each candidate, to record the evidence against the criteria. An individual panel member score was recorded along with a justification for the score awarded. An agreed panel score was also recorded.

- 8.17 All candidates were asked to identify any conflict of interest and were tested on issues of integrity. They were also questioned on the seven principles of public life.
- 8.18 The selection panel discussed the following items with each candidate:
- Time commitment for the post
 - Pre-appointment checks
 - Information which may be included in a subsequent press release.
- 8.19 A combined score sheet recording the agreed scores for all candidates from the three parts of the final assessment, along with a combined score, was signed by everyone involved in the scoring of candidates. This sheet also recorded the final determination on whether or not each candidate was suitable for appointment.
- 8.20 There was no scope for the rearrangement of dates for candidates due to take part in the final assessment stage.

While the decision to hold the final assessment stage during the summer was deemed necessary to allow for the inclusion of young people in the process, the fact that assessment dates could not be rearranged may have proved difficult for potential applicants.

Applicant Summary

- 8.21 Five candidates were found to be suitable for appointment.
- 8.22 Candidates were informed of the outcome of the final assessment stage in a letter dated 21st August 2014.
- 8.23 Applicant summaries were drafted by the Department. Each applicant summary utilised information from the candidates' Application Forms and comments from the selection Panel, and the panel of young people, during the final assessment stage.

Ministerial Decision

- 8.24 An alphabetical list of the five candidates was submitted to Ministers on 29th August 2014.
- 8.25 On 17th November 2014, Ministers selected a candidate for appointment.
- 8.26 A letter informing the candidate of the Ministers' decision was issued on 3rd December.
- 8.27 The unsuccessful candidates were informed of the decision by letter dated 3rd December 2014.
- 8.28 This was the first contact with candidates since the final assessment stage in August. 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.

8.29 Breach: The Department breached paragraph 3.25 of the Code.

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

Announcing the Appointment

8.30 The Department announced the appointment in a press release which fulfilled the requirements of the Code.

Post-Appointment

8.31 One request for feedback was received, and was handled by the Chair of the selection panel via HR Connect.

General Conclusions

9.01 This competition to appoint a Commissioner for Children and Young People failed to a substantial degree to comply with the Code of Practice. Highlighted by six breaches of the Code and nine instances of ‘less than best practice’.

It is particularly disappointing that issues arising in this audit have been highlighted for action in previous audits. One example of this is the inconsistency between hard copy and online application forms. There is an urgent need to improve departmental management of the work of third party providers such as HR Connect.

In light of these findings, the Department should give urgent attention to all of the recommendations of this report.

Summary of Recommendations

10.01 The Department must obtain Ministerial agreement for the criteria for appointment.

10.02 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.

10.03 The Department must ensure that the appointment plan includes a section on Diversity which sets out the steps, in outreach and process, which will be taken to achieve the best possible spread of applicants.

10.04 The Department should reconsider the decision taken not to accept applications by

e-mail.

- 10.05 The Department should take steps to ensure that information requested from Applicants is relevant to the appointment, and Application Forms in different formats, for example online or hard copy, should be identical in the questions they ask.
- 10.06 The Department must ensure that it complies with paragraph 3.21 of the Code, in particular that “all application forms must be clear and straightforward and should ask only what is truly required”.
- 10.07 It is recommended that in future competitions the requirement for a ‘list-style’ employment history should be removed. Candidates should be encouraged to use such information in answers to the questions on the competencies.
- 10.08 In future competitions the requirement to list details of previous public appointments held should be removed.
- 10.09 All information requested in the Application Form should be included in the appropriate section, and should be consistent across all formats of the Form
- 10.10 All information requested from Applicants should be relevant to the vacancy.
- 10.11 Monitoring Forms should only be used for the accumulation of statistical details and should not be regarded as part of an application or a basis for disqualification.
- 10.12 In the interests of achieving greater diversity in Public Appointments the Department should consider enhancing its outreach activity in addition to advertising and press releases.
- 10.13 The Department should allow for a suitable application period taking into account generally defined holiday periods and the amount of time and input required from applicants.
- 10.14 The Department must ensure that applicants are made aware of the process by which they can have their applications reassessed.
- 10.15 The Department must ensure that all candidates are kept informed of the progress of their applications.