

CPANI

The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

AUDIT REPORT 2012 / 13

**Department for Regional Development (DRD) –
Warrenpoint Harbour Authority**

March 2013

DEPARTMENT FOR REGIONAL DEVELOPMENT

WARRENPOINT HARBOUR AUTHORITY

1 Introduction

- 1.1 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.
- 1.2 A competition carried out by the Department for Regional Development (DRD) was selected to be audited during the 2012/13 year. The main objective was to evaluate whether the Ministerial appointments of two members to the Board of the Warrenpoint Harbour Authority (the Authority) were made in accordance with the Code. The Commissioner wrote to the Permanent Secretary informing him of his decision to carry out the audit.
- 1.3 What follows are the results of a stage by stage examination of the process used to make the appointments, using the Code as a guide.
- 1.4 The Commissioner for Public Appointments for Northern Ireland (CPA NI) would like to thank the staff from the Air and Sea Ports Branch, DRD for their assistance and co-operation during this particular audit.

2 Ministerial Responsibility and Involvement

- 2.1 The DRD Minister is responsible for making the appointments under Schedule 1 of the Warrenpoint Harbour Authority (Northern Ireland) 2002. A competition initiation meeting took place on 8 March 2012. It was clear that the Department gave careful consideration to the selection criteria, consulted with the Authority regarding the person specification, and took on board agreed amendments regarding personal attributes that would supplement existing Board skills. The Department sought and received Ministerial approval by means of a submission dated 13 March 2012 for the commencement of the appointment process.
- 2.2 A submission dated 10 May 2012 requested Ministerial approval for necessary aspects of the process, including the role profile, the person specification, the advertisement and the manner in which the Minister required the list of suitable candidates to be presented to him. The submission did not include the appointment plan as is required in paragraph 3.2 of the Code.

- 2.3 **In order to comply with paragraph 3.2 of the Code and to fully inform the Minister of the detail and timeframe for key aspects of the process, the Department should ensure that an appointment plan is included in all future Ministerial submissions relating to public appointment processes.**

3 Planning

- 3.1 The person specification consisted of essential criteria only. This included specific criteria to meet the requirements of the legislation. The legislation requires that successful candidates must have experience in commercial shipping or related senior maritime experience. The additional attributes that were sought were senior management, interpersonal and communication skills.
- 3.2 The Department did not stipulate any requirement for formal qualifications. This is a positive approach to ensuring that applicants with non-traditional career paths and backgrounds would be encouraged to apply.
- 3.3 The Department prepared a detailed and comprehensive appointment plan that addressed all the requirements of the Code.

4 The Selection Panel

- 4.1 The selection panel comprised two Departmental representatives, the Chair of the Authority and an Independent Assessor allocated by CPA NI. The selection panel was appointed at the outset of the selection process and took part in all the relevant stages.
- 4.2 All selection panel members were trained in line with the requirements of the Code and the Department provided some update on the requirements of the Code of Practice and diversity and equality issues at the sift assessment meeting.
- 4.3 The appointment timetable was agreed by the selection panel and was monitored and managed throughout the process.

Encouraging Applications

5 Publicising the appointment

- 5.1 Publicity was designed to ensure that a wide and diverse audience was made aware of the appointments and encouraged to apply. The appointments were advertised in five newspapers, three regional and two local. The advertisement was also issued to an extensive list of Section 75 groups, under-represented groups, Trade Union groups and various appropriate websites.

- 5.2 The advertisement was available in alternative formats and carried the CPA NI logo. In addition to the requirements of the Code, it included the expected date of appointment and indicated that interview travelling expenses could be reimbursed.

6 Information Pack / Application Form

- 6.1 The information pack addressed all the requirements of the Code. It was clear and straightforward, and the language used was consistent with the application form and guidance notes. The guidance notes on completion of the application form provided clear guidance on how the applicant should illustrate examples in order to best describe their experience. It also provided examples of a complete and an incomplete response to a criterion. The four criteria matched those in the person specification, and each criterion was addressed with straightforward questions. There were no arbitrary restrictions on the use of technology in completing the application form.
- 6.2 The application form requested work experience / employment details for the previous 10 years. The Department advised that this is done because the legislation associated with these appointments specifies in detail the experience that candidates are required to demonstrate. In order to encourage potential applicants with non-traditional career-paths and backgrounds to ensure that there is no direct or indirect discrimination against applicants and that diverse attributes are recognised and valued, the guidance notes included the statement, *'We are particularly interested in any experience which would have special relevance for the appointment. This information will help to set the context for assessment of competencies by the interview panel. However, do not be concerned if you have not been in employment for any or all of the last 10 years. You will have had the opportunity in Section 3 to outline your suitability for appointment, and to tell us how you have gained these skills outside of the normal employment field'*.
- 6.3 The application form also included a section for 'Other relevant experience' which provided the applicant with the opportunity to provide details of any other positions held that may be relevant to the post. This is a positive step to encourage applicants who have not gained work experience within the previous 10 years.
- 6.4 The application form requested applicants to include details of two referees. This was in line with Departmental policy. It is not a requirement of the Code.
- 6.5 The guidance notes included the statement, *'The Commissioner for Public Appointments (NI) requires Departments to monitor the gender, age, ethnic origin, community background and disability of candidates to ensure that equal opportunity measures are effective'*.

This statement is incorrect. It is not a requirement of the CPA NI Code of Practice.

- 6.6 **The Department should ensure that the statement regarding monitoring information requirements is corrected and an accurate and more appropriate statement included in future guidance for applicants.**

7 Closing date

- 7.1 The closing date for the receipt of applications was Tuesday 19 June 2012. This date was included in the covering letter, information pack and on the front cover of the application form. An application period of four weeks was given and there were no late applications. All applicants were advised of the outcome of their application by letter dated 5 July 2012.

8 Selection of Applicants

- 8.1 There were 25 applications received. The short-listing exercise was carried out by all panel members on 26 June 2012 and 2 July 2012. All equal opportunity monitoring forms were removed before the application forms were provided to the panel.
- 8.2 Prior to the first meeting the selection panel was provided with a short-listing pack that contained a copy of each of the 25 applications, guidance for the sift assessment, assessment scoring matrices, marking framework and relevant Departmental policies. Each panel member carried out an individual assessment of each application prior to the meeting.
- 8.3 At the first meeting the selection panel agreed the marking framework and agreed that a score of three or more was needed for the criteria required by legislation. The panel also agreed on an overall pass mark of 12 or over in order to progress to interview. The panel members recorded whether they knew any of the applicants in a personal or professional capacity and the extent of any relationship.
- 8.4 The Department retained the necessary supporting documentation. The agreed panel score for each applicant was supported by a record of each panel member's comments for each criterion. It was clear to see how each panel member had assessed and scored each application and how the subsequent moderation discussions led to the agreed overall application score. This provided an assurance that the selection panel was thorough, fair and consistent in its short-listing approach.
- 8.5 An 'Agreed panel overall assessment of evidence' was completed, signed and dated by each panel member for each applicant. This

included a statement on whether or not the applicant had met the criteria and was or was not invited to interview. The panel agreed on 15 candidates who met the pass mark and could be invited to interview. None of the applicants requested a review of the decision not to shortlist. One of the 15 applicants was then disqualified from the process having already completed the maximum number of terms allowed to sit on the Board. Two further candidates subsequently withdrew from the process prior to interview.

9 Final Assessment

9.1 Twelve candidates were interviewed on 24, 25 and 26 September 2012. The questions posed at the formal interview were consistent with the criteria in the person specification and information pack. All panel members had the opportunity to review and provide input to the drafting of the questions. The panel agreed candidates had to score at least three in each criterion to be considered suitable for appointment.

9.2 All panel members marked each candidate individually after each interview. In instances of a variation of scores between panel members, a moderation discussion took place to reach an agreed panel mark. All panel members signed an 'Agreed Panel Mark Frame' document for each candidate, which gave an indication of how each candidate performed in each criterion in relation to the agreed marking frame and provided supporting narrative for each score. The panel agreed and signed the 'Summary of Panel Agreed Scores at Interview' document which indicated that the candidate was or was not suitable for appointment. This document was consistent with the agreed panel score document for each candidate.

9.3 The candidates were asked questions on probity and conflicts of interest. Two candidates identified potential issues. Following interview the selection panel undertook further investigation of these issues and provided details within the applicant summaries provided with the Ministerial Submission.

Appointment

10 Ministerial Submission

10.1 At the outset of the process, the Minister had requested an unranked list of candidates deemed suitable for appointment. On 19 September 2012 the Minister was provided with equality and diversity training, and training on the requirements of paragraph 3.44 of the Code of Practice regarding the Ministerial Decision. The Commissioner commends the Department for this approach which helps to ensure the Minister is fully informed of his responsibilities in selecting candidates for appointment.

- 10.2 The selection panel found five of the twelve candidates interviewed to be suitable for appointment. A submission was presented to the Minister on 12 October 2012 which included an applicant summary for each suitable candidate. The applicant summary provided 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'*, as required in paragraph 3.42 of the Code.
- 10.3 The submission also provided the Minister with details of any conflicts of interest. It also included the independent panel member's report which provided an overview of her involvement in the key stages of the appointment process.

11 Ministerial Decision

- 11.1 The Minister selected two candidates for appointment and agreed to establish a reserve list consisting of one of the remaining candidates. The Minister formally recorded his reasons for appointing and not appointing the candidates. Sufficient information was maintained to provide meaningful feedback to unsuccessful candidates.

12 Feedback

- 12.1 The Department had clear and comprehensive policy and procedures on handling requests for feedback and reassessment.
- 12.2 Two candidates who were unsuccessful at interview and therefore not recommended to the Minister as being suitable for appointment requested feedback on their interview. The Chair provided written and verbal feedback to both candidates. Both candidates indicated that the feedback addressed their concerns and both stated they did not wish to take the matter further.
- 12.3 One of the candidates was not issued with an acknowledgement to his e-mail seeking feedback, and therefore wrote in complaint to the Minister one week later. The Chair of the panel responded with written feedback four days later. This feedback response was compliant with the Department's policy of responding to a feedback request within ten working days. However, a short acknowledgement ought to have been issued to the candidate by e-mail.
- 12.4 **In order to comply with paragraph 3.25 of the Code, to ensure applicants are kept informed of the progress and ultimate outcome of their application in a timely and courteous manner, an acknowledgement letter or e-mail should be issued by return, to all applicants who request feedback.**

13 Announcing the Appointment

13.1 The Minister wrote to the two successful applicants on 8 November 2012 to confirm their appointment. The Chair of the selection panel wrote to the reserve list candidate on 8 November 2012 to advise him of the Minister's decision to include him on a reserve list for up to one year. Letters were also issued from the panel Chair on 8 November 2012 to the two candidates not selected for appointment by the Minister and to the seven candidates who were unsuccessful at interview.

13.2 The public announcement was issued as a press release on 9 November 2012. The press release met the requirements of the Code and it was copied to CPA NI. All members of the selection panel were advised of the Minister's decision prior to the public announcement.

14 General Observations

14.1 This was a well planned and generally well run competition. The Department sought to ensure potential applicants were effectively informed of the requirements and personal attributes necessary for the role. The Department and selection panel maintained properly documented evidence to support decision-making. The process was open and transparent and designed to ensure that applicants were judged solely on merit. The Department had effective systems in place to communicate relevant information to the selection panel and senior departmental personnel in a timely manner.

15 Overall Conclusions

15.1 The evidence provided demonstrates that the Department complied with the Code in most respects. Action will be required to address the three issues highlighted in the recommendations below. A follow-up will be conducted by the Commissioner's office in due course. It is worth noting that the timely provision of training to the Minister, regarding his responsibilities in selecting candidates for appointment, is a positive and proactive step towards ensuring public confidence in the appointments process.

16 Recommendations

16.1 In order to comply with paragraph 3.2 of the Code and to fully inform the Minister of the detail and timeframe for key aspects of the process, the Department should ensure that an appointment plan is included in all future Ministerial submissions relating to public appointment processes.

16.2 The Department should ensure that the statement regarding monitoring information requirements is corrected and an accurate

and more appropriate statement included in future guidance for applicants.

- 16.3 In order to comply with paragraph 3.25 of the Code, to ensure applicants are kept informed of the progress and ultimate outcome of their application in a timely and courteous manner, an acknowledgement letter or e-mail should be issued by return, to all applicants who request feedback.