



The Commissioner
for Public Appointments
Northern Ireland

“Guardian of the Public Appointment Process”

Appointment of members to the Northern Ireland Statistics Advisory Committee

Department of Finance and Personnel

September 2013

Introduction

1. A competition to appoint seven members to the Northern Ireland Statistics Advisory Committee (SAC) was selected for audit as part of the 2013/14 audit programme of the Commissioner for Public Appointments for Northern Ireland (CPANI). This competition was administered by the Department of Finance and Personnel (DFP).
2. DFP contracted HR Connect, the Human Resource Shared Service provider for Government Departments, to carry out the recruitment process on their behalf.
3. 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.
4. 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.
5. 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.
6. Responsibility for appointments rests with the relevant Minister.
7. 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.

Background

8. A previous competition, run in 2009/10, to appoint ten members yielded only two applicants. Both applicants were deemed suitable and appointed to the Committee by the Minister.
9. To ensure that the Committee remained quorate, the terms of appointment for five members were extended in agreement with the Commissioner.

Approach

10. This audit report is the result of an examination of the appointment process, from which a number of audit issues have been identified, and recommendations made. CPANI carried out a comprehensive review of all appropriate records, as provided by the

Acknowledgements

11. The Commissioner would like to thank the staff from NISRA DFP for their assistance and co-operation during this audit.

Stage 1 – Initial Planning of recruitment competition

12. In April 2012 the Minister agreed to a submission requesting the extension of the terms of appointment of five members of SAC. In the same submission the Minister agreed to the commencement of a competition to appoint new members.

Independent Assessor

13. CPANI allocated an Independent Assessor at the outset of the process. The Department consulted with the Assessor on the publicity and Information Pack prior to publication. The Assessor was involved in all stages of the process.

Consultation with SAC

14. The Department contacted the Chair of SAC on 07 November 2012 asking for his views on the role profile and person specification. The Chair's suggestions were incorporated into the criteria.

The Selection Panel

15. The selection panel consisted of the Chair of SAC, the Independent Assessor and a senior official from the Department.
16. The Department ensured that 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

17. The role profile and person specification were developed by HR Connect and the Department with input from the panel members. Candidates were required to meet four essential criteria. A further “short-listing” criterion was included should it be required.

Ministerial Submission

18. The Ministerial submission was approved by the Minister on 08 January 2013. The Minister requested an unranked alphabetical pool of candidates. The submission met all requirements of the Code.

Other issues at the Planning stage

19. Paragraph 6.10 of the Code of Practice requires all panel members to sign a form committing them to observing confidentiality. The confidentiality form signed by all panel members was not dated.
20. **Recommendation:** The Department must ensure that all documentation signed by the panel is dated.

Stage 2 – Preparation

Information Pack

21. The Information Pack included all the key information required by the Code.

Application Form

22. 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. Paragraph 3.21 of the Code states that ‘arbitrary restrictions on the use of technology in completing application forms are discriminatory and should not be included’.
23. **Recommendation:** The Department should comply with the Code by not placing arbitrary restrictions on the use of technology in completing application forms.

24. Paragraph 3.21 of the Code requires that application forms must be clear and straightforward and ask only what is truly required. The online and hard copy application forms asked applicants for their town and country of birth. The online application form also asked applicants for the date they moved to their address. CPANI would query why this information is required when it plays no part in the recruitment process.
25. **Recommendation:** The Department should ensure that:
- I. Application forms ask only for information required as part of the recruitment process.
 - II. Application forms in different formats, for example online or hard copy, are identical in the questions they ask.
26. 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. DFP raised this issue with HR Connect who advised that there were some sections of the online application form that could not be changed or removed (presumably for technical reasons). This is unacceptable, leading to potential confusion among candidates or, at worst, suspicion that there might be ‘nationality restrictions’ on these public appointments.
27. **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”.
28. Part Two of the application form asked for details of employment history, including current job and any jobs or voluntary experience gained within the last ten years. A more suitable approach would be to simply ask candidates to use details of their experience in addressing each of the criteria for the post. This would be more meaningful, as a public appointments selection method, than providing a list of positions held.
29. **Recommendation:** It is recommended that in future competitions the requirement for a ‘list-style’ employment history should be removed.

Monitoring Form

30. Applicants were invited to complete an Equal Opportunities Monitoring Form as part of their application. The monitoring form included the following statement.

“Please note that the on-line application system requires a date to be entered in the ‘Age’ field before the application can be submitted.”

This is contrary to the voluntary nature of the monitoring form. It is also a further example of the inconsistency between the online and hard copy formats.

31. **Recommendation:** The Department must take the necessary steps to ensure that all application formats are consistent in the questions they ask. Information described as voluntary cannot be made compulsory, e.g. for reasons of technological convenience. The Department must ensure that third party providers, such as HR Connect, are required to adhere to this principle.

Stage 3 - Encouraging Applications

32. The vacancy was advertised in the Belfast Telegraph, the Irish News and the News Letter in January 2013. It was also posted on the Belfast Telegraph jobs website and the DFP and NISRA websites. A letter detailing the vacancy was circulated to over fifty interest groups, asking them to bring it to the attention of their members/employees. DFP had previously consulted with the current membership and Chair of SAC on which interest groups to approach. A copy of the advertisement was sent to all current members of SAC asking them to pass it to any interested parties, and was issued to Section 75 groups. DFP, in liaison with Libraries NI, issued an A4 poster to all libraries with a request it be put on display. Libraries also received an electronic image with the appropriate information, which could be displayed on the plasma television screens present in some libraries.
33. **Good Practice:** The Commissioner commends the Department for the effort put into promotion of the vacancy. CPANI considers that this would have contributed to the evident increased awareness of the vacancies. (Twenty-four applications compared with two in the previous competition.)

Stage 4 - Selection

Processing Applications

34. The closing date for applications was 12 noon, Friday 15 February 2013. Twenty four applications were received. There were no late applications. Twenty-three monitoring forms were returned.

Sift

35. HR Connect provided the Panel members with anonymised copies of all application forms. The forms contained errors such as candidate responses appearing under the wrong criterion. Responses to the short-listing criterion were also omitted. This issue was raised immediately with HR Connect who issued accurate application forms.
36. **Recommendation:** The Department must ensure that third party service providers supply panel members with accurate documentation, to enable panels to short-list properly on merit.
37. Panel members attended a meeting on 26 February 2013 to assess the applications for eligibility. It was agreed at the meeting that the 'short-listing' criterion would not be applied. The collective sift panel decisions were recorded on an assessment sift matrix, signed by all panel members. There was no documentary evidence of the sift decisions of individual panel members.
38. **Recommendation:** The Department should retain documentary evidence of individual panel members' sift decisions. This is in keeping with the principles of openness and transparency and required under paragraph 3.30 of the Code.
39. A letter to those applicants who did not pass the sift exercise was issued on 01 March 2013. The letter advised applicants of the panel's decision and provided feedback on the criteria not met. The letter did not include further information on how to contest the decision, as was stated in the Information Pack, nor did it mention the five working day time constraint for such requests.

40. **Recommendation:** The Department must ensure that information contained in the Information Pack is consistent throughout the competition. It is good practice to apprise applicants of how to have an application reassessed. (At short-listing or interview stages.)
41. Seventeen candidates passed the eligibility sift exercise and were invited for interview.

Interview

42. A letter inviting candidates to interview was issued on 28 February 2013, asking candidates to bring original documents to confirm the following:
 - I. Nationality
 - II. Identity
 - III. Address
43. In addition it stated that if candidates did not possess any identification documents which included a photograph, a 'Confirmation of Identity' form would have to be completed. It is unclear why these requirements were introduced for a public appointment.
44. **Recommendation:** The Department must ensure that only the relevant information for a Public Appointment process is sought from candidates.
45. Interviews took place on 15, 19 and 20 March 2013. Panel members were provided with detailed interview Information Packs. All candidates were asked to identify any real or perceived conflicts of interest and tested on issues of probity. Panel members completed a candidate interview assessment booklet for each candidate. An overall interview mark frame, listing the agreed panel mark and suitability for appointment, was completed and signed by all panel members. A candidate summary sheet for all suitable candidates was completed by the panel members. One panel member failed to sign one of the candidate summary sheets.
46. **Recommendation:** The Department should ensure that all panel members sign all documentation relating to the outcome of the assessment process.
47. Two candidates did not attend for interview. Invitation letters to both had been issued by e-mail on 28 February 2013. The first candidate not to attend had not confirmed his / her intention to attend. No attempt was made by HR Connect to contact this candidate in order to confirm attendance. The second candidate not to attend had responded to the invitation

letter with a request for expenses to be reimbursed for travel from outside Northern Ireland. When informed that this was not possible the candidate requested a telephone interview. The request was referred by HR Connect to DFP. There was no further correspondence to or from the candidate from when this request was made until the interview date. The panel was not advised of the candidate's request.

48. When the candidate did not attend for interview on 19 March 2013 the panel requested information. The correspondence received from the candidate was eventually sent to the panel on 26 March 2013. The panel decided not to agree to a telephone interview. Due to the delay the candidate was offered another interview date, which was declined.
49. **Recommendation:** The Department should consider, in instances where candidates do not confirm interview attendance, contacting candidates directly to confirm receipt of interview invitation. The Department should ensure that communication between all parties involved in the appointment process is effectively managed and monitored to ensure that candidates and the panel are fully apprised of any issues which arise.
50. Letters were issued to all interviewed candidates on 05 April 2013 advising of the interview outcome.
51. Those found unsuitable for appointment were advised of the decision and whether or not they had reached the minimum standard in each criterion. Candidates were given no information on how to request feedback on the decision.
52. **Recommendation:** In accordance with paragraphs 3.46, 3.47 and 3.48 of the Code the Department should appraise candidates of their right to meaningful feedback.

Ministerial Submission

53. At interview, seven candidates were found to be suitable for appointment. An alphabetical list was issued to the Minister, on 18 April 2013.
54. The summary for one candidate stated that he had "*scored full marks in his understanding of statistical information and its application*". As the Minister had previously requested an unranked alphabetical list of candidates, the Department should be careful about including statements which may be construed as a form of ranking.

55. **Recommendation:** The Department should ensure that information on candidates included in a Ministerial Submission does not contradict any decision previously taken by the Minister on how the list of candidates is to be presented.
56. The Minister chose to appoint all seven candidates. Letters of appointment were issued to them on 15 May 2013 and a press release was issued on 13 June 2013.

Announcing the Appointment

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

General Conclusions

58. Overall, whilst this competition was broadly compliant with the Code, the audit identified many instances of administrative error. The fact that there are seventeen recommendations for improvement demonstrates that there are issues requiring careful attention. It was evident that the involvement of HR Connect was a contributing factor to some of the problems identified. On the plus side, there was evidence of good practice with regard to advertising the positions widely, resulting in a significant increase in applications. A follow-up review of this audit will be conducted in six months.

Summary of Recommendations

59. The Department must ensure that all documentation signed by the panel is dated.
60. The Department should comply with the Code by not placing arbitrary restrictions on the use of technology in completing application forms.
61. The Department should ensure that Application forms ask only for information required as part of the recruitment process. The Department should ensure that Application forms in different formats, for example online or hard copy, are identical in the questions they ask.
62. 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”.

63. It is recommended that in future competitions the requirement for a 'list-style' employment history should be removed.
64. The Department must take the necessary steps to ensure that all application formats are consistent in the questions they ask.
65. Information described as voluntary cannot be made compulsory, e.g. for reasons of technological convenience. The Department must ensure that third party providers, such as HR Connect, are required to adhere to this principle.
66. The Department must ensure that third party service providers supply panel members with accurate documentation, to enable panels to short-list properly on merit.
67. The Department should retain documentary evidence of individual panel members' sift decisions. This is in keeping with the principles of openness and transparency and required under paragraph 3.30 of the Code.
68. The Department must ensure that information contained in the Information Pack is consistent throughout the competition. It is good practice to appraise applicants of how to have an application reassessed. (At short-listing or interview stages.)
69. The Department must ensure that only the relevant information for a Public Appointment process is sought from candidates.
70. The Department should ensure that all panel members sign all documentation relating to the outcome of the assessment process.
71. The Department should consider, in instances where candidates do not confirm interview attendance, contacting candidates directly to confirm receipt of interview invitation. The Department should ensure that communication between all parties involved in the appointment process is effectively managed and monitored to ensure that candidates and the panel are fully appraised of any issues which arise.
72. In accordance with paragraphs 3.46, 3.47 and 3.48 of the Code the Department should apprise candidates of their right to meaningful feedback.
73. The Department should ensure that information on candidates included in a Ministerial Submission does not contradict any decision previously taken by the Minister on how the list of candidates is to be presented.