

**Department of Health, Social Services and Public Safety
New Health and Social Services Trusts Chairs (5) Competition
(Regulated Appointment)**

Terms of Reference

- 1.1 The audit of the public appointments process for the five Chairs of the new Health and Social Services (HSS) Trusts, administered by the Department for Health, Social Services and Public Safety (DHSSPS), forms part of the Commissioner for Public Appointments' Audit Programme in respect of 2006-07.
- 1.2 This audit process is conducted under the Commissioner for Public Appointments (Northern Ireland) Order 1995 and the Commissioner for Public Appointments (Amendment) Order (Northern Ireland) 2001 and included an assessment of the extent to which relevant recommendations from previous Departmental audits have been taken forward (**Appendix 1** refers).
- 1.3 The applicable guidance in force was the 'Code of Practice for Ministerial Appointments to Public Bodies' August 2005 (the Code), issued by the Commissioner for Public Appointments for Northern Ireland.

Executive Summary

- 2.1 This public appointments process arose as a result of the Review of Public Administration, whereby the existing 18 HSS Trusts were replaced by five new integrated HSS Trusts – these are intended to “strengthen linkages between hospitals and community-based services..”. The relevant legislation in operation is The Health and Personal Social Services (Northern Ireland) Order 1991, Article 10(4). Five Chair appointments were made to these HSS Trusts through one competition, with applicants completing an Expression of Interest Form to indicate on which HSS Trust(s) they would be prepared to serve at the time of application. The Trusts, which cover five geographical areas of Northern Ireland, have been named the Belfast Area; Northern Area; Southern Area; South Eastern Area and Western Area Trusts.
- 2.2 The format of this audit report is based on an examination of the main stages of the appointments process, from which a number of audit issues were identified. These are set out in detail within the report and summarised in an Audit Issues Grid within **Appendix 2**, which includes associated audit recommendations and the Department's responses. The main issues identified are:
 - ❖ Notification of this competition was not included in the Central Appointments Unit's relevant six-monthly list of forthcoming vacancies ('All Aboard')

- ❖ The IA's involvement was limited to active participation in the sift and interview stages of this public appointments process only. While the Department's processes may be well-defined, Section 3.32 of the Code suggests that greater involvement by the IA is appropriate in the case of paid appointments, including input to the Person Specification
- ❖ The wording used in the Declaration Section of the application form, an abridged version of that contained in CAU's Best Practice Guide, means that candidates do not formally confirm at any stage of the appointments process that they have read the Probity and Conflicts of Interest Booklet issued and, having done so, then completed the relevant section of the application form on Conflicts of Interest in an informed manner
- ❖ The eligibility sift stage of the process was made more challenging as a result of some candidates failing to provide examples to demonstrate how they met certain criteria. This was compounded when the sift panel met to assess applications individually (in a group setting), which resulted in a very limited field (for the five appointments required). The IA advised the panel to revisit all the applications, once again considering the criteria in their entirety, as the initial sift eliminated candidates when they appeared to fail individual criteria. This produced an increased number of shortlisted candidates for interview
- ❖ Although only one of the interview candidates declared any potential conflicts of interest on their application form, this was identified in four other cases through exploratory questioning during the interview. It was of particular importance in the case of one candidate, depending on the Trust(s) in which they could have expressed an interest in at the outset and any subsequent appointment made – however, the interview panel did not document their considerations leading to a conclusion on whether or not an actual conflict of interest existed
- ❖ It was noted from an examination of interview panel documentation that not all panel members consistently recorded the outcomes of questions on conflict of interest and probity issues, although marking frameworks were provided.

Overall Conclusion

- 3.1 Overall, the quality of the appointments process associated with this competition in terms of compliance with the Code (on a scale of High-Medium-Low) has been assessed as *High*, as a result of the nature of the audit issues identified.

Main Stages of the Appointments Process

(1) Planning and Preparation

- 4.1 The Panel Members involved in the competition were the Permanent Secretary; a former HR Director at NHS Wales and the IA. A fourth panel member (a former Trust Chair) had to withdraw from the competition in advance of the interviews, due to personal circumstances (all relevant panel papers and notes were returned to the Department).
- 4.2 The competition was advertised publicly in the media and the DHSSPS also brought the forthcoming vacancies to the attention of existing Trust Chairs in writing. Applications received from all sources were treated consistently by the Department.

Issues Arising

- 4.3 Notification of this competition was not included in the Central Appointments Unit's relevant six-monthly list of forthcoming vacancies ('All Aboard'), which is a requirement under Section 3.24 of the Code if vacancies are to be publicly advertised – **ISSUE**.
- 4.4 During discussions with the IA on her role at this stage of the process, she raised a point with regard to being engaged for the sift and interview stages of the public appointments process only. This meant that the IA had sight of the Role and Person Specifications retrospectively and she suggested that, even with the well-defined systems operated by DHSSPS, there could be additional benefits arising from IA involvement from the initial stages of the process. This view is reflected in Section 3.32 of the Code – "OCPA suggests a greater involvement [of the Independent Assessor] in the case of paid appointments, such as assisting in the preparation of the Person Specification" – **ISSUE**.
- 4.5 It was noted that Section 9 of the application form, the Declaration Section, contained an abridged version of the wording provided in the Central Appointment Unit's Best Practice Guide template. While this template provides a guide for Departments, the excluded wording relates to candidates confirming that they have read the Probity and Conflicts of Interest Booklet and, on that basis, have completed Section 8 of the form on Conflicts of Interest in an informed manner – these areas are not formally 'signed off' under any other element of DHSSPS' documentation (however, other excluded wording on the requirements for the applicant to raise any probity or conflicts of interest issues where these arise during a term of appointment is specifically covered in DHSSPS documentation issued later in the process) – **ISSUE**.

(2) Selection

- 4.6 The selection process used involved the completion of a written application form followed by an eligibility sift and, if successful, a formal interview. The eligibility sift involved two members of staff from the DHSSPS Public Appointments Unit and the IA, with the content of the application forms being considered against the eligibility criteria set out in the Person Specification to determine how and to what extent each criterion was being met.
- 4.7 A full and detailed Information Pack was issued to applicants, which included details of the disqualification criteria in relation to this competition.
- 4.8 The Department accepted hard copy signed forms only by the closing date set for the competition, although it was noted that the majority of individuals expressing interest in the competition corresponded initially with DHSSPS through electronic means and received the required documentation in this way and by post (there were no late applications - under DHSSPS policy, these would not have been accepted).
- 4.9 It was noted that the application forms of two candidates included two additional pages of information, which provided the opportunity to include more material in support of their candidacy, but could be construed as creating inequality with others who observed the provision made for written responses. These application forms were accepted, although as the Department did not have a stated requirement on the application forms that these should not be reformatted, an audit issue is not being formally raised.
- 4.10 It was noted that in the case of one applicant, the Political Activity Form was completed but not signed off – this was not followed up with the applicant, however, at the eligibility sift which took place shortly after the closing date for applications, the applicant was judged ineligible as a result of failing to meet the criteria set for the competition.
- 4.11 Prior to the interviews, the panel received a written summary of other public appointments held by applicants which had been extracted from application forms. Also highlighted for exploration at interview were those candidates for whom the availability of time to commit in relation to the forthcoming appointments could be an issue – this was followed up as required during the interview process and the outcomes documented.
- 4.12 Each panel member was required to complete a rating sheet for each candidate, with the Chair also completing a summary rating sheet, while the panel also signed off individually on a panel summary statement at the end of the interview process.

- 4.13 One candidate was unable to attend the interview due to holiday plans and, as the panel members concluded that this did not constitute a compelling reason to reconstitute the panel for the individual concerned, this did not take place.
- 4.14 It was noted that it is DHSSPS policy not to take up References following the interview stage. In relation to Performance Assessments on public appointments held outside DHSSPS, the Department only obtains confirmation of these appointments from the CAU database in order to reflect these accurately (position(s) held; remuneration level(s); etc) in the Ministerial Submission and also in the Press Release when issued - there is no follow up to confirm an appropriate level of performance in any other public appointments held. However, a formal audit issue is not being raised in this area, as the Code currently places no requirement on Departments to carry out and document follow-up on the Performance Assessments with regard to new appointments.

Issues Arising

- 4.15 The IA noted that, in assessing application forms at the eligibility sift stage, some candidates did not provide examples to demonstrate how they met certain criteria, which made the assessment process more challenging. This was compounded when the sift panel met as a group to assess applications individually at first, and then discuss and agree their conclusions, although the IA's suggested preference for an independent sift prior to a group meeting did not take place. The initial result from the sift was a very limited field of candidates (particularly for five appointments required), and the IA advised the panel to revisit all the applications, once again considering the criteria in their entirety, as the initial sift eliminated candidates when they appeared to fail individual criteria. This produced an increased number of shortlisted candidates for interview, in line with the Minister's preferred approach – **ISSUE.**
- 4.16 In response to the standard question on the application form on conflict of interest, ie "Have you or your immediate family, any other interests which might be construed as being in conflict with the appointment for which you have applied, and might, in future, be raised in public?", it was noted that all but one of the candidates answered "no", although the potential for conflict of interest was subsequently identified in exploratory questioning undertaken by the IA in respect of a further four candidates at interview. This included a candidate where there was potential for a conflict of interest to exist, depending on the Trust(s) which the candidate expressed an interest in at the outset and any subsequent appointment made – however, the panel did not document their considerations leading to a conclusion on whether or not an actual conflict of interest existed (as required by Annex C to the Code). This issue reinforces the need for, and importance of, exploring candidate understanding of the issues of probity and conflict of interest at interview and documenting the outcomes in full – **ISSUE.**

- 4.17 From an examination of the panel documentation produced during the appointments process, it was noted that not all panel members consistently recorded the outcomes of questions on conflict of interest and probity issues, although marking frameworks were provided – **ISSUE.**

(3) Post-Selection

- 4.18 This stage of the process related to the preparation of the Ministerial Submission for consideration and approval and dissemination of this, along with the provision of feedback to candidates as required and to the IA on their role in the process as a whole.
- 4.19 The candidate assessment summary contained in the Ministerial Submission was signed off by the IA. Following the Minister's approval of the recommendations made for the five Chair appointments, the IA received a letter confirming the outcomes of the competition and a copy of the Press Release. The Panel Chair also completed a feedback form on the IA's role in the process and this was passed through to OCPANI, as required by the Code.
- 4.20 Documentation on file indicates that one candidate received verbal feedback on their performance in the public appointments process from the Department and was considering whether to request a more detailed written response.

Issues Arising

- 4.21 There were no issues arising with regard to this element of the public appointments process.

APPENDIX 1

Previous audit recommendations considered as part of 2006-07 competition audit

- ❖ Were any Code provisions set aside requiring referral to the Commissioner in advance? NO
- ❖ Was there involvement by the Minister at the outset? YES
- ❖ Was there early IA involvement in the process? YES
- ❖ Was a detailed Information Pack made available? YES
- ❖ Did the application form design allow skills and experience to be measured against criteria and assessment of responses? YES
- ❖ Was there a late applications policy in place? YES
- ❖ Was consistency in handling late applications apparent? N/A – no late applications
- ❖ Are there measures in place to ensure that all statutory nominees met the criteria? N/A, no statutory nominees involved
- ❖ Were areas of questioning agreed in advance? YES
- ❖ Were standardised shortlisting and interview practices/procedures apparent? YES
- ❖ Was there a pro-forma in use for sifting/shortlisting/interviewing? YES
- ❖ Was there individual scoring and narrative assessment by each panel member to substantiate feedback prior to a consensus being reached, summarised and signed off by each panel member and were all decisions fully documented? YES, apart from Issue 5 in Appendix 2
- ❖ Were all relevant details included in the Press Release? YES

Other general departmental audit recommendations arising which are pertinent to this competition

- ❖ Was the IA notified of the outcome? YES
- ❖ Do Departmental guidance updates fully reflect Code changes? YES
- ❖ Was a specific date/closing time set for the receipt of applications and adhered to? YES
- ❖ Were conflict of interest and probity issues tested at interview? YES

AUDIT ISSUES

APPENDIX 2

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
1	Notification of this competition was not included in the Central Appointments Unit's (CAU) relevant six-monthly list of forthcoming vacancies ('All Aboard') as required by the Code at Section 3.24	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the administrative process in running competitions	1	As required by the Code, notification was made to CAU on 16.2.06. On 3.4.06, the Department's Public Appointments Unit advised CAU by phone that the closing date for these vacancies would be 5.5.06. CAU were then to decide if the vacancies could be included
2	The IA's involvement was limited to active participation in the sift and interview stages of this public appointments process only. While the Department's processes are generally well-defined, Section 3.32 of the Code suggests that greater involvement by the IA is appropriate in the case of paid appointments, including input to the Person Specification	This is a Code compliant issue	That the Department bears this Code of Practice requirement in mind as part of the decision-making process in running competitions	1	Person Specifications are now reviewed by the IA at an early stage in the process

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
3	As the wording used in the Declaration Section of the application form is an abridged version of that contained in CAU's Best Practice Guide, this means that candidates do not formally confirm at any stage of the appointments process that they have read the Probity and Conflicts of Interest Booklet issued to them and, having done so, then completed the relevant section of the application form on Conflicts of Interest in an informed manner	Candidates for public appointments may not be fully informed on this important aspect of the appointments process	That the Department includes suitable wording on this aspect, either in the Declaration Section within the application form or in the covering letter issued with the candidate Information Pack, to highlight its importance	2	<p>The abridged wording is intended for brevity, taking account of the detailed documentation which is issued to candidates with a covering letter during the appointments process</p> <p>However, the application form has now been revised to reflect this recommendation</p>

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
4	The eligibility sift stage of the process was made more challenging as a result of some candidates failing to provide examples to demonstrate how they met certain criteria. This was compounded when the sift panel met as a group to assess applications individually and then discuss and agree their conclusions – the initial sift resulted in a very limited field of candidates (for the five appointments required). The IA advised the panel to revisit all the applications, once again considering the criteria in their entirety, as the initial sift eliminated candidates when they appeared to fail individual criteria. This produced an increased number of shortlisted candidates for interview (in line with the Minister’s preferred approach)	The fact that some candidates did not complete the application form using examples as required suggests a lack of familiarity with the approach to candidate selection currently in use, while the individual assessment of applications within a group setting may not have provided sufficient time for due consideration to be given in each case and could have contributed to a second sift process being necessary	For the benefit of candidates who may be less familiar with the requirements of a criteria-based selection process, the Department should consider drawing specific attention to this in the covering letter issued with the Information Pack The Department should also consider allowing the sift panel to consider application forms in their own time, prior to any group meeting to discuss and agree individual candidate eligibility (in line with the IA’s preference)	2	While the Department aims to provide sufficient information on the appointments process to candidates in order to facilitate their full participation, applicants may not utilise this to full effect The Department notes the recommendation made

AUDIT ISSUES

	Audit Issue	Impact	Recommendation	Priority Level	Departmental Response
5	Although only one of the interview candidates declared any potential conflicts of interest on their application form, this was identified in four other cases through exploratory questioning during the interview. It was of particular importance in the case of one candidate in respect of the Trust(s) in which they could have expressed an interest in serving as Chair at the application stage and any subsequent appointment made – however, the interview panel did not document their considerations leading to a conclusion on whether or not an actual conflict of interest existed (Annex C to the Code)	This is a Code compliant issue	That formal documenting of all key conclusions reached during the appointments process is carried out	1	The Department notes the recommendation made for future competitions
6	It was noted from an examination of interview panel documentation that not all panel members consistently recorded the outcomes of questions on conflict of interest and probity issues as required by Section 3.35 of the Code.	This is a Code compliant issue	That all panel members are made aware of the requirement to formally and consistently record interview responses (utilising the marking frameworks issued by the Department)	1	The Department will continue to instruct all panel members to formally record interview responses