

NORTHERN IRELAND DISTRICT POLICING PARTNERSHIPS

APPOINTMENT OF INDEPENDENT MEMBERS,
COLERAINE AND BALLYMENA

REPORT OF THE IMPARTIAL ASSESSOR
TO THE POLICING BOARD

REPORT PREPARED BY

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MAY 2010

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1.0 INTRODUCTION

The Northern Ireland Policing Board carried out a public appointments process, between February and May 2010, to appoint one Independent Member to Coleraine District Policing Partnership [DPP] and one Independent Member to Ballymena DPP. These appointments were to fill vacancies.

The process was conducted according to the Code of Practice on the 'Appointment of Independent Members to District Policing Partnerships and Belfast District Policing Partnership Sub-Groups' [The Code]. The Code was issued in November 2007 and was made under Paragraph 6[2] of Schedule 3 and Paragraph 6[2] of Schedule 3A to the Police [Northern Ireland] Act 2000 [the 2000 Act], as amended by the Police [Northern Ireland] Act 2003 [the 2003 Act] and the District Policing Partnerships [NI] Order 2005 [the 2005 Order]. Hereafter referred to as the 2000 Act [as amended].

The provisions of the 2000 Act [as amended] enable the Secretary of State to issue, and from time to time revise, a code of practice containing guidance as to the exercise, by District Councils and the Policing Board, of their functions in the nomination and appointments process for Independent Members.

The Code gives guidance to District Councils and the Policing Board on their respective roles in the nomination and appointment of Independent Members to DPPs. The Code used in this process was the 2007 version, which replaced the 2005 version and takes account of the legislative changes made by the 2003 Act. This came into effect on 4th September 2007.

The Code is described, in its introductory section, as being 'in line with the guidance on appointments to public bodies issued by the Office of the Commissioner for Public Appointments' [OCPA -- the Commissioner's Code of Practice] even though the appointments, which were made prior to the devolution of Policing and Justice matters to the Northern Ireland Assembly, did not come within the OCPA remit. The Code is also described as having been 'screened for adverse equality impacts'. [Following screening, it was determined that an equality impact assessment was not required.]

Part 111 of the 2000 Act [as amended] sets out the provisions governing the operation and functions of the DPPs. Schedules 3 and 3A, in addition to providing for the Code, set out how DPPs and Sub-Groups are to be established and how appointments of Political and Independent Members are to be made.

In accordance with this process, candidates who had responded to advertisements for the posts were shortlisted, interviewed and selected for appointment.

In accordance with the Act [as amended], Independent Members of DPPs are appointed by the Policing Board from names submitted by the District Councils. In making the appointments, the Policing Board is required to seek, as far as practicable, to ensure that the overall membership of each DPP is representative of the community in the Council area.

As with all previous nomination and appointments processes there was independent scrutiny of all stages of the process:

The Code requires that 'Independent Panel Members' [IPMs], with voting rights, sit on all shortlisting, interviewing and appointment panels.

The Code also requires that Impartial Assessors [IAs] oversee the process. In previous appointments processes, a small team of IAs was employed for this purpose. On this occasion, given the small number of appointments to be made [two appointments] and bearing in mind the OCPA requirement for proportionate measures in appointments processes, John Keanie, who has led the IA teams on previous occasions, was appointed as the sole IA.

The task of the IA was to ensure that best practice methods and standards were applied, to intervene where necessary to require adjustment, and to report to the Policing Board on the overall process. This is that report.

In addition, as in previous appointments processes, an experienced former OCPA Independent, Judith Eve, was appointed to act as Independent Complaints Monitor, to deal with complaints from any candidate unable to have his/her complaint resolved by the Policing Board. This additional layer was introduced to ensure that the complaints of candidates would be, and would be seen to be, objectively and efficiently handled by an expert in such matters, who was uninvolved in the appointments process.

This report from the IA is intended to provide, to the Policing Board, the District Councils, the general public, relevant Government Departments, the NIO and other interested parties, a wholly independent account of the process by which the two replacement members of Coleraine and Ballymena District Policing Partnerships have been appointed.

The report will also express the view of the IA on the compliance of the nomination and appointments process with the Code, and will assist those

responsible for the planning and implementation of the process to identify opportunities to further refine and improve any future processes.

The ultimate aim of the IA's work, in this and previous recruitment rounds, and including this report, is to ensure that Independent Members of all DPPs are selected through an open, transparent, inclusive and fair process and that Independent Members, together with the Elected Members on the DPPs, are, as far as practicable, representative of the communities they serve, bringing to their work a relevant mix of abilities, experience and qualities.

1.1 REFERENCES TO OTHER DOCUMENTS

In order to keep this document as succinct as possible, background documents will not be appended. Such documents include the 2000 Act [as amended], the Code of Practice and the four previous reports of the Impartial Assessors [June 2003, January 2005, January 2006 and April 2008]. Readers of this report who wish to have sight of any such documentation can obtain copies by contacting the Director of Community Engagement, Northern Ireland Policing Board, 31 Clarendon Road, Belfast BT1 3BG.

The IA kept a 'Process File' of all his work. This file contains details of the work done at each stage of the process, the emailed reports sent to Policing Board officers after each stage and some specific points to be addressed arising from recommendations in this report e.g. relating to suggestions for improvements in the interview process.

1.2 INITIAL OVERVIEW

This report will consider, stage by stage, the process for the appointment of 2 Independent Members to Coleraine and Ballymena DPPs. It will identify issues that have arisen in the process and make recommendations for the improvement of any future appointments processes.

The duty of the IA was to oversee the process to ensure openness, transparency, probity and effectiveness. In the discharge of this duty, it was essential that the IA acted in a manner that was separate, independent, impartial and objective in relation to the Policing Board's appointment exercise.

The ‘best practice yardstick’ used by the IA, at each stage of the process, was that inherent in the Code, which is itself strongly reflective of the OCPA Code and the ‘Best Practice Guide for Government Departments’.

The Impartial Assessor, having completed his monitoring and assessment of the process and the resulting appointments, has detailed, in this report, issues arising during the process, and has made recommendations, where necessary, for improvements.

In overall terms, the Impartial Assessor is pleased to record his opinion that:

‘The process has been conducted in a manner that complies with the Code, that significantly utilises best practice methods, and that has built upon lessons learned in the previous recruitment rounds and recommendations made in the previous reports of Impartial Assessors.’

2.0 MONITORING THE PROCESS STAGE BY STAGE

2.1 INTRODUCTION

The IA monitored the process at each stage until its completion. After each of the main stages, the IA produced a brief emailed report to the Policing Board officers, confirming the validity of that stage and highlighting any issues arising. Issues of a minor nature were, as in previous recruitment rounds, dealt with there and then and will not be reflected in this report. The following sections list each stage, comment briefly, and where there are recommendations for future improvement, present them in bold type:

2.2 PLANNING THE PROCESS

The process was well planned and there was good coordination, at planning stage and throughout the whole process, between the officers of the Policing Board, Price Waterhouse Coopers [‘PWC’ -- who won the contract, through a tendering process, to assist District Councils with the selection of nominees to be considered for appointment by the Policing Board] and the IA.

The planning and implementation of the process benefited from the experience gained in previous recruitment rounds and many of the recommendations from previous IA reports had been implemented.

The IA had the opportunity to examine all documentation to be used throughout the process and was satisfied that it complied with the

requirements of the Code and that it was conducive to running a fair and proper competition, as well as being user-friendly.

2.3 ADVERTISING / PUBLICITY

Advertisements were placed in the Ballymena Times, Ballymena Guardian, Coleraine Times and Coleraine Chronicle. The Policing Board also advertised these positions in its website. This advertising attracted 20 requests for application forms for the Coleraine DPP and 26 requests for Ballymena DPP. These requests resulted in 6 applications for the Coleraine DPP and 9 applications for the Ballymena DPP.

2.4 FEEDBACK AND COMPLAINTS PROCEDURE

As in previous recruitment rounds, the information packs for applicants provided the details of how to obtain feedback and how to pursue a complaint.

2.5 COUNCILLOR TRAINING

One joint training session was held, for the Councillors of both Districts [Coleraine and Ballymena] in the Ecos Centre, Ballymena, on 2nd March 2010. The session was well run. The Councillors were taken through the process and their responsibilities in it, by PWC staff, they were given a copy of the 'Code Process Manual' which explained, in detail, the whole process and their part in it, and they were afforded considerable opportunity to ask questions and make comment.

One issue arose that is considered appropriate for mention in this report: In the 'Selection Panel Briefing Session' document, in the section entitled 'Focus on the competency-based interview', it says; 'Only the information provided by the candidate at the interview and on the application form can be used by the panel'. It was pointed out by one of the panel members present that this was at odds with what he had been told in previous recruitment rounds, where the application form was the source of information for the shortlisting process and the interview itself was the sole source at the interview stage.

Recommendation 1: In preparing for the next recruitment round for DPPs, the issue of use of information, from application forms and from interviews, should be clarified, in the training documentation for Councillors and in their training sessions, to ensure consistency from one competition to the next and across the various interviewing panels.

2.6 SHORTLISTING

The IA reviewed all the paperwork of the shortlisting process. Shortlisting was carried out by the panels set up in each District, chaired by a Councillor and serviced by a PWC 'observer'. An Independent Panel Member, with full voting rights, attended each shortlisting session.

The IA found all paperwork to be in order and consistent with proper application of the stipulated shortlisting process.

Regarding the quality of the shortlisting process itself, as opposed to the paperwork: the IA noted, from the records of the two shortlisting sessions, a good degree of consistency from one panel member to the next [within each panel] in the marking each of the criteria. However it did appear that, between the two panels, Coleraine and Ballymena, there was considerable apparent variation in the marks given to candidates for what appeared to be very similar attributes. The IA provided specific details to the Policing Board officers on this matter and asked them, for future recruitment rounds, to consider what might be done to tighten this up. It should be noted that, in this particular small competition, no candidate was disadvantaged due to the fact that all of those candidates, identified by the IA with regard to this problem, went on to be shortlisted for interview; the problem could be a more serious one in a larger competition with more interview panels and a greater number of candidates.

Recommendation 2: There is a difficulty in ensuring consistency, across shortlisting panels in different Districts, in the marking of some of the criteria used to assess candidates. Policing Board officers should consider, from the evidence of the records of how each panel arrived at its scores, and from discussion with PWC observers to the shortlisting process, how greater consistency might be obtained through training and advice specifically targeted at this problem.

2.7 INTERVIEWS

Interviews were conducted during 22nd and 23rd March 2010. They took place in Coleraine District Council offices and in the Ecos Centre, Ballymena. The interview panels comprised the same members as the shortlisting panels. Six candidates were interviewed in Coleraine and seven in Ballymena. The IA sat in on two interviews in each District.

The interviews observed by the IA were generally well run. The PWC observers performed their role well and provided all necessary support and guidance to the panels.

Notwithstanding the points below, which provide some criticism and offer some suggestions for improvements in future rounds of interviews, the IA is of the opinion that these interviews were conducted in a fair and consistent manner and that they were run in accordance with the Code of Practice.

There is room for some improvements for future rounds of interviews:

1. The composition of panels could be given more thought. In a competition where one of the objectives is to encourage applications from as diverse a range of the population as possible, the predominantly 'late middle-aged' panels of mostly males is not ideal. It is recognised of course that this panel composition is reflective of the make-up of many of Northern Ireland's District Councils, but nevertheless the matter should be given careful thought and improvements made where possible.
2. Careful attention should be paid to the layout of the interview room. The Coleraine interviews were carried out in a very conducive setting, in an appropriately sized room with a 'non-confrontational' seating arrangement for the panel and the candidates. The Ballymena session was not so amenable, with the interviews being conducted in a very large room and the panel [with only one woman, the Independent Panel Member] sitting in a straight line at a long table and the candidate being required to sit opposite them.
3. The Chairs of interview panels, some of whom may not have had much experience in such a role, require strong and clear support from the observer, in preparing for the interviews and in conducting them. This is essential, to ensure that candidates are properly welcomed, are made to feel as comfortable as possible and are given every opportunity to shine. For future recruitment rounds, specific training and guidance should be provided for the Chairs of panels. Details of some specific points that need to be addressed in this context are recorded in the 'Process File' of the IA, for attention by Policing Board officers.
4. It is still the opinion of this IA that there is a 'generic' nature to many questions used in the interviews, that allows some candidates to be less specific in their answers than is helpful to those making decisions about their suitability for the role, or that fails to ensure that candidates demonstrate some knowledge [and some research for the interview] of the DPPs and of Policing. This is a problem that is not exclusive to the DPP recruitment process; in fact it appears to have spread across the Public Appointments process; but it has been particularly noticeable in this and previous recruitment rounds for the DPPs and was included in the IAs' April 2008 report with the following recommendation: 'Prior to

any future recruitment round, careful consideration should be given to the formulation of interview questions that allow / encourage candidates to set their answers in a context applicable to the DPPs. This would allow candidates to display their thinking on relevant matters and encourage high calibre candidates to 'shine' a little more.'

Recommendation 3: There are four suggestions in Section 2.7 of this report [above] for improvement to the interview process in future recruitment rounds. Policing Board officers, together with any consultant engaged for future rounds, should take the necessary steps to plan and implement these improvements.

Subsequent to the interviews, the IA conducted an audit of the paperwork on 25th March 2010. All paperwork was present on file, completed, signed and dated as required for a proper audit trail.

It was noticeable, however, that there is a continuing problem with some Councillor members of panels providing very sparse notes on their interview recording forms, in some cases insufficient to provide the necessary rationale for the mark given on a particular competence. The contrast with the much more comprehensive notes provided by the Independent Panel Members is striking. This problem has been highlighted in previous IA reports and is clearly a difficult problem to overcome, but efforts should be continued, particularly by the observers at interview sessions and in the training sessions and literature for candidates, to address the problem and thereby improve the recorded evidence of interview performance. It is also worth noting that, in their report of April 2008, the IA team made the following recommendation aimed at encouraging an improved selection process for panel lists for future recruitment rounds: 'Careful consideration should be given to developing a set of requirements for any Councillors to serve on panels. These requirements should be discussed with Councils and the Councils should be encouraged to fulfil the requirements, when choosing Councillor panel lists, as far as possible. Subsequent training should be targeted at the skills gaps.' The IA, on this occasion, is highlighting that recommendation again due to his concern that this problem is not showing any sign of improvement and it could lead to difficulties in the future.

Recommendation 4: Efforts should be continued, in training literature and in training sessions, and in the conduct of interview sessions by the professional observers, to effect an improvement in the standard of note-taking by Councillor panel lists at interviews. In addition, the selection process for Councillors to sit on shortlisting and interview panels should be examined and, where possible and in cooperation with the District Councils, improved.

2,8 POLICING BOARD APPOINTMENTS PANEL SESSION

The Appointments Panel met on 29th April 2010. The IA attended this session. The Appointments Panel had fully delegated authority from the Policing Board to make the final decisions on which candidates, from the pool of appointable candidates, were to be appointed. [‘Appointable candidate’ means appointable on merit, as chosen through the shortlisting and interviewing process of the District Councils as described above.] This is the stage, in the public appointments process, that is normally carried out by a Government Minister but which, in the case of the DPPs, is the responsibility of the Policing Board, within the 2000 Act [as amended] and the Code of Practice.

The panel comprised Policing Board members and an Independent Panelist with full voting powers. The panel elected a Chair, from their number, for the session.

The team of Policing Board officers, led by the Director of Community Engagement, provided administrative support, together with a full briefing on relevant policy and process. He also dealt with queries by members of the Panel.

The officer team provided, for each District in turn, hard-copy and computerised information on the ‘District Profile’, and on the profiles of the Independent Members serving on the DPPs. At the request of members, the officers also supplied the profiles of the Elected Members of the DPPs, which they felt was important to give them a clear picture of the make-up of the totality of each DPP. The Chair subsequently asked that, in future recruitment rounds, the information for the Appointments Panels should always include the profile of the full DPP for each District, including Elected members and Independent members.

The officer team then provided hard-copy and computerised information on each candidate in the pool of appointable candidates, for Coleraine and Ballymena in turn.

The Panel selected those candidates from the pool whom, they believed, best fitted the requirements for each DPP. In doing so they took into consideration such factors as community background, gender and age, and were alert to any considerations around disability, race, sexual orientation, dependants, marital status, occupation, postcode and whether the candidate lived in an urban or rural location.

During the selection process, panel members were able to query the computerised database to ensure the best possible fit of candidates and vacancies. Panel members were required to use their discretion, on the basis of the information provided to them and on panel discussion of the options, to achieve 'best fit'.

It was particularly noticeable to the IA that, in the course of comprehensive and sometimes lengthy discussion on candidates and their merits, all panel members took what was clearly an objective and rational approach to the decisions to be made, and challenged and examined the information regardless of the community background or other attributes of the candidates. This led to an impressively robust and fair approach to the appointments.

It was suggested that it should be made clearer to candidates, in the application forms and candidate information packs, that motoring offences should be included in the declarations by candidates of criminal offences. This would help to avoid the situation where a candidate has, perhaps in error, left out an offence and the Panel cannot decide if he / she has left it out deliberately or not.

Recommendation 5: In future recruitment rounds, profiling should be provided on the full membership of DPPs, to include Elected and Independent members, in order to give Appointments Panels the complete context for the appointment[s] to be made.

Recommendation 6: Application forms and candidate information packs should be amended to ensure that candidates know they must include motoring offences in information they supply on criminal convictions.

2.9 NOTIFICATION AND PUBLICATION OF OUTCOMES

After interview, 'Letters of Regret' were issued by PWC to candidates unsuccessful at this stage.

After the Policing Board Appointments Panel had completed its work, candidates who had been nominated by the respective District Councils were notified of the outcome of the appointment process by letter from the Policing Board. After response from the two successful candidates confirming their agreement to take up the posts, appointment letters were issued as follows:

Cole Raine DPP successful candidate -- appointment effective from 5 th May 2010

Ballymena DPP successful candidate -- appointment effective from 12th May 2010.

The appointments were subsequently published locally.

2.10 FEEDBACK

At the time of writing this report, there have been seven requests from candidates for feedback, three to PWC for feedback up to and including the interview stage of the process, and four to the Policing Board following the actual appointment stage.

Written responses have been provided in all these cases.

2.11 COMPLAINTS

To date, there have been no complaints to the Independent Complaints Monitor.

3.0 CONCLUSION / VALIDITY OF PROCESS

3.1 CONCLUDING REMARKS

It is clear that the lessons learned from previous recruitment rounds have led to an ever improving process and that many recommendations from the earlier IA reports have been implemented. It is also clear that some improvements, as is to be expected in a process such as this one that requires the achievement of consistency across Districts, with many people involved, are difficult to achieve. Because of this, some recommendations from the last IA report have been renewed or repeated and some new recommendations have been included to encourage attention to continuing challenges.

The commitment, of the Board members, the officers and the independent panel members, to achieving a fair and well documented result from this process is evident, and the cooperation shown by the Councils, with the Policing Board and with PWC, has helped to lead to a well run process.

3.2 IMPARTIAL ASSESSOR'S STATEMENT ON THE VALIDITY OF THE PROCESS

As a result of the monitoring work carried out by the Impartial Assessor, he is satisfied that the design, documentation, implementation and recording of the 2010 process to recruit a replacement Independent Member to Coleraine District Policing Partnership, and a replacement Independent Member to

Ballymena District Policing Partnership, has been fair, robust, open and transparent and has complied with the 'Code of Practice issued by the Northern Ireland Office in 2007 on the 'Appointment of Independent Members to District Policing Partnerships and Belfast District Policing Partnership Sub-Groups'.

a. EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

b. EXECUTIVE SUMMARY

The Northern Ireland Policing Board carried out a public appointments process between February and May 2010, to appoint one Independent Member to Coleraine District Policing Partnership (DPP) and one Independent Member to Ballymena DPP. These appointments were to fill vacancies.

The process was conducted according to the Code of Practice on the 'Appointment of Independent Members to District Policing Partnerships and Belfast District Policing Partnership Sub-Groups'. The Code gives guidance to District Councils and the Policing Board on their respective roles in the nomination and appointment of Independent Members to DPPs.

As with all previous nomination and appointment processes, there was independent scrutiny of all stages of the process. An Independent Panel Member with full voting rights sat on all shortlisting, interviewing and appointment panels and an Impartial Assessor (IA), John Keanie, author of this report, was appointed to oversee the entire process to ensure that best practice methods were applied, to intervene where necessary to require adjustment, and to report to the Policing Board. This is that report. In addition, a Complaints Monitor was appointed to see that complaints of candidates would be objectively and efficiently handled by an expert in such matters who was uninvolved in the appointments process.

The IA established a 'process file' containing his detailed examination of the process. It is lodged with the Director of Community Engagement.

The IA's 'initial overview' of the process was as follows:

'The process was conducted in a manner that complies with the Code, that significantly utilises best practice methods, and that has built upon lessons learned in the previous recruitment rounds and recommendations made in the previous reports of the Impartial Assessors'.

In the course of carrying out his role, the Impartial Assessor monitored the full process stage by stage, including:

-the documentation to be used throughout the process; planning of the process; advertising and publicity; the procedure set up for handling of feedback and complaints; Councilor training; shortlisting; interviews; the work of the Policing Board's Appointments Panel; notification and publication of outcomes; feedback requested by applicants; complaints received.

At each stage of the process, where necessary the IA notified any issues of concern to the officers of the Policing Board and to Price Waterhouse Coopers [PWC -- who won the contract, through a tendering process, to assist the District Councils with the selection of nominees to be considered by the Policing Board].

Minor issues were dealt with on an ongoing basis; other issues are dealt with in the form of IA recommendations for improvement to future recruitment rounds. These recommendations are summarised in the final section of this report.

In his 'concluding remarks' [section 3.1] the IA points out that 'It is clear that the lessons learned from previous recruitment rounds have led to an ever improving process and that many recommendations from the earlier IA reports have been implemented. It is also clear that some improvements, as is to be expected in a process such as this one that requires the achievement of consistency across Districts, with many people involved, are difficult to achieve. Because of this, some recommendations from the last IA report have been renewed or repeated and some new recommendations have been included to encourage attention to continuing challenges.

The commitment of the Board members, the officers and the independent panel members, to achieving a fair and well documented result from this process is evident, and the cooperation shown by the Councils, with the Policing Board and with PWC, has helped to lead to a well run process.

Impartial Assessor's statement on the Validity of the process:

As a result of the monitoring work carried out by the Impartial Assessor, he is satisfied that the design, documentation, implementation and recording of the 2010 process to recruit a replacement Independent Member to Coleraine District Policing Partnership, and a replacement Independent Member to Ballymena District Policing Partnership, has been fair, robust, open and transparent and has complied with the

‘Code of Practice’ issued by the Northern Ireland Office in 2007 on the ‘Appointment of Independent Members to District Policing Partnerships and Belfast District Policing Partnership Sub-Groups’.

c. RECOMMENDATIONS OF THE IMPARTIAL ASSESSOR

1. In preparing for the next recruitment round for DPPs, the issue of use of information, from application forms and from interviews, should be clarified, in the training documentation for Councillors and in their training sessions, to ensure consistency from one competition to the next and across the various interviewing panels.
2. There is a difficulty in ensuring consistency, across shortlisting panels in Different Districts, in the marking of some of the criteria used to assess candidates. Policing Board officers should consider, from the evidence of the records of how each panel arrived at its scores, and from discussion with PWC observers to the shortlisting process, how greater consistency might be obtained through training and advice specifically targeted at this problem.
3. There are four suggestions in Section 2.7 of this report for improvement to the interview process in future recruitment rounds. Policing Board officers, together with any consultant engaged for future rounds, should take the necessary steps to plan and implement these improvements.
4. Efforts should be continued, in training literature and in training sessions, and in the conduct of interview sessions by the professional observers, to effect an improvement in the standard of note-taking by Councillor panelists at interviews. In addition, the selection process for Councillors to sit on shortlisting and interview panels should be examined and, where possible and in cooperation with the District Councils, improved.
5. In future recruitment rounds, profiling should be provided on the full membership of the DPPs, to include Elected and Independent members, in order to give Appointments Panels the complete context for the appointment[s] to be made.
6. Application forms and candidate information packs should be amended to ensure that candidates know they must include motoring offences in information they supply on criminal convictions.