Commissioner for Public Appointments

Thematic Review

Concluding competitions within three months of the closing date

July 2019

Introduction

1. Section 4.5 of the Government's Governance Code provides the Commissioner with the ability to conduct a thematic review, which can focus on any element of the public appointments process, with the aim of continually identifying best practice and where improvements could be made.

2. Section 7.8 of the Governance Code states that '*Ideally, the aim should always be to conclude the process within three months of a competition closing*'. The aspiration is included in the Customer Care section of the Code; the intention is to provide candidates with some reassurance that appointments processes will be conducted in a timely manner, and to manage their expectations. Section 3.28 of the Grimstone Review on Public Appointments states that '*it is clear that lengthy delays are both inefficient and can deter good, busy people from applying.*'

3. The current interpretation of the aspiration is that the measuring point for the conclusion of an appointments process is once an announcement has been made.

4. The aim of this thematic review is to report on whether this provision is being upheld by recruiting departments. This review is also intended to assist in understanding the causes of delays that result in appointments processes exceeding the aspiration, and determine where the most appropriate measuring points are.

5. As part of the existing public appointments reporting process, departments are required to submit the closing date and the dates of sift, interview and announcement on the Cabinet Office Public Appointments website. The Office of the Commissioner for Public Appointments (OCPA) used this management information to measure the intervening time from the closing date published on the website until the date an appointment was reported as announced. These dates should be updated as an appointments process progresses.

6. Adverts for public appointments are posted on the Cabinet Office's Public Appointments website, and include campaign timelines designed to give candidates an indication of when each stage of an appointments process is likely to take place. These timelines are updated as an appointments process progresses. This review used the following dates to measure the progress of appointments processes:

    - Closing Date
    - Sift Date
    - Interview Date
    - Announcement Date

7. OCPA took a sample from the Cabinet Office Public Appointments website, selecting appointments processes that had an announcement made between 01/04/18 and 28/02/19. 151 appointments were announced on the website during that period.

8. OCPA provided each department with a list of the processes that had exceeded the three month aspiration, and requested information on the reasons that delays occurred. This focussed on delays at the following stages of an appointments process:

    - From the closing date to sift,
    - Sift to interview
    - Interview to the announcement of an appointment.

9. In order to ensure that the data provided by departments was comparable and consistent, OCPA compiled a list to categorise delays to appointments processes. These categories were:

    - Reduction in staff resource within Department
    - Delayed responses from private office/Ministers in relation to submissions
    - Box timings/recess
    - Clearance required from devolved administration
    - Process delayed due to number of internal clearances
    - Panel availability
    - Candidate withdrawal
    - Obtaining security clearance
    - Other

10. In total 13 departments were contacted, all of which responded. However, it should be noted that the Department for Business, Energy and Industrial Strategy only provided a partial response. The survey responses from departments provided sufficient detail to analyse the delays that took place across 66 of the 80 processes that had exceeded the aspiration.

Main requirements of the Governance Code

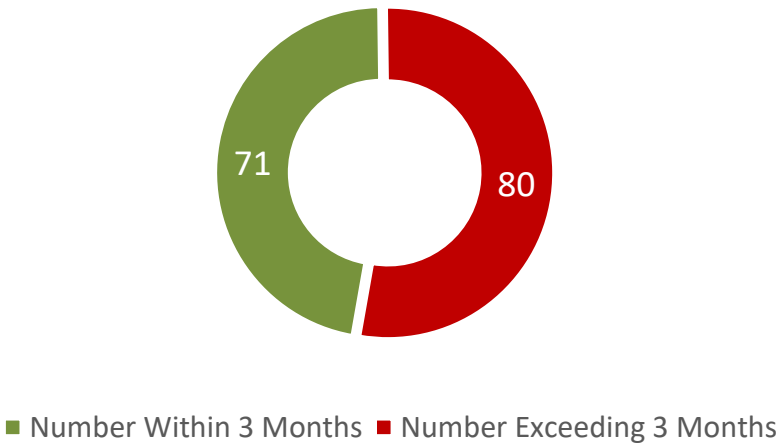
- Ministers must be consulted at each stage of an appointments process, usually in the form of a submission from officials.
- Section 8.2 states that appointments must be announced publicly - in practice this means publishing details of the appointment. There are some instances where appointments are exempt from announcement due to security requirements.
- A pre-appointment scrutiny hearing must be held for some significant appointments. These are scheduled after the Government has decided its preferred candidate for the role, and are conducted by the relevant Select Committee.

Part One - Findings

All appointments

During the period between 01/04/18 and 28/02/19 151 appointments processes reported an announcement on the Public Appointments website. Of these, 80 (53%) exceeded the 3 month aspiration in the Governance Code.

Figure 1. **More than half of appointments processes exceeded the three month aspiration**



Chair appointments

When looking at Chair appointments in isolation, 31 of 54 appointments were announced within 3 months of the closing date, meaning that a reduced proportion of 43% exceeded the aspiration. Chair appointments are often higher profile in nature, so the reason for this reduction could be that the decision process was given more priority.

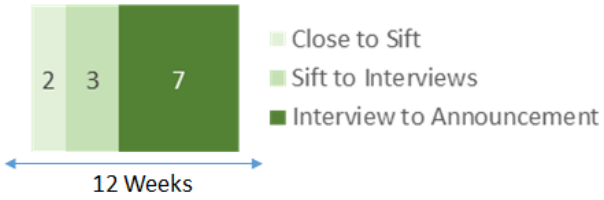
Timings of appointments processes

By comparing the time taken across all appointments processes, it is possible to determine the average length taken at each stage of the process. The below tables outline the average time taken for all appointments processes, as well as those concluding within the 3 month aspiration and those that exceeded it.

Figure 2. **Average timeline for all appointment processes**

The above table provides an outline of the time taken on average across all 151 appointments processes. The average time between closing date and sift was 3 weeks. It took an average of 4 weeks from sift to interviews, whilst the interview to announcement stage took 14 weeks. The average time taken between closing dates to announcement was 21 weeks, which equates to roughly 5 months.

Figure 3. **Average timeline for appointments processes concluding within three months of closing date**



If we examine appointments processes that concluded within the 3 month aspiration exclusively; we see reductions in the time taken at each stage when compared to the overall average. These appointments processes took 2 weeks from close to sift and 3 weeks from sift to interview. Most notable is the halving from 14 to 7 weeks between interview and announcement. Appointments processes took 12 weeks from close to announcement, meeting the 3 month aspiration.

Figure 4. **Average timeline for appointments processes concluding in excess of three months of closing date**

When looking in isolation at appointments processes exceeding the aspiration period, we see increases in the length of time taken at all stages. There was an average of 4 weeks between close and sift, a 5 week period between sift and interview then 20 weeks from interview to announcement. Appointments processes exceeding the aspirational period took 29 weeks to complete on average, which equates to roughly 7 months - more than doubling the aspiration period.

These findings clearly show that the longest stage of an appointments process is that between interview and announcement. The following section examines each stage in greater detail. However, there is an average difference of 13 weeks at this stage, between appointments processes meeting the aspiration and those exceeding it, and this is often where the most time can be lost.

Stages

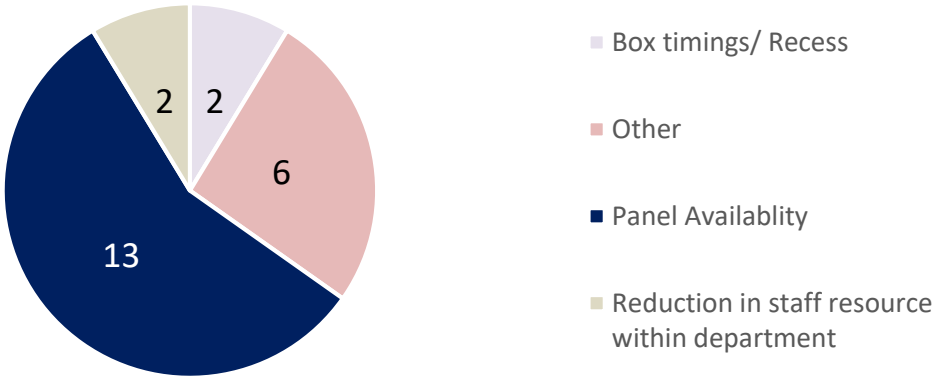
Close to sift - Average time taken was 3 weeks.

Officials in the recruiting departments are often involved in the following tasks including:

- Pre-sifting of applications by department officials to provide the Advisory Assessment Panel (AAP) with a pre-assessed list of candidates for the panel to verify. This often depends on the size of the appointments process and the number of applications received, and is aimed at aiding the panel.
- Scheduling the sift date with the AAP.
- Informing the appointing Minister of the strength and diversity of the applicant field and shortlist by submission. In some departments, submissions are cleared at various senior levels before a Minister's box.
- Receiving a decision from the appointing Minister to close process to applications.

Of the 66 appointments processes included in the survey responses from departments, 18 experienced one or more delays at the close to sift stage. Based on these responses, delays at this stage were largely caused by panel availability, accounting for 13 of the 23 reported causes of delay.

Figure 5. **Panel availability was the most common cause of delay between close and sift**



The review will use anonymised case studies from real life appointments processes in order to demonstrate how delays can occur at each stage of campaigns.

Case Study

The close to sift stage took 5 weeks, which is above the average even for appointments processes exceeding the aspiration. The process launched before the Department had been able to schedule sift and interview dates with the panel. There was a particular problem with the independent panel member's availability for interview dates. Department officials wrote to the appointing Minister suggesting an alternative independent panel member. This was agreed to, but the sifting meeting still had to be cancelled as other panel members were unavailable. The time taken to change independent panel member and find a date that all panel members were available for meant that the sifting meeting was delayed by a month.

The delay encountered in this competition highlights the importance of agreeing a firm timetable with panel members prior to the appointments process launching. Had availability been factored in at the outset, the process would not have launched with an independent panel member who was unable to make the required dates.

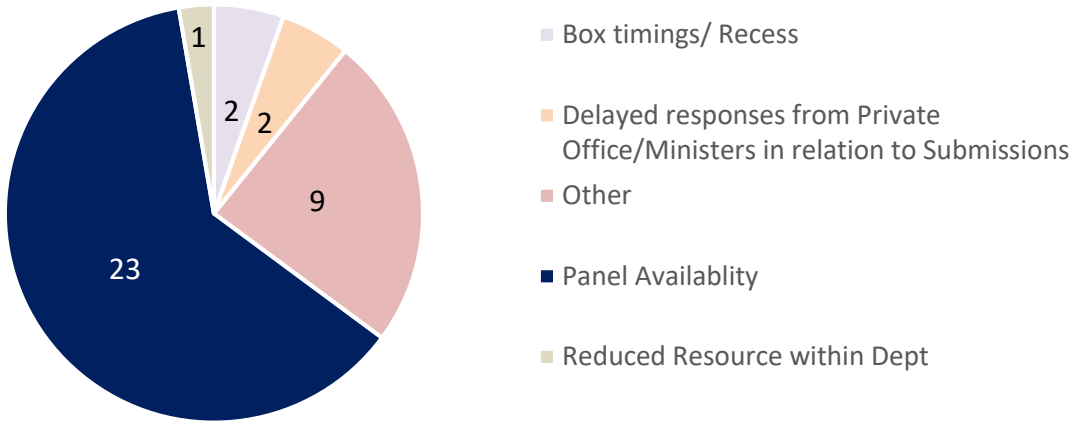
Sift to interview - Average time taken was 4 weeks.

In order for an appointments process to progress at this stage the following must take place:

- Panel meeting to formalise shortlist
- Agreement of shortlist from Minister
- Due diligence of shortlisted candidates
- Scheduling of interviews

A greater number of appointments processes experienced delays in the stage between sift and interview than the previous stage, with 31 of the 66 reporting various delays. Of the 37 reported causes of delays, the predominant cause at this stage was again the availability of the panel, accounting for 23 of the reported delays.

Figure 6. **Panel availability caused over half of delays between sift and interview**



Case Study
The sift to interview stage took 17 weeks, more than four times longer than the average appointments process. This was due to panel members being on leave. In this process, the appointing body was responsible for organising the interview dates with panel members. However, interview dates had not been agreed with the panel members at the sift meeting. Several of the panel were then on leave over the summer and interview dates could not be agreed until they had returned.

The delay here could have been prevented with improved forward planning, and by agreeing a firm timetable with panel members ahead of the appointments process launching. Departments should recognise that they are ultimately responsible for an appointments process progressing in a timely fashion. In this case delegating the scheduling of dates to the appointing body led to a lengthy delay.

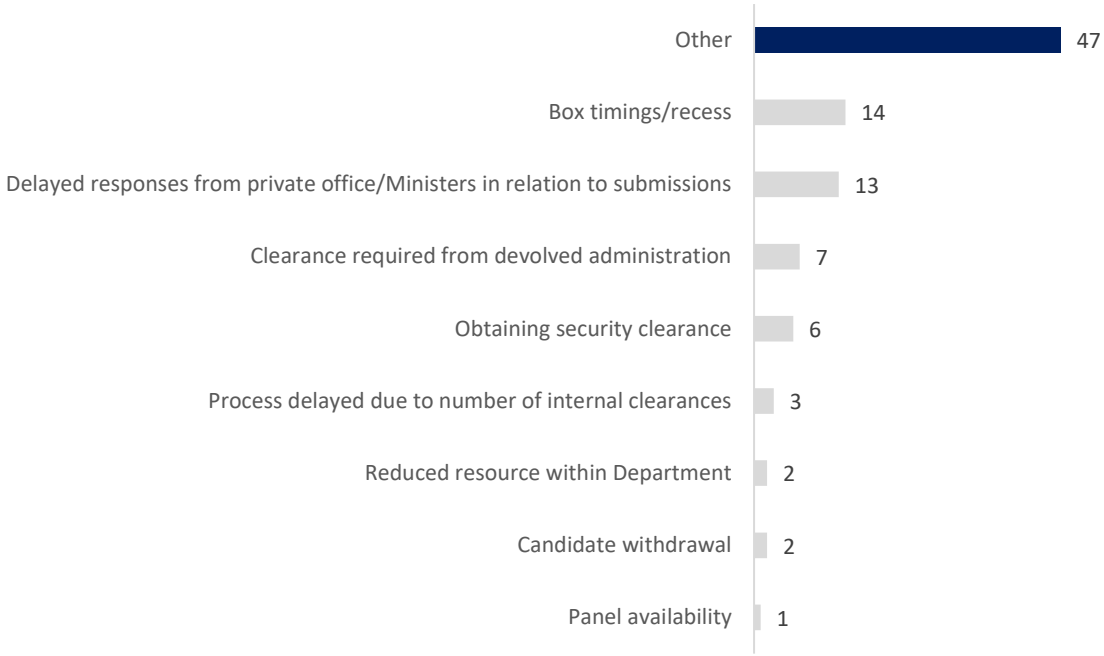
Interview to announcement - Average time taken was 14 weeks.

In order for an appointments process to progress at this stage the following must take place:

- Interviews conducted
- Assessment Panel produces report detailing appointable candidates
- Report submission to Minister
- Minister decides on candidate
- Appointment offered to candidate
- Announcement made
- For some significant appointments, a pre-appointment scrutiny hearing will be scheduled after the Government has selected its preferred candidate.

64 of the 66 appointments processes encountered delays between the interview and announcement. Unlike the previous stages, the 95 causes of delays at this stage were incredibly varied, as is illustrated in the below graph. The 'Other' category accounted for 47 of these delays.

Figure 7. **There is much greater variance in the cause of delays between interview and announcement**



Of the 47 'Other' causes, the following appeared in several departments' responses:

- Change in Minister
- Ministerial requests (i.e. asking for candidates to be ranked)
- Due diligence checking
- Clearance from Treasury
- Clearance from No.10

Given that this is the stage at which Ministers decide who to appoint, this appears to be a significant factor in the delays encountered.

Case Study

The delays in this appointments process meant that an announcement was not made until 6 months after it had closed to applications. The delay encountered at the interview to announcement stage involved concerns relating to the due diligence checks made on one of the candidates whom the panel had found appointable. After discussions involving the appointing Minister, Permanent Secretary and the Chair of the appointing body, the Minister agreed not to appoint the candidate. Another candidate who had also been found appointable was appointed and an announcement was made.

The delay in this case study highlights both the potential complexity of issues that can delay an announcement and the importance for departments to allow sufficient time for due diligence checks to take place, especially when there is significant interest from No.10. It is highly advisable that due diligence checks be conducted on all shortlisted individuals prior to interview. This allows Ministers, and other interested parties including No.10 sight of any potential issues as early in the process as possible and enables assessment panels the opportunity to probe any issues at interview.

Department Performance

Figure 8. **Performance of departments against three month aspiration**

Department	Total announcements	% within three months
All Departments	151	47%
HMT	2	100%
WG	1	100%
NHSI	30	76.7%
DFT	4	75%
DWP	5	60%
DCMS	31	58.1%
DFID	2	50%
DEFRA	9	44.4%
DFE	7	42.9%
DHSC	15	40%
Cabinet Office	3	33.3%
MHCLG	6	33.3%
MOJ	11	18.2%
BEIS	19	10.5%
Home Office	6	0%

It is important to note that this study does not compare like for like when looking at how departments have performed. For example, the levels of clearance that appointments require can differ greatly; many of the Home Office's appointments were impacted by the absence of a devolved administration in Northern Ireland. Additionally, the level of security vetting required for certain roles can be significantly higher in some departments than in others.

Perhaps most notable when looking at departments' performance is that of NHS Improvement. Of 30 appointments processes, 23 (77%) concluded within the 3 month aspiration. NHS Improvement appointments are made under a delegated model, meaning there is limited direct Ministerial involvement in the appointments process.

This review has noted that the number of announcements are well below the number of appointments made during this period, which suggests an inconsistency in campaign timelines being updated. In addition to this, this review has identified some appointments processes where incorrect information was included in the published campaign timeline.

Departmental views on the three month aspiration

When returning their surveys, some departments also provided some views on the feasibility of the current interpretation of the three month aspiration:

> *'The 3 month target is challenging particularly when dealing with complicated campaigns.'*

> *'There can be a number of different reasons for delays and it is difficult to attribute one individual cause behind this.'*

> *'Announcements can be delayed, due to alignment with the arm's length body's announcement, waiting for the candidate to clear it and agreement on the start date.'*

> *'Due diligence is a big task and we do this for all shortlisted candidates. We need at least a couple of weeks or sometimes more depending upon the number of roles to complete due diligence on and to share with Ministers to allow time for feedback ahead of interviews.'*

Part Two - Conclusions and recommendations

Based on the findings of this review, the Commissioner for Public Appointments has put together the following conclusions and recommendations:

1. The Commissioner affirms that an appointments process with no unforeseeable delays should be able to conclude within a three month period, but recognises that there can be unavoidable delays that slow processes down.

   The three month aspiration should remain an aspiration, and not act as a strict measure of compliance with the Governance Code.

2. The availability of panel members is responsible for most delays in the earlier stages of appointments processes. Often these delays could be better avoided by establishing a firm timetable before an appointments process has launched***.***

   Dates for sifting and interviews should be agreed with panel members before launch to factor in their availability, including independent panel members.

3. The forward planning of an appointments process is essential to its success and attention should be paid to reduce the likelihood of delayed responses to submissions from Ministers.

   Departments should ensure the key stages of appointments processes, particularly those requiring input from Ministers, do not take place during recesses.

4. Conducting due diligence after a Minister has made a decision on appointable candidates can cause issues and unnecessary delays to offering and announcing positions.

   Due diligence should be carried out before interviews to allow the panel to explore any potential issues.

5. This review has identified that the majority of delays occur at the stage between interview and announcements. There is a significant amount of variance in the causes of delays at this stage, although added Ministerial involvement appears to play a part.

6. This review has found that in certain appointments processes, appointment decisions are made within three months of closure, with delays at this stage only affecting the announcement itself. Provided candidates have been informed, a delayed announcement has less of an impact on customer care.

   The Commissioner recommends that a more suitable measuring point in relation to the three month aspiration is the date at which the offer of an appointment is made and interviewed candidates are informed that a decision has been made.

   For 'significant' appointments processes that require pre appointment scrutiny hearings, the measuring point should be when the Government's preferred candidate is decided. In order for performance against this revised measuring point to be monitored, the timeline on the Public Appointments website should include the date at which an appointment has been offered.

7. Good customer care suggests that keeping applicants informed of an appointments process' progress will reduce the risk of them dropping out.

   Departments should ensure that all interviewed candidates are updated on the progress of an appointments process three months after the closing date if a decision has not been made, as well as notifying OCPA. Departments should explain the reasons for any delays and provide the expected timing for the appointments process concluding, and provide evidence or retain records to that effect.

   More attention should be paid to keeping the appointments process timeline on the Public Appointments website updated, ensuring that all information displayed is correct and transparent to the public.

8. Ultimately, the principle guiding the three month aspiration remains customer care.

   All efforts to improve the experience of applicants to public appointments should be made at every opportunity.