

**NORTHERN IRELAND POLICING BOARD
CHIEF OPERATING OFFICER APPOINTMENT PROCESS**

Report of the Independent Equality, Diversity and Human Rights Advisor

**Dr John Mallon
5th January 2021**

1 Introduction

1.1 This report presents an independent view, from an equality, diversity and human rights perspective, on the delivery of key elements of the selection and appointment process for the role of Chief Operating Officer (COO) in the Police Service of Northern Ireland (PSNI). It comments specifically on the extent to which the principles of merit, fairness and openness have been observed in the management and delivery of this process which was undertaken by The Northern Ireland Policing Board (the Board). The Board was supported in its work by an external consultancy firm, Pertemps Professional Development (PPD), which has specialist knowledge and experience of designing recruitment and selection processes at all levels within policing, including senior leadership and executive level appointments. My comments below have been informed by the Board's Guidance for the Appointment of Chief Officers and Senior Police Staff Equivalents, relevant employment equality legislation, good employment practice in relation to recruitment and selection, as well as my direct observations of the Shortlisting process and the assessment and scoring of candidates in the Strategic Briefing Exercise and Interview components of the appointment process.

2. The Panel

2.1 The Panel responsible for the appointment process comprised two political representatives and four independent representatives of the Board. Four of the Panel were male and two were female. All of the Panel members had received training in effective assessment procedures and were aware of the Board's Guidance for the Appointment of Chief Officers and Senior Police Staff Equivalents (the Board's Guidance), the large body of equality legislation that impacted on the selection process and the principles underpinning selection which the Panel was required to observe, ie merit, fairness and openness.

2.2 The key to fair assessment is to be objective. In an effort to enhance the objectivity of the assessment process all of the Panel members had received training in what is commonly known as the ORCE method of assessment. The acronym ORCE stands for Observe, Record, Classify and Evaluate. This highly structured and systematic method of assessment is regarded as best practice. One of its important characteristics, from an equality and fairness perspective, is that it brings an openness and transparency to the decision making process and helps ensure that the decisions are evidence based. The ORCE methodology was used in both the Shortlisting and the Assessment Day processes.

3. Applicant pool

3.1 To help ensure that selection is based on merit, the Board's Guidance states that it is desirable that the successful candidate is chosen from a

sufficiently strong and diverse pool of eligible applicants, and specifies the minimum requirements for advertising senior vacancies. In keeping with the Board's Guidance, the advertisement for the COO post appeared on a wide range of platforms including the Board's website, the PSNI website, the National Police Chiefs' Council's (NPCC) dedicated intranet – ChiefNet, and was circulated to a wide range of policing outlets including:- the College of Policing, the Association of Police and Crime Commissioners (APCC), Police Scotland Chief Constable's Office, the Scottish Police Authority, An Garda Síochána and the Irish Policing Authority. In addition, the post was advertised in the Guardian (plus on line edition) and was also made available through LinkedIn and NIJobs.com. The post was advertised on the 11th of November 2020 with a closing date of the 30th November. This period was a few days shy of the three week period specified in the Board's Guidance.

- 3.2 To complement the efforts of the Board, an Executive Search Company, Clarendon Executive, was appointed to help maximise the number of eligible applicants. In seeking to attract a diverse pool of candidates the advertisement for the post explicitly welcomed applications from the Roman Catholic Community, women and members of Black and Minority Ethnic groups, as they are currently under-represented at senior levels in the PSNI.
- 3.3 In view of the efforts made to secure a strong and diverse pool of candidates it was reassuring to find that a relatively large number of applications, twenty-four in total, had been submitted for consideration. Seven (29.2%) of the twenty-four applicants were from outside Northern Ireland. For those whom a Community Background had been determined, seven applicants were Protestant (36.8%), and twelve were Roman Catholic (63.2%). In terms of sex, sixteen were male (66.7%) and eight (33.3%) were female. Comparisons with labour availability estimates indicate that females and Protestants were under-represented in the applicant pool.

4. **Shortlisting**

- 4.1 The shortlisting process was undertaken on the 4th December in a large room in the Board's headquarters. Covid-19 precautionary measures were in place with four of the shortlisting Panel sitting at desks a few metres apart. The remaining two Panel members joined the meeting through Zoom. The Panel members had been provided with the anonymised application forms of the twenty-four applicants on the 1st December, along with detailed shortlisting guidance and the forms on which they were required to formally record their provisional ratings for each candidate. In addition to me, the process was observed by the Chief Executive of the Board, a Board official who kept a record of the key decisions being made and the PPD advisor. The Chief Constable was also in attendance to provide, if requested, professional advice at an appropriate level from a policing perspective. A three point rating scale was used in the shortlisting; A (Strong Evidence); B (Acceptable

Evidence); and C (Limited Evidence). Each of these grades was accompanied by a descriptor to help achieve consistency in rating between the Panel members. As set out in the COO Job Description and Person Specification, the applications were to be assessed against six Essential criteria, three Desirable criteria, two Values and four Competencies. The scoring of the application forms would have placed an exceptionally heavy workload on Panel members as they had a relatively short time to undertake this demanding work.

- 4.2 After setting out the purpose of the shortlisting process and reminding panel members of what constituted effective practice, the PPD advisor, who was facilitating the process, tasked the Panel with agreeing a standard for each of the Essential criteria. It was unanimously agreed that a rating of A (Strong Evidence) would be required for each of the six Essential criteria and that, if necessary, consideration of the standards to be applied to the Desirable criteria, Values and Competencies would be given when scoring of the Essential criteria had been completed. The Panel determined that setting such a high standard was commensurate with the demands and senior level of the post to be filled, and envisaged that through applying this standard a manageable number of high quality candidates would be selected to progress to the interview stage. The Panel also determined that the overall 'Agreed' Panel grade would be the grade given by the majority of the Panel. It was subsequently agreed that on those occasions when there was no clear majority for a particular grade, the Panel decision would err on the side of the candidate.
- 4.3 Prior to the start of the shortlisting process for each individual candidate, the Panel members were asked to consider and declare whether they had any prior knowledge of the applicant, or whether they had any interests that may give rise to a potential or actual conflict of interest or the perception of such a conflict. While a number of Panel members declared that they had knowledge of one or more of the candidates in a professional capacity, no apparent or perceived conflict of interests were declared.
- 4.4 Shortlisting proceeded in a systematic manner with each candidate being considered one criterion at a time. The Panel members were required to read out the independent provisional rating that they had recorded in the forms provided in their Shortlisting Assessment pack. These provisional ratings were recorded on a laptop and projected onto a large screen to facilitate any Panel discussion. A long hand record of the Panel ratings was taken by the Chief Executive and another senior Board official to provide a back-up and facilitate the quality assurance of the process.
- 4.5 The shortlisting process was mechanistic in nature with the individual Panel member's grades being collated and an 'Agreed' grade determined solely on the basis of the rules that had been agreed by the Panel at the start of the process. The absence of any discussion around the grades awarded by individual Panel members to achieve a

consensus resulted in the process being completely objective and applications being treated in a consistent manner.

- 4.6 The outcome of the shortlisting process was that five applicants were deemed to have met the standard (Strong Evidence in relation to all of the Essential criteria) to be invited to the next stage in the assessment process - Assessment Day. Females did particularly well in the shortlisting process with a success rate (37.5%) that was three times that of males (12.5%). This reversed the imbalance evident in the applicant pool and resulted in three females and two males being invited to the Assessment Day. I should perhaps caution that, because of the small numbers involved in this process, it would be wrong to attach too much significance to the higher success rate of females in the shortlisting process. I would however recommend that, for monitoring purposes, information from this competition is combined, using an appropriate statistical methodology, with data from other senior competitions to identify any trends that might warrant investigation.
- 4.7 In concluding my comments on the Shortlisting process it is incumbent upon me to note that the focus on solely Essential criteria is not in keeping with the Board's Guidance and should be regarded as a pragmatic approach to manage the large number of applicants. That said, it was quite a blunt approach as the candidate application form had not been designed with this approach solely in mind.

5. Quality Assurance

- 5.1 When the Panel had completed the shortlisting, the process was subject to a Quality Assurance check. This check identified two instances where the grade read out by a Panel member did not match the grade they had recorded in their Provisional rating form. The correction of these errors made no material difference to the Agreed grades and or the outcome of the process.
- 5.2 I have independently analysed the distribution of ratings by the Panel members and failed to identify any patterns or relationships that might indicate any form of bias or irregularity in scoring by any Panel member. This analysis did reveal that some Panel members were consistently more generous in their marking than others. This difference had no impact on the fairness of the process.

6. Assessment Day

- 6.1 The Assessment Day comprised two elements – a Strategic Briefing Exercise and a Competency/Values Structured interview. The Strategic Briefing Exercise was a relatively straightforward in-tray type of assessment and contained nothing that might give rise to any significant equality or diversity concerns. The Assessment Days were arranged for the afternoon of the 16th December and the morning and afternoon of Friday 18th December. Two candidates were invited to interview on the

first Assessment Day and three on the second. The order in which candidates were assessed was the same as the order in which they had been placed at the outset of the competition.

- 6.2 In advance of the Assessment Day, the Panel had agreed which two members would ask questions relating to the Strategic Briefing Exercise and had decided which of the Competency/Value areas the remaining four Panel members would each focus their questions on. It had been agreed that candidates would be given ten minutes to answer questions in relation to each of the four Competency/Value areas. It had also been agreed that two of the lead questions and subsequent follow-up questions would be retrospective in nature, focusing on past behaviour, while two would be forward facing in terms of how a candidate would deal with a specific situation or issue.
- 6.3 To help them prepare for the Assessment Day, the Panel had been given an Assessment Guide which contained the questions and probes that would be appropriate for the Strategic Briefing Exercise as well as guidance on the type of responses that might be expected from a good candidate. The two Panel members responsible for asking questions on the Strategic Briefing Exercise and one other Panel member were provided with the actual exercise material that candidates would be required to analyse, while the remaining Panel members were given this material on the first Assessment Day. The Assessment Guide also contained the lead questions and suggested follow-up questions/probes for the four Competency/Value areas along with a marking guide that provided examples of the type of evidence that a good candidate might be expected to provide when responding to questions. As was the case with the Strategic Briefing Exercise, this guidance was tied into the behavioural descriptors of the PSNI Competency/Values Framework for Policing.
- 6.4 By way of background, the assessment of candidates was undertaken in a large room in the Board's headquarters. Administrative systems and procedures were in place to ensure all necessary safeguards relating to Covid-19 were adhered to throughout the assessment process. The room in which the assessment took place was well lit and of sufficient size to accommodate a large desk for each of the Panel members and for Panel members to maintain a safe social distance from each other. Due to the Covid-19 restrictions in place, the air conditioning system was switched off for the majority of the assessment process. This resulted in the temperature in the room being uncomfortably cool for Panel members who were seated at their desks for a considerable period of time. That said, the temperature was not sufficiently low to have had any impact on the performance of candidates.
- 6.5 The Panel members were provided with a digital clock to manage their time and a digital clock operated by a Panel member was placed on the desk facing the candidate. By way of back up, a standard clock was placed on the wall behind the Panel. The candidates were seated approximately four metres from the Panel and were provided with a side

table and a glass of water. The assessment of candidates was observed by me, the Chief Constable, the Board's Chief Executive (on the first Assessment Day) and the PPD advisor. All of the observers were seated at the back of the room outside of the candidates' field of vision.

- 6.6 An empty office near the assessment room was used by candidates to prepare for their Strategic Briefing Exercise. Logistical reasons prevented me from observing the invigilation process around this preparatory work, but I have received assurance from the member of the Board's staff responsible for the invigilation that all candidates received the same standardised briefing and the prescribed forty-minute preparation time.
- 6.7 In introducing the Assessment Day, the PPD advisor reminded Panel members of the responsibilities associated with their role, the principles of merit, fairness and openness underpinning that role and what constituted effective practice in assessment. The Panel was also informed that, as was the case in the shortlisting process, the Chief Constable was attending the Assessment Days to provide, if requested, professional advice at an appropriate level from a policing perspective.
- 6.8 Prior to the commencement of the assessment, the Panel agreed that a minimum rating of 2 (Highly Effective) would be required on both the Strategic Briefing Exercise and the Competency/Value based interview to meet the standard necessary for the Panel to recommend a candidate as suitable for appointment. The Panel also agreed that when it was not possible to obtain a majority Panel view on either the grades or scores of candidates, the decision made would err on the side of the candidate.
- 6.9 When the formalities associated with the management of the Assessment Day had been completed, the Strategic Briefing Exercise candidate material was given to the three Panel members who had not previously received it. While they had a relatively short period to familiarise themselves with the content of the Exercise, this would not have made a material impact on the assessment process, as Panel members had all received the detailed marking guide for the Strategic Briefing Exercise to review in advance of the Assessment day and were following the ORCE method of scoring.

7. Conduct of the Strategic Briefing Exercise and Interview

- 7.1 My observations, from an equality and fairness perspective, on the conduct of (a) the Strategic Briefing Exercise and (b) the Competency/Values Structured Interview are as follows:

(a) Strategic Briefing Exercise.

- The Chair of the Panel provided candidates with the same information on the procedural issues surrounding the various

elements of the assessment process and the time allocated to each of the elements.

- All candidates were given the same amount of time to deliver their Briefing and respond to questions. One candidate did not avail of the time available to them, taking just under six minutes of the ten available to present their briefing to the Panel.
- Four out of the five candidates received a similar number of follow-up questions and, to a large extent, these questions followed the suggested probes provided in the Assessor Guide. One candidate provided very short answers to almost all the questions asked and therefore received at least twice the number of questions/probes as other candidates.
- The level of challenge posed by the questions/probes was similar for all of the candidates and appropriate for the level being assessed. None of the candidates appeared to be discomfited by any of the questions asked.

(b) Structured Interviews

- The lead questions and the order in which the questions were asked was the same for all of the candidates
- The interviews ran smoothly with only one handover between the four Panel members.
- On all but two occasions, the candidate was informed whether the question they were about to be asked was forward looking or based on past behaviour. This omission was of no particular significance, as whether a question was forward looking or retrospective in nature was evident from the question asked.
- The style of questioning was supportive, with probes being used to seek clarification or elicit additional information rather than to challenge what candidates were saying.
- In relation to four out of the five candidates, the Panel was conscientious in ensuring that candidates received ten minutes to respond to the questions they were being asked. One candidate, however, gave particularly terse responses to all of the questions asked by each of the Panel members, and despite receiving substantially more follow up questions/probes than other candidates, failed to avail of the opportunities made available to them. While this candidate was not treated consistently in terms of allocated time, they were treated fairly in that they were provided with equality of opportunity to evidence the competencies and values against which they were being assessed.

8. Assessment of the Strategic Briefing Exercise and Interviews

- 8.1 A crucial element of the ORCE process, from an equality perspective, is that the classification and evaluation of the information recorded by Panel members is completed independently. The importance of independent assessment was stressed on many occasions during the Shortlisting and Assessment Day process. I sat in the same room as the Panel members when they were classifying and evaluating the information they had recorded for each of the candidates during the Strategic Briefing Exercise and Structured Interview, and was reassured to note that all of the Panel members were conscientious in completing their assessments independently. This independence provides a hallmark of the rigour applied to scoring element of the process.
- 8.2 The scoring system used for the assessment of Competencies/Values in the Strategic Briefing exercise and interview was different to that used for the shortlisting process. A four-point rating scale was used which ranged from 'A' (Almost exclusively positive evidence...) to 'D' (Little or no positive evidence...). The grades from this scale were then used to derive a score on a scale ranging from '1' (Exceptional) to '6' (Very ineffective) for overall performance in the Strategic Briefing Exercise and Structured Interview. This tried and tested scoring method aids objective and impartial assessment by using a highly structured and relatively objective methodology to help funnel the decision-making process towards a merit based outcome. The methodology, while being somewhat mechanistic, minimises the potential for bias to creep into the final stages of the selection process, and provides a high degree of openness and transparency around the decision and recommendation making process.
- 8.3 The process used to determine grades and then ratings was similar to that previously described for the shortlisting of candidates, ie the systematic evaluation of evidence, criterion by criterion, the independent awarding of provisional grades and the achieving of a consensus on the 'Agreed' grade. It differed from the shortlisting process, which was mechanistic in nature, in that when there was a significant difference between the grades awarded by Panel members a discussion took place, based on the evidence recorded, to explore the reasons behind the difference in grades, and through this exploration, attempt to achieve a consensus view. On some occasions Panel members were persuaded by the evidence presented to change their provisional ratings, on other occasions Panel members were not persuaded by the evidence presented and held fast to their provisional ratings. Following on from this, the same systematic approach was used to arrive at agreed Panel ratings from the evaluation of the agreed grades.

9. Decision-making and Recommendation

- 9.1 When the scoring and rating of all of the candidates had been completed, the Panel reviewed the agreed ratings they had recorded for each of the candidates and agreed that two candidates, one male and

the other female, had achieved the standard agreed at the outset of the Assessment Day i.e. a minimum score of 2 (Highly Effective) in both the Strategic Briefing exercise, and the interview. The decision as to which of the candidates the Panel would recommend for appointment to the COO role was based solely on the 'Agreed' grades achieved by each candidate in relation to the seven Competences/Values that had been assessed across the Assessment Day. The candidate with the highest grade scores was recommended above the other candidate who achieved the standard.

10. **Conclusion**

- 10.1 The positive actions described in this report to attract a strong and diverse pool of applicants and the rigour of the ORCE methodology used in the assessment of candidates reflects best practice in recruitment and selection and demonstrate the principles of merit, fairness and openness. The evidence base provided by the processes in this competition clearly shows that the candidate recommended by the Panel for appointment was the candidate who, through fair and open competition, best met the agreed and published criteria for the post of Chief Operating Officer.

John Mallon (Dr)

Independent Equality, Diversity and Human Rights Advisor
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