



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number: 27/2019**

**Date: 16 December 2019**

This request relates to a Police and Community Safety Partnership appointment process for Independent Members.

**Request 1:** Please furnish me with copies of all guidance provided to the panel and criteria determined by the panel.

**Answer:** This information is exempt from disclosure under the exemption at Section 36(2) (c) of the Freedom of Information Act, i.e. disclosure would prejudice, or would be likely otherwise to prejudice the effective conduct of public affairs. As Section 36 is a qualified exemption a copy of the Public Interest Test is attached at Appendix A. In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Request 2:** Please furnish me with copies of all blank forms provided to the panel.

**Answer:** The panel are provided with forms to complete in relation to shortlisting and interviewing, these cannot be released in line with the answer to request 1. The panel is also issued with a Confidentiality and Security Declaration Form for review and signature, this is attached for information at Appendix B.

**Request 3:** Please furnish me with all discussions, meetings and training that the panel attended in relation to the process.

**Answer:** All panel members attended mandatory panel training in relation to the recruitment of Independent PCSP members. In addition, a separate training session was held for Chairs of panels – this was also mandatory. A copy of each presentation is included in this response at Appendix C and D respectively.

**Request 4:** Please furnish me with the political persuasion of the independent member and how they were appointed.

**Answer:** All Independent Panel Members were appointed through an accredited list provided by the Commission for Public Appointments for Northern Ireland (CPANI). The Policing Board (the Board) is not aware of the political persuasion of any of the Independent members as this was not a factor in their appointment.

**Request 5:** Please furnish me with a full explanation of the political imbalance in the panel, 3 unionist and 1 republican.

**Answer:** The Board does not hold any information falling within the scope of this question.

In line with Schedule 1, 4(2) and Schedule 2, 4(1) of the Justice Act 2011 and sections 3.42 and 3.43 of the Code of Practice for the Appointment of Independent Members to Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships, the responsibility for selection of the panel lies with each Council. The Board are aware that in most cases, Councils use the D'Hondt method.

**Request 6:** Please furnish me with the full explanation of why the [REDACTED] representative was excluded from the panel.

**Answer:** The Board believes that this information is exempt from disclosure under the exemption at Section 40 (2) (Third Party Personal Data) of the Freedom of Information Act 2000 (FOIA).

The General Data Protection Regulation (GDPR) as tailored in the UK by the Data Protection Act 2018 (DPA) defines;

- **Personal data** as any information relating to an identified or identifiable living individual.
- **Identifiable living individual** as a living individual who can be identified, directly or indirectly, in particular by reference to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

Under section 40(2) of FOIA the information is exempt if one of these three conditions are met:

- **First condition:** disclosure would contravene one of the data protection principles.
- **Second condition:** disclosure would contravene an objection to processing.
- **Third condition:** the information is exempt from the right of subject access.

The Board believes that to release this information under the FOIA would contravene Principle 'A' listed in Article 5 of the GDPR. Therefore the information is exempt as per section 40(3A) of the FOIA.

**Request 7:** Please furnish me with a copy of any conflict of interest declarations completed by panel members.

**Answer:** Please see answer provided under request 6.

**Request 8:** Please furnish me with the number of persons interviewed

**Answer:** 13 applicants were interviewed

**Request 9:** Please furnish me with the political breakdown of the person's interviewed

**Answer:** Please see answer provided under request 6. In addition, the nature of the information requested is also deemed to be special category data within Article 9 of the GDPR.

**Request 10:** Please furnish me with the individual scores that each interviewee attained

**Answer:** Please see answer provided under request 6.

**Request 11:** Please furnish me with what the pass mark was and how this was decided.

**Answer:** The pass mark was 4/10 or 40%. This had to be achieved in all questions. The Northern Ireland Civil Service pass mark is 6/10 or 60%, however, it was agreed to lower this threshold to give applicants a greater chance of success.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board  
Waterside Tower  
31 Clarendon Road  
Clarendon Dock  
Belfast BT1 3BG

Email: [foi@nipolicingboard.org.uk](mailto:foi@nipolicingboard.org.uk)

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at:-

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Telephone: - 0303 1231114  
Email: - [ni@ico.org.uk](mailto:ni@ico.org.uk)

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk).

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

**FOI 27/2019 – Section 36 Exemption – Prejudice to effective conduct of public affairs**

**Public Interest Test**

The above exemption is a qualified exemption, and a Public Interest Test must be carried out to decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

**Information requested by the applicant**

Copies of all guidance provided to the panel and criteria determined by the panel in relation to the shortlisting and interview stage of the recruitment of Policing and Community Safety Partnerships Independent Members.

**Arguments in favour of disclosure of the requested information**

There is a public interest in transparency of information by public bodies in ensuring fair treatment for all.

**Arguments in favour of engaging the exemption and withholding the requested information**

The requested information contains the criteria under which applicants are selected as suitable candidates for the positions of Independent members of the Policing and Community Safety Partnerships.

Suitable candidates are selected through a criteria based application form and interview. The criteria is set by the Policing Board and panel members are trained in relation to ensuring a consistent approach in assessing that the criteria are met.

Information provided to the panels includes indicators which identify the specific experience, behaviours and skills considered necessary to demonstrate competency in the role for which they apply.

The criteria are generic to the role of Independent Member of the PCSP and have been used in previous competitions. They are also likely to be used in future competitions.

In addition, the current competition is still live and subject to the outcome of the Board appointment panels, may have to be used again for a further competition.

Placing this information in the public domain would therefore severely undermine the merit principle of this stage of the recruitment as it would remove the capacity for a candidate to demonstrate their innate ability rather than a test of memory.

In addition, a completely new criteria framework would be required which is not possible given the specific skills and experience sought.

Taking into account the factors outlined above it is believed that if the requested information was released at this time it would prejudice the effective implementation of the current and future competitions. Therefore the exemption at Section 36 of the FOIA is engaged. The specific sub section is section 36(2)(C) which states that –

*Information to which this section applies is exempt information if in the reasonable opinion of a qualified person disclosure of the information under this Act - would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.*

Guidance from the Information Commissioner on Section 36 defines 'Would prejudice' as meaning that it is more likely than not (ie a more than 50% chance) that prejudice would occur. 'Would be likely' is a lower standard; it means that the chance of prejudice must still be significant and weighty, and certainly more than hypothetical or remote, but does not have to be more likely than not that it will occur.

## **Result**

Taking into account all of the deliberations above, it is felt that the public interest in engaging the exemption to withhold the information does outweigh the arguments towards disclosure at this point in time.

As a result, the requested information should be withheld.

## **APPOINTMENT OF INDEPENDENT MEMBERS TO POLICING AND COMMUNITY SAFETY PARTNERSHIPS**

### **Confidentiality and Security Declaration Form**

All panel members involved in the Policing and Community Safety Partnership (PCSP) recruitment process are requested to read the conditions set out below which relate to their compliance with privacy law and, in particular, with the General Data Protection Regulation (GDPR), May 2018. Furthermore, they must ensure that they understand and comply with these rules at all times, both whilst working within the timeframes of the PCSP recruitment process, and thereafter.

### **Personal and Confidential Information**

Panel members will appreciate that they will have access to personal and confidential information through their role as panel member for the PCSP recruitment process. Personal and confidential information in this instance relates to candidate names, application details, shortlisting notes and interview notes. Panel members must ensure that this information will not be disclosed to any person outside of the recruitment process and will not be used by the panel members for their own advantage. We wish to draw panel members' attention to the following rules and Schedule A, the schedule detail of Processing, Personal Data and Data subjects, which must be observed at all times:

1. Personal and confidential information will not be disclosed to any person outside of the recruitment process;
2. Panel members will not use personal and confidential information for their own purposes;
3. Panel members should restrict the discussion of information relating to the PCSP recruitment process to those directly involved in the process;
4. Panel members should be careful not to discuss the details of the PCSP recruitment process in public places;
5. Panel members must take due care when sorting personal and confidential information throughout the PCSP recruitment process;
6. Panel members are expected, during the course of their role, to comply with ethical standards of conduct.

Please note that the above list is not exhaustive and is an example of the obligations placed on members.

I hereby agree that I will comply with the obligations set out above relating to the Policing and Community Safety Partnership appointments process and the specific obligations for processing personal data as outlined in Schedule A.

I have read and understood the above conditions and agree to abide and be bound by them.

NAME (in capitals) .....

SIGNED: .....

DATE: .....

## Schedule A

### Processing, Personal Data and Data Subjects

1. The contact details of the Controllers Data Protection Officer are:

William Magee

Telephone: 028 90408500

Email: [Data.protection@nipolicingboard.org.uk](mailto:Data.protection@nipolicingboard.org.uk)

2. The contact details of the Processor's Data Protection Officer are:

**<Insert HR Provider Data Protection Officer details>**

3. The Processor shall comply with any further written instructions with respect to processing by the Controller.
4. Any such further instructions shall be incorporated into this Schedule.

Description	Details
Identity of the Controller and Processor	<p>The Parties acknowledge that for the purposes of the Data Protection Legislation, the Customer (the Board) is the Controller and the Contractor (HR Connect) is the Processor.</p> <p>The lawful basis for processing the personal information is covered under our public task as set out in Schedule 1 of the Justice Act (Northern Ireland) 2011.</p>
Subject matter of the processing	<p>The processing is needed in order to ensure that the Processor can effectively deliver the contract to provide a service and provide a list of appointable applicants for Independent Members to PCSPs.</p>
Duration of the processing	<p>The process will commence in September 2019 and finish in December 2019.</p>
Nature and purposes of the processing	<p>The purpose for processing this information is to carry out shortlisting and interviewing of candidates, to provide a list of appointable candidates to the NI Policing Board, for Independent Members of PCSPs and DPSCPs.</p> <p>Panel members will be provided with a list of names for conflict of interest purposes. A pack detailing application forms of candidates will be provided separately. They will carry out a shortlisting exercise according to these application forms. Those candidates shortlisted will be invited for interview. Panel members will be provided with a pack with interview booklets to complete and application form details.</p>



Type of Personal Data being Processed	Name Application form category details.
Categories of Data Subject	Members of the Public who have applied to become an Independent Member to PCSPs / DPCSPs.
Plan for return and destruction of the data once the processing is complete  UNLESS requirement under union or member state law to preserve that type of data	<p>Shortlisting papers will be provided in advance of the shortlisting meeting, due to take place in October.</p> <p>After shortlisting meeting all papers must be returned to the HR Provider.</p> <p>Interview packs will be provided prior to interview days to be held in October – November. At the end of the interview days, all papers must be returned to the HR Provider.</p> <p>At all times, no papers will be shared, copied or destroyed by panel members.</p> <p>At the end of the process, all papers will be returned to the NI Policing Board by the HR Provider for retention or destruction according to the retention and disposal schedule.</p>

# Training for Panel Members to assist with the Appointment of Independent Members to the PCSPs & DPCSPs 2019



[Redacted] and [Redacted]



# Welcome



- Introductions to consultants
- Interest and experience in this area
- What we hope you will get out of the session



# Introductions

- Talk to the person beside you
- Find out three things you have in common
- Be able to introduce the person you have just met



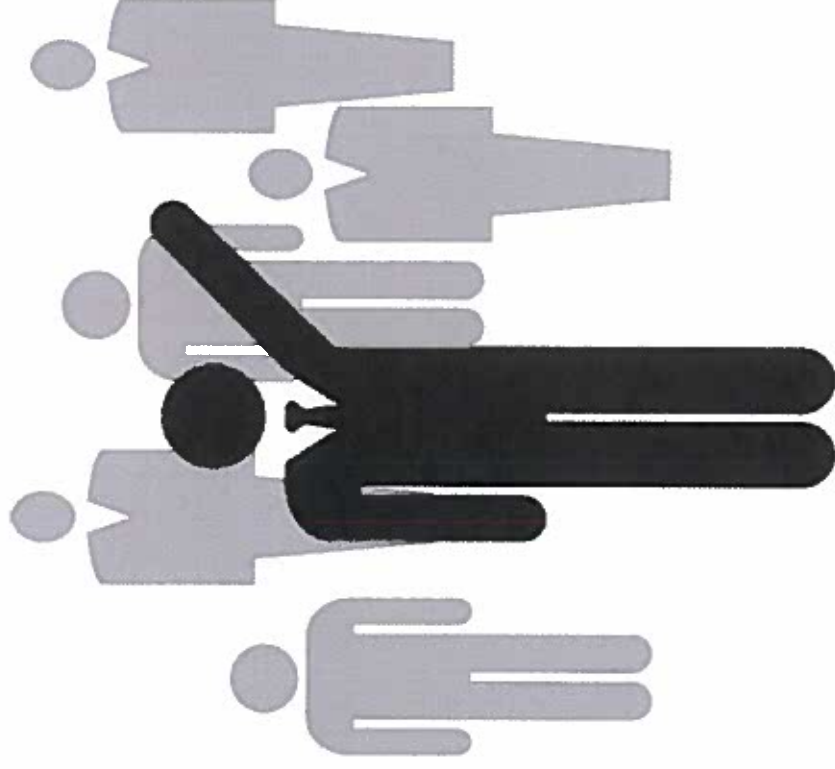
# The Aim of the Workshop

*“To ensure panel members adopt a fair and consistent approach to shortlisting, interview and selection process which will assist in the appointment of the best candidate from the widest pool of talent ”*



# Objectives for the Workshop

By the end of the session participants will be confident in the process and clear on their responsibilities.



# Exercise One: Experiences and Expectations

Sharing positive and negative interview experiences as an interviewer and interviewee and what you personally would like to get from this workshop.



# What Happens When Things go Wrong ?

## Lennon v DRD FET

The Tribunal ruled that Dr Lennon had been the subject of unlawful discrimination on grounds of religious belief

**Damages of 150k awarded plus costs**



**PSP**

Policing & Community  
Safety Partnerships  
making our community safer

Northern Ireland  
**PolicingBoard**



# Top Civil Servant Richard Pengelly's Public Appointments Quashed amid Legal Challenge Feb 2019

Public Appointments Commissioner found the recruitment process to NIFRS Board exposed to perceptions of unfairness, bias and or discrimination

Appointment to NIFRS Board to be rerun

CPANI found substantive breaches of the code for overseeing public appointments and stated "there was a risk of perception that some form of bias may have motivated decision making and perception of unfairness bias or discrimination could arise".



# The Legislative Framework

## The Relevant Legislation

### Codes of Practice and guidance underpinning the Legislation



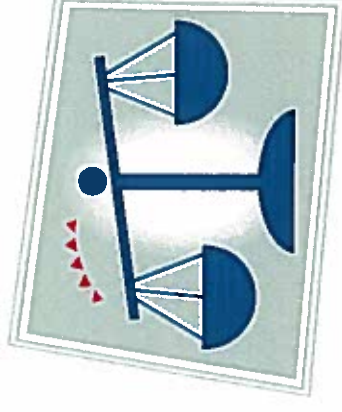
# The Legislation

- **The Sex Discrimination NI Order (1976) and the Code of Practice issued thereunder**
- **The Fair Employment and Treatment Order 1998 as amended and the Code of Practice issued thereunder**
- **The Disability Discrimination Act 1995(as amended) Equality (Disability etc) (NI) Order 2000 and the Code of Practice issued thereunder**
- **The Race Relations (NI) Order 1997 the Code of Practice issued thereunder**



# The Legislation

- The Employment Equality (Sexual Orientation) Regulations NI 2003 and related guidance issued by the Equality Commission
- The Employment Equality Age Regulations NI 2006 and related guidance issued by the Equality Commission



# Exercise Two: The Legislative Framework

Examples of scenarios relating to  
Anti-discrimination legislation



# Origins of the Code of Practice

- The code is issued under the provisions of Para. 6(2) of Schedule 2 to the Justice Act (Northern Ireland) 2011 (the Justice Act)
- The code gives guidance to District Councils and the Northern Ireland Policing Board on their respective roles in the nomination and appointment of independent members to PCSP's and DPCSP's



# Link to the Code of Practice

<https://www.justice-ni.gov.uk/publications/code-practice-appointment-independent-members-community-safety-partnerships-and-district-policing>

<https://www.justice-ni.gov.uk/publications/code-practice-exercise-and-functions-by-policing-and-community-safety-partnerships>



# The Code of Practice

## Appointment of Independent Members

- Appointed by the Policing Board
- The Board has overall responsibility for the process
- Criteria for final selection and appointment determined by the Policing Board

Appointments to PCSP or to DPCSP should not be viewed as employment. Members are holders of public office rather than employees





# The principles of Good Practice

- Appointment on Merit – Stage 2 Only
- Confidentiality
- Independent Scrutiny
- Equal Opportunity



# The principles of Good Practice

- Probity
  - Conflict of Interest
- Openness and transparency



# The Nolan Principles

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership



# Recruitment Process and Roles and Responsibilities

Applications for appointment as an Independent Member of PCSPs and DPCSPs are submitted to the Northern Ireland Policing Board



Eligibility sift is carried out (see paragraph 3.37)



Policing & Community  
Safety Partnerships  
making our community safer

**The Policing Board forwards application forms of those eligible to the relevant Council**



**The Council, with support from their Human Resources Department or an outside source appointed by the Policing Board appoints a panel to shortlist & interview**

**Council determines political membership, having regard to number of Councillors and balance of parties following most recent election**

## **Recruitment Process and Roles and Responsibilities: Part Two**



**Policing & Community Safety Partnerships**  
making our community safer



**Shortlisting and interview  
process**



**The panel forwards its list  
of those considered  
suitable for nomination to  
the Council**

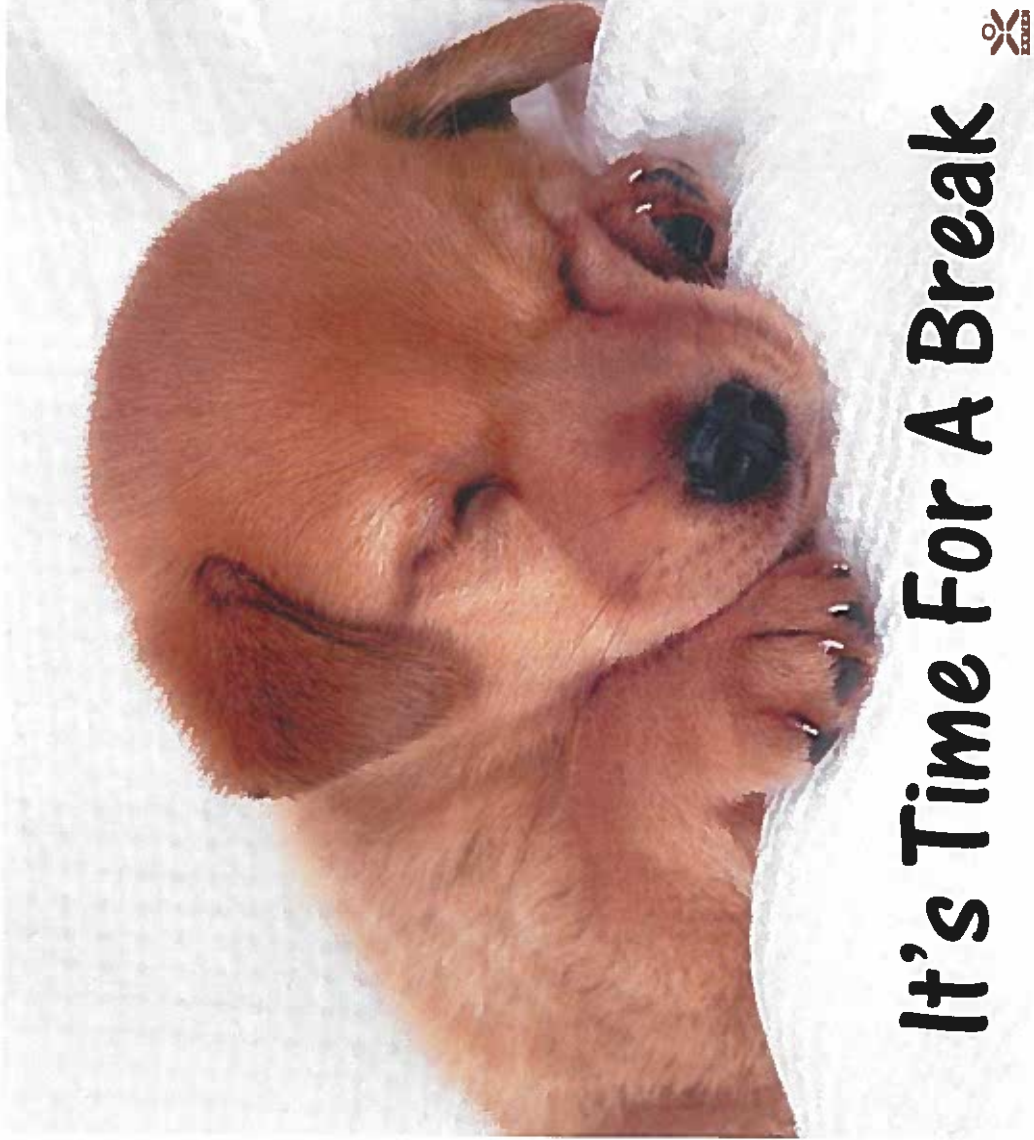
## **Recruitment Process and Roles and Responsibilities**

**The Council forwards details of those deemed suitable for appointment to the Policing Board**



**The Policing Board panel(s) consider the list of nominated applicants and selects those to be appointed**

## **Recruitment Process and Roles and Responsibilities**



# It's Time For A Break





# Interviews

## Main points from Codes

### Interviews:

- Should be conducted in a fair & consistent manner
- Should be structured & systematic



# Interview Panels

- Determine beforehand the areas to be covered during the interviews
- Use a pre-determined standardised scoring system throughout
- Every stage of the process should be documented & the documentation retained
- All interview questions should be objective & relevant to the requirements of the job



# Pitfalls

- Stereotypes
- Assumptions
- Prejudices
- Unconscious Bias



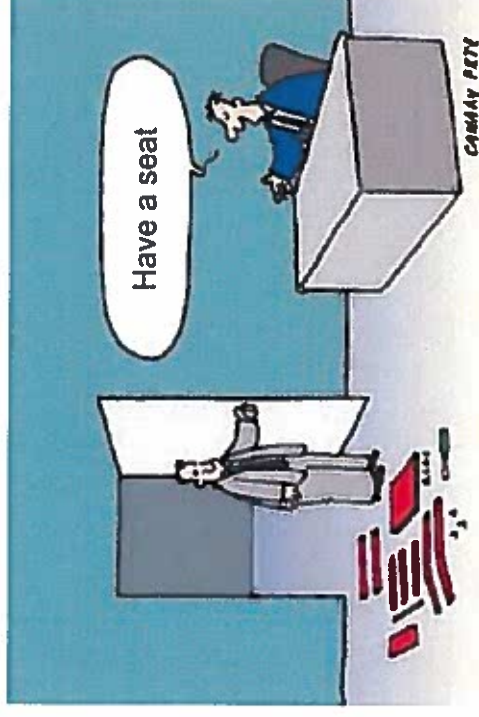
# Pictures Exercise

What is the first thing to come into your mind about these people?



# Pitfalls to Beware of when Interviewing

- Not Listening
- Forgetting
- Leading Questions
- Multiple Questions
- Unduly Harsh
- Premature Decision



# Interview Questions- Advantages of Competency Based Interview Questions

- Competence based questions and situation based questions have demonstrated improved validity over less structured questions
- Equal Opportunities – using job related criteria reduces the likelihood of bias due to superficial and personal characteristics
- Equal Opportunities allows women who may have taken career breaks to use non work related activities



# Competencies for PCSP Independents

- Interest in understanding of the community. Local policing or community safety
- Experience of working as a team
- Good communication Skills



# Sample Questions

Please give an example to demonstrate your involvement in consulting the local community on issues of concern

What experience have you of working in a team?

Please tell us about a time you have had to communicate information using a range of formats





# Quiz on Content

Go to

[www.menti.com](https://www.menti.com)

Login with code:

Answer each  
question



# HR Connect – Paperwork for Process



# Final Questions

## Feedback and Close



# Training for Panel Chairs to assist with the Appointment of Independent Members to the PCSPs & DPCSPs 2019



# Objectives for the Workshop

By the end of this session you will be able to :

- Understand your role and responsibilities as a Chairperson as set out in the procedures for recruitment to appointment to the PCSPs and DPSCPs.
- Be confident in the process to be applied and in the skills needed to be an effective Chairperson



## **Exercise: How do you see your role?**

- Discuss with the person next to you what you see as the key roles and responsibilities of your position as Chair.
- What actions may you as Chair need to take before, during and after the interview?



# Overview of the Role of Chairperson Pre-interview

- Invite panel members to declare any conflict or perceived conflict of interest.
- Agree the structure, roles and responsibilities of each panel member in advance of the interview.



# Overview of the Role of Chairperson

- The Chairperson should remind the panel members not to discuss the applicants outside the panel meeting, and that all information on applicants should remain confidential.





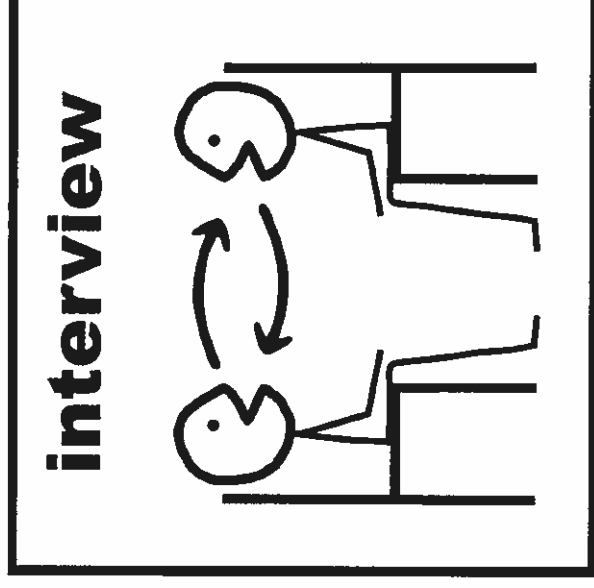
# Overview of the Role of Chairperson at Interview

- Welcome the candidate, establish rapport and introduce the panel members and the observer.
- Outline the format of the interview:
- Approximate duration, types of questions, how they will be asked.



# Overview of the Role of Chairperson

- Menu of Questions to be provided to Chair on day of interview, with specific questions agreed and allocated to each Panel member.
- The Chair's role is to control the interview and steer the discussion



# Overview of the Role of Chairperson

- Questions will be competency based. All candidates will be asked questions on the same areas.
- Candidates will be invited to ask questions of their own, however the Chairperson will need to control this as the interviews must keep to time.
- Advise candidates of the steps in the process.



# Overview of the Role of Chairperson

- At conclusion of interview, when candidate has left the room, the Chair invites panel members to present their individual scores per section, and after discussion agree a “Board score” per section.
- After reviewing the overall score per candidate the Chair seeks approval from the panel as to recommending / not recommending the candidate to the NIPB for selection.

# Overview of the Role of the HR Adviser at Shortlist

- Preparing the paperwork for the shortlist and interview
- Advising on whether candidates meet criteria
- Completing the paperwork
- Sending out invitation to interview
- Assisting with the arrangements for interview



# Overview of the Role of the Panel Members at Shortlist

- Ensuring they understand the criteria and applying them accurately
- Not allowing any biases or prejudices to influence decisions
- Agreeing the candidates to be interviewed based on the agreed criteria in the recruitment documentation
- Respecting confidentiality



# Overview of the Role of the Panel Members at Interview

- Attending the pre-interview meeting and contributing to planning the questioning
- Declaring if there is a conflict of interest
- Asking the questions allocated and probing questions
- Ensuring all the necessary notes are taken
- Contributing to the decision on who to recommend



# Protocol at Shortlist

- At shortlisting ensuring all the panel members are present and if there is any conflict of interest
- Reinforce the importance of confidentiality
- Ensure the criteria to be used are clear to all panel members
- Ensure the decision on who to invite for interview fair, open and based on merit





# Protocol at Interview

- Reinforce the importance of confidentiality
- Ensure the lines of questioning allow for appropriate evidence to be collected? Are fair and open?
- Ensure candidates get a fair opportunity to present themselves?
- Is the final decisions are based on merit?



# Exercise on Mock Interview



**In your groups plan to conduct an interview  
nominate one member of the panel as the  
Chairperson you will then conduct a mock  
interview and receive feedback**



# Feedback Session

Each group to provide the other group with feedback on the effectiveness of the Chair and on whether they followed guidance on good practice



Alamy Images



# Question and Answer Session ?

