

NORTHERN IRELAND POLICING BOARD
DEPUTY CHIEF CONSTABLE APPOINTMENT PROCESS

Report of the Independent Equality, Diversity and Human Rights Advisor

Please note that in order to protect the personal information of applicants, the Board is making available a redacted copy of the Deputy Chief Constable Equality, Diversity and Human Rights Report.

Dr John Mallon
February 2020

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 Deputy Chief Constable (DCC) of 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 Appointment Panel training, shortlisting process, quality assurance and assessment during the Briefing and Interview exercises associated with the appointment process.

2. Training

- 2.1 The Panel responsible for the appointment process initially comprised five political representatives and three independent representatives of the Board. Five of the Panel were male and three were female. The assessor training for Panel members was initially scheduled over two days (10.00 – 16.00) on the 14th and 15th of January, but due to the unavailability of some Panel members as a consequence of the NI Assembly being reconvened, the training was rescheduled to take place over a full day on the 15th January. This necessitated an early start and late evening finish (09:00 – 21:00) to ensure all essential elements of the training were covered in the required depth. This was not ideal, as it placed a heavy learning burden on Panel members.
- 2.2 The training was comprehensive in the breadth of assessment topics covered and as a consequence, some topics were given a light touch, while those topics that had more of a direct bearing on the actual assessment process were covered and explored in more depth. The training established the principles underpinning selection which the Panel was required to observe, ie merit, fairness and openness and provided an overview of the large body of equality legislation that impacted on the appointment process. The Panel members were also reminded of their responsibilities as set out in the Board's Guidance for the Appointment of Chief Officers and Senior Police Staff Equivalents.
- 2.3 The key to fair assessment is to be objective. In an effort to enhance the objectivity of the assessment process the Panel members 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 to the decision making process and helps ensure that the decisions are evidence based. Considerable emphasis was placed on the importance of the ORCE process being undertaken independently. On many occasions throughout the training workshop and indeed throughout the entire selection and appointment process, Panel members were reminded of the importance of recording evidence, as it was essential that their assessment and selection decisions were evidenced based and not influenced by extraneous factors.

- 2.4 As a further aid to fair selection, Panel members were made aware of the many biases, both un-conscious and conscious, that can act as barriers to objective assessment and effective selection, with particular emphasis on the importance of recognising and guarding against these biases influencing and impacting on Panel members' assessments and decision making. A discussion was held about what 'good' looks like in terms of the DCC role and how, in the interests of openness and fairness, this had been spelt out in the job advertisement, job description and person specification.
- 2.5 Following an overview of good practice in interviewing technique, the Panel was provided with the opportunity to put their learning into practice through conducting two mock Briefing and Interview assessments with senior police officers who were not involved in the selection competition. The mock assessment material had been designed specifically for training purposes and was similar in terms of structure and process, but not content, to the actual assessment format to be used during the DCC Assessment Days.
- 2.6 These realistic practice assessments were invaluable as they provided the Panel with an opportunity to familiarise themselves with the mechanics of the process, eg assessment materials, introductions, starting and stopping clocks, handing over the questioning to other Panel members, probing and note-taking. It also helped condition Panel members to the level of focus required to observe candidates and the effort required to record what was being said. The Panel provided feedback to the mock candidates who in turn provided feedback to the Panel. The candidates' feedback to the Panel was helpful in that it made Panel members aware of how, for example, their facial expressions and other unconscious behaviours were perceived by candidates.
- 2.7 In summary, the training provided the Panel with a comprehensive understanding of the principles of good assessment practice, the biases that act as potential barriers to objective and fair assessment, along with the importance of recording evidence and using this evidence as the basis for their ratings and decision making. The assessment of mock candidates on realistic assessment material was a particularly useful

element of the training. In undertaking selection for very senior roles, assessors often have difficulty in calibrating their ratings to take account of the uniformly high quality of the candidate pool and make a reliable differentiation between candidates. It might be helpful therefore if time could be built into future assessor training workshops to enable the Panel to complete the full ORCE process when undertaking mock assessments and, in particular, the discussion of evidence to arrive at an agreed Panel rating. This would enable the full value to be extracted from the exercise material developed.

- 2.8 One of the Panel members missed the morning session of the training workshop. Fortunately, this was of no consequence, as they had completed the two-day training workshop in May 2019 for the Chief Constable process and would have been already familiar with the material presented in the morning training session.
- 2.9 In the closing stages of the training workshop, Panel members were given the anonymised applicant forms of the eight candidates who had applied for the DCC post. While anonymised, the information contained in the forms would have enabled the identity of some of the applicants to be derived. Unfortunately, when dealing with very senior appointments it is almost impossible to prevent this from happening. Panel members were also provided with a three point rating scale; 'A' – Strong Evidence; 'B' - Acceptable Evidence; 'C' Limited Evidence, with each of the grades being accompanied by a descriptor to help ensure a consistent interpretation of the rating scale. Following a discussion about the practicalities of the shortlisting process, the Panel members were instructed on how to use the rating scale as part of the ORCE model to assess each candidate's application against the published 'essential' and assessment criteria detailed in the DCC Person Specification. It was emphasised to the Panel that they should work independently, complete their assessment and award a 'provisional' grade for each assessment criterion and, having completed their work, transfer their ratings to a provided one page Shortlisting Candidate Summary sheet.

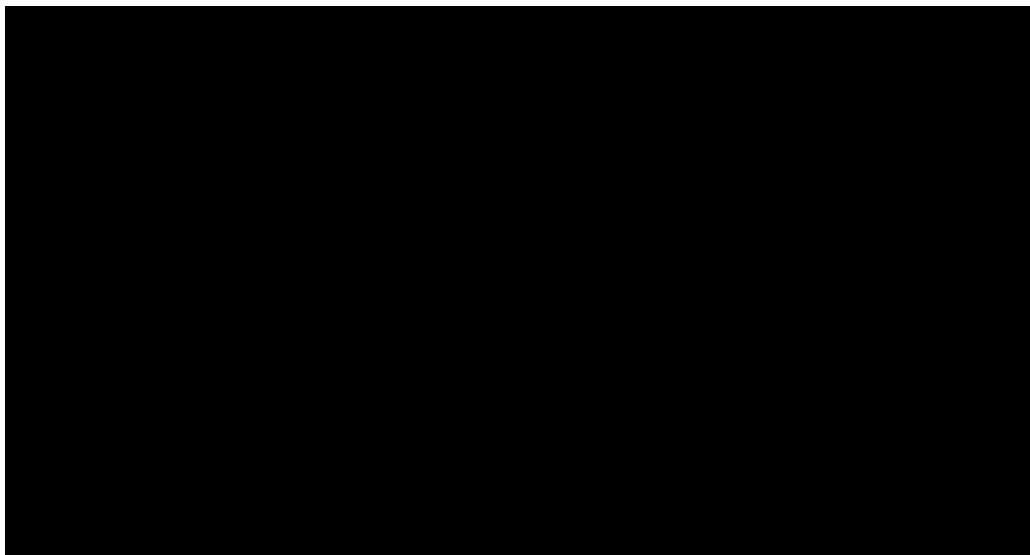
3. Shortlisting

- 3.1 To help ensure that selection is based on merit, the Board's Guidance for the Appointment of Chief Officers and Senior Police Staff Equivalents states that it is desirable that the successful candidate is chosen from a sufficiently strong and diverse pool of eligible applicants. I was therefore reassured to find that there were eight applicants for the post, five males and three females. Four of these candidates were serving PSNI Chief Officers and four were Chief Officers from external policing organisations. All but one of the external candidates had worked for the PSNI at an earlier point in their career. By way of comparison, survey results from the College of Policing suggest that there are on average three applicants for every DCC post.

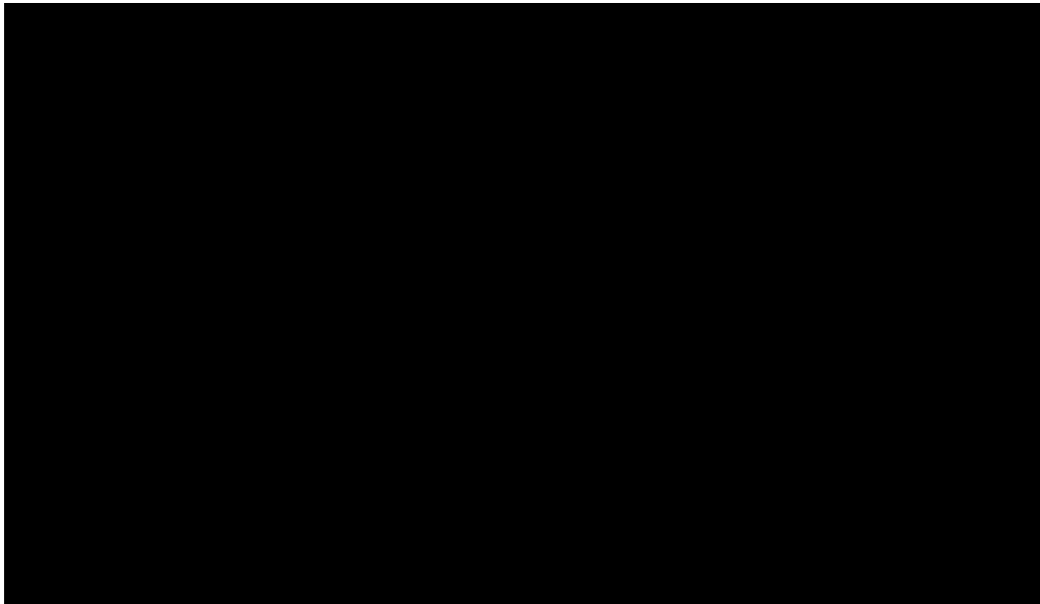
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- 3.2 Prior to the start of the shortlisting meeting, the Panel was briefed about the purpose of shortlisting and also reminded about the ORCE model and barriers to objective and fair assessment. The shortlisting was undertaken by the eight members of the Panel in the Board's headquarters. The purpose of the shortlisting process was to collate the independent ratings of the Panel members and come to a collective decision on which applicants, if any, should be invited to the next stage of the selection process – Assessment Day. The order in which candidates were assessed was consistent throughout the process. The Panel members were informed that, in line with the Board's Guidance for the Appointment of Chief Officers and Senior Police Staff, the Chief Constable would assume the role of Policing Advisor to provide the Panel with professional advice at an appropriate level from a policing perspective. The Panel was also informed that some candidates had exceeded the maximum allocated word count in sections of their applications and that in the interest of fairness this would need to be taken into account by the Panel prior to finalising an agreed rating for these candidates.
- 3.3 Prior to any discussion about ratings, the Panel was tasked with agreeing the rules and standards to be applied during the shortlisting process. This would help ensure that candidates were treated in an objective and consistent manner. Following a lengthy discussion, it was agreed that the candidates had to demonstrate evidence of the 'essential' criteria and that an agreed Panel grade of 'C' (Limited Evidence) awarded in any of the assessment criteria would result in a candidate not being invited to the Assessment Day. The final rule established was that the 'agreed' Panel grade for each candidate would be the grade given by the majority of the Panel.
- 3.4 Shortlisting proceeded in a systematic way, with each candidate being considered one criterion at a time. For each of the 'essential' and assessment criteria, the Panel members were required to read out their independent provisional ratings. These ratings were then projected on to a large screen to facilitate a Panel discussion. In general, the discussion proceeded with the PPD facilitator asking the Panel member with, for example, an 'A' to explain why they had given this grade and to justify their answer using evidence contained in the corresponding section of the candidate's application form. Typically, if a Panel member had awarded a 'C' against the same criterion they were asked to explain the reasoning behind their grade and again justify their grade solely using the evidence contained in the appropriate section of the candidate's application form. Other Panel members would then join in the discussion and, on the back of this discussion, Panel members had the opportunity to reflect on their provisional grades and change them up or down as appropriate. The facilitator, whenever possible, tried to ensure that different Panel members were involved in explaining the rationale underpinning their grades and that the discussion sometimes started with reference to an 'A' grade, a 'C' grade and sometimes a 'B' grade.

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- 3.5 On the occasions when there was little variation between the independent grades awarded, and a discussion would be of no consequence, the Panel simply agreed to go with the 'majority' grade. At the end of each discussion, when Panel members had given their final grade, the majority grade was recorded as the 'agreed' Panel grade for that criterion. It is important to note, that before moving on to discuss and grade the next criterion, the PPD facilitator paused and asked if everyone was content with the agreed grade and if they were happy to move on to the next criterion.
- 3.6 At the start of the shortlisting process a Panel member said that, in assessing one of the candidates, they had experienced difficulty in finding evidence of one of the essential criteria and queried what approach they should take. They were advised that they could only assess the evidence contained in the form. On a similar theme, at a later stage in the process, a different Panel member asserted that some of the information in the application form pertaining to a particular criterion was factually untrue. This prompted a quick response from a fellow Panel member, who shut down any discussion of this assertion by stating that the information in the application form should be taken at face value, as to do otherwise would result in unfairness. The other Panel members readily concurred with this view, accepting that you can only assess what is contained in the application form and the discussion moved on.
- 3.7 The shortlisting process was scheduled to run to 16.30. Unfortunately, one of the Panel members had to leave before the final candidate had been discussed and their grades and recommendation agreed by the full Panel. Prior to leaving, the Panel member gave their ratings to a fellow panel member who agreed to report the ratings on their behalf. The Panel proceeded to evaluate and agree the assessment of the final candidate, having discussed the early departure of the Panel member, and agreeing that there was no reason why this should preclude the Panel member who left from being involved at the next stage of the process – Assessment Day, and sitting on the interview Panel.

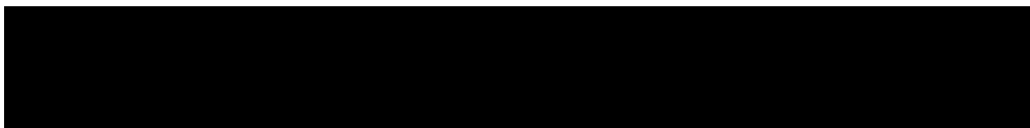
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While it would not be appropriate to draw conclusions on the basis of the small numbers involved, it is nevertheless reassuring to find that the balance in the applicant pool is also reflected in the pool of applicants invited to the Assessment Day.

4. Quality Assurance

- 4.1 To adhere to the selection and appointment timetable and give candidates being invited to the Assessment Day as much notice as possible, the results of the shortlisting process were conveyed to candidates on the evening of Friday the 17th January. When reviewing the pattern of scores of the shortlisting processed on Sunday 19th January I became aware that the Panel rule to base the 'agreed' grade on the majority grade had an unintended and unforeseen consequence which unfairly impacted on a number of candidates. The problem with the rule is evident from the distribution of grades below.

C C C C B A A A Majority score is a 'C'.

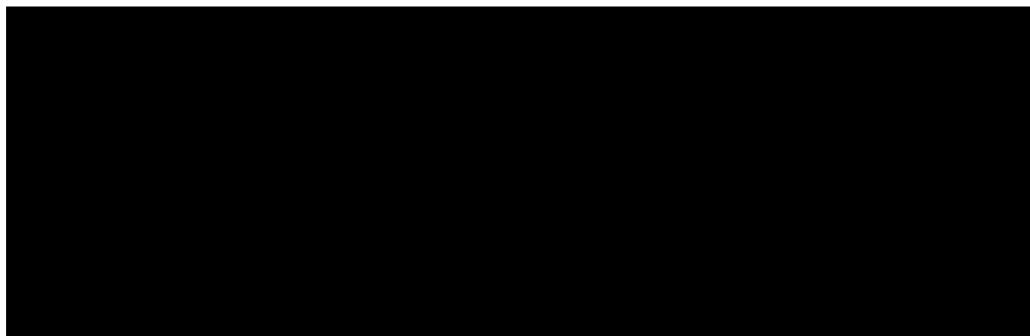
While in the example above 'C' is the most frequently occurring grade, or majority grade, a similar number of grades are higher than a 'C'. In my view the use of this rule was unfair and unjustifiable and I immediately notified PPD of my concerns. I was aware that PPD were quality assuring the shortlisting assessments and outcomes and wanted to feed this into their work.

- 4.2 The quality assurance (QA) work undertaken by PPD was exceptionally thorough and identified a number of errors made by Panel members that impacted on the grades awarded to candidates in the shortlisting

process. Errors occurred, for example when Panel members transferred incorrectly the grades from their Shortlisting Candidate Summary Sheet, or, during the shortlisting process, inadvertently reported a different grade to the one that they had recorded on their Summary Sheet.

- 4.3 The QA work also involved a detailed analysis of the distribution of grades awarded by Panel members. This enabled an assessment, for example, of the extent to which each assessor differed from the Panel norm. It also enabled an analysis to be undertaken of the extent to which the grades of each Panel member were logically consistent.
- 4.4 A meeting of the Panel was held on Tuesday 28th January to discuss the issues identified by the QA process. Prior to the discussion, the Chair of the Board informed the Panel a letter had been received from one of the Panel members stating that they wished to withdraw from the Panel as they had lost confidence in the process and felt that it was not rigorously fair. [REDACTED]
The seven remaining Panel members declared that they had confidence in the fairness and integrity of the process and agreed to continue in their roles.
- 4.5 The Panel were then made aware of the issues/anomalies identified by the QA process that impacted on the grades of candidates and, importantly, were asked to come to an agreement in principle about how these should be addressed, prior to them being informed about how these anomalies impacted on candidates' agreed grades. The Panel accepted that it may well be the case that they could be required to change their recommendations on which candidates should be invited to the next stage – Assessment Day. In line with my advice, the Panel accepted that the 'majority' rule could result in an unfair outcome and agreed that when the number of independent 'C' grades and grades above 'C' awarded were the same, the decision should be made in favour of the candidate. The agreed principle led to amendments being made to four grades for four of the candidates.
- 4.6 The QA process identified five transposition anomalies/errors in the grades provided by Panel members. These errors resulted in grades being amended for three candidates. The changes arising from these anomalies/errors and the changes arising from amending the 'majority' rule did not result in any changes to the shortlisting decisions made by the Panel.

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- 4.8 At the meeting the Panel also agreed that the failure of this candidate to demonstrate one of the essential criteria was, in accordance with the rules set out at the beginning of the shortlisting process, a sufficient and additional grounds for this candidate to be sifted out of the competition.
- 4.9 The open and fair manner in which the Panel addressed the issues arising from the comprehensive QA analysis demonstrates the integrity of the process and the probity of Panel members. In future competitions it is important that sufficient time is allowed for the QA process to be undertaken before selection decisions are communicated to candidates.

5. Interviews

- 5.1 The Assessment Day was made up of 2 elements – a Briefing exercise and a Values and Competency Based Structured Interview. The Assessment Days were arranged for Wednesday 29th January and Thursday 30th January. Two candidates were invited to attend on day one and two candidates the following day. The order in which the candidates were invited to the Assessment Day to be interviewed was in the same order as they had been assessed throughout the entire process. Following the withdrawal of one of the Panel members the Panel now comprised seven members, four males and three females. The decrease in the size of the Panel would not be expected to impact on the reliability or validity of the assessment process.
- 5.2 Prior to the start of the Assessment Day, the Panel was given a briefing on good interview and assessment practice (ORCE). To help ensure the objective and impartial assessment of candidates, the Panel was also reminded of the barriers to effective assessment, the importance of working independently to classify and evaluate information and the importance of recording the evidence required to support their awarded grades and recommendations. A specific note of caution was struck in relation to the potential to compare and contrast candidates rather than focusing on the DCC assessment criteria and required standard.
- 5.3 Panel members were provided with an Assessor Pack that contained details of the Briefing exercise material and interview questions. The Briefing exercise was designed around a contemporary and realistic DCC scenario and referenced some of the major challenges currently faced by Chief Officers. A Panel member queried whether the content of the exercise might actually advantage PSNI candidates. The representative from PPD reassured Panel members that the Briefing exercise material and content was typical of organisational and crime related issues and information used by other police forces at Chief Officer level. They clarified that the exercise task was about analysing the information, prioritising issues and making recommendations about how the issues could be dealt with. The Chief Constable confirmed that the Briefing information was very typical of the information used by other forces and that the Briefing task was about the prioritisation and handling of issues. In my view, the issues raised in the Briefing exercise were relevant, realistic and pitched at the appropriate level and that the

external candidates, both of whom were already operating at Chief Officer level, would not be disadvantaged.

- 5.4 By way of background, the Briefing and Interviews were undertaken in a large room in the Board's headquarters. The room in which these took place was sufficiently large to accommodate a row of desks for the seven Panel members, but small enough for candidates to give their Briefings without having to strain or project their voices. The room was well lit and had a comfortable temperature. 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 on the wall behind the Panel was clearly visible to candidates. The candidates were provided with a chair and side-table which was placed at a comfortable distance from the Panel. Fresh water and a glass were also made available to each of the candidates. As an observer, I sat at the back of room out of the field of vision of the candidates, alongside the Chief Constable, the Chief Executive of the Board and a PPD representative.
- 5.5 In summary, the Briefing and Interview room provided an environment that was conducive to effective assessment. There were no issues associated with this environment over the two days of assessment. An empty office nearby was used by candidates to prepare for their Briefing exercise and Interview. Logistical reasons prevented me from observing the invigilation process around this preparatory work, but I have received assurance from the administrative staff responsible that all candidates received the same standardised briefing and allocated preparation time.
- 5.6 My observations from an equality and fairness perspective on the conduct of the Briefing and Interviews were as follows:
- The Chair provided candidates with the same information on how the Briefing exercise and interview would be conducted and the time allocated for each element of the process.
 - The Panel members were conscientious in ensuring that all candidates received the same time to deliver their Briefing exercise, respond to questions on the Briefing, and answer the Interview questions. The Panel omitted to start the digital clock for one of the candidates prior to the start of their interview questions. It was clear, however, from remarks made by the candidate in relation to time, that they were making effective use of the wall clock behind the Panel to manage their own time.
 - The questions for each Panel member had been agreed in advance and comprised a future orientated question and a question on past behaviour. The order in which these questions were asked was the same for all candidates.

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- The level of follow up questions and probes were appropriate for the role being assessed and flowed naturally from the responses given by candidates. There was a high degree of consistency in the style and tone of questions asked of all candidates.

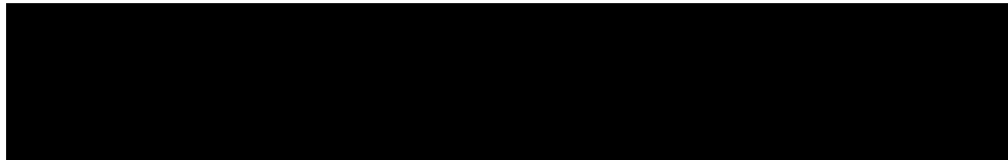
In summary, the highly standardised manner in which the Briefing exercise and Interviews were conducted, followed best practice guidelines and provide all four candidates with equality of opportunity to demonstrate the values and competencies being assessed.

6. Scoring of the Briefing Exercise and Interviews

- 6.1 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 Assessment Days. After each candidate had finished and left the room, 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 Briefing exercise and 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 this element of the process.
- 6.2 The scoring system used for the assessment of competencies/values in the 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 Briefing and Interview. I am familiar with and have confidence in this scoring method which has been tried and tested in senior police assessment processes over many years. Importantly, it aids objective and impartial assessment by using a highly structured and relatively objective methodology to help direct 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 differentiating across candidates as well as the decision and recommendation making process.
- 6.3 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 grades and then discussing the grades for each criterion in turn to arrive at an agreed Panel grade. Following on from this, the same systematic approach was used to arrive at agreed Panel ratings from the evaluation of the agreed grades.

6.4 From a fairness perspective, a key element of the ORCE process is the discussion required between Panel members to arrive at a final individual grade for each of the competency/values being assessed. The quality and robustness of these discussions provide important evidence on the rigour and objectiveness of the process. I was reassured to note that the Panel members had taken their training to heart and engaged in robust discussions regarding their independent provisional grades. Crucially, from a fairness perspective, these discussions were based solely on the evidence recorded by Panel members. I can therefore state with confidence that the Briefing and Interview grading and scoring was fair, rigorous and reflected best practice.

6.5



The Panel agreed that in the interests of openness, objectivity and impartiality, the decision as to which of the three candidates best met the agreed and published requirements of the role of DCC, would be made solely on the agreed Panel ratings and the grades the candidates had been awarded in the Briefing exercise and Interview. Based on the agreed ratings and grades achieved, one candidate was recommended above the other two candidates who had achieved the standard.

7. Role of the Selection and Assessment Advisor

7.1 In view of the key role played by PPD in supporting the Board in the design and delivery of the DCC process, it is appropriate I should comment on how they helped to provide a selection and appointment process that observed the principles of merit, fairness and openness. It would be true to say that these principles were embedded in the design of all key aspects of this process, from the job advertisement, job description and application form, to the Assessment Day and the scoring methodology used to ensure that the final selection decision would be based on merit. As a consequence of their authoritative knowledge and experience in the selection of senior officers, the PPD consultant was quick to gain the trust and confidence of the Panel members and provide an important challenge role to assist in the development of their assessment skills. His persistent messaging throughout the process that decisions must be based on the evidence recorded and not influenced by extraneous factors or any unconscious or conscious biases was taken on board by the Panel, and reflected in the professional manner in which they assessed the Briefing exercise and Interview.

8. Conclusion

8.1 In undertaking my independent equality, diversity and human rights role, I have been struck by the steadfast commitment of the Panel, the Board and PPD to deliver a process that demonstrably observed the principles

of merit, fairness and openness. As evidenced by the unusually detailed nature of my comments in this report, the process has been rigorous and characterised by an exceptionally high level of openness and transparency around the key selection decisions. The processes I observed were fair, consistent with relevant employment legislation and resulted in the candidate being recommended who best met the agreed requirements for the job.

John Mallon (Dr)
Independent Equality, Diversity and Human Rights Advisor
4 February 2020

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