

ASSISTANT COMMISSIONERS – ROLE AND RECRUITMENT

Introduction

1. At their meeting on 21 February, Members decided that Assistant Commissioners should be appointed to assist the Commission in the 2013 Review in the following capacities:

a) to act as Chairs of public hearings in the regions during the initial consultation period; and

b) to analyse all the representations received during the initial and secondary consultation periods (including verbatim records of public hearings) and formally report to the Commission with their recommendations as to the extent to which initial proposals should be revised in consequence.

2. Members further specified that each region should have a ‘team’ of around three Assistant Commissioners appointed to cover it. One of those would be designated the ‘Lead’ Assistant Commissioner, chairing as many of the public hearings in their region as possible and being responsible for bringing together a single report and recommendations on that region for presentation to the Commission. Other Assistant Commissioners would chair public hearings that the Lead could not attend, and work with the Lead in the analysis of written representations and draft of the report and recommendations to the Commission.

3. Prior to full commencement of the recruitment process in April, Members are now invited to confirm the following:

- use of the Appointments Commission to administer the process;
- the stages of the selection process, including the approach to interviews;
- the placement strategy for the advertisement;
- the job and person specification;
- the eligibility criteria for the post;
- the diversity strategy and proposals to monitor diversity; and
- the remuneration package and terms and conditions.

Approach to recruitment exercise

4. As Members are aware, the Secretariat first considered in detail the timetable and resource demands of running a recruitment exercise ‘in-house’. However, further analysis has confirmed that there are a number of problems associated with this approach. Specifically, the timetabling of running the recruitment exercise ourselves would see the administrative support need of the exercise peaking for staff in May, clashing with the key point at which Members will be needing to be going through the detail of the Commission’s provisional recommendations with the same staff.

5. Whilst recruitment of temporary staff would mitigate the administrative support burden, this would not address the very heavy demand that would be placed on a panel of senior staff

to undertake the sift and interview stages (in June and July respectively). Furthermore, the prospective timetable for running a recruitment exercise in-house would see us not being in a position to recommend names to Members until late July. This would in turn result in the final stages of the process (confirmation of appointments by the Deputy Prime Minister and subsequent notification of appointment to successful candidates) not being concluded until potentially late in the summer – with the initial consultation period due to start a matter of weeks later.

6. Discussion with the Office of the Commissioner for Public Appointments (OCPA) confirmed that we would not be able to use their Independent Assessors to assist with sift and/or interviewing, as the BCE is not regulated by OCPA. However, OCPA did recommend the Appointments Commission as a body that could assist.

7. The Appointments Commission (www.appointments.org.uk) is a public body that administers the recruitment of senior appointments to a range of public bodies, covering both the administrative support to the exercise, and the provision of assessment panel members, doing so at significantly less cost than a private sector recruitment agency.

8. The Secretariat have discussed the Commission's requirements with the Appointments Commission. Critically, the Appointments Commission have advised that they would be able to complete a full recruitment exercise from advert to reporting recommended names (with assessment summaries) to Commissioners by early July, allowing time to conclude the final stages before the summer holiday period commences in earnest. An additional, and potentially invaluable, benefit of using the Appointments Commission would be reputational: in using the recognised independent "experts" in public sector recruitment to appoint Assistant Commissioners, the Commission would greatly mitigate the risk of any potential criticism about the transparency or fairness of its recruitment exercise.

9. It should be noted that the majority of the Appointments Commission's recruitment exercises generally involve posts as Board members (often non-executive), which is a somewhat different skill set from that which we are looking for with Assistant Commissioners. However, it is the role of the Appointments Commission to work to a specified brief given by the recruiting client, and the Secretariat will be providing a very clear brief on the kind of person being sought. Additionally, we propose that one member of the assessment panel conducting the sift and interviews be a senior member of Secretariat staff (this can be contained within the other competing resource demands on the Secretariat at the relevant time). In response to our enquiries, the Appointments Commission have provided assurances that they are able to pro-actively target a large number of individuals from the legal profession, both via their own categorised lists of individuals interested in public appointments, and via existing relationships with the Bar Council, the Law Society and the Judicial Appointments Commission.

10. On the question of cost, the Appointments Commission have advised that in order to recruit to 27 posts (three Assistant Commissioners per region), costs including panel members fees would most likely fall in the range £40-50,000 plus VAT. Costs for advertising (see below) would be charged at cost. These costs can be met within current budgets.

11. Members are invited to confirm that they are content to use the Appointments Commission to administer the recruitment process for the Assistant Commissioners, with involvement of senior Secretariat staff on the sift and interview panel.

Selection process

12. The Secretariat propose that the following stages will together comprise a robust, fair and transparent recruitment exercise:

- The advertisement of vacancies in an accessible location (see below);
- Receipt of applications and formal logging of applicant details (including checking eligibility);
- A preliminary assessment to shortlist down to the number required for interview. We suggest this shortlisting be done by paper sift on the basis of the information provided by the applicant in their application form, with this sift conducted against the published assessment criteria only, and involving at least one person independent of the Secretariat or the Commission provided for this purpose by the Appointments Commission;
- An interview to probe in more detail the evidence provided by the candidate against the published assessment criteria. Again, the interviewing panel should include at least one person independent of the recruiting body;
- A review by the interview panel review to rank all assessed candidates in order of merit for appointment, based on their relative strength of evidence of the published assessment criteria.

13. The ranked list of interviewed candidates and their summary assessments would then be provided to Members for a final decision as to who to formally request the Secretary of State should appoint. Following a robust, fair and open process such as that outlined above will minimise the possibility that the Secretary of State may decline any particular request for appointment made by Members. Members are invited to confirm that they are content with the stages of the process as set out above.

Key selection information

Job Specification and assessment criteria

14. Members are asked to confirm that they are content with the attached job specification and person specification/assessment criteria (Appendices A and B). These have been revised from previous versions seen by Members to take account of the requirement to chair public hearings.

Advert and strategy for advert placement

15. The Secretariat suggest the wording of the advert be kept short and simple, setting out: the positions to be filled (and number available); a very brief summary of the work of the post and time commitment; where detailed information can be obtained; and closing date. The Secretariat will use the expertise within the Appointments Commission to produce a draft advert which will be circulated to Members for comment via email.

16. In terms of placement, the Appointments Commission advise that they automatically place an advert on their own website and that of OCPA, both free of charge. They also suggest an advert in the Sunday Times, which they can obtain at a discounted price. Members have agreed that the legal profession is the most likely source of suitable candidates, therefore Members will wish to consider placing adverts in Counsel Magazine, the Law Society Gazette, and the Lawyer. We may also seek to place a notification via the judicial intranet. Members are invited to confirm that they are content with this placement strategy.

Eligibility criteria

17. The Secretariat would suggest that the following, as standard eligibility requirements for public appointments, will suit for the role of Assistant Commissioner:

- No (unspent) criminal record;
- No registered bankrupt; and
- No-one who is disqualified from becoming a Company Director.

18. We would also suggest that an individual should be ineligible if they have been publicly active in support of a registered political party at any time in the last 10 years. Members are invited to confirm that they are content with these eligibility criteria.

Diversity strategy and monitoring

19. The Commission is committed to making appointments on merit, via a fair and open process. In addition to utilising – through the Appointments Commission – a recruitment process that is endorsed by OCPA, Members may also wish to consider proactively bringing the vacancies to the attention of bodies representing the interests of those traditionally less proportionally represented in previous equivalent appointments, e.g. women, minority ethnic groups, and those with physical disabilities. The Secretariat would strongly encourage such activity to widen the pool from which the most meritorious candidates are ultimately selected.

20. In order to accurately assess the extent to which diverse candidates were being selected through the process, the Secretariat recommend use of a Diversity Monitoring Form attached to the Application Form. Completion would be voluntary, and all data from it would be excluded from the assessment process itself and subject to Data Protection regulation. However, the information from such forms can provide useful aggregate data to map the progress of different categories of individual through the recruitment process, and potentially help identify lessons to be learnt for the next such exercise.

Remuneration and Terms & Conditions

21. Assistant Commissioners are appointed on terms as to remuneration and other conditions as determined by the Secretary of State, agreed with the Treasury. Remuneration rates will be set in the first instance with reference to the rates paid to Commission Members.

22. Members are invited to consider one of two further options for the rate of remuneration for Assistant Commissioners. The first is for Lead Assistant Commissioners to be paid a higher daily rate than “non-Lead” Assistant Commissioners, with the latter perhaps being paid

75-80% of the fee paid to the former. The second option is for no differentiation to be made in rates of remuneration between the two types of Assistant Commissioner.

23. The terms of appointment will be for around nine months, i.e. from the end of the recruitment process to the end of the analysis period following the secondary consultation period.

24. As to other conditions of appointment (e.g. Travel & Subsistence rates), we recommend that these be broadly in line with those that would apply to a Senior Civil Servant employed by the Cabinet Office.

25. Members are asked to approve these proposals for remuneration and terms and conditions.

Information Pack

26. The Secretariat will use the expertise within the Appointments Commission to produce an information pack which will be given to those responding to the advertisement. This information pack will include information about the role and also standard information about the Boundary Commission and its role. The will be circulated to Members for comment via email.

Job Specification

The Boundary Commission for England is now inviting applications for the posts of:

- Lead Assistant Commissioner, and
- Assistant Commissioner.

Lead Assistant Commissioner

There will be one Lead Assistant Commissioner for each of the nine regions in England. Please state in the relevant section of the application form which region(s) you would be prepared to work in, and indicate your preference.

The Lead Commissioner's role is to chair public hearings in the region for which they are appointed, analyze all representations relating to that region following the initial and secondary consultation periods, and provide a written report to the Commission recommending any revisions to the provisional recommendations for that region.

In chairing public hearings, you will be required to:

- read and assimilate prior to the hearings the provisional recommendations of the Commission in respect of the region concerned, including maps and associated written documentation;
- travel across the region, to attend the hearings;
- [give an explanation of the provisional recommendations and outline how people can make written representations at the start of the hearing]; and
- chair each hearing in a fair and efficient manner, including calling registered speakers to give their presentations, and asking and allowing questions as appropriate, within a procedural framework established by the Commission.

The exact dates for public hearings are yet to be finalised, but are most likely to fall between early October and late November 2011. Each hearing will take up to two days, plus travelling time. The number of hearings in each region will be as follows, and the Lead Assistant Commissioner would be expected to attend as many as possible in the region for which they are appointed:

Region	Number of hearings
Eastern	<i>[insert once agreed]</i>
East Midlands	
London	
North East	
North West	
South East	
South West	

Following initial and secondary consultation periods, work on analysis of all the representations received, and drafting of a report to Commissioners will commence in spring 2012, and is likely to require around [x] weeks of work to complete.

In conducting analysis of representations and writing a report to Commissioners, you will be required to:

- analyse written and oral responses to the provisional recommendations, including reports from any Assistant Commissioners who attended hearings in your region that you were unable to attend personally, any counter representations made during the secondary consultation period, and any digest, summary or compilation produced by the Commission's Secretariat of multiple representations making the same argument;
- assess the relative merits of the arguments made in those representations, applying the relevant statutory principles and rules, and determine whether – and, if so, to what extent – revisions should be made to the Commission's provisional recommendations; and
- draft for Commissioners a formal report setting out the arguments made in the representations, your assessment of them, and your reasoned recommendations as to why each argument should or should not be accepted by the Commission.

Assistant Commissioner

The Commission also wishes to appoint a number of Assistant Commissioners. These individuals will be required to chair those public hearings that the Lead Assistant Commissioner is not able to attend. Specific dates and locations will be agreed with appointees at the time of their appointment (likely to be July).

An Assistant Commissioner will also be required to assist the Lead Assistant Commissioner for a region with the analysis of the written representations for that region and the production of a report and recommendations to the Commission.

We may wish to appoint an Assistant Commissioner to chair public hearings in more than one region. Please ensure that you indicate on the application form all regions in which you would be prepared to work.

Person Specification

Applicants will be assessed against the following Competencies and Specialist Skills:

1. Analytical Skills

- High level of expertise in your chosen area or profession.
- Integrity and Independence of mind
- Ability to quickly absorb detail, analyse information objectively, and make sound decisions as a result.

2. Leadership and Team working

- Ability to treat everyone with respect and sensitivity whatever their background.
- Ability to demonstrate leadership and managerial skills where appropriate and to work as a team.

3. Communication Skills

- Ability to explain procedures and any decisions reached clearly and succinctly, both orally and in writing.
- Good listening skills to demonstrate patience, courtesy and tact.
- Ability to inspire respect and confidence.

4. Personal Effectiveness

- Ability to work accurately at speed and under pressure.
- Ability to organise time effectively and produce clear reasoned arguments expeditiously.
- Ability to maintain authority when challenged.

5. Specialist Skill

- Proven ability of working within a statutory framework.

A successful candidate should have previous experience of chairing meetings dealing with contentious issues, ideally on a large scale and in a public environment.