

April 2019

DECISION NOTICE: PUBLIC BODY APPOINTMENT PROCESS, ARCHITECTS REGISTRATION BOARD

1. The Public Appointments Order in Council, November 2017 states that the Commissioner for Public Appointments 'may conduct an enquiry into the procedures and practices followed by an appointing authority in relation to any public appointment whether in response to a complaint or otherwise'.
2. The Commissioner has deemed that complaints should be raised with the appointing department in the first instance. Departments are responsible for having effective complaints handling procedures, for making applicants aware of their right to complain and for referring them to the Commissioner's complaints procedures. If, after investigation by the department, the complainant remains dissatisfied, they may bring their complaint to the Commissioner for Public Appointments.
3. In this instance, the complainant had applied for a position with the Architects Registration Board, a public body sponsored by the Ministry of Housing, Communities and Local Government (MHCLG). The complainant raised a complaint with the department, after not having been shortlisted for interview.
4. The initial grounds for complaint rested on the constitution of the Board. The complainant took the view that the board should have representation from each devolved administration, and made reference to the Periodic Review Report on the Architects Registration Board, published by MHCLG (then DCLG) in March 2017.
5. The review stated that the board should have 'expertise and experience from across the UK'. MHCLG has provided a response which explains that this did not refer to geographical representation. The Commissioner's office has accepted that the review did not make representation of devolved administrations mandatory, and that the constitution of the board was a matter for the department.
6. The subsequent complaint raised with the Commissioner, by the complainant, questioned whether a fair and open process had been conducted. The Commissioner has considered the complaint on this basis.

METHODOLOGY

7. The Commissioner investigated this complaint through consideration of written and electronic evidence supplied by the complainant and MHCLG.
8. The Commissioner's role is to examine the appointing process and ensure that it has met the principles outlined in the Government's Governance Code. His role is not to reassess individual applications and ascertain suitability for the role in question, that is the responsibility of departments.

OUTLINE OF COMPLAINT

9. The complainant raised concerns about the process to appoint member to the Architects Registration Board. The complainant believed that their skills and experience had not been taken into account at the point of initial assessment (the longlist stage). The complainant applied as a qualified architect, one of the requirements for five of the roles available on the Board. The other posts were open to applicants with more general board level skills.

CONSIDERATION

10. The candidate pack contained five essential criteria. In summary these were experience of public services, experience of operating in a legislative or political background, the ability to both support and challenge with an executive team, the ability to contribute to a collective decision making process, a commitment to good governance and a commitment to equality, diversity and inclusion.
11. The candidate pack also contained two desirable criteria, in summary these were experience as a non executive director, and experience of working in a regulatory environment.
12. The Commissioner examined the long list assessment for this competition, for those candidates qualified as architects only. It was clear from the assessment, that within the high volume of applications, the quality and experience was strong.

DECISION

13. This complaint was made on the basis that the complainant believed that their skills and experience had not been fully accounted for, and that the assessment conducted by MHCLG was inconsistent.
14. The Commissioner has examined the files associated with this complaints, and found the assessment to be consistent, against the criteria published by MHCLG. Each criteria was scored against, with a clear scoring mechanism and with a clear merit order established. Those at the top of the merit list were invited to interview.
15. There was further evidence that MHCLG had taken some further steps to ensure that fairness was achieved. The Governance Code asks that departments, where possible, search for candidates with ability, not just proven experience. MHCLG did so in their selection criteria, and weighted the desirable experience lower, so that candidates with board experience would not be at a disproportionate advantage.
16. MHCLG also provided evidence that a series of diverse networks were contacted in order to advertise the vacancy.
17. The Commissioner has therefore not upheld this complaint.

Peter Riddell

Commissioner for Public Appointments