



Marine
Management
Organisation

Introducing performance assessment for general members of Inshore Fisheries and Conservation Authorities

Guidance Document

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1. Background

- i. Under s151(1) (b) of the Marine and Coastal Access Act 2009 the Marine Management Organisation is responsible for making appointments of general members to the 10 Inshore Fisheries & Conservation Authorities (IFCA) in England. Under the terms and conditions set for appointees by the MMO appointees may serve for an initial period with an extension of up to a maximum of 10 years, subject to annual written confirmation from the IFCA chair or appointed officer of satisfactory performance. IFCA general members are public appointees, although they are not Ministerial appointees. Defra has set an expectation that the appointments process will follow the three basic principles¹ established by the Code of Practice for Ministerial Appointments to Public Bodies².
- ii. However there has not previously been an objective process to identify satisfactory performance. As a consequence when the initial term of the appointments made in 2010 expired in 2014 there was insufficient evidence available to extend those appointments based on merit. Each appointee was therefore obliged to make a fresh appointment application and to take part in a full public competition. Whilst this did have the advantage of bringing in fresh new applicants with fresh perspectives it was unnecessarily resource intensive and risked business continuity for the IFCAs.
- iii. It is therefore timely to introduce annual performance assessments for all general appointees. This will be included as a mandatory requirement in the terms and conditions of appointment and all existing general members will be required to sign amended terms and conditions if they wish to remain as appointees.
- iv. This paper sets out the process and assessment criteria to be applied.

2. Key principles

- v. The MMO recognises that managing a performance assessment system for up to 15 members on an annual basis is a significant piece of work to undertake. An assessment regime therefore needs to be proportionate to the meet the following objectives, but not unduly onerous:

¹ Merit

The overriding principle is selection on merit. This means providing Ministers with a choice of high quality candidates, drawn from a strong and diverse field, whose skills, experience and qualities have been judged to best meet the needs of the public body or statutory office in question.

Fairness

Selection processes must be objective, impartial and applied consistently to all candidates. Each candidate must be assessed against the same published criteria.

Openness

Information about the requirements of the post and the selection process must be publicly available. Public appointments must be advertised publicly in a way that is designed to attract a strong and diverse field of suitable candidates.

² <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Code-of-Practice-20121.pdf>

- The first objective is for those externally who are making the decision about whether to re-appoint a general member to have sufficient information about their performance to make a fair decision based on merit.
 - The second objective is for the assessment to assist the appointee and Authority Chair internally in ensuring that appointees maximise the effectiveness of their contribution to the work of the IFCA.
- vi. This assessment process will not be used by the MMO to question whether a term of appointment should be terminated early. It is separate to the requirements of the terms and conditions of appointment and the statutory provisions³ which if breached can lead to the termination of an appointment.
 - vii. As with any performance assessment the process should be transparent and objective and based on a dialogue between the assessor and appointee.
 - viii. The work of a general member of an IFCA requires generic skills, although these will be applied in the particular context of each Authority area. There is consistency of the criteria when new members are being appointed across all 10 IFCAs. The assessment criteria set out in this guidance have been subject to consultation with each IFCA and will apply to all general members across all 10 IFCAs.
 - ix. For the avoidance of doubt these arrangements do not apply to council members of the Authority, who are appointed by the relevant council. The performance of these elected members will be assessed by the arrangements that apply for each relevant council. These arrangements also do not apply to the general members who are employees of the MMO. As public servants acting as part of their official duties these members will be subject to the MMO's performance management policy and procedure. The additional members appointed by Natural England and the Environment Agency will be subject to the relevant performance management regime for their respective organisations.
 - x. In line with the general approach of the MMO to engaging with IFCAs the MMO does not wish to be prescriptive as to who conducts the assessments. Each Authority should identify who it considers has the skills and authority to undertake the assessments, including performance assessment for the Chair if they are a general member. However it is suggested that it would not be appropriate for a member of the Authority's paid service to assess an Authority member.

3. Conducting annual assessments

- xi. The IFCA will need to establish an appropriate cycle for conducting assessments. Conducting all assessments around the same period, for example the end of the business year or committee cycle, has the benefit of clarity and consistency, however this may be too onerous for a single assessor. To spread the work out members may alternatively be assessed on the anniversary of their appointment or on some other agreed cycle.

³ Article 11 of the relevant Statutory Instrument for the IFCA

- xii. The assessment should be made against the 3 overall criteria (**Meetings** – makes an informed and positive input to Authority meetings, **Behaviour** – behaves in accordance with the Nolan principles and accepts corporate responsibility for decisions once taken, **Representational** - is a diligent and credible ambassador for the Authority). Examples of behaviours that might support an assessment have been provided but these are not definitive. Members should not be penalised merely for expressing views that diverge from the majority but should be assessed on their ability to assist the authority to make good decisions overall.
- xiii. A straightforward template could be used for the assessor and the appointee to record key examples and summary comments. An example template can be found at annex A. The examples and comments should be sufficient for an independent person to understand how the appointee has performed over the assessment period but there is no requirement for extensive notes or written evidence to be forwarded to the MMO.
- xiv. It is preferable for the appointee and the assessor to reach agreement about the performance of the appointee, through the use of objective evidence and discussion. It is not proportionate or practical to establish an external appeal mechanism for these assessments. Where a consensus cannot be reached the appointee should record where they agree and disagree with the assessment and this will be taken into account at the re-appointment decision making point.

4. Use of annual assessments

- xv. Once completed the assessor and appointee should agree whether any development needs have been identified and how these could be met. This is to ensure that the appointee maximises the benefit of their contribution to the IFCA.
- xvi. The finalised and signed assessment should be returned to the MMO IFCA mailbox (ifcas@marinemanagement.org.uk) if completed electronically or to David Abbott, Head of Compliance, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne NE4 7YJ and marked OFFICIAL – SENSITIVE to ensure correct handling.
- xvii. At the expiry of the initial term of office, if the member has not served for 10 years the MMO may decide to extend the appointment for a further period up to a maximum of 10 years. It is not considered good practice for appointees to serve on public bodies for longer than this period. Where a decision to extend the appointment is being considered the MMO will use the annual statement of satisfactory performance and the evidence contained in the annual assessments to reach a decision on the merits of the appointee. Where there is sufficient consistent evidence of an appointee continuing to meet the

appointment criteria and subject to the requirement to maintain a balance of interests on the Authority, the MMO can extend the term of appointment.

- xviii. Where performance has not been assessed as satisfactory by the assessor the MMO reserves the right not to extend the term of office. Where this is being considered the MMO will invite the appointee to comment on the relevant assessment(s) before making a final decision.
- xix. The MMO is happy to provide support to IFCA's during the introduction of this process. Requests for advice or assistance can be made through the MMO officer on the IFCA.

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Table 1: Performance assessment criteria

Assessment criteria	Examples which might support assessment
<p>1. Meetings – makes an informed and positive input to Authority meetings</p>	<ul style="list-style-type: none"> • Attends all agreed meetings. • Prepares well for meetings, for example by attending events, reading papers and noting points to raise. • Listens and takes part. • Keeps to the agenda item or subject. • Contributes fully and adds value to the debate, including feeding in issues from stakeholders.
<p>2. Behaviour – behaves in accordance with the Nolan principles and accepts corporate responsibility for decisions once taken</p>	<ul style="list-style-type: none"> • Consistently shows high ethical and professional standards. • Accepts and stands by board decisions. • Is honest and prepared to be challenged and provide evidence to support their argument. • Observes confidentiality when appropriate. • Takes an interest across the breadth of IFCA business. • Makes clear any conflicts of interests at the beginning of any relevant agenda items. • Only votes on issues where they have no conflicts of interests. • Sets aside personal interests and considers issues at hand as they relate to the wider context of the IFCA objectives.

	<ul style="list-style-type: none"> • Is consistent and exercises good judgement
<p>3. Representational - is a diligent and credible ambassador for the Authority</p>	<ul style="list-style-type: none"> • Engages with and listens to IFCA stakeholders in their District. • Attends external meetings on behalf of the IFCA. • Actively promotes IFCA decisions to stakeholders.

Annex A – example of an assessment recording template

OFFICIAL – SENSITIVE WHEN COMPLETED

[insert name] Inshore Fisheries and Conservation Authority

Annual performance assessment – general member	Name of member	Date of appointment
	_____	_____
	Name of assessor	Term of appointment
	_____	Assessment period
	_____	_____

Assessment summary with any relevant examples

1. Meetings – makes an informed and positive input to Authority meetings

2. Behaviour – behaves in accordance with the Nolan principles and accepts corporate responsibility for decisions once taken

3. Representational - is a diligent and credible ambassador for the Authority

Comments by the general member

Signed (general member) _____ Date _____

I confirm satisfactory performance from this member (please delete appropriately)
I do not confirm satisfactory performance from this member

Signed (assessor) _____ Date _____