

Competition: Specialist Manager in a national organisation

Complaint:

The candidate complained that

- There was a lack of probity as his application form justified being called for interview;
- the winning candidate selected would have already been chosen prior to the competition commencing; and
- only candidates a third level qualification, which he does not have, could progress.

Recruiter's Actions:

The competition was run by a recruiter on behalf of a public body. The candidate booklet explained that only the top ranked candidates following preliminary assessment would be called for interview. It stated that not being called did not mean a candidate was not qualified for the role, just that other candidates would have placed higher following preliminary assessment. The recruiter provided the interview boards with a shortlisting guideline, which laid out best practice in assessing candidates for selection which would be based only on evidence produced by the candidate on their application form. The recruiter also had a representative on the board, whose role included ensuring that best practice was followed and that applicants were treated in a fair and consistent manner.

Secretariat's consideration:

The recruiter provided a copy of the competition information booklet, information on the shortlisting process used for the competition/ the criteria used in shortlisting and background information on the experience and qualifications of the board members. Having examined these, the Commission found no grounds to support a conclusion that integrity, impartiality and fairness were not carried out in the shortlisting process. There was no proof of a candidate being picked in advance of the competition or that not holding a third level degree was a barrier to progressing. The Commission was satisfied that the shortlisting process that occurred was reasonably thought out and ethical, and was equal and fair to all fifty-two candidates. The Commission was also satisfied that the board members were experienced enough to appropriately consider the applications and agree upon the six candidates to be brought forward for interview.

Decision:

The Commission concluded that the shortlisting stage of the competition was conducted in accordance with the Code of Practice and that there was no evidence to justify a conclusion that there was a breach of the Code.

As no breach of the Code of Practice was found, no follow up action is required.

Competition: Engineer Grade in national organisation, facilitated by a recruiter

Complaint:

The recruiter, in its role as a public employment service, supports the recruitment process of other public bodies. In this competition the recruiter accepted applications and then forwarded them on to the public body as the relevant employer. It initially told the candidate that it had sent on his application but later confirmed that this had not in fact happened. The candidate complained to the Commission about this failure.

Recruiter's Actions:

The recruiter confirmed that, on discovery of the error, it told the candidate that the competition had closed and it apologised for what had happened. On foot of the incident, the recruiter notified and apologised to other applicants also effected, as well as carrying out an internal review on the management of the campaign. The review identified 9 specified actions to be progressed in order to limit the exposure to a similar incident in the future, all of which have been implemented.

Secretariat's consideration:

The recruiter provided a copy of its letter to the candidate in which it set out what had happened, apologised for the error and outlined the new steps it was committed to taking to prevent recurrence of the error. The Secretariat is satisfied that the review actions specified by the recruiter are reasonable and that their implementation should result in sufficient safeguards being in place to prevent recurrence of the failure to forward candidate applications that happened in this case.

Decision:

The Secretariat was satisfied that there was no breach of the Code in how the competition was conducted.

The Secretariat is also satisfied that the new steps taken by the recruiter should ensure that applications for positions will be forwarded as appropriate in future competitions. Therefore, no further follow-up action arises in this case.

Competition: Higher Executive Officer in a public body

Complaint:

The candidate applied for the post which specified that candidates needed to have two years' service in the civil or public services. His application was initially accepted and he was invited for interview but he was subsequently told that he did not qualify as his service in

one public service role, did not meet the service requirements. The candidate complained to the Commission about this failure to accept his application.

Recruiter's Actions:

The recruiter confirmed that it realised after the invitations had issued that the complainant did not have the required service and the invitation to interview him was rescinded. It had used wording on the service requirement from the relevant Circular, however, that Circular also specified that service in certain public bodies did not count as public service for the purposes of internal promotions. This specification was not noticed when the candidate was initially called for interview, but when it came to light the candidate was informed promptly. The candidate booklet also stated that the competition was conducted in accordance with General Council Report 1526, which states that there is a requirement for those participating in promotion competitions to have two years' service in the Civil Service.

Secretariat's consideration:

The recruiter provided copies of the relevant emails and Circulars and other documentation relied on to develop the eligibility criteria for the role. Having examined these, the Commission was satisfied that the decision not to interview the candidate was correct as he did not have the required service for the role. However, it also considered that the reference to service in the civil or public services taken from the Circular was not clear and asked the recruiter to clarify that references to its service requirements in future booklets should be to the civil service only. This would allow for advertisements to be as clear, transparent and open as possible to candidates and to prevent confusion and complaints of this nature down the line.

The recruiter agreed that in all future competitions they would refer only to 2 years' service in the civil service as a requirement for similar positions and that they would remove any reference to public service.

Decision:

As it was satisfied that the decision not to interview the candidate was correct, the Secretariat found that there was no breach of the code.

The Secretariat is also satisfied that the new steps adopted by the recruiter should ensure that required experience is clearly and unambiguously specified in future competitions. Therefore, no further follow-up action arises in this case.

Competition: General Manager in a national organisation

Complaint:

The candidate was unsuccessful in the competition and complained that:

1. There was no documentation available when he asked for it and he was specifically told that a scorecard had not been used. He was then told at review stage that there was such a scorecard; and
2. Criteria such as “*significant ‘relevant’ management experience*” should be more clearly defined, in particular in having specified periods of time etc.

Recruiter’s Actions:

The recruiter confirmed that the interview board assessed each application under four specific criteria and recorded candidate scores for each criterion on eligibility/shortlisting assessment sheets. Candidates who scored highest after that assessment progressed to the next stage of the competition. While the candidate was initially told there were no scoresheets, the recruiter’s reviewer considered that the eligibility/shortlisting assessment sheets were really the same thing and recommended that they should be provided to all unsuccessful candidates.

Secretariat’s consideration:

The recruiter provided copies of the candidate assessment forms and its descriptions of the criteria it used in its assessment process. The Secretariat reviewed all 41 candidate assessment forms and found no irregularities or a lack of consistency between them. Accordingly, the Secretariat is satisfied that the assessment stage of the competition was conducted according to the Code of Practice. The Secretariat also agrees with the public body reviewer that the sheets should be provided to candidates. However, provision of the sheets should not be confined to unsuccessful candidates as all candidates should have the right of access to feedback on how their applications were assessed.

The four criteria included one on significant management experience in the relevant sector. It was specified that this criterion should include a number of aspects particular to management in that sector. While these particular aspects do not include a clearly defined service time, the Commission is satisfied there is a clear description of the type of experience that was sought for the criterion on management in the relevant sector and the other criteria.

Decision:

As the Secretariat is satisfied that the assessment stage of the competition was conducted according to the Code, no breach of the Code is found.

While no breach of the Code was found, there are the following recommendations for the public body:

- The recruiter should provide the complainant with a copy of the eligibility/shortlisting assessment sheet; and
- The recruiter implements an expansion of the reviewer's recommendation and in future campaigns provides the eligibility/shortlisting assessment sheet to all candidates who seek it.

Outcome:

The recruiter confirmed that the Recruitment Toolkit it launched earlier this year for use by all recruiters at national and local level includes guidance on communication with, and feedback to candidates at all stages of the recruitment and selection process. The Secretariat confirmed that the Toolkit contains detailed guidance on giving meaningful summary comments on the assessment of candidates at the eligibility sift stage, the short-listing stage, and the interview stage. The Secretariat is satisfied that development of the Toolkit is a reasonable response to the Commission's recommendations on this case.

Competition: Higher Executive Officer in a public body

Complaint:

The candidate was unsuccessful in the competition and complained that she had been asked a question about her nationality early in her interview which unsettled her and prevented her performing to her best.

Recruiter's Actions:

The recruiter stated that the Chair of the of the Interview Board would ask a candidate a 'settling in' question from information contained on their application form. The idea of the 'settling in' question was to help the candidate relax and hear their own voice on the video link before the actual interview began. The 'settling in' question was not scored or recorded in the interview notes. The candidate was asked a question about her country of origin as she had provided that information in her application form.

Secretariat's consideration:

The recruiter provided records of the review that was undertaken in response to the candidate's complaint. As the 'settling in' questions were asked of all candidates based on information provided in each individuals' application form we do not find a breach of the Code of Practice. Each candidate was asked a question specific to them with the intention of settling nerves and allowing the candidate to gain composure on something familiar to them. Although the particular question asked of the complainant unsettled them, the Secretariat is satisfied it was not asked with malice or to cause offence.

Decision:

As all candidates were asked a “settling in” question unique to each of them based on information they provided in their application form, the Secretariat does not find there was a breach of the Code.

While no breach of the Code was found, the Secretariat recommended that:

- future training for interview boards should include an understanding of the 9 grounds for discrimination provided for under the Employment Equality Acts and the need to avoid any questioning that could be reasonably perceived by candidates as relating to any of those 9 grounds; and
- formal Section 8 reviews provide more clarity to complainants on what steps the reviewer took and provide reasons for any conclusions that were reached.

Competition: Higher Executive Officer in a public body**Complaint:**

The candidate was not called for final interview stage of the competition and complained that:

1. The lack of a shortlisting process left him at a disadvantage as it did not give him due credit for his extensive supervisory experience;
2. That his interview board treated him unfairly when compared to other candidates; and
3. The notes taken by the Chairperson were inadvertently destroyed.

Recruiter’s Actions:

The official notice advertising the competition explained that there would be no shortlisting as all candidates would be called for preliminary interview, with those ranked highest from that stage to progress to final interview. This followed a decision by management in the public body to ensure that all candidates in the competition would have the experience of being interviewed. Candidates were also notified in the information booklet of the scoring system and key competencies being looked for in the interview.

Regarding the alleged unfair treatment of the candidate, the recruiter confirmed that, before the commencement of all interviews, a briefing session is arranged for all Board Members in which they are fully briefed in relation to the competition they are involved in and issued with a Board Members pack, which contains the relevant Guidelines for Effective Interviewing. It also stated that, even where candidates undergo the same competency-based interview process and are subject to similar questioning, it is unlikely that the interview experience would be exactly the same for all candidates.

The recruiter confirmed that the candidate's interview notes had been destroyed, stating that this occurred due to a misunderstanding on which records should be retained following interview and which should not. Since that issue came to light the recruiter stated it has updated its guidance on records management for interviewers to clarify that all interview notes need to be returned to the HR Department following interviews.

Secretariat's consideration:

The public body provided copies of the office notice and candidate booklet for the competition which outlined the selection process, including the scoring system used and the key competencies being looked for. It also provided anonymised interview records of other candidates. Having examined these, the Secretariat was satisfied that the process followed by the recruiter in selecting candidates through a two-staged interview process was reasonable and that the complainant had been given the same opportunity to display his skills that all other candidates had. There were no discrepancies in interview records examined by the Secretariat to show that the complainant was treated any differently to other candidates. The Secretariat also considered the recruiter's response on interview experiences not being the same for all candidates to be reasonable.

While the Secretariat accepted that the candidate's interview notes were not deliberately destroyed, they should have been retained.

Decision:

Destruction of the candidate's interview notes (while inadvertent) amounted to a breach of section 2.6.14 of the Code which requires retention of records that support each stage of a selection process.

While there was a breach of the Code, the Secretariat is satisfied that the action taken by the public body in updating its guidance for interviewers should prevent a recurrence of the issue. For that reason, no further follow-up action by the public body is required.

Competition: Network manager in a national organisation

Complaint:

The candidate was unsuccessful at the interview stage for the competition and complained that:

1. She was not informed by the recruiter in advance of the names of the interview board members. This placed her at a disadvantage as one of them was known to her;
2. One of the interview board said he could not hear her at interview which also placed her at a disadvantage; and
3. Her interview notes were not made available to her.

Recruiter's Actions:

The recruiter described its arrangements for conducting large competitions involving multiple interview boards, but confirmed that it does not actively inform candidates of the identity of board members as board composition frequently need to be changed at short notice. However, it does identify board members the evening before or on the day of interview where candidates request it to do so.

In relation to the issue of the board being unable to hear the complainant, the board could offer two options. The first, the candidate could phone in and the second was to use the time given at the end of the interview to add anything they felt had not been covered, or, in the event of connectivity issues, to ensure what had been said was fully heard and understood. The public body confirmed these options were not activated and there is no record of the complainant raising an issue at the interview. There is also no mention of any audio issues recorded by the interview board.

Regarding the interview notes, the recruiter stated that, as a result of the interviews being held remotely, the notes were still being collated by the national recruitment team from the multiple boards at the time the candidate initially sought them. Due to the staggered receipt of the notes and the Christmas period, they were not fully collated until after the date the candidate sought them.

Secretariat's consideration:

The recruiter provided copies of the candidate information booklet and the candidate's interview records. The Secretariat asked the recruiter to update the candidate booklet to include the option candidates have to request the identity of board members the day before their interview. On the point of the candidate not being heard by a board member, there is nothing in the candidate's interview records to support this was said by one of the board. While this of itself does not prove what the board member did or did not say, it also does not support a conclusion that the candidate was incorrect. In the absence of objective evidence to definitely prove the point one way or another, the Secretariat is not in a position to find there was a breach of Code on this point. Regarding the interview notes, the public body has explained to the Commission why the complainant experienced delays in receiving their interview notes. While we understand that occasionally such delays are inevitable, we would ask the public body to limit and prevent these delays where at all possible to provide transparency in each recruitment process.

Decision:

There was no evidence to support a conclusion that the process was unfair in this case or that there was a breach of the code.

While the Secretariat is satisfied that there was no breach of the Code in this case, the public body is requested to take steps to minimise any delay in providing candidates with copies of their interview notes.