

Reports for publication as approved by the Commission at the meeting of 6 December 2023

Complaint about an Internal Competition for promotion to Assistant Principal Officer

The candidate complained that she was not shortlisted for interview when she had been shortlisted in 2021 when the same competition booklets/application forms/selection criteria were used. She queried how she could fairly have received 15 marks less across three competencies in 2023 compared to her results in 2021.

The recruiter's reviewer confirmed that her assessment of the candidate's complaint focussed solely on the 2023 competition, and that she was satisfied the assessment of the candidate was undertaken fairly and consistent with the Code. We examined relevant campaign records and interview notes of successful and unsuccessful candidates. The campaign booklet stated that assessment of candidates would be solely based on their application forms and their managers' assessment forms, both with candidate identity redacted.

While we understand the candidate's frustration at the difference in outcome of her participation in the 2023 and 2021 competitions, we are satisfied the recruiter's reviewer acted correctly in focussing exclusively on the 2023 competition. Following review of relevant competition records we are also satisfied that the campaign was run in accordance with the Code and there is no evidence of unfair treatment of the candidate. Accordingly, no breach of the Code is found.

Complaint about an instructor position within the public service

The candidate complained that the feedback received from the interview board was insufficient and did not advise on areas she could improve on and it was not meaningful. That there was a lack of clear and transparent criteria surrounding securing a position on the panel for this post and there was a failure to form a complete panel. She complained that there was a lack of consideration to her previous training and qualifications in the area of training. She raised concerns regarding the selection process being based solely on interview without giving credit for relevant experience, skillset and qualifications and found it to be unfair and lacking transparency.

Recruiters actions: The reviewer's findings were that he was satisfied the interview was a thorough examination within a competency based framework, he stated that each applicant was afforded equal opportunity to both perform and score within the interview process. The reviewer felt that that he was unable to comment on the interview boards scoring or feedback and considered this element beyond his remit. He was satisfied that the board members assessed the application forms and carried out the competency based interviews in a consistent manner and all candidates were treated fairly. The reviewer advised that the

decision on how many candidates would be placed on the panel was a local decision separate from the decision to deem a candidate successful. He was satisfied that the same scoring process was applied to all candidates and therefore the complainant was not disadvantaged in this instance. The complainant felt that her experience and qualifications were not taken into account fully. The reviewer had discussions with the Chairperson regarding this, and was advised experience alone does not merit selection and the competency based interview process was followed in line with best practice. The reviewer did not find a breach of the Code of Practice.

View of Commission: The complainant raised issues regarding the feedback she received on foot of her interview. As outlined in the Code, a recruiter does not need to provide developmental feedback to a candidate. The Commission found the feedback provided to the candidate was sufficient and in line with the Code.

The complainant felt that there was a lack of transparency surrounding the criteria to secure a place on the panel. Following interview, one successful candidate was placed and awarded the position. There were no other candidates placed on the panel. The Commission queried the recruiter on whether the fact that there was possibly only one position available was communicated to candidates. The recruiter confirmed it was not communicated to candidates at time of application. The Commission was satisfied that the approval of this campaign was based on the appointment of one candidate but was not satisfied with how this was communicated to candidates. The candidate booklet should have outlined that it was not anticipated that there would be more than one position available and that there were no plans to establish a reserve panel. This would have demonstrated transparency to potential applicants. Whilst this communication point did not amount to a breach, the Commission recommended the recruiter that wording used in the Candidate Booklet advising candidates in relation to panel formation should be more clear going forward. The recruiter accepted this recommendation and agreed to implement it going forward.

The Commission was satisfied that all candidates were subject to the same scoring system and were treated equally. All board members were trained and sufficiently placed.

The complainant felt that her qualifications and experience was not taken into account and that it was unfair to deem a candidate successful or unsuccessful based on the interview alone. Each stage of a recruitment process is assessed on its own merit as the fairest and most transparent manner of assessment. Candidate pools can differ from one competition to the next, with the onus being on the candidate to demonstrate their experience and skills efficiently at the interview stage. The Commission was satisfied that this element of the campaign was run in line with best practice.

This review of this report was completed outside of the timeframe of 25 working days which is outlined in the Code of Practice. Whilst the complainant was informed regarding the delay, the Commission still considered this delay a breach of the Code. The Commission recommended that the recruiter put a mechanism in place to ensure it adheres to the

timelines in the Code on completing reviews of complaints received from candidates. The recruiter has agreed to implement this recommendation and has developed a new process to carry out reviews in a timely manner.

Complaint about an overseas duty position within the public service

The complainant applied for the post however he was not shortlisted for interview. He appealed the shortlisting results as he claimed his application form was not marked correctly or in line with the associated directives. He was dissatisfied with the outcome from the reviewer who determined that that the directives were guidelines and not compulsory. He was also dissatisfied with the time taken to complete the review which was outside the timeline set out in the Code.

Recruiters actions: The Reviewer found that the selection board were trained in competency based interview and as such had a consistent approach in the selection of applicants. She also found that the shortlisting criteria was applied consistently to all applicants.

The complainant believed that the guidelines in completion of applications in one directive was at variance with the requirements, as per the instruction contained in another associated directive. The reviewer found that there was unnecessary ambiguity between the two directives, however the directives are clear regarding what competencies would be taken into consideration for the shortlisting process and the criteria to be utilised for shortlisting. The reviewer recommended that the recruiter rephrase the wording in order to make it more clear for candidates.

View of the Commission: The Commission acknowledged that the variance in directives caused unnecessary confusion for the candidate. Having reviewed the complainant's application form and two successful and two unsuccessful candidates, the commission is satisfied that while the communication of the shortlisting method being used was not clear, all candidates were treated equally and the complainant's application was assessed using the same method. The Commission recommended that going forward that the recruiter should adhere to what is contained in its Guidelines for Internal Appointments and Promotions when drafting competition booklets.

The Commission found there was a breach of the Code regarding the timelines of the formal review. The recruiter agreed to implement a new process in order to ensure reviews are completed within a reasonable timeframe.