



FINDINGS AND RECOMMENDATIONS:

June 2017

REF: 413

RECRUITMENT PRINCIPLES COMPLAINT TO THE CIVIL SERVICE COMMISSION

FINDINGS OF THE INVESTIGATION

AUTHORITY

1. The Constitutional Reform & Governance Act 2010 outlines the functions of the Civil Service Commission. One of the functions concerns the investigation of complaints made by any person that a selection for appointment has been made in contravention of the legal requirement that selection for appointment to the Civil Service must be on merit on the basis of a fair and open competition.

The Act says:

13 (3) The Commission –

May determine steps that must be taken by a person before making a complaint (and those steps must be taken accordingly);

b) Must determine procedures for the making of complaints and for the investigation and consideration of complaints by the Commission;

c) After considering a complaint, may make recommendations about how the matter should be resolved.

OUTLINE OF THE COMPLAINT

2. The complainant applied for a Senior Civil Service pay band 1 role (SCS1) at Government Digital Service (GDS). His application was unsuccessful at sift. The complainant believes GDS breached the Recruitment Principles for the following reasons:

- He believes he should have been invited to interview, as he applied under the Guaranteed Interview Scheme (GIS).
- His application was assessed against a criterion that was not advertised.
- There was a conflict of interest, which was not declared.

METHODOLOGY OF THE INVESTIGATION

3. The Commission investigated the complaint through consideration of written evidence supplied. The Commission considered the following evidence, in addition to the complainant's original correspondence:

- Original advert and other supporting campaign documents.
- Correspondence to and from Department and complainant.
- Correspondence to and from Civil Service Resourcing.
- Correspondence to and from Department and Civil Service Commission.
- Sift score sheets.

Sarah Laessig and Jonathan Baume were the decision-making Commissioners in this case.

SUMMARY OF THE EVIDENCE

4. The complainant applied for an externally advertised role at GDS, which is part of the Cabinet Office. The role was advertised on CS Jobs and administered by Civil Service Resourcing (CSR) on behalf of GDS.
5. The complainant lodged a formal complaint to GDS concerning the recruitment campaign, as he considered his application was rejected because he was assessed against a criterion that was not advertised and he was not considered under the GIS. He also alleged that a panel member was aware of his history but failed to register a conflict of interest.
6. The Head of Cabinet Office Recruitment (HCOR), who is responsible for investigating GDS complaints, replied to the complainant and stated that: 'the sift recommendations and the panel review were based purely on the candidate's application statements. 'The panel member(s) who had previously worked with you declared their interest during the sift conversation. No previous personal experience was discussed in the meeting...and did not influence the sift.' ...
7. HCOR also confirmed the complainant applied under the Guaranteed Interview Scheme (GIS), but said that he did not 'demonstrate sufficient depth of

experience...particularly in the recent past.’ Therefore, he did not meet the criterion required which was a ‘strong technical and operational background’.

FINDINGS AND RECOMMENDATIONS

Was the complainant disadvantaged because he was not invited to interview despite having applied under the Guaranteed Interview Scheme (GIS)?

8. The Commission’s remit does not cover the GIS. However, DWP’s definition states: ‘The Civil Service guarantees to interview any person with a disability defined by the Equality Act 2010. This means that you must: provide evidence within your application which **demonstrates you meet the minimum criteria** required for each competence, unless it is a CV based application; meet all of the qualifications, skills or experience defined as essential’.
9. The complainant feels that his application may not have been properly considered under the GIS.
10. GDS states that the complainant’s application was looked at in greater detail, precisely because he was a candidate under the GIS. The initial sift was carried out by CSR, who had no knowledge of the candidates, as all applications are anonymised at sift stage.
11. In addition, two members of CSR team told him on separate occasions that he had been considered under the GIS.
12. The GDS confirmed that the final decision lay with the interview panel and they decided to invite only the top scoring candidates to interview, which did not include the complainant. The ‘panel comments’ showed that they were aware the complainant had applied under the GIS scheme, but he was rejected because he “does not meet the essential criteria.”
13. The GDS sift panel did not update the final sift scores to reflect their final selection. This is poor practice. Future panels need to ensure any changes made to the initial CSR sift are clearly noted, along with the reason, in the final sift scores.

This is not a breach of the Recruitment Principles.

Was the complainant assessed against a criterion that was not advertised?

14. The complainant stated that he was not assessed ‘against published essential criteria’, as required by the Recruitment Principles (para.10).

15. GDS admits there is no mention of recent experience in the Candidate Pack; therefore, there is no definition of what is meant by 'recent'. However, all candidates were impartially assessed against this criterion, on merit.
16. The assessment of the complainant's application against a criterion that was not advertised in the essential skills/person specification is a breach of the Recruitment Principles, even bearing in the mind the need for recent IT experience.

This is a breach of Recruitment Principles.

Was there a conflict of interest, which was not declared?

17. The complainant stated that two members of CSR team told him, 'no member of the panel declared a conflict of interest.' If this had been the case, then there would have been a breach of the Recruitment Principles (para 11).
18. HCOR states that there was a declaration of interest but no further information was sought or offered concerning the nature of that interest. The panel comments on the sift score sheet showed that there was a declaration of interest: 'X declared he knows' the complainant.
19. However, the panel did not fully adhere to the requirements of Recruitment Principles, as no explicit statement of how the conflict was dealt with, was given. This is poor practice.
20. Similarly, CSR staff should have checked before stating, in error, that the conflict had not been recorded, as it had been recorded.

This is not a breach of Recruitment Principles.

Recommendations

- GDS should ensure all hiring managers, sift and interview panel members are aware of their duty to properly declare and record any conflict of interest and how it is dealt with. GDS should carefully note the wording in paragraph 11 of the Recruitment Principles.
- Recruiting managers should be reminded of their duty to abide by the Recruitment Principles, when conducting the recruitment process.
- When dealing with complainants, members of staff should ensure that the feedback information given is accurate.

- Job advertisements should be worded to accurately reflect what specific knowledge, skills and experience, candidates are required to demonstrate. The criteria against which candidates will be assessed must be explicitly stated and, where necessary, defined. If “recent experience” is required, this should be stated as an essential requirement.
- The GDS sift panel needs ensure any changes made to the initial CSR sift are clearly noted, along with the reason, in the final sift scores and that these reflect the final decision made by the panel.
- GDS and CSR should, for the purpose of transparency, ensure that candidates who apply under the GIS, and who are unsuccessful at sift, are informed in any subsequent complaint correspondence that their application was assessed in line with GIS guidelines.

REQUEST FOR REVIEW

21. There is no mechanism for appealing against the decision of the Civil Service Commission in a Civil Service recruitment complaint case.
22. The Commission will, however, consider representations from complainants, or those complained against, for review of the Commission’s decision and recommendations that suggest that it has made factual errors in its decision making.
23. The Commission will not normally accept a request to review its decision or recommendations if the request is received more than 20 working days after the date of its findings.

Jonathan Baume

Sarah Laessig

Civil Service Commission

June 2017