



## **FINDINGS AND RECOMMENDATIONS:**

**August 2017**

**REF: 544**

## **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**

The complainant applied for a B2 (Higher Executive/Senior Executive Officer) Resource Lead role, at the Cabinet Office (CO) and was unsuccessful at sift stage. He considers:

- the recruitment process did not meet the fair or meritorious criteria and that his profile met all the requirements of the job.
- the STAR method, (Situation, Task, Action, Result) used to sift applications, was not advertised.
- the STAR method of assessment put external candidates at a disadvantage.
- he should have been successful at sift on merit, as a previous application he submitted to another government department, albeit for a different role, resulted in him being invited to interview.

## **METHODOLOGY OF THE INVESTIGATION**

2. 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 Department
- Sift score sheets.
- Application form.

June Milligan and Kevin Woods were the decision-making Commissioners in this case.

## **SUMMARY OF THE EVIDENCE**

3. CO was seeking to appoint a B2 (Higher Executive Officer/HEO grade) Resource Lead. The recruitment campaign was advertised on Civil Service Jobs (CSjobs). The campaign was run by the CO recruitment team and administered by Shared Services Connected Ltd (SSCL).
4. On the 20 June 2017, the complainant received an automated email from SSCL via the CSjobs online messaging facility, informing him that he was unsuccessful at sift stage.
5. On the 22 June 2017, the complainant submitted a formal complaint to CO, requesting feedback and the reasons for his application failing at sift. At the same time, he also submitted a 'Subject Access Request' under the Data Protection Act. He is currently awaiting this information.

6. On the 28 June 2017, CO recruitment team contacted the complainant to confirm that his complaint was being looked at and he would receive a response within 10 working days.
7. On 11 July 2017, CO replied to the complainant stating the reasons for not inviting him to interview. 'The panel scored all competencies as '0', which gave a total overall score of '0'. This was because the competencies did not reflect STAR, which all candidates are advised to provide their evidence against, when applying. The panel chair later confirmed that all panel members scored the complainant as a '0', due to the lack of examples provided against the competencies in his application.
8. On 20 July 2017, the complainant lodged a formal complaint with the Civil Service Commission.

## **FINDINGS AND RECOMMENDATIONS**

### **Did CO fail to apply a consistent process by using the STAR method, which was not advertised, therefore putting external candidates at a disadvantage?**

9. The complainant considered the process was not fair because the CO selection panel used the STAR method at sift, to assess candidates. In his complaint, he states: 'I believe the selection process has not met the fair or meritorious criteria of the Civil Service Commission framework.'
10. The complainant considers the use of the STAR method is set up to 'promote internally' and disadvantages external candidates.
11. CO stated that they do include generic text on all of their vacancies and there is a reference to the CS Competency Framework in all job specifications.
12. CO confirmed the job advertisement on CSjobs does not reference STAR. However, the reference to STAR is provided once candidates start to complete their online application. The complainant should have seen this information when completing his online application.
13. CO recruiting manager stated: '...information pulled directly from the advertisers site by SSCL for me....confirms candidates have access to the framework and recommend using STAR'.

14. From the information supplied, CO applied a consistent selection process which was objective, impartial and consistently used to assess all candidates. The complainant was not, as an external candidate, disadvantaged at sift stage.

### **This is not a breach of the Recruitment Principles**

#### **Should the complainant have been successful at sift on merit, because he had been successful in a previous application for a role in the civil service?**

15. The complainant states that he had previously applied for a higher graded role at the Department for International Trade and had been successful at sift and been invited to interview. He also states: 'My profile meets all the requirements of the job as laid out in the job description, so I am left asking why it is I haven't been selected?'
16. Departments are free to set up their own recruitment processes that best meet the department's requirements for specific posts. There is no expectation that two campaigns are likely to be the same, as campaigns may have different job specifications, requirement criteria and competencies. Even where criteria/competencies are the same, different campaigns attract different fields and calibre of candidates, with marking schemes that reflect the needs of the post.
17. The chair of the interview panel confirmed that 'blind recruitment' was used at sift stage, so no panel member had any knowledge of who the candidates were. The chair stated: 'each candidate was reviewed using STAR and assessed separately by all three panel members. Each panel member brought their scores to the sift meeting and discussed their individual scores and their reasoning. All panel members scored this particular candidate as a '0' due to lack of examples provided against the essential competencies.'
18. The sift score sheets show that 'blind' sifting was used by all three panel members and the candidates were listed in order of merit, with a sift evaluation and overall rating. The sift score sheets clearly show that in the opinion of the panel members, the complainant failed to meet the criteria and was placed last in merit order.
19. The complainant's application shows that the competency answers provided did not conform to STAR, or to the guidance provided in the Civil Service Competency Framework, which candidates were referred to on the application form.

20. The panel fulfilled the legal requirement and assessed all candidates against the published essential criteria (competences, skills and experience). The final decision was made by the chair of the panel in consultation with other panel members, that the most meritorious candidates were invited to interview.

**This is not a breach of the Recruitment Principles.**

**Recommendations.**

- If CO are using the STAR system throughout the selection process, then this should be made clear in job specifications, alongside the competencies and not just at the application stage. This will provide greater clarity for candidates.

**REQUEST FOR REVIEW**

1. There is no mechanism for appealing against the decision of the Civil Service Commission in a Civil Service recruitment complaint case.
2. 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.
3. 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.

Kevin Woods

June Milligan

Civil Service Commission

Month 2017