



FINDINGS AND RECOMMENDATIONS:

December 2017

REF: 597

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 the role of A1 Policy Lead (grade 6), at the Department for International Development (DfID). He was unsuccessful at interview. He considers:

- Scores given at interview were inconsistent with the overall score provided at feedback.
- Factors other than the competencies were taken into account and that he was 'scored down for undisclosed reasons.' Therefore, the process was not fair and based on merit.
- He was unable to lodge a formal complaint with DfID because they failed to respond to his requests for advice on how to make a formal complaint.

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 between Commission and Department
 - Interview score sheets.

Andrew Flanagan and Kevin Woods were the decision-making Commissioners in this case.

SUMMARY OF THE EVIDENCE

4. The complainant applied for an externally advertised role at DfID. DfID was seeking to appoint 20 policy leads. The recruitment campaign was advertised on Civil Service Jobs. The campaign was run by DfID HR Resourcing. In the event, however, DfID has only appointed to 6 roles from this campaign.
5. The complainant was invited for interview. On 14 July 2017, he requested an interview by video conferencing (VTC) as his current role is based overseas.
6. On 18 July 2017, DfID HRR informed the complainant that candidates who were being interviewed remotely were being interviewed via virtual meeting room (VMR) function. This is a telephone interview facility.
7. On 18 July 2017, the complainant asked DfID HRR to confirm that the interview would be conducted by telephone. On the 20 July, DfID HRR confirmed the interview would be conducted via telephone.

8. On 30 August 2017, CS Jobs automated messaging system informed the complainant that he had been unsuccessful at interview. He was provided with his competency scores for each competency, as well as an overall rating.
9. On 31 August 2017, the complainant wrote to DfID HRR, querying his overall rating and his specific scores, as he did not feel that the final overall rating reflected his performance. He considered the interview method 'was not conducive to a fair assessment.'
10. On 11 September 2017, DfID HRR replied to the complainant stating that his score '...in many circumstances would be a level deemed to be identified as appointable...' However, in this case he could not be progressed.
11. On 11 September 2017, the complainant responded, stating that he considered DfID HRR's explanation was 'very arbitrary.' He again raised the issue of his scores and rating and asked what other factors were taken into consideration.
12. On 14 September 2017, the complainant wrote to DfID HRR stating his continued dissatisfaction: 'Please advise how I might formally raise a complaint within DfID before referring the matter to the Civil Service Commission.'
13. On 2 October 2017, the complainant lodged his formal complaint to the Commission. 'I would welcome a determination from CSC as to whether DfID conducted the campaign in accordance with CSC Recruitment Principles.'

FINDINGS AND RECOMMENDATIONS

Was there a mismatch between the interview scores and overall rating given to the complainant?

14. In response to CSC enquiries, DfID HRR stated that after complainant first contacted them, they reviewed the evidence and changed his overall rating from three to five. DfID HRR stated: 'the reason for the original 3 was more to reflect the fact that he was not progressing to interview.'
15. DfID HRR stated, they changed the complainant's overall rating soon after 31 August 2017 to 4. It is difficult to understand why they did not explain the reason for his original rating and their decision to increase his rating, in their subsequent correspondence with him.

16. This complaint seems to arise from confusion between the complainant's overall rating of 3 (then 4) and his total score, as recorded on his interview score sheet, of 19.
17. However, it is the final interview score sheet that is relevant, and where the DfID HRR and interview panel decided to set the pass mark. The complainant scored 19, which was below the set pass mark of 20. Only candidates above the minimum pass mark were appointed.
18. DfID did not provide the complainant with an accurate overall rating, which accurately reflected the complainant's interview scores.
19. DfID's explanation suggests they made a deliberate decision to reduce the complainant's rating in line with the scoring matrix and definitions of the different scores, to reflect the fact that he had not passed the bar in this campaign. **This is poor practice.** The overall score should reflect his total score and this is presumably why DfID changed it to 4. However, it was the complainant's actual total score of 19 that was the relevant score and this was insufficient to be appointed to the role or to be placed on the reserve list of candidates.

This is not a breach of the Recruitment Principles.

Were factors other than the essential criteria taken into account, when assessing candidates?

20. Examination of the score sheets for all candidates invited to interview, show there were no other factors taken into account when assessing the candidates. All candidates were scored against the same essential criteria set out in the person specification.

This is not a breach of the Recruitment Principles.

Was the interview method 'not conducive to a fair assessment'?

21. DfID HRR made it clear, in the email sent to the complainant on the 20 July, that the interview would be conducted remotely via 'VRM' (a telephone conference system). Therefore, DfID adhered to their chosen format for interviews. All candidates were treated fairly and given prior notice as to how their interviews would be conducted. Other candidates were interviewed using the VRM system. The complainant was not disadvantaged, compared to other candidates.

This is not a breach of Recruitment Principles.

Did DfID HRR fail to provide the complainant clear information on how to raise a complaint?

22. The complainant states that he sought advice from DfID HRR on how to complain, but his request remained unanswered.

23. In reply to CSC enquiries, DfID have clarified that: 'in terms of contact details being available on the advert / role profile for this particular campaign this was a tricky one as being a generic campaign there were no specific business contacts to address individuals queries in relation to the roles / process. Therefore we took, which on reflection was the wrong decision, to add details of a generic E-mail box to the campaign as the contact point through which we could better manage the enquiries, which came in and ensure they were routed to the correct place / person and answered as quickly as possible.'

24. It is **poor practice** for DfID not to have included specific and clear details of their complaints process in the campaign information.

25. As a result of this complaint, DfID have confirmed that all campaigns now contain information on how to make a complaint.

This is not a breach of Recruitment Principles.

Recommendations

The Commissioners consider that this recruitment process was poorly planned and implemented and that the handling of this complaint reflects badly on DfID.

The Commission recommends that:

- DfID should ensure the number of posts advertised reflects the business needs at the time of advertising, rather than projected forecasts of business needs. It would be preferable to say, for example, that there are 6 posts available with the possibility of more posts becoming available at a later date.
- DfID should ensure a candidate's overall rating reflects their total score, as recorded on the original interview score sheet.
- DfID should ensure the job specification clearly sets out any limitations concerning the interview format, such as telephone or video conference.

- DfID must ensure an effective complaint-handling process is included in all campaigns.

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.

Andrew Flanagan

Kevin Woods

Commissioner

Civil Service Commission

December 2017