



FINDINGS AND RECOMMENDATIONS: September 2016

REF: 282

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 –

a) 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 raised concerns over the way in which his application for an external recruitment exercise was progressed. He had applied for a “Tax Professional Officer (HO)” post which was part of a HM Revenue & Customs

(HMRC) volume campaign. He believes that the scoring at interview stage was flawed.

3. The guidance on the Commission's website is clear that it is not within our remit to "replay" competitions, and in other circumstances we could have not investigated this complaint any further. Unless there is a fundamental error with the compliance of the process or overall handling of the applications we are not able to second guess (or review after the event) what actually happened during an interview. However, because there has been an increase in complaints relating to HMRC volume campaigns, we considered it proportionate on this occasion to investigate this matter further from a fairness perspective.

METHODOLOGY OF THE INVESTIGATION

4. The Commission investigated the complaint through consideration of written evidence supplied.

5. The Commission considered the following evidence, in addition to the complainant's original correspondence:

- Competency statements for the complainant and selected other applicants
- Sift documentation
- Complainant's interview notes
- Feedback to complainant
- Civil Service Competency Framework

6. Jan Cameron and Jonathan Baume were the decision-making Commissioners in this case.

SUMMARY OF THE EVIDENCE

7. The complainant applied for a role at HMRC. He is an existing civil servant; he applied at stage 4 (external) for the vacancy. The recruitment campaign was run by Civil Service Resourcing (CSR) on behalf of HMRC.

8. The complainant submitted his application and received a score of **6** at sift (the initial assessment of suitability against the criteria for the post) for his "Making Effective Decisions" competency evidence. At interview, he achieved a score of **3** for the same competency, using the same example. The interview panel assessed all candidates using "situational based questions" however, candidates were allowed to use existing examples, which may have been detailed in their application form.

9. The complainant was notified of the fact that he had not been successful and made a complaint based on his belief that the scoring for the "Making Effective Decision" competency at interview was inconsistent with his score for the same

example at sift. The complainant received a response from HMRC which made clear that all panel members had received the required training and guidance to ensure consistency of approach. The complainant was also informed that the interview panel did not have access to his application form or sift score so based their assessment purely on how well he demonstrated the behaviour of the required competencies.

10. The Commission's enquiries in this case were limited to checking that the sift and interview scores had been transposed correctly onto CSR system (this was confirmed) and that the sift example for "making effective decisions" had enough substance to warrant a score of 6.

11. HMRC provided CSC with the details of the staff who made up the sift and interview panel. In addition CSC were sent the anonymised scores for all those candidates (60 in total) sifted by the panel in question. Further evidence in the form of the evidence supplied by other candidates who scored 6 for this competency at sift stage by the same panel was also reviewed.

12. The Civil Service Competency Framework gives guidance on the effective behaviour that should be illustrated by candidates. The CSR scoring guide shows a score of 6 as "*strong demonstration provided of the competency*".

13. The overall sifting feedback comments for the 60 candidates are of mixed quality and lack clarity when compared to the scores

14. CSC reviewed the feedback and panel notes for the complainant's interview scores. Situational questions were asked of the candidate to provide evidence of these competencies.

- **The overall marking for "making a decision" was 3,**
The panel felt that the actual decision making element was weak in the example given. The notes support this. The complainant also stated in his complaint that he may not have represented the verbal evidence at interview perfectly.

- **The marking for "collaborating and partnering" was 6**

The CS Jobs Interview evaluation document shows the panel felt both his examples "...*showed some evidence*" of the competency. A score of 6, should be for strong demonstration. The handwritten notes are not easy to read but the pages do not appear to have any references to missing elements of the competency. However, the document showing sift and interview feedback shows "*both examples showed strong evidence of collaborating & partnering*". It is unclear when the transposing error has been made in the text, and by whom, but the latter document is a system print out.

FINDINGS AND RECOMMENDATIONS

The legal requirement¹

Merit means the appointments of the best available person judged against the essential criteria for the role

Fair means there must be no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.

Open means potential candidates must be given reasonable access to information about the job and its requirements, and about the selection process.

15. The complainant was not offered a post after scoring 3 for the “making effective decisions” competency at interview.

- **Was the complainant treated unfairly because he wasn’t offered a post?**
The complainant was not treated unfairly as no other candidates who had scored 3 were offered a post. Candidates had to score 4 in each competency to progress. This is not a breach of either the fairness or the merit requirements of the Recruitment Principles.
- **Was the complainant treated unfairly because he received a lower score at interview than that awarded for the same competency at the sift stage?** The complainant was not treated unfairly; the panel did not assess the complainant as having demonstrated the behaviours required. The complainant stated that he may not have presented his evidence perfectly at interview. He may not have clearly expressed the evidence required in the interview as compared to the written text submitted with his application. The scores achieved at sift act as a passport to the interview process but it is the evidence from the interview panel which takes priority. The panel members had all been trained and they had no prior knowledge of the application form or sift score; their assessment was made purely on the complainant’s performance at interview. The Commission was not at the interview, and is not able to “replay” the competition. This is not a breach of the Recruitment Principles

16. CSC is aware that volume exercises, especially those split across locations and with multiple panels will always bring the biggest risks of noncompliance or complaint. However in this case the complainant has raised a capability issue based on fairness and our investigation has highlighted some scoring inconsistencies. HMRC could review a sample of candidates’ scores (both at sift and interview) on large scale campaigns to ensure overall consistency of evidence interpretation. This could be a proportional and practical way of being able to provide assurance to candidates, particularly those from within their own departments, and the HMRC Chief People Officer, that external recruitment is being carried out to the required standard.

17. If the complainant would find this helpful, HMRC should give him some informal feedback and advice on areas for improvement

¹ Recruitment Principles, April 2015

REQUEST FOR REVIEW

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

19. 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 or errors of factual interpretation in its decision making.

20. 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

Jan Cameron

Civil Service Commission

September 2016