



FINDINGS AND RECOMMENDATIONS: September 2016

REF: 317

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 applied to the Government Operational Research Service (GORS) as part of their mainstream recruitment campaign. She raised concerns

about GORS's adjudication that she does not have a highly numerate degree, as required, and also about the sift scores she was given.

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:

- Job advertisement
- Complainant's sift feedback
- Information from GORS regarding the numeracy classification and complaint generally.

4. Sarah Laessig and Wanda Goldwag were the decision-making Commissioners in this case.

SUMMARY OF THE EVIDENCE

5. The complainant applied to GORS, setting out details of her qualifications and her competences. She has a BSc (2:1) and a MSc (pass). Her view is that she does have the required 50% Maths-related modules, together with "significant experience in research in the industry". She also stated that one of the competences she answered for this application was scored much more highly in a previous application for a different job.

6. The Job advert stated: "You **must** have ...a highly numerate degree....To meet our definition of a highly numerate degree, at least half of your degree course must be from one or more of the following subjects: econometrics, engineering, maths, OR, physics, statistics **or similar**". It then asks other things including that applicants detail their degrees with the course or qualification title, subjects, modules or thesis and degree class.

7. The GORS website is referenced in the job advert. It states:

*To apply, you'll need a numerate degree (minimum 2:1, or a 2:2 with relevant work experience or a postgraduate qualification), at least half of which must be from one or more of these subjects: Operational Research, mathematics, physics, econometrics, engineering or management sciences, **but the list of subjects considered is left open.***

8. The complainant was informed that she was unsuccessful and that she had scored 1 for all her competences. She contacted GORS and was told that her degree was judged to be not sufficiently numerate. GORS had her application re-sifted at that stage, by two different assessors, with the same result. GORS reiterated that they were satisfied that she had been correctly sifted out and recommended that she apply to the Government Social Research or Government

Statistical Service professions as her degree may be more relevant to those professions.

9. There followed some correspondence between Civil Service Resourcing (CSR) who have been involved in the management of this campaign, and GORS. The complainant has presumably seen this exchange as it is copied in the email she sent to the Commission. At one stage, GORS states that “The candidate is not even close to being sufficiently numerate”. CSR then contacted the complainant to confirm what GORS had told her. The complainant then contacted the Commission.

10. The complainant has also complained that the feedback she was given for one competence, Collaborating and Partnering was scored 1 but she had scored 4 for this in a previous application, using the same example, for a different job.

FINDINGS AND RECOMMENDATIONS

The legal requirement¹

Merit means the appointment 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.

11. Candidates in this campaign were sifted initially on qualifications. Although this is not directly stated in the advert (in fact, it is stated that the initial sift will be on a lead competence), it is clear in the advert that a certain type of degree is required (candidates “must have” is mentioned, as is “assess your eligibility”). It is reasonable for GORS to have done this initial sift on qualifications.

12. GORS provided a response to the Commission setting out its procedures. GORS states that the advert is clear about the sorts of subjects that would be considered highly numerate and that its website also gives information and details of the disciplines from which its recruits come. It does not test numeracy skills as this would be an involved and costly process. Although the word “similar” is mentioned in the advert, the GORS website states that “the list of subjects considered is left open”. GORS provided the Commission with a list of subjects considered numerate and not highly numerate and stated that this is what “similar” refers to. The complainant’s particular subject qualification is clearly shown as not highly numerate. GORS stated that the complainant had not applied to GORS before as far as they were aware, or been told that she would be eligible to work there.

13. The initial sift was an independent review of the complainant’s application form by two GORS members who judged her degree to be insufficiently numerate.

¹ Recruitment Principles, April 2015

After she appealed this decision, a further review by two senior GORS members took place and, again, the decision was made that her degree was not sufficiently numerate. GORS states that some of her modules will contain numerate elements but they are not substantially mathematical, and even if they had erred towards marking some modules as sufficiently numerate, her qualifications as a whole are not sufficient in this regard.

14. It seems that all candidates are being treated in the same way by GORS. Module titles/lists are used and GORS says this is typically the only information provided and is the only information considered by sifters. The complainant's degree was considered not highly numerate for every module. The GORS list of qualifications considered highly numerate or not is not published, but it was in place before this competition. It does not cover everything, as its website says the list of subjects considered is left open. This seems reasonable in the circumstances and allows for GORS to be flexible in considering all applicants.

15. There is no breach of the Recruitment Principles. The complainant seems to have underestimated the level of numeracy required for this role and assumed that, because she has an MSc and a BSc this alone is sufficient. Although the complainant says she was offered another Civil Service job, that job did not require a highly numerate degree. It is for GORS to evaluate the numeracy qualification and the Commission cannot second-guess its decision in this case. The methods used to reach its decision seem consistent for all candidates.

16. However, GORS should be more circumspect in its correspondence. The complainant has seen this phrase: "The candidate is not even close to being sufficiently numerate" in an email. This is not constructive in these circumstances.

17. In relation to the scores of 1 given to the complainant, CSR sent the Commission the complainant's feedback form. This gives marks of 1 for each competence but also clearly states that "The panel did not assess your application in detail because they decided it did not meet our minimum qualifications criteria". The online extract that the complainant provided does not show this section and the Commission is not clear whether she received it. In any event, putting the qualification as an "additional competency" is not helpful; it should show as the first one. GORS should work with CSR to ensure that its system shows, accurately, the reason why a candidate is unsuccessful.

18. The complainant says that an administrator told her that marks of 1 had to be uploaded to the system as there was no other option as competence examples were not considered. In addition, the complainant stated that she was told by GORS that they had not read her competency examples and that they agreed that this was misleading. GORS has confirmed that the complainant's competency examples were never assessed because she had already been sifted out because of her qualification.

19. GORS accepts that the feedback provided to the complainant and other candidates whose applications were sifted out on the basis of qualifications was misleading and has caused confusion. GORS intended candidates to receive a message saying that their qualifications had not met their requirements, but, instead,

they were told that they had scored 1 for all competences. This has, understandably, initially caused the complainant to suspect that her responses were not adequately considered whereas, in fact, as she was later told, they were not assessed at all. This should have been shown in a different way on the system, not, inaccurately, as a low mark. There is no breach of the Recruitment Principles here as it appears that this applied to all and not just to the complainant. However, it is poor practice. Again, GORS should, as it says it wants to, work with CSR to ensure that the system accurately reflects the reasons why a candidate has been sifted out of a competition.

20. **There is no breach of the Recruitment Principles in this case.**

21. GORS should work with CSR to ensure that the CSR system shows, accurately, the reasons why candidates are unsuccessful and whether competences have been assessed. GORS should report back to the Commission by 30 November 2016 to confirm that this has been done.

22. GORS should apologise to the complainant for its poor practice in leading her to believe that she had scored 1 in all competences, when, in fact, these had not been assessed. GORS should also ensure that it is more precise and circumspect in its communications with candidates.

REQUEST FOR REVIEW

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

24. 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.

25. 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.

Wanda Goldwag

Sarah Laessig

Civil Service Commission
September 2016