



Welcome to the CPSA Casebook

The Commission for Public Service Appointments (CPSA) is keen to support Public Bodies in delivering best recruitment practice.

In this regard it wishes to bring a number of Case Studies to the attention of Public Service recruitment practitioners. These set out the approach adopted by the CPSA in its examination of the most common complaints it receives.

The main themes arising in complaints from candidates in relation to the conduct of selection and appointment processes are:

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The CPSA hopes that the guidance provided in the Case Studies informs not only the approach of recruitment practitioners to their management of complaints and requests for review from disappointed candidates, but also their approach to the management and conduct of selection and appointment processes.

These Case Studies are also available on the CPSA's website www.cpsa.ie.

The CPSA will add to these Case Studies on an ongoing basis.

Andrew Patterson

Secretary to the CPSA

Training for recruitment practitioners

The Code of Practice sets out the CPSA's expectation that:

- All selection practitioners fully understand their role and have the necessary skills to discharge their responsibilities.
- Training is delivered in a timely basis and is appropriate to the specific assessment process being deployed.
- The chosen selection techniques are only used by appropriately trained individuals who have been properly trained in their administration, scoring and interpretation, and who are qualified to select a test which is valid for a particular purpose.
- Disability awareness training is provided as appropriate.
- Training covers the structure of the process and the appointment context, including current and forthcoming legislation.
- Effectiveness of training is monitored and evaluated and follow-up action is taken on an ongoing basis.

The CPSA has sought detailed information on the training provided to members of interview boards, and has looked for confirmation that this training was evidenced in the conduct of the interviews. The Commission concluded that, in some cases, irregularities it noted in the conduct of the interviews may have been avoided if the board members had been provided with recent relevant training. It also noted that, in some cases, board members are relying on training they received and interviewing experience dating back five or more years when sitting on interview boards.

In other cases, the Recruiting Organisations have set out that they provided short “refresher” training for interview board members. The CPSA has expressed concern that this may not have been sufficient. While refresher training is often very helpful in reminding interview board members about the practical elements of the interview process, such as

- the role of the chairperson and the other board members,
- the application of selection criteria,
- the use of marking schemes,
- indicators of good and bad performance by candidates,
- the importance of note-taking,
- the requirement to treat candidates in an fair, consistent and objective manner and only to make decisions based on the information presented in the course of the appointment process, and
- the obligation on all involved in the selection process to protect the confidentiality of the information made available to them in the course of the process,

it does not always adequately upskill board members in their ability to question and evaluate candidates.

The CPSA is also concerned that “refresher” training courses may not be sufficient in addressing, for example,

- the importance of proper interview preparation,
- the tendency to over-rely on the first impression the candidate makes, and
- the inclination to disregard the objective requirements of the role and instead select a candidate who is very similar to either the board member or the previous holder of the position.

The CPSA strongly recommends that interview and selection board members receive full and proper training from recognised experts in a timely manner.

Training for those administering the selection process

In its examination of a number of recent complaints, the CPSA noted a number of errors in the management of recruitment processes that it considers reflect a poor level of understanding of the selection process by those involved in administering it.

In one case, an Recruiting Organisation wrote to a candidate to invite him to attend for interview. While two separate posts in different locations had been advertised, the letter to the candidate inviting him to attend for interview mentioned only one of the posts. The candidate attended for interview but was not successful. He expected to be invited to attend an interview for the second post, but learned later that he had been evaluated for both posts at the initial interview and that he would not be invited to a second interview. The CPSA found that the Recruiting Organisation had mismanaged the candidate’s expectations and had not met the standards set out in the Code of Practice.

In another case, a candidate for a specialist position contacted the CPSA complaining that an Recruiting Organisation had made an appointment to a post based on incorrect eligibility criteria. The Commission verified that the Recruiting Organisation had indeed applied eligibility criteria approved for a post in a different sub-speciality, and that the candidate selected for the position did not meet the published criteria.

In a further case, a candidate became aware that details of his application had been made available to someone not connected with the selection process. There were strong indications that a member of the recruitment team and a member of the selection board had been overheard while speaking about the recruitment interviews in a public area. The candidate was, understandably, upset that the Recruiting Organisation had not taken sufficient care to treat his participation in the selection process in confidence.

The CPSA expressed its disappointment that some of those responsible for administering the selection process in these cases had failed to conduct themselves in a professional manner to the detriment of the candidates involved, and that their actions had the potential to undermine the credibility of the process.

Selection of interview board members

The CPSA received complaints about the way members of a selection board were chosen and prepared for evaluating candidates for a senior, specialised role. The Recruiting Organisation had convened a three-person selection board comprising two senior staff members and one external expert. The complainants were concerned that the members of the selection board did not have the knowledge, experience or training to carry out a properly informed assessment of the candidates for the post.

The Recruiting Organisation provided the CPSA with background information on the two employees it had chosen to sit on the interview board, and a brief résumé of the external selection board member. Based on this information, the Commission was broadly satisfied that the Recruiting Organisation had taken appropriate care and attention in choosing selection board members with a thorough knowledge of the requirements of the post. It was also satisfied that the Recruiting Organisation had taken appropriate steps in briefing the selection board members on the approach to adopt in their conduct of the selection process.

However, the Commission noted that, because of the very senior and specialised nature of the position, only a very limited number of the Recruiting Organisation's employees could possibly sit on the interview board. It also noted that the two internal members of the selection board were at the same level as the position being filled. The Commission observed that internal selection board members are generally drawn from among staff serving at one grade higher than the vacant post. This is because experience of managing people at the grade being filled can give board members an invaluable insight into the requirements of the role.

The CPSA recognises that Recruiting Organisations will face challenges in securing sufficiently expert internal board members at such senior levels, particularly when filling positions in highly specialised areas. In this case, it recommended that the Recruiting Organisation explore other options when selecting board members for similar posts in the future, including changing the mix of internal and external board members.

Management of connections between candidates and members of selection boards

The Code of Practice sets out the CPSA's expectation that:

- Systems are in place to ensure that selection boards carry out the selection process in a fair, consistent and transparent manner.
- All selection practitioners fully understand their role and have the necessary skills to discharge their responsibilities.
- Adverse impact issues are considered and addressed in advance of recruitment campaigns.

Sometimes candidates contact the CPSA because they believe that a member of a selection board should recuse himself/herself on the basis of their knowledge of or working relationship with certain other candidates.

The following are summaries of three such cases considered by the Commission.

- i. The CPSA was contacted by a number of people expressing concerns at the way in which interview boards were arranged for an internal recruitment process involving a large number of candidates. They were of the opinion that the appointment processes would be compromised or unfair because the Recruiting Organisation was not taking sufficient care to ensure that managers would not be interviewing candidates who reported to them. Some of the people who contacted the CPSA were concerned that the connection between the line manager and the candidate was likely to have a negative effect on the candidate's application. However, most expressed the view that line managers would be more likely to seek to influence the selection process to the advantage of their own staff.

In response, the Recruiting Organisation said it was aware that many of its selection board members would have worked with many of the candidates. It advised that the nature of the organisation made it virtually impossible not to have some candidates interviewed by their present or former line managers. Instead of trying to avoid these almost inevitable situations, the Recruiting Organisation sought to manage them. It said that, on advice received from the Public Appointments Service (PAS) and others, it instructs each board member to tell the other board members which of the candidates they know. While the selection board will conduct the interviews in a consistent fashion, board members who know the candidate in question will be the last to offer a view on their interview performance.

The CPSA accepts that it can be extremely challenging to avoid connections between board members and candidates in this and many other organisations. It noted the mitigations put in place to reduce the possible effects on the selection process arising from these connections. The Commission also noted that these procedures were properly documented in an interview guide issued to selection board members, and referred to in the pre-interview briefing.

However, in the interests of openness and transparency, and because of the perception

amongst candidates and others within the organisation that there is a problem with connections between selection board members and candidates, the CPSA proposed that, for similar processes in the future, the Recruiting Organisation keep a schedule setting out which board members declared their knowledge of which candidate and confirming that the standard protocol or rules of conduct referred to in its interview guide had been followed.

- ii. A candidate contacted the CPSA complaining that she did not know in advance that she was to be interviewed by a former supervisor – someone the candidate had also listed as one of her referees. In this appointment process, the Recruiting Organisation sought references ahead of the interviews and presented them to the members of the interview board.

The CPSA noted that, as the appointment was to a very senior post in a highly specialised area, it would have been extremely difficult to make up an interview board whose members did not know or had not worked with some of the candidates based in Ireland, at some point in their careers.

Nevertheless, the CPSA outlined that there is a burden of responsibility on Recruiting Organisations to have safeguards in place to protect the integrity and validity of the appointment process and to support the evaluation of candidates in an objective, fair and consistent manner. The Commission recommended that the Recruiting Organisation select a senior practitioner from outside Ireland to sit on the interview board, and considers this approach very helpful in promoting confidence in the appointment system. It accepted that the safeguards are likely to help the Recruiting Organisation manage, rather than avoid, the potential problems arising from those on selection boards knowing or having worked with candidates. The CPSA advised that, at the very least, the Recruiting Organisation ask selection board members to declare which candidates they know, and to keep a record of those connections.

The CPSA understood the candidate's unease in discovering that one of her referees was, in fact, also a member of the selection board. It was also aware that members of similar interview boards had, in the past, also acted as referees for candidates. While acknowledging that, in the absence of explicit guidance from the Recruiting Organisation, the interview board member may not have known how to deal with the request to provide a reference, the CPSA considers that the interview board member should have brought this to the attention of the Recruiting Organisation before the interview and sought guidance on the matter.

The CPSA recommended that the Recruiting Organisation consider reviewing its practice of not making the names of its selection board members available to candidates. (It noted that the Recruiting Organisation had in fact already changed its practice in this regard and was now making the names of the board members available to candidates in advance of their interviews.) It also recommended that the Recruiting Organisation take all possible steps to ensure that interview board members are not also referees for any of the candidates.

- iii. A candidate contacted the CPSA outlining his belief that he had been treated unfairly by an interview board. His concern was that one of the members of the board had been involved in conducting an external review of a project that the candidate had worked on. Another interview board member, because of the position he held, would have been very familiar with the report made by the external review team. The candidate believed that these two board members had used their prior knowledge of his work when framing their questions and in carrying out their evaluation of him. He believed some of the conclusions reached by the review team were unfair and that the two board members had, by questioning him on the matter relevant to the review, demonstrated a bias against him.

The CPSA understood that, as this was a senior specialist role, it was inevitable that many of the potential interview board members would know or be familiar with the candidates that were based in Ireland. The nature of the work of one of the board members meant that he had some oversight of the work of many of these candidates. The Commission noted that in his application the candidate himself had referred to the work programme that had been subject to review, and to his engagement with the review team. It also noted the interview board members' comments that the conclusions reached by the review team were, in fact, broadly favourable about the candidate. Finally, the CPSA determined that it would have been inappropriate and unfair of the selection board not to allow the complainant the opportunity to speak about this major piece of work that he had heavily flagged in his application.

The CPSA concluded that:

- The selection of the interview board members was conducted in accordance with the standard process used by the Recruiting Organisation for appointments to senior professional posts.
- There were safeguards in place to ensure a consistent and transparent selection process. These included discussions in advance of the interviews about the requirements of the role, and about acceptable areas of questioning based on agreed job-related criteria; and the presence of a note-taker to document decisions taken during the process and to provide assurance that all candidates were treated fairly and equally.
- It was entirely appropriate for the interview board to question the candidate about information he had included in his application form.

Management of shortlisting

The Commission has received a number of complaints about the way selection boards evaluate candidates in the course of a shortlisting process.

Among the issues raised by complainants have been:

- The selection criteria employed by the board did not sufficiently reflect the nature of the role.
- The selection board was unfair and inconsistent in its decision-making and did not pay enough attention to the content of a candidate's application.
- The scores awarded by the selection board did not reflect the candidate's skills.
- The feedback provided did not properly explain the decision reached.
- The selection board marked the candidate's application against other candidates', rather than reviewing the application in light of the objective criteria.
- There were no "objective metrics" available to support the way the selection board carried out its evaluation of candidates for a role (for example, a comparison of candidates' production targets or attendance levels, or other measurable criteria).

In reviewing these and other complaints, the Commission examines the range of safeguards used by Recruiting Organisations to support the fair, consistent and objective evaluation of candidates.

1. Job and person specification

The Commission considers that properly prepared job descriptions and person specifications are the keystone to every appointment process. It expects Recruiting Organisations to have prepared a robust job description and person specification that clearly identify the duties and responsibilities of the post as well as the knowledge, experience, skills and personal attributes required. Candidates will be tested according to the job description and person specification during the selection and appointment processes.

When examining complaints, the CPSA asks the Recruiting Organisation (i) when and how the job description and person specification were prepared, (ii) whether they have been reviewed and updated recently, and (iii) how the job description and person specifications were considered and approved within the recruiting organisation. The Commission is particularly concerned that the job description and person specifications have been approved at an appropriately senior level. It also seeks to ensure that the person specification is not unnecessarily restrictive and does not exclude candidates that are capable of performing the duties of the role.

2. Selection criteria

The Commission recognises that it can be very difficult to evaluate candidates against all of the different elements of the job description and person specification. Particularly when shortlisting from a large number of candidates, the selection board must focus on up to five or six key criteria. The Commission expects the shortlisting criteria to be clear and meaningful, so that they provide a robust means for differentiating between candidates most likely to make a success of the role and those who are less well suited to the position.

In reviewing the selection criteria used at the shortlisting stage, the Commission checks that they correspond with key elements of the job description and person specification.

The Commission expects the recruiting organisation to present draft criteria to the selection board. It recognises that, in some cases, the selection board will make some adjustments to the criteria following their preliminary discussions about the demands of the role.

On occasion, the CPSA has been critical of Recruiting Organisations for setting eligibility criteria with the intention of reducing the pool of candidates to a more manageable number. The Commission is firmly of the view that the public interest is best served when recruiters apply fair and objective criteria that allow the selection of the best candidates from the widest pool of available talent.

The Commission has also been critical of an organisation where the selection board decided to disregard a key element of the shortlisting criteria that corresponded with the published person specification and instead decided to apply criteria of its own.

3. Membership of the selection board

Given the significant responsibility placed on the selection board members, it is vital that the recruiting organisation takes care to select people with the knowledge, experience and judgement to evaluate candidates for a role. In examining the membership of the selection board, the Commission will look at the measures taken to ensure that, as a collective, the board had the necessary skills, including relevant qualifications and professional expertise, to test and evaluate candidates on their suitability for the role.

4. Management of Connections between Selection Board Members and Candidates

see separate Casebook note on managing potential conflicts of interest for members of selection boards.

5. Selection process

The Commission expects the recruiting organisation to plan the appointment process in advance. This plan should take into account the numbers of candidates that are likely to apply, and whether a preliminary screening or shortlisting stage will be necessary.

Where shortlisting is used, the CPSA expects the recruiting organisation to consider how it will conduct a fair and consistent evaluation of candidates. While candidates are often asked to include their CV in support of their application, many Public Service recruiters use a structured application form in which candidates are asked to highlight how they have demonstrated the five or six key criteria in their career to date.

Recruiting bodies have told the Commission that candidates' applications are given to the selection board several days before the shortlisting meeting, along with the job description and person specification, shortlisting criteria and a briefing on how the selection process will be conducted. The

selection board members are asked to study the application forms in advance so that they are prepared for the shortlisting meeting.

The Commission understands that, when shortlisting board members have been provided with and have studied the applications before the shortlisting meeting, they can often segregate candidates quite quickly into categories such as “most likely to attain a competitive standard at interview” ; “most unlikely to attain a competitive standard at interview” and “worthy of further deliberation”. It also understands that the shortlisting meetings focus in particular on applications that fall into in this third category.

Selection boards should also spend time assessing the applications about which they were undecided or not unanimous in their decision after their initial review.

Regardless of which category a candidate falls into, the CPSA considers that they deserve to have their application properly evaluated, as they have gone to the time and trouble of preparing and submitting it. Clear and meaningful feedback should be available to all candidates that shows how their application was evaluated by the board and which criteria they did not demonstrate to the same standard as those candidates invited to the next stage of the appointment process. The Commission expects Recruiting Organisations to explain the decision reached, but does not require them to provide career development advice to unsuccessful candidates.

The Commission accepts that the number of candidates invited to attend for interview will reflect not only the performance of candidates in relation to the criteria but also the overall strength of the candidate pool. As shortlisting is often a competitive process, the CPSA understands that applications will be judged not only against the selection criteria but also against applications from other candidates.

6. Marking scheme

The Commission accepts that it can be challenging to apply precise empirical measures when evaluating a candidate’s written application. However, it considers that the use of a marking scheme can be helpful in showing candidates how their application was evaluated by the selection board. Use of a marking scheme may also encourage selection boards to apply a high level of discipline and rigour to their evaluation of candidates.

7. Feedback – see separate Casebook note on feedback

Provision of feedback to candidates

The Code of Practice sets out the CPSA's expectation that:

- Clear, specific and meaningful feedback is provided when requested by candidates.
- Effective systems are in place to manage the feedback function.

The CPSA has received a number of complaints which highlight the important role feedback plays in promoting confidence in the integrity and validity of the selection process.

Recruiting Organisations must be able to provide specific and meaningful feedback to candidates at the end of a selection process so that candidates can understand the way that the decision was reached on their application. A lack of good quality feedback may serve to undermine confidence in the selection and appointment processes.

The CPSA appreciates that the vast majority of candidates commit considerable time, energy and emotion to preparing their application and readying themselves for interview. In some cases, when candidates have sought feedback they have received a limited and rather generic commentary that offers little or no insight into how they were evaluated. The CPSA understands candidates' frustration and in such cases has reminded the Recruiting Organisations of their duty to provide specific and meaningful feedback that explains the decision reached in the course of the appointment process. In addition, the Commission has recommended that selection board members are given proper training and/or briefings so that they understand what is expected of them in terms of providing such feedback.

However, the CPSA has also received complaints from a small number of candidates who were seeking far more than a straightforward explanation for the decision reached in relation to their candidature, amounting to advice on how best to prepare themselves for future appointment processes. Following its examination of these complaints, the CPSA wishes to clarify that the purpose of the appointment process is to select the best candidate for the role and that the selection board is not required to provide career guidance to unsuccessful candidates. While the Recruiting Organisation's duty is to provide clear and meaningful feedback, the Commission considers that a candidate who is keen to learn from their participation in an appointment process should honestly and objectively reflect on the questions asked of them at interview and then make an appraisal of the impression they have left on the selection board.

The CPSA has complimented a number of Recruiting Organisations who arranged face-to-face meetings between candidates and a member of their selection board to give specific feedback to the candidates. These often followed internal selection processes. The CPSA appreciates that an employer might wish to engage with its internal candidates following a selection process, but considers that the meetings have more to do with normal employee relations. As such, they are not part of the selection process and are not covered by the Code of Practice. The Commission recognises that it is generally not possible to arrange these meetings for external candidates, particularly if a large number of candidates is involved. The CPSA also recognises that, when the meetings are managed properly and when candidates are open to accepting constructive criticism, this progressive approach provides an invaluable opportunity for unsuccessful candidates to gain a fuller understanding of how they were assessed relative to successful applicants.

In certain cases, feedback was provided to candidates in a haphazard manner. Some candidates' interpretation of the feedback was not what the board member had tried to convey. In other cases, the candidates spoke to different board members at different times and received different messages.

The CPSA recommends that Recruiting Organisations have a centrally coordinated and properly documented feedback system in place. Where verbal feedback is provided, it should be supplemented by a clearly written summary comment that has been agreed upon by the selection board.

In conclusion, the CPSA considers that Recruiting Organisations must keep details on candidates' performances in the course of the selection and appointment processes, and must be able to rely on its recruitment records to explain how the candidate's performance was assessed.

Reference checking

The Code of Practice sets out the CPSA's expectation that candidates must:

- have the knowledge and ability to discharge the duties of the post,
- be of suitable character for the role, and
- be suitable in all other relevant respects for appointment to the post.

The CPSA expects the Recruiting Organisation to make inquiries to satisfy itself that successful candidates are eligible and suitable for appointment.

A candidate contacted the CPSA complaining that he had been denied a position because of unfair and prejudicial reference-checking procedures.

The Commission learned that the candidate had been successful at interview and was advised that he was being considered for the post. The letter he received from the Recruiting Organisation stated that his appointment was conditional upon it receiving satisfactory references. The Recruiting Organisation then obtained three references. Two of the referees worked at senior levels within the organisation but did not have direct line management responsibility for the candidate; the third referee had previously worked as his line manager. While the first two referees provided satisfactory references, the candidate's former manager provided a negative reference.

The Recruiting Organisation advised the candidate that, as it had not received a satisfactory set of references, it could not proceed with his appointment to the post.

In his complaint to the Commission, the candidate referred to the very complimentary references he had received from the senior staff in the organisation. He acknowledged receiving a verbal warning some years earlier from the same line manager that had issued the unsatisfactory reference. However, he argued, the relevant disciplinary procedures state that the record of this warning should only have been kept on his personnel file for a period of six months and should not be held against him in this selection process.

The Recruiting Organisation advised the CPSA that:

- The decision not to appoint the complainant had been made following a case meeting involving appropriately senior staff, during which the contents of the three references were considered.
- The sensitive nature of the post required a low-risk approach to making appointments.
- Those it appoints to sensitive positions must have not only the professional knowledge and skills necessary for the role but also the personal attributes and behaviours needed to meet the standards and values required of them.
- The decision reached reflected its policy of giving greater importance to references from a line manager than to references from other former colleagues of a candidate.

The CPSA acknowledged the important role reference checking plays in the appointment process and understood the Recruiting Organisation's requirement not to make the appointment without

carrying out appropriate reference checks. It also recognised the sensitive nature of the work involved and the need for the Recruiting Organisation to be very cautious in its approach to making the appointment. However, given the significant impact this decision had on the complainant and his career prospects, the CPSA expressed its concern that the Recruiting Organisation made a decision not to appoint the complainant based on the opinion of one individual.

The Commission considers that there are risks associated with making such a significant decision on the basis of one person's opinion, given the broad scope for personal differences. It noted with some concern that the complainant did not have an opportunity to contest or rebut the contents of the reference provided by his former line manager, even though he had received positive references from two other senior staff within the same organisation.

Had the Recruiting Organisation allowed the candidate an opportunity to rebut the unsatisfactory reference, it is possible the complainant may have been able to give some context to the information and opinions provided by his former line manager.

In conclusion, the CPSA recommends that, in situations where there is a clear difference in the views expressed in references, Recruiting Organisations allow candidates an opportunity to contest or rebut the information set out in a negative reference. This information, along with that contained in the original references, should be considered by appropriately qualified people before a final decision is reached. The Commission also expects Recruiting Organisations to keep detailed records of the decision-making process.