

**-The Respondent has the power to decide on the method of assessment of candidates. If it chooses a written examination it is not bound to organise an interview of candidates.**

**- Confidential reports for the past years will give a good indication of the performance of candidates with regard to interpersonal skills.**

The Appellants are Officers posted in different Ministries. They are appealing against the decision of the Respondent to appoint the Co-Respondents as SOZ

The post of SOZ is filled by selection from among officers who hold a substantive appointment in the grade of OZ and who reckon four years' service as from the date they joined service. Candidates must possess a number of qualities and have specific knowledge as mentioned in the Scheme of Service.

The vacancies in the post of SOZ were first advertised on ... However, following the prescription of a new Scheme of Service which became effective as from .., there was a fresh advertisement. Candidates who applied in response to the previous circular had to submit a fresh application.

Some 1162 candidates applied for the post. 1109 candidates (including the Appellants) were found eligible and were convened to sit for a competitive written examination on ...

As there were many vacancies in the grade, the Responsible Officer (R.O.) had recommended to the Respondent on ... that all the posts be filled. In the meantime one of those who was found suitable at the competitive examination to fill the post, had been appointed to another post in a substantive capacity and the rest of them were offered appointment to the post of

There was no interview of the candidates and appointment was made on the basis of the written examination only.

These facts are not disputed.

### **Appellants' Case**

The Appellants averred that they did well in the examination and had responded to all the questions. They had been in service for a long time, had gathered experience and were familiar with everything that was required for the post. They did not agree that the written examination was enough to assess them. They felt that an interview should have been carried out as the Scheme of Service required them to have “good .....interpersonal skills“and “to be able to work on own initiative and as a member of a team”. They averred that there were no questions in the written examination which addressed these issues. The assessment was, therefore, not complete and played against them.

It was conceded, however, that there was no obligation for Respondent to carry out an interview.

### **Respondent's Case**

The Respondent averred that according to Regulation 17 of the PSC Regulations the Respondent had the power to determine the procedure to be followed in dealing with applications for appointment to the public service. According to PSC Circular Note No 58, it was not mandatory for the Respondent to conduct an interview. There was only mention of the written examination.

The competitive written examination was carried out under Regulation 20 of the PSC Regulations and was designed to assess the knowledge of candidates as laid down under the item “Qualifications” of the Scheme of Service for the post .

These related mainly to candidates' knowledge of the PSC Regulations and the specific knowledge required for the post.

The Respondent also conceded that the Confidential Reports of the candidates were not sought at the time of selection but the Responsible Officer was asked to ascertain that no appointees were under report before making the appointments.

The Respondent had, as laid down in Regulation 19(6) of the PSC Regulations, determined the suitability of the selected candidates for appointment as SOZ.

The Respondent submitted that the appeals had no merit and moved that they be set aside.

### **Determination**

The issue before this Tribunal is whether an interview was required and how the Respondent determined the suitability of the candidates as regards interpersonal relations and aptitude to team work. These are basically the main grounds of the Appellants' case.

Counsel has made it clear that the Respondent determines its own procedure for appointment as per its Regulation 17 (1). The Appellants themselves conceded that the holding of an interview was not mandatory. In fact, the Tribunal always hears in appeals before it, concerning appointment by selection, that the interviews were too short to gauge candidates and the questions were not appropriate or did not cover all the requirements of the Scheme of Service. The idea of the interview being a sacrosanct process for selection is put in question. The Tribunal feels that for selection exercises where there are large number of candidates, like in the present case, a written examination where all candidates face the same question in the same lapse of time and incognito (as they have an index number and not names) is a fairer system. The subjectivity

element that can come in an interview is thus eliminated. Be that as it may, the Respondent cannot be said to have erred in not complementing the written examination by an interview. It has acted under powers conferred to it by the PSC Regulations.

The question remains as to how the Respondent determined the two criteria raised by the Appellants. The representative of Respondent was not in a position to say whether there were questions relating to these issues as she was not privy to the content of the questionnaire of the written examination as same was taken back at the end of the examination. The Tribunal, however, obtained a copy of same at its request and found that there were no questions which addressed these points.

It is true that these criteria appear under “Qualifications” in the Scheme of Service for the post. Is it a necessary condition that questions in the written examination should address all the criteria listed in the Scheme of Service. Or for that matter, that questions be asked on all of them at an interview? Is there a way to assess candidates on some of the criteria from some other source or means? The Tribunal is of opinion that it is not necessary to complete the assessment of all the merits criteria at the interview or written examination. In the present case there were the confidential reports. These were not asked at the selection stage but the R.O. had to make sure that the appointees had no adverse report against them. That can only be done by a perusal of the Confidential Reports.

A casual look at a Confidential Report form shows that it can be very revealing on a public officer as it contains qualities which include *inter alia* :

- Relations with people

- Organisation of work
- Management of Subordinates
- Constructive Power

All the items in the Confidential Report have a ranking of 1 when the officer is excellent down to 5 for the poor performer. The R.O. is required to seek written explanations when an officer gets a ranking less than 3. However, for “Relations with People” the R.O. has to write to the officer if he gets a ranking below 2. As all the Co-Respondents were offered appointment, it stands to reason that they were not found lacking on these attributes, on which the Appellants grounded their appeals. Further even an interview would not be able to assess candidates on these qualities but rather on their personality, which is very subjective.

The Tribunal wishes to suggest that the Respondent should consider prioritizing the criteria in the Scheme of Service because not all the criteria have equal importance. The Respondent could for example list the essential qualifications, that is those that the candidates invariably need to have and asset qualifications which are qualifications which can give the candidates some advantage in the sense that these asset qualifications can help the officer in better delivery of his task. A further improvement can be made by informing the candidates on what they will be assessed and the weight that will be given to the various components of the questionnaire. The Public Service Commission of Canada has a Statement of Merit Criteria which can inspire the Respondent in developing a system which can be more transparent and fairer to candidates, in particular when selection is done by way of a written examination.

The Tribunal does not find that the Respondent has erred in its selection process nor has it been unfair to the Appellants.

The appeals are, therefore, set aside.