

1. Executive summary - Scrutiny of Qualifications in Selection Processes

Background to this report

This report details six matters relevant to the compliance with Section 8(1)(a)(b)(c) and Section 9 of the *Public Sector Management Act 1994* (PSM Act).

All six matters relate to the issue of qualifications in the recruitment process. Three relate to chief executive officer selection – a process overseen in part by Office of the Public Sector Standards Commissioner (OPSSC). The other three relate to compliance inquiries received by OPSSC through the breach of standards process.

What this report found

In the six matters reported, three were non-compliant with the Public Sector Code of Ethics, and one was non-compliant with public sector standards, both of which are provisions of the PSM Act. Two matters were not in breach of the PSM Act, but changes to practice within the agencies would better meet the requirements of “a proper assessment”.

In summary, the matters are as follows.

- Verification of qualifications in the selection of chief executive officers
 - OPSSC initiated compliance inquiries one, two and three – this conduct would have constituted non-compliance with the Public Sector Code of Ethics if it had been performed by a public sector employee in the course of their official duties. It would therefore have become the responsibility of the employing authority to determine if the conduct constituted a disciplinary offence under the PSM Act. As the conduct was not in the course of official duties, no further action has been taken with respect to the individuals.
- Evaluating qualifications
 - Compliance inquiry four (breach claim) – not compliant with public sector standards (a provision of the PSM Act) and breach claim upheld
 - Compliance inquiry five (breach claim) – breach claim not upheld, but agency practice requires amendment to demonstrate transparency
 - Compliance inquiry six (breach claim) – breach claim not upheld, but agency practice on other issues could be improved

What action needs to be taken

The misrepresentation of qualifications for chief executive officers continues to be of concern. Applicants for such positions must understand that they are applying for a leadership position within the public sector. Their behaviour impacts not only on their own reputation but on that of others and the sector as a whole. People seeking such office must be scrupulous in their representation of their case. They must diligently represent their qualifications and not present any information which could be misinterpreted.

Similarly, the manner in which agencies specify the need for qualifications and seek to evaluate qualifications requires action.

The current labour market is tight, and recruitment is difficult. For the State Government to be an employer of choice, agencies should make the process of application as straightforward as possible for potential applicants.

The agency should prepare a recruitment plan for all positions where recruitment is about to commence and qualifications are specified. This should detail:

- the rationale for the inclusion of qualifications as an essential criterion;
- the assessment process for equivalency;
- the evidence of qualifications to be provided by applicants; and
- any verification processes which the agency will undertake.

This information should be made available to candidates. Where the onus is on candidates to demonstrate equivalency, the agency must specify the standard to be achieved or the process to be followed. Where the onus is on the agency, the agency must do likewise.

In large agencies where recruitment levels are high, chief executive officers should develop a policy approach to such matters. This would be more efficient than preparing a recruitment plan on a case by case basis.