



**STAFF COMMISSION FOR EDUCATION AND
LIBRARY BOARDS**

**CODE OF PROCEDURES ON
RECRUITMENT AND SELECTION**

JUNE 2004

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1. INTRODUCTION

The Staff Commission for Education and Library Boards, under Schedule 15(3)(b) of the Education and Libraries (Northern Ireland) Order 1986, has a responsibility *‘to recommend appointment and promotion procedures for officers of boards and to establish a Code of Procedure for securing fair and equal consideration of applications to boards by persons seeking to be employed as officers of boards and fair and equal treatment of persons who are so employed’*.

The Code of Procedures and accompanying Guidelines for Selection Panel Members have been drawn up by the Staff Commission for Education and Library Boards in consultation with Management and Trade Union representatives of the Joint Negotiating Council and officers of the Equality Commission for Northern Ireland.

The revised Code and Guidelines, effective from June 2004, are issued by the Staff Commission for implementation in the Education and Library Boards.

1.1 Purpose of the Code

The purpose of the Code is to define, as clearly as possible, the basis on which Education and Library Boards will seek to make appointments with the aim of ensuring that the most suitable person is appointed to the post.

While the Code sets out the standards which will apply to all boards, individual boards may wish to supplement this with complementary guidance particular to their own structures and procedures.

In issuing this Code, the Staff Commission has been careful not to negate the responsibility of boards as employers to review their own detailed personnel practices, particularly in light of analysis of monitoring returns. These procedures are designed in order to provide a basis for good practice.

1.2 Posts covered by the Code

The Chief Executive of the board shall be the officer responsible to his/her board for ensuring that the procedures in the Code are observed.

The Code shall apply to all permanent, fixed term, secondment and temporary non-teaching appointments to the Education and Library Boards.

Non-teaching posts in schools, although subject to the provisions of Article 88 of the Education and Libraries Order, should be filled in accordance with the principles and intent of the Code.

The principles and intent of the Code should also apply to the appointment of employees of the Staff Commission.

1.3 Exceptions to the Code

This Code shall not apply to:-

- (a) the appointment of teachers;
- (b) the appointment of a Chief Executive or Chief Librarian of a board;
- (c) the appointment of such posts as are comprehended by statutory appointments procedures in the Education and Libraries (Northern Ireland) Order 1986.

The principles of 'good practice' as enshrined in this Code should normally apply to such appointments.

1.4 Departure from the Code

Should a board consider it necessary to vary from the procedures in this Code, the Commission should be consulted in advance.

1.5 Legal Framework

Section 2 sets out the legislative framework for the Code and refers to the relevant employment legislation and Codes of Practice. The legislative framework forms part of the recommended training programme for those undertaking recruitment and selection and is the cornerstone of an effective recruitment policy.

1.6 Implementation Date

This Code will take effect from June 2004 and will be kept under review with a substantive review following a period of 3 years.

2. LEGAL FRAMEWORK

There is an increasing body of law, both domestic and in the European Union, dealing with discrimination and the provision of equality of opportunity. The Education and Library Boards must ensure that their policies, procedures and practices do not give rise to unlawful direct or indirect discrimination and that they promote equality of opportunity, fair participation and good relations.

The anti-discrimination law in Northern Ireland prohibits discrimination on grounds of religious belief, political opinion, race, disability, sex, marital status and sexual orientation. In addition specific obligations are imposed on 'public authorities', including the Education and Library Boards, in respect of the need to promote equality of opportunity and the desirability of promoting good relations under Section 75 of the Northern Ireland Act 1998 (see paragraph 2.4 below).

2.1 Key Legislative Provisions

- Sex Discrimination (Northern Ireland) Order 1976 as amended (SDO);
- Equal Pay Act (Northern Ireland) Order 1970 as amended (EPA);

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- Fair Employment and Treatment (Northern Ireland) Order 1998 as amended (FETO);
 - Disability Discrimination Act 1995 (DDA);
 - Equality (Disability, etc.) (Northern Ireland) Order 2000;
 - Race Relations (Northern Ireland) Order 1997 (RRO);
 - Northern Ireland Act 1998;
 - Rehabilitation of Offenders (Northern Ireland) Order 1978 and Exemptions Order 1977;
 - Human Rights Act 1998
 - Asylum and Immigration Act 1999
 - Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

In addition to the statutes above there are a number of Statutory Codes and guidance documents, the contents and status of which are of fundamental importance for anyone dealing with human resource issues. The Statutory Codes do not impose legal obligations on employers, however, an Industrial Tribunal must take into account any provisions of the Codes which are relevant to any question arising in proceedings before the Tribunal. The following Codes are of particular relevance to recruitment and selection.

- Fair Employment Code of Practice (1989);
- Removing Sex Bias from Recruitment and Selection (1995 EOCNI);
- Code of Practice in Equal Pay (ECNI 1999);
- Code of Practice for the Elimination of Discrimination in the Field of Employment against Disabled Persons or Persons who have had a Disability (1996) – Guidance on matters to be taken into account in determining questions relating to the definition of disability (1996);
- Code of Practice for Employers for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment (1999 CRENI);
- Code of Practice on Age Diversity in Employment (1999);¹
- Code of Practice for all Employers on the Avoidance of Race Discrimination in Recruitment Practice While Seeking to Prevent Illegal Working.

2.2 Concepts of Discrimination

The Fair Employment and Treatment (NI) Order 1998, the Sex Discrimination (NI) Order 1976 (as amended), the Race Relations (NI) Order and the Employment Equality (Sexual Orientation) Regulations (NI) 2003 all prohibit unlawful direct and indirect discrimination. The

¹ This is a voluntary Code of Practice. However, following the adoption of Council Directive 2000/78/EC, each of the Member States of the European Union has until 2nd December 2006 to introduce legislation on age discrimination.

Disability Discrimination Act 1995 prohibits only direct discrimination. The definitions of direct and indirect discrimination based on the various statutes are summarised below.

Fair Employment and Treatment (NI) Order 1998 (FETO)

Direct discrimination means treating a person, on grounds of religious or political belief, less favourably than others are or would be treated in the same or similar circumstances.

Indirect discrimination occurs when an employer applies to a person ('A') a provision, criterion or practice which, although applied equally to all persons of all religious beliefs or political opinions, puts or would put persons of the same religious belief or political opinion as 'A' at a particular disadvantage when compared with other persons, and which puts 'A' at that disadvantage; and which the employer cannot show to be a proportionate means of achieving a legitimate aim.

Race Relations (NI) Order 1997 (RRO)

Direct discrimination means treating a person, on racial grounds² less favourably than others are or would be treated in the same or similar circumstances.

Indirect discrimination occurs when an employer applies to a person ('A') a provision, criterion or practice which, although applied equally to all persons of all races or ethnic or national origins, puts or would put persons of the same race or ethnic or national origin as 'A' at a particular disadvantage when compared with other persons, and which puts 'A' at that disadvantage, and which the employer cannot show to be a proportionate means of achieving a legitimate aim.

Sex Discrimination (NI) Order 1976 (as amended) (SDO)

Direct sex discrimination means treating a person, on the grounds of his/her sex, less favourably than a member of the opposite sex is, or would be, treated in the same or similar circumstances.

*Indirect sex discrimination*³ means applying to a person a provision, criterion or practice, which if applied equally to both sexes would be to the detriment of a considerably larger proportion of one sex than the other and which cannot be shown to be justified irrespective of the sex of the person to whom it is applied and it is to that person's detriment.

Direct marriage discrimination means treating a married person, on the grounds that he or she is married, less favourably than a single person of the same sex is, or would be, treated in the same or similar circumstances.

Indirect marriage discrimination means applying to a married person a provision, criterion or practice which is such that it would be to the

² 'Racial grounds' under the Order covers 'colour, race, nationality, ethnic or national origin'.

³ The definition of indirect discrimination under the SDO was amended by the Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations (Northern Ireland) 2001.

detriment of a considerably larger proportion of married persons than of unmarried persons of the same sex and which cannot be shown to be justifiable irrespective of the marital status of the person to whom it is applied and it is to that person's detriment.

Direct discrimination on grounds of gender reassignment⁴ in employment and vocational training occurs where an individual is treated less favourably by another person on the grounds that the individual intends to undergo, is undergoing, or has undergone gender re-assignment.

Equal Pay Act (Northern Ireland) 1970 (as amended) (EPA)

The Equal Pay Act as amended by the Equal Pay (Amendment) Regulations (Northern Ireland) 1984, provides for equal pay between women and men in the same employment by giving a woman the right to equality in the terms of her contract of employment where she is employed on:-

- like work to that of a man; or
- work rated as equivalent to that of a man; or
- work of equal value to that of a man.

A claim could equally be taken by a man seeking to compare with a woman.

Disability Discrimination Act 1995 and Equality (Disability etc.) (NI) Order 2000

Direct discrimination means treating a person less favourably, because of a reason relating to his/her disability, than other people to whom that reason does not apply and that treatment cannot be shown to be justified. A justification must be material to the circumstances of the particular case and substantial.

An employer also discriminates against a person with a disability by failing, without justification, to comply with the statutory duty that is imposed on the employer which requires the employer to make reasonable adjustments to their arrangements or the physical features of their premises to prevent them having the effect of placing the person with a disability at a substantial disadvantage compared to persons who are not disabled.

Employment Equality (Sexual Orientation) Regulations (NI) 2003⁵

Direct discrimination means treating a person, on grounds of sexual orientation, less favourably than others are, or would be, treated in the same or similar circumstances.

⁴ The SDO was amended to include discrimination on grounds of gender re-assignment by the Sex Discrimination (Gender Re-assignment Regulations) (NI) 1999.

⁵ Sexual orientation under the Regulations means a sexual orientation towards (a) persons of the same sex; or (b) persons of the opposite sex; or (c) persons of the same sex and persons of the opposite sex.

Indirect discrimination occurs when an employer applies to ('A') a provision, criterion or practice which, although applied equally to all persons not of the same sexual orientation as 'A', puts or would put persons of the same sexual orientation as 'A' at a particular disadvantage when compared with other persons, and which puts 'A' at that disadvantage, and which the employer cannot show to be a proportionate means of achieving a legitimate aim.

Victimisation

The Fair Employment and Treatment Order, the Sex Discrimination Order, the Race Relations Order, the Disability Discrimination Act and the Employment Equality (Sexual Orientation) Regulations all provide protection against victimisation in similar terms. Victimisation means treating a person less favourably than another because that person has asserted their rights under the anti-discrimination legislation or has helped another person to do so or has given information to the Equality Commission for Northern Ireland, or because it is suspected that the person might do any of these things.

2.3 Discrimination in Employment

The Fair Employment and Treatment Order, the Sex Discrimination Order, the Race Relations Order, the Disability Discrimination Act and the Employment Equality (Sexual Orientation) Regulations set out the areas where unlawful discrimination is prohibited in the fields of employment.

In respect of applicants for employment, it is unlawful to discriminate:-

- in the arrangements made for determining who will be offered a job;
- in the terms on which a job is offered;
- by refusing or deliberately omitting to offer a person a job.

In respect of employees it is unlawful to discriminate:-

- in access to opportunities for promotion, transfer or training;
- in any other benefit, facilities or service;
- dismissals or any other detriment to which an employee may be subjected.

2.4 Northern Ireland Act 1998

Section 75 requires public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity:-

- (a) between persons of different religious belief, political opinion or racial group, age, marital status or sexual orientation;
- (b) between women and men, generally;
- (c) between persons with a disability and persons without;
- (d) between persons with dependants and persons without.

and

to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The new duty imposed by Section 75, therefore, requires more than the avoidance of discrimination. It requires that public authorities should actively seek ways to promote equality of opportunity and good relations. This Code is underpinned by a recognition of the importance for the Education and Library Boards of equality of opportunity and good relations in the workplace.

3. STAGES IN THE SELECTION PROCESS

This section is covered in detail in the accompanying “Guidelines for Selection Panel Members”.

3.1 Preparation of Job Documentation (*paragraphs 2.2 and 2.3 of Guidelines*)

Once the job analysis has been completed and the continuing need for the job has been determined, it is important that the duties and responsibilities of the job are documented and evaluated under the board’s Job Evaluation Scheme, if appropriate. A job description, personnel specification, job related criteria, advertisement, application form and summary of terms and conditions of employment will be prepared.

Boards will ensure that the job description and personnel specification are accurate and up to date; that the language used is clear and non-discriminatory; that all conditions/requirements/provisions/criteria/practices are strictly justifiable in the context of the job; that a range of alternatives/equivalencies in terms of qualifications are considered; that an application form is used and only questions which are relevant, job-related and non-discriminatory are asked on the form and that a summary of terms and conditions of employment is available for all posts.

3.2 Advertising (*paragraph 2.2 (iv) of Guidelines*)

The way in which a board advertises a vacancy plays a significant part in determining the range of applicants attracted. In the interests of attracting applicants from all sections of the community and providing equality of opportunity, all advertisements should include the board’s equal opportunities statement. Where appropriate, advertisements targeted at members of an under-represented group should be used as part of an affirmative action programme.

The appropriate sources of advertising generally are:-

- newspapers reaching all communities and both genders;
- local offices of the Training and Employment Agency

A summary of the criteria to be used in the selection process must be specified in the advertisement. Advertisements must make it clear that applications are welcomed from all eligible candidates and that selection will be on merit.

3.3 Shortlisting Procedures *(paragraph 2.3 of Guidelines)*

The shortlisting panel will be constituted as specified at paragraph 4.3. of the Code. Shortlisting panels, as far as is reasonably practicable, should comprise male and female members and be representative of both community backgrounds in Northern Ireland. Where elected representatives serve on selection panels the composition should be representative of the widest range of political opinions possible.

The Commission appreciates that, in order to fulfil the duty to reflect the gender and community balance, or the wish to include under-represented groups, it may be necessary to seek its approval to amend the composition of the panel.

Where an unmanageable number of candidates meet both the essential and desirable criteria the panel may wish to consider some additional method to shortlist further, for example, an assessment arrangement. Where this is proposed the Commission should be consulted. (See paragraph 4.5 of the Code and 2.4 of the Guidelines).

3.4 Interview Procedures *(paragraph 2.5 of Guidelines)*

The panel should meet in advance of the first interview to clarify arrangements. The panel members should plan the structure of the interview, based on the personnel specification and the number of candidates shortlisted. If any test or assessment centre arrangement has been conducted a decision must have been taken as to how the results inform the process. The interview panel must also agree the following:-

- the format of the interview;
- core questions;
- the method of assessing each candidate;
- weighting.

The panel should aim to establish an initial rapport with the candidates. The Chairperson should begin the interview by:-

- introducing members of the interview panel;
- explaining the objectives of the interview;
- encouraging the candidate to answer all questions as fully as possible;
- setting out the duration of the interview;
- outlining the agenda for the interview;
- informing the candidate that there will be an opportunity at the end to ask questions of panel members;
- informing the candidate that the panel will be making notes during the interview which will be used for assessing the candidate.

The interview process is covered in detail in section 2.5 of the Guidelines.

4. GENERAL PRINCIPLES

This Code seeks to attain consistency of assessment throughout the selection process. It recognises that recruitment and selection procedures should operate so as to ensure that the most suitable person is appointed in all instances. The following general principles must be applied by those involved in the recruitment and selection process.

4.1 Recruitment Policy

All permanent substantive vacant posts will normally be publicly advertised. There may be times when the boards/Staff Commission will use alternative recruitment methods, for example, cover for maternity leave, secondments, acting up or development opportunities, temporary project work, appointment under EU funded and/or government programmes or in redundancy situations.

4.2 Conflict of Interest

The board will seek to ensure that members or officers of the board involved as voting or non-voting members in any part of the shortlisting or selection process will not participate in such procedures if a relevant family relationship is known to exist between the panel member and any person who is applying for a particular post within the board. A relevant family relationship shall be deemed to exist between a board member or officer and a person who is a candidate for employment or promotion with the board if they are husband, wife or partner or living together as husband and wife, or if the person who is a candidate for employment or promotion is the:

- parent;
- grandparent;
- grandson or grand-daughter;
- son or daughter;
- brother or sister;
- uncle or aunt;
- nephew or niece; or
- cousin

of a board member or officer, or of the husband, wife or partner of a board member or officer. Equivalent step relationships to those listed above shall also be deemed as relevant.

It is also the responsibility of panel members to declare if they feel their knowledge of or their relationship with a candidate is such that it could be deemed to compromise their objectivity.

In such circumstances the panel member will withdraw. Where the panel member has not withdrawn the panel may consider whether the panel member should be required to withdraw in the interest of the integrity of the process.

4.3 Composition of Selection Panels

Where possible, panels should consist of male and female members and be representative of both community backgrounds. Where elected representatives serve on selection panels the composition should be representative of the widest range of political opinions possible. Selection panels shall be convened by the Chief Executive or his/her nominee and shall be constituted as follows:-

	Selection Panel	Voting Rights
Level 1 Head of Department	<ul style="list-style-type: none"> - Chief Executive - board members – minimum of three, maximum of eight - Human Resources Manager or his/her nominee will service the panel <p>A representative of the Staff Commission may attend as an Observer. An Assessor may be appointed in accordance with paragraph 4.15 of this Code.</p>	All members of the panel will have voting rights with the exception of the Staff Commission Observer, the Assessor and the Human Resources Manager or his/her nominee.
Level 2 Posts with a salary maximum exceeding Assistant Principal Officer or equivalent but excluding Head of Department	<ul style="list-style-type: none"> - Chief Executive or his/her nominee - Chief Administrative Officer (or equivalent) or his/her nominee - Head of Department concerned or his/her nominee - board members⁶ – up to a maximum of three - Human Resources Manager or his/her nominee should normally be in attendance if not already nominated as a member of the panel. <p>A representative of the Staff Commission may attend as an Observer. An Assessor may be appointed in accordance with paragraph 4.15 of this Code.</p>	<p>All members of the panel will have voting rights with the exception of the Staff Commission Observer and the Assessor.</p> <p>All voting members must be at least one grade senior to the grade at which the vacancy exists.</p>

⁶ At this level it is for the individual board to decide whether or not a board member should serve on the panel.

	Selection Panel	Voting Rights
<p>Level 3 Posts with a salary maximum exceeding Senior Clerical Officer or equivalent but excluding Principal Officer or above</p>	<ul style="list-style-type: none"> - Head of Department or his/her nominee - Chief Administrative Officer (or equivalent) or his/her nominee which may be a board member - Human Resources Manager or his/her nominee <p>A representative of the Staff Commission may attend as an Observer.</p> <p>An Assessor may be appointed in accordance with paragraph 4.15 of this Code.</p>	<p>All members of the panel will have voting rights with the exception of the Staff Commission Observer and the Assessor.</p> <p>All voting members must be at least one grade senior to the grade at which the vacancy exists.</p>
<p>Level 4 Posts with a salary maximum up to and including Senior Clerical Officer level</p>	<ul style="list-style-type: none"> - Human Resources Manager or his/her nominee - a maximum of two representatives from the appropriate Department <p>A representative of the Staff Commission may attend as an Observer.</p>	<p>All members of the panel will have voting rights with the exception of the Staff Commission Observer.</p> <p>All voting members must be at least one grade senior to the grade at which the vacancy exists.</p>

Note

Where the Chief Administrative Officer (or equivalent) is also the Head of Department (Level 2 and 3) in which the vacancy has arisen, at least one of the officer nominees should be independent of that Department.

Appointment of Chairperson

Normally where board members are serving on a selection panel the Chairperson of the panel will be a board member. In all other cases the Chairperson will normally be the senior officer.

Quorum

The quorum for Level 1 shall be four persons entitled to vote, Levels 2 and 3 three persons entitled to vote and at Level 4 two persons entitled to vote. If a quorum is not present, the panel shall be reported as cancelled.

Substitutes

All panel members must attend throughout each stage of the selection process. Only in exceptional circumstances may a panel member be omitted or replaced.

4.4 Training of Panel Members

The aim of an objective recruitment and selection process is to appoint the best person in terms of the criteria established for the post. In order to achieve this, the Code recognises that it is important that all those involved in the recruitment and assessment of candidates must undertake training in good practice.

All board members/officers involved in recruitment and selection must be provided with training and guidance on the provisions of this Code, the board's policy and the legislative provisions related to the promotion of equality of opportunity, equality awareness and good practice as it relates to recruitment and selection.

The desired result of the training will be that all those involved in recruitment and selection are able to effectively apply sound selection procedures which are objective, structured, standardised and job related and which take account of the principles of equality of opportunity.

4.5 Assessment Arrangements

Where selection tests and/or assessment exercises are being conducted they must be appropriate to the job, marked in a fair and consistent manner, supervised by persons trained in their use and monitored to ensure that they do not adversely impact on any of the groups identified at paragraph 2.4 of the Code.

The Staff Commission will provide assistance with assessment arrangements where required.

4.6 Communication with Applicants following Shortlisting

All shortlisted applicants shall normally receive seven days notice of interview. At the same time those applicants not shortlisted should be advised in writing of the outcome of the shortlisting process. Boards are advised to ask if candidates have any specific requirements so that adequate preparations can be made for any reasonable adjustment to facilitate interview arrangements for those candidates with a disability.

All interviewees should be informed, in writing, of the outcome of the interview process.

4.7 Feedback to Candidates

All decisions arising from each stage of the recruitment and selection process, and the resultant documentation, are strictly confidential. Panel members should not provide 'feedback' to candidates during the process. All communication with candidates should normally be via the Human Resources Section. Each board should develop a procedure for handling feedback.

4.8 Pre-employment Checks

Where the appointment is subject to ratification by the Education and Library Board and/or is conditional on satisfactory references, confirmation of qualifications, a medical examination⁷, or other pre-employment checks, this should be made clear to the successful candidate.

4.9 Disclosure of Criminal Records

Boards are required to check for any criminal background of persons whose work involves substantial access to children. The facility to carry out a check is only available to the board's Human Resources Section and the information obtained is strictly confidential. The check as to the existence of a criminal record will normally take place after a person has been selected and before the person commences employment. Where the board deems that a criminal record will impact on the appointment, the matter will be discussed confidentially with the appropriate senior line management.

4.10 References

Where references are requested the Human Resources Manager will ensure that referees are provided with a copy of the job description and personnel specification for the post. Referees will be asked to comment only on a candidate's suitability for the post in question. References should be referred to only after a panel has determined a recommendation to appoint.

4.11 Reserve Lists

A recommendation from an interview panel may include a list of reserve candidates, in order of suitability, from whom an appointment may be made by the board if the successful candidate fails to take up post or if a similar vacancy arises during the life of the reserve list. Reserve lists should normally be held for 12 months.

A 'similar vacancy' is defined as a post with a similar job description and personnel specification and on the same salary scale. It does not include posts where the similarity relates solely to the salary scale.

Applicants should be made aware, in advance, that the post for which they are applying may be subject to a reserve list.

4.12 Retention of Records

All documentation in relation to selection panels should be retained by the board for a period of at least 3 years. Care should be taken to ensure that the documents are disposed of as confidential waste. (See *paragraph 2.5(iv) of Guidelines*)

⁷ A person with a disability can be asked to attend a pre-employment medical only if this is required of all candidates. The fact that a person has a disability is unlikely in itself to justify singling out that person to have a health check, although such action might be justified in relation to some jobs. If a board insists on a medical check for a person with a disability and not for others, without justification, this may constitute unlawful discrimination.

4.13 Canvassing

Canvassing of members/officers of the board or Assessors, directly or indirectly, in connection with any appointment under the board shall disqualify the candidate. A member, officer of the board or Assessor shall not solicit for any person any appointment under the board.

4.14 Staff Commission Observer

The Staff Commission may appoint an officer or member to be an Observer at a shortlisting and/or interview panel for board posts with the exception of posts in schools which are subject to the provisions of Article 88 of the Education and Libraries (Northern Ireland) Order 1986.

The Staff Commission Observer will not participate in the process of shortlisting or selection and will not be entitled to vote. However, he/she shall be afforded the opportunity to raise such questions as are deemed consistent with the objectives of this Code. Advice provided by the Observer will be documented and retained for a three year period.

4.15 Appointment of Assessors

An Assessor may be appointed in accordance with Appendix A for the purpose of giving advice to boards on the suitability of applicants for appointment to such offices as the Commission and boards consider appropriate. The Assessor should be provided with a copy of the Code. The Assessor may participate fully in the discussions and interviews but shall not have voting rights.

Details of circumstances relating to the appointment and use of an Assessor are set out in Appendix A.

4.16 Restructuring/Re-organisation within a Section

In circumstances where an assessment of duties and responsibilities arising from a restructuring/re-organisation within a section leads to a requirement for the introduction of a higher graded post(s) in substitution for a lower graded post(s) already in existence, the board will trawl the higher graded post(s) amongst the appropriate employees.

For the purposes of making a recommendation to the board as to which employee(s) be placed in the higher graded post(s) a selection panel will be convened in accordance with the principles of this Code.

Where a board proposes to invoke this paragraph, those posts affected must be job evaluated. Consultation will take place with the Trade Unions at local level.

APPOINTMENT OF ASSESSORS

APPOINTMENT OF AN ASSESSOR TO A PANEL

Where a board and/or the Staff Commission considers it necessary to appoint an Assessor to a shortlisting and interviewing panel, which will normally be in circumstances where sufficient expertise does not exist within the board to fulfil the role of Assessor, the board should consult with the Staff Commission and agree an appropriate Assessor for appointment.

The Assessor shall not act as a referee for any candidate(s) applying for the post in question and shall not participate in the board's selection procedure when it involves candidate(s) from his or her employing authority. It is the responsibility of an Assessor to declare if they feel their knowledge of or their relationship with a candidate is such that it could be deemed to seriously compromise their objectivity. In such circumstances the Assessor should withdraw. Where the Assessor has not withdrawn the Panel may consider whether the Assessor should withdraw in the interests of the integrity of the process. The Assessor may be a serving officer from another board; an employee within the public service; a person from outside the service; or a retired board officer. Assessors may participate fully in discussions, but shall not have voting rights.

The board will advise the Assessor of the dates of the shortlisting/interviewing panel and will supply the Assessor with the appropriate documents, including a copy of the Code of Procedures on Recruitment and Selection. The Assessor should not have access to the application forms until the shortlisting criteria have been agreed.

An officer shall be appointed as an Assessor only where he or she occupies a post for which the grading and status is senior to that of the post to be filled.

FUNCTION OF THE ASSESSOR

The role of the Assessor is to give advice to boards on the professional and technical suitability of applicants for appointment to such offices as the board and/or the Staff Commission determine.

ASSESSOR AND THE SHORTLISTING PANEL

The Assessor is a non-voting member of the panel.

The Assessor should be familiar with the job description and personnel specification. He/she should assist the shortlisting panel to agree the criteria before any panel members have sight of the application forms. The shortlisting criteria should be linked to the personnel specification and should be measurable from the application form. The Assessor may be asked to give his/her views and advice at the meeting on the professional and technical suitability of all the applicants and to supply clarification, for example on qualifications and level of experience.

The Assessor will regard the proceedings of the shortlisting panel as confidential.

ASSESSOR AND THE INTERVIEWING PANEL

The Assessor may be asked to prepare a number of questions based on the job description and personnel specification. The key areas to be addressed in the questions should be agreed with the shortlisting panel. The Assessor should also indicate the key points to be covered in response to the questions.

The Assessor may be asked to put the questions to the candidates after the Chairperson's introduction. The Assessor may also be asked to put any supplementary questions to the candidate(s) to clarify or expand on their answers to the core questions and to facilitate interaction between the panel and the candidate(s).

The candidate(s) may also be required to make a short presentation to the panel and the Assessor may be asked to suggest a topic for the presentation. Where a presentation exercise is used as part of the selection procedure the Assessor may be asked to advise the panel on the professional and technical merit of each presentation.

As with the shortlisting process, the Assessor may participate fully in any discussions but does not have voting rights.

The Assessor should take notes on the candidates' answers to the questions and on their suitability for the post in relation to the selection criteria.

The Assessor's notes should be submitted to the Human Resources Representative for retention and are discoverable in the event of a complaint to a Tribunal or other appropriate investigative body.

When the last candidate has withdrawn, the Chairperson will invite the Assessor to comment on the professional and technical competence of each candidate and to supply information on any point requiring clarification by panel members.

The Assessor's comments should be restricted to the professional and technical competence of each candidate and care must be taken not to lead the panel members. Although the Assessor may wish to 'mark' candidates in relation to the criteria for his/her own purposes, he/she should not give panel members a suggested mark for each candidate.

EXPENSES OF ASSESSORS

An Assessor will be paid travelling and subsistence expenses by the board making the appointment but, in the case of an Assessor who is an officer of an Education and Library Board, such expenses shall be met by the board which employs him/her.

The expenses paid will be on the same basis as those rates currently in operation for officers of the Education and Library Service.

For Assessors employed outside the Education and Library Service, fees and expenses shall be agreed and paid by the board requiring the assistance of the Assessor.

FURTHER INFORMATION

If you require further information on, or assistance with your role as Assessor, please contact the Staff Commission, Forestview, Purdy's Lane, Belfast, BT8 7AR, telephone 028 9049 1461 or e-mail info@staffcom.org.uk.