

# Ethical Standards Commissioner

## GOOD PRACTICE GUIDANCE

Assessment and Recording Assessment

September 2020

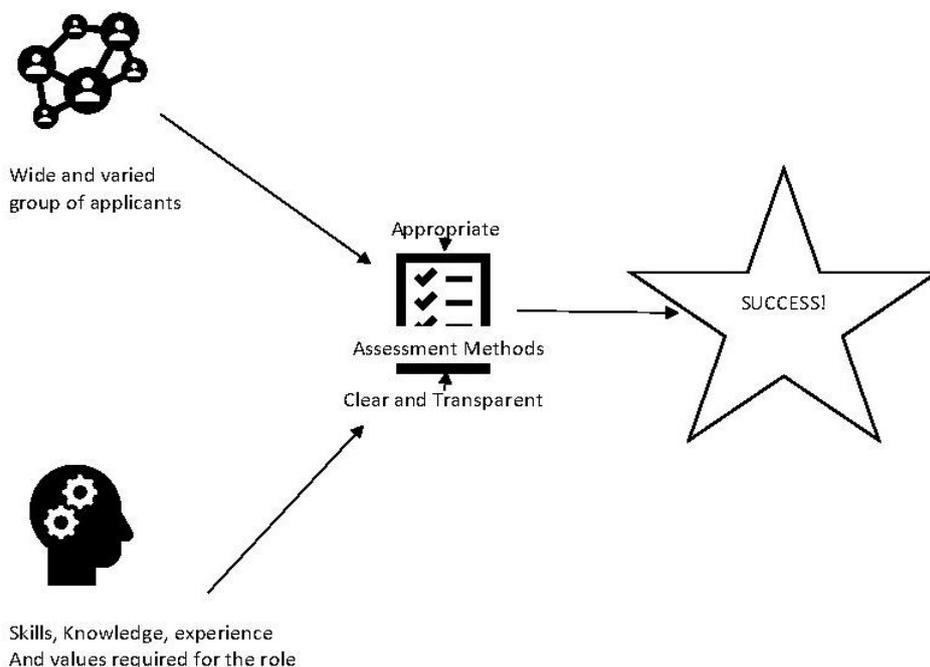
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## Guidance on Assessment and Recording Assessment

There are many options for assessment methods that panels can use. This guide has been developed to help find the appropriate methods to suit the criteria being assessed. It should help panels to carry out this assessment in a fair and transparent way which will assist with the attraction of the optimum pool of people who fit the person specification.

The materials in this guidance have been developed over 15 years and have drawn on good practice guides produced by well-respected organisations in the field of recruitment and selection such as the [Chartered Institute of Personnel and Development \(CIPD\)](#), [Pearn Kandola](#) and, more recently, [Applied](#), a spin-off of the UK Government's Behavioural Insights Team.



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This guide assumes that the reader is aware of and has read the [Code of Practice for Ministerial Appointments to Public Bodies in Scotland](#) (the Code) and the supporting [statutory guidance](#).

Here are some extracts from the Code that should help to explain what's anticipated when designing assessment methods:

- ❖ *The purpose of the process is to attract a diverse range of able applicants and appoint the most able to lead Scotland's public bodies in the delivery of efficient and effective public services.*
- ❖ *The purpose of the Code is to provide the framework that enables the Scottish Ministers to attract and appoint the most able people in a manner that meets the requirements of the Act.*

The Code principles:

**Merit**

*All public appointments must be made on merit. Only persons judged best able to meet the requirements of the post will be appointed.*

**Integrity**

*The appointments process must be open, fair and impartial. The integrity of the process must earn the trust and have the confidence of the public.*

**Diversity and Equality**

*Public appointments must be advertised publicly in a way that will attract a strong and diverse field of suitable candidates. The process itself must provide equality of opportunity.*

*The public appointments process will be outcome focused and applicant focused.*

PLEASE NOTE:

- Focus on the applicant = There is a limited pool of people who can apply for this (and other) public appointments. Encourage (appropriate) repeat applications and, regardless of the calibre of applicant, instil public confidence in the process
- As these are public appointments they must be fair and be demonstrably fair.

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**Defining what needs to be assessed**

The purpose of the assessment is to identify the applicant who is **most able** to meet the requirements of the board at that point in time.

Most able (or merit) is determined by the appointing minister at the start of an appointment round.

Those needs are defined in the person specification which is published in the applicant information pack. It should explain in transparent terms what most able looks like. It is usually a mix of skills, knowledge, experience and personal qualities such as values. Each criterion for selection should have indicators that describe what meeting it/good evidence looks like.

Further help and guidance on defining most able is available in [the core skills framework](#).

Once most able has been defined using the core skills framework, all assessment should be based on identifying the applicant who most closely matches this definition.

**AT NO POINT SHOULD ANY OTHER FACTOR BE BROUGHT INTO THE ASSESSMENT.** This not only includes consideration of **additional** skills, knowledge, experience or values that the person might highlight during any part of the assessment that were not included in the original definition, but also **any enhanced level, length of experience or recency** of applying the skill, knowledge, experience or personal quality over and above that stated in the application pack.

Additionally, in order to be deemed most able, people need to meet the fit and proper person test as defined in paragraph E6 of the Code and clarified further by section 7 of the guidance.

## Validity

Application and assessment methods should be chosen because they have validity. A simple description of the different types of validity is set out below.

**A note about validity:** Validity is increased when indicators are used to describe what good evidence of a criterion being met will look like. It is decreased when indicators are used but they do not do this. In summary indicators should include:

- A clear/objective distinction between each level of performance
- A focus on specific behaviours, not frequency of behaviours
- Using behaviours that are in the normal range (i.e. no extremes at each end)
- Describing behaviours as clear actions that can be seen (rather than the absence of actions).

(Based on / taken from Pearn Kandola's research on behaviourally anchored rating scales (BARS)).

Further information and examples can be found in the [Core skills framework](#).

### Predictive Validity

Predictive validity is the extent to which the form of assessment will predict who will perform effectively in the role.

Pilbeam & Corbridge (2006) provide a summary of the predictive validity of selection methods based on the findings of various research studies.

70%	Assessment centres for development
60%	Skilful and structured interviews
50%	Work sampling Ability tests
40%	Assessment centres for job performance Biodata Personality assessment
30%	Unstructured interviews
10%	References
0%	Graphology Astrology

An earlier [meta study of assessment techniques](#) showed that the use of work samples (ie simulations of the task to be performed) were most effective. Latter studies have indicated that a mix of methods is most effective. The CIPD website includes [more information](#) on different methods and their application. There are also resources on the Applied website on the design of [appropriate assessment methods based on behavioural science](#).

Assessment centres involve a number of different assessment exercises cumulating in an overall assessment of the individual assessing different aspects with each exercise and therefore provide a good indication as to future performance in the role.

IN ALL CASES the form of assessment chosen must be considered in line with all forms of validity.

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### Face Validity

Face validity is the extent to which the applicant considers the form of assessment to be credible and/or acceptable to the applicant pool.

For example, those applying for a chair role may not feel that a group exercise whereby they were assessed alongside other applicants for the same role was a credible or acceptable form of assessment even though it may have a measure of predictive validity.

IN ALL CASES the form of assessment chosen must be considered in line with all forms of validity.

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### Content Validity

Content validity concerns whether an assessment method assesses the attribute sought, as opposed to something else, and the extent to which it assesses it.

For example, if I am being appointed, because of an area of specific expertise, such as effective oversight of large scale capital expenditure projects, is it necessary for me to give a presentation to a selection panel? If I am poor at delivering presentations then the panel may confuse this with a lack of expertise. Equally, if questioning on my area of expertise is superficial, the assessment will lack validity. This is why the Code of Practice makes specific reference to the use of expert panel members.

IN ALL CASES the form of assessment chosen must be considered in line with all forms of validity.

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## Types of Assessment

There are many ways in which applicants can be assessed and the Code has been designed with flexibility to both enable and encourage the use of varied and different forms of assessment.

Most appointment rounds will make use of an initial stage of assessment in the form of a written application, followed by a final stage of assessment involving some form of face to face assessment with the panel (often an interview). The Code does not require this and it is open to panels to select whichever forms of assessment that best enable them to identify the most able applicant for the role. For example, if the panel considers it suitable, it is perfectly acceptable to ask for a simple note of interest from all applicants and interview everyone who submits one.

PLEASE NOTE THAT **the entire process** is used to identify the most able candidate(s). The initial application stage is not a mini-competition or hurdle that people have to get over and the appointment process doesn't reset just prior to interview. Panels should take account of all of the information and evidence that applicants have provided over the course of an appointment process in order to reach their assessment decisions.

For each and every assessment method that the panel chooses there should be three stages involved in the assessment. These are:

1. Data Gathering (e.g. applicant makes written application, a panel takes notes during interview or other practical exercise and so on).
2. Evaluation (e.g. panel members evaluate the quantity and relevancy of the information provided, and where possible and necessary, such as in an interview situation, requests further/more relevant information through probing).
3. Decision Making (Panel discussions and comparison to make group decisions about the applicant(s) who most closely meet the criteria for selection on the basis of the information provided).

These activities should not be carried out simultaneously. This is because behavioural science has shown that the increased cognitive load implicit in that activity is more likely to lead to decisions made on the basis of factors other than the evidence i.e. biases.

Allowing plenty of time for assessment improves on decision making. By way of example, panel members should not be decision making about suitability during interviews and the extent of their evaluations during interview should be limited to whether or not their questions are generating the quality and amount of information they need (as otherwise they wouldn't know whether further probing was appropriate).

When considering the form of assessment to use, it may help to consider the results of [previous applicant surveys](#) in order to gauge applicant views about them.

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#### Initial stage of assessment

This would usually take the form of a written application in some form. Examples include one or more of the following: traditional application form (with or without a word limit to provide evidence against the criteria), CV with covering letter, tailored career/life history, overarching statement. Panels should be cautious about gathering information, such as CVs, which is not directly relevant to the role in question. Behavioural science has shown that this does lead to the introduction of new requirements, often unconsciously. More information on the potential drawbacks of assessment using CVs is available on the [Applied website](#).

Other potential options which are not used as widely include initial telephone interviews or video applications. These less used formats each come with some additional level of complexity which would need to be considered. (e.g. how applicants can access the technology required if they do not already have it, how the panel can access the applications, whether the application would be solely this method or alongside a written application – if solely telephone or video application, how contact details and monitoring data would be collected).

Panels should consider whether to make initial assessment anonymous or not. Doing so will allow the panel to focus solely on the evidence against the criteria. However, in some rounds (particularly where a small pool of potential applicants is involved) it is possible that applicants will be recognisable anyway and therefore anonymity will have no effect.

## Some pointers for assessing initial applications

- **Ruling in:** The panel should look for reasons to include applicants for interview rather than reasons for ruling them out. This has been demonstrated to increase the diversity of the pool that reaches the next stage of assessment.
- **Setting the bar:** The panel should treat applications equitably and assess them consistently = the panel can “set the bar” wherever it wishes to but the same bar has to apply to all applicants.
- **Prior knowledge:** The panel should base its reasons and decisions on the evidence presented by applicants and on the criteria for selection and their associated indicators. Paragraphs C1 and D1 to D3 of the Code are relevant. The Code precludes bringing prior knowledge of applicant performance into account as doing so would mean that the treatment of applicants would be inconsistent. People known to the panel could be advantaged over others who are not known. Equally, a known applicant could be disadvantaged on the basis of hearsay. There is an exception to this general rule of thumb. The Code states at A16 that if a panel member knows something about an applicant that would suggest that the person may not meet the fit and proper person test, that panel member is obliged to share the information with their fellow panel members. Such information should always be transparently investigated to establish the facts and applicants should always have an opportunity to respond before a final decision on their suitability is made.
- **Beware of unconscious bias.** By way of example, simply because a panel isn’t familiar with the field that someone has worked in shouldn’t invalidate the evidence that they provide. Similarly, panels may have unconscious views about the suitability of people with certain genders for certain roles. The Commissioner has produced a simple to follow [crib sheet which includes pointers for bias mitigation](#).
- **Be clear about what good evidence looks like.** Remember that this will differ depending on the criterion under consideration. For example, experience can be inferred from positions held but not necessarily skills (abilities). An applicant may have been a board member previously and therefore have that experience but they may or may not have been very effective in that role and they may or may not have the skills that this board needs at this point in time.
- **Entire application provides evidence.** Panels should remember that applicants don’t necessarily provide the evidence that they are seeking in the relevant “box”. Panel members should review the entire application before drawing conclusions.
- **Panel decision.** The panel should have clear reasons as a panel for ruling people into or out of the next stage of assessment. These should be agreed by the whole panel and a written record of their view should be captured. This is important for transparency and for feedback. The record doesn’t have to be overly detailed but it will be referred to and would have to be relied on in the event of a complaint or investigation. As well as reasons for not taking applicants forward, the record should be clear about which particular areas the panel wants to follow up on with particular applicants who are to proceed to interview.
- **Providing views about applicants.** Panel members should each have reached and recorded their own decisions about the quality of applications before discussing them collectively. Rotating the identity of the person who will lead on giving their view about successive applications can help to mitigate against the effect of authority bias and conformity.

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## Interviews

There are various forms on interview which the panel can choose from. The Code is not at all prescriptive about which type of interview panels should use. It simply expects the assessment method to be appropriate to what is being assessed. Any combination of the interview types below, or others not referred to, will be legitimate if they achieve this aim.

### Some Pointers for Interviews

- **Be clear about what good evidence looks like.** Be clear about what you are trying to achieve/evidence and ensure that your fellow panel members are 'on the same page'.
- **Planning for interview.** Ensure that there is sufficient time for interviews and any exercises as well as for assessment between them. As per the advice on the stages of elements of assessment, interviews should fall into three distinct stages and time should be allowed for each of them. The interview itself is to gather data, so the panel members will ask questions and take a note of the responses. After the interview, panel members will individually and collectively review the evidence provided against the criteria for selection and the indicators. Only then should the panel reach a decision on how closely the candidate meets the criteria and on their suitability.
- **Gathering evidence.** Panel members should remember the purpose of the interview – it is only one of the stages of assessment. It should not be a test of how well people perform at interview but a method of assessing whether people meet the requirements of the role.
- **Question preparation.** Prepare question areas in advance and agree the style of questioning with your fellow panel members as well as agreeing what a good answer will look like. Check what people provided in their initial applications. Some evidence may require no verification, some will require verification and some will require follow up and probing. Fairness at interview doesn't mean asking every applicant exactly the same questions but will involve covering the same question areas.
- **Questioning type.** Ask short, open questions as much as possible to allow the candidates to demonstrate that they're a match for the role. Read the section on questioning techniques and be prepared to adapt the questioning style to get the best from each candidate.
- **Don't rush.** Give the candidate sufficient time to consider the question and respond.
- **Interview environment.** Panels should try to make it as welcoming and relaxing as possible for candidates and focus on allowing people to give of their best. Be aware of non-verbal cues (micro-inequities and affirmations) in interacting with interviewees. Body language can have a negative or positive impact on assessment that neither the panel nor the interviewee will consciously be aware of.
- **No new requirements.** Panels must also remember to stick to the criteria for selection. Applicants may offer information that's clearly not relevant. By way of example, a candidate may refer to a particular skill that they have that wasn't included in the specification and which, on reflection, the chair of the body feels would be very helpful. That's absolutely fine and understandable but panels shouldn't seek out such information without good reason and shouldn't take it into account in their assessment as that may well have the effect of introducing a new requirement (see the Code at D2).
- **Fit and Proper Person Test.** If the fit and proper person test has been delegated to the panel, it is important for the panel to ensure that all elements of it have been covered (see E6 of the Code). If the panel has concluded that someone cannot meet the test, the interview is an ideal opportunity for that to be relayed to the candidate concerned so that he or she has an opportunity to respond before a final decision on their suitability is made (see the Code at A16 and A17).
- **Panel decision.** The PAT Manager will usually record the evidence provided by applicants in response to panel questions as well as panel decisions and reasons for

them. The role of the panel chair is pivotal to success in this area. A good panel chair will be able to sum up what the panel has agreed in relation to each of the criteria assessed at this stage for each candidate. The quality of that summing up process and how it is captured will have a direct bearing on the quality of the description of the most able candidate(s) – which forms the basis of a minister’s decision on whom to appoint – and on the quality of feedback provided to people.

- **Providing views about applicants.** Each panel member should draw his or her own conclusions about the evidence presented and write down his or her reasons for those conclusions *first*. The panel chair should then ask each panel member to give their independent view before the panel reaches its collective conclusion. The role of “first person to offer a view” should be rotated throughout the day. The collective conclusion is the one used as the record of the assessment and included in the applicant summary. The summary is the agreed conclusion of the panel and cannot include references to individual dissent on the part of panel members. For the same reason, individual panel member’s notes should be disposed of once the panel has agreed the content of the applicant summary.

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Interview Types:

Applied recommends that questions should be designed to reflect job simulations. More information is available on their [website](#). Some of the more common techniques currently in use are set out below.

#### Situation, Task, Action, Result, (Reflection) (S.T.A.R.(R)) / Competency based assessment

This is the technique that is most commonly adopted in the public sector. It is also known as competency based assessment. Its success, as with other similar techniques, is predicated on the panel knowing in advance what good evidence will look like. This in turn relies on the design of clear criteria for selection and associated indicators (as explained in the “[defining what needs to be assessed](#)” section).

In this technique, candidates are expected to describe a situation (S), the task that they were required to perform (T), the action that they took (A) and the result (R). In some cases, candidates are also asked to reflect (R) on the situation. What, in hindsight, might they have done differently?

Benefits:

- Higher validity than unstructured interviews
- Prospective applicants can refer to a well-defined set of behaviours that they will require to demonstrate in order to be successful.
- The process should allow panels to assess transferable skills and identify required behaviours regardless of career background.

Potential drawbacks:

- It can elicit pat answers from people who have undergone the same type of interview on several occasions and who have pre-prepared responses for certain criteria for selection.
- It relies on people having built up sufficient experience to be able to draw on such examples (therefore potentially biased towards older people and people from public sector backgrounds). Probing questions at interview and seeking examples other than the one originally offered can mitigate the latter effect so it is important for

panels to dig deeper when faced with well-rehearsed responses. (see the section on questioning technique).

It should be noted also that this type of interview is unlikely to be sufficient for assessing certain personal qualities in any depth and that it should always therefore be considered as one option to be used alongside others to generate the necessary evidence. By way of example, using simulations to test skills is likely to be more equitable for people, regardless of their age and experience.

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### Started, Contribution, Amount, Result (S.C.A.R.)

This technique is similar to the STAR(R) technique and is used to assess the extent to which someone has taken ownership of an issue and initiated a particular course of action in order to improve a situation. It can be particularly effective at identifying people who have change management skills.

- “Started” relates to initiation. Did the person take the initiative or were they instructed to? Was it to address something that had gone wrong or to improve a situation?
- “Contribution” relates to what the person actually did as an individual. If they simply delegated the activity then there is a question over the quality of their contribution.
- “Amount” relates to the extent of the difference. Simply applying an “off the shelf” solution to a problem is different to coming up with something new and bespoke.
- “Result” is about how successful the activity was and the extent to which it led to a positive change.

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### Performance based interviewing (PBI)

Also known as “the one question” interview, this technique is more discursive and can allow the conversation to flow more naturally and freely. As a consequence, it may be less susceptible to rehearsed responses and/or sectoral background bias whilst still generating the evidence sought. It also allows for hypothetical questions to be asked and related back to the previous behaviours. This can be very important when appointing people to posts that require the successful candidate to have a clear vision and plan for an organisation’s future in the short, medium or longer term. The following is not an exhaustive list of potential questions but does demonstrate that questioning in this way can generate evidence that criteria for a role are met without referring specifically to the criteria themselves. Here’s an example of how it works in practice (with areas potentially being tested in brackets):

- Please think about your most significant accomplishment. Now, could you tell me all about it?
- Who else was involved and how did you work with them to achieve your goals? (teamworking/leadership/influencing etc)
- How did you ensure that you achieved your goals? (resource management/ planning/strategic thinking etc.)
- Can you tell me more about the context in which you achieved your goals? (environment)
- How did you keep people informed of progress? (communication)
- What challenges did you face and how did you overcome them? (problem solving/strategic thinking)
- Did you have any difficult decisions to make? If so, how did you decide to do what you did? (decision making/problem solving etc.)

- What would you do differently if you had to do this again? (critical faculty/ability to take an objective view)
- In this role, you will have to achieve X within six months, from what you've told me, how will you go about it on this occasion?

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### Strengths based interviews (S.B.I)

Whereas traditional competency-based interviews aim to assess what a candidate can do, a strengths-based interview looks at what they enjoy doing and have a natural aptitude for. The approach is predicated on the understanding that people will be more motivated to fulfil roles effectively when the activities that they will be required to perform are a match for what they enjoy doing. These interviews therefore seek to identify what energises and motivates the candidate.

Questions could include: what kind of situations do you excel in? What tasks do you find most enjoyable? Can you describe in detail an example of where you feel you performed your best in the role?

This approach will be unfamiliar to many and therefore does have the advantage of mitigating against the possibility of candidates providing pat answers. A drawback of using this technique in isolation from competency based assessment is that the relevance and predictive validity may be limited.

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### Questioning techniques

As explained above, each type of interview generally involves a variety of questioning techniques to elicit information. Some of the most common techniques are set out below.

#### Probing or Reflective Questions

Probing questions encourage the candidate to provide more information and to expand on answers already provided. They also allow interviewers to request more specific answers when initial responses are vague, limited in detail, confusing or unclear.

#### Examples

- *what exactly was your role in the team?*
- *what did you do to achieve that?*
- *can you give me a specific example?*

Reflective questions encourage candidates to add to answers they have already given. They can also be used to link an earlier answer to a new question. They are helpful at triggering memories and assisting with recall (see cognitive questioning below). They also demonstrate that the interviewers are listening to what the candidate is saying and that they have taken account of the earlier stages of assessment such as an initial application.

#### Examples

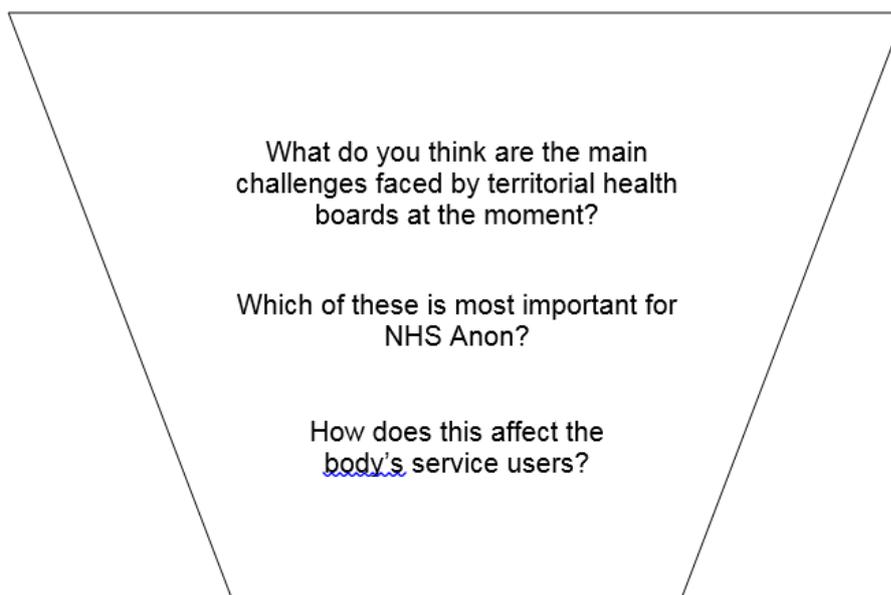
- *In your application form you gave an example of..., can you quantify the benefit of the outcome in that case for us?*
- *You mentioned earlier that you...how does that compare to your work with...?*
- *You indicated that the project went well, can you tell me about the outcomes?*

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### The Question Funnel

This technique assesses whether a candidate has the ability to recognise a wider or strategic context (the big picture) and then make reasoned judgments about specific aspects of it.

Question funnel questions – examples

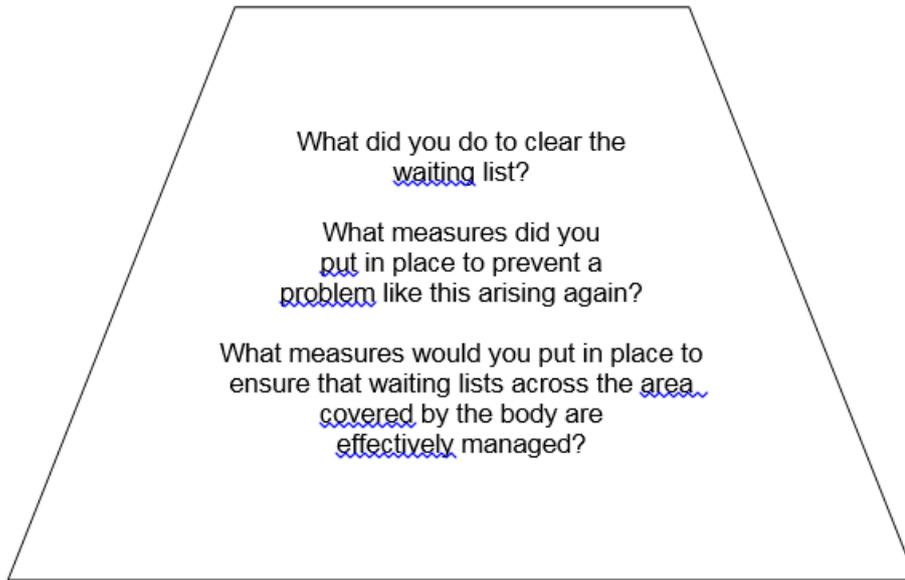


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### The Inverted Question Funnel

This technique can be helpful in aiding a more nervous candidate to open up. Both funnel techniques can give rise to purely hypothetical answers which may not be good indicators of ability in the role but they can be useful for establishing, in particular, strategic thinking.

Inverted funnel questions – examples



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### Cognitive questioning

Because of the way memories are encoded and stored, memory recall is effectively a reconstruction of elements scattered throughout various areas of our brains. Memories are not stored in our brains like books on library shelves, or even as a collection of self-contained recordings or pictures or video clips, but may be better thought of as a kind of collage or a jigsaw puzzle, involving different elements stored in disparate parts of the brain linked together by associations and neural networks.

Memory retrieval therefore requires re-visiting the nerve pathways the brain formed when encoding the memory, and the strength of those pathways determines how quickly the memory can be recalled. Recall effectively returns a memory from long-term storage to short-term or working memory, where it can be accessed, in a kind of mirror image of the encoding process. It is then re-stored back in long-term memory, thus re-consolidating and strengthening it.

This technique is a way of stimulating the different pathways involved in recall by using different cues.

When candidates appear to be giving pat or rehearsed responses to questions, or seem unable to recall what they have done, this technique helps to surface more accurate evidence. The technique can help to identify whether people's initial responses accurately reflect what they did. For example:

- in cases in which people are intentionally or unconsciously providing inaccurate information
- in cases in which people have performed well but struggle to evidence it in response to initial questions.

The technique should not be used all of the time but only in these situations where a candidate is struggling to recall or where the response lacks coherence. It should not be used in a challenging way in order to "catch out" candidates but rather as a way of ensuring that the panel has a complete picture.

It works by stimulating disparate parts of the brain where our memories are stored diffusely. It enhances recall and tackles exaggeration. It can be contrasted with more traditional questioning in a few ways:

Traditional questioning	Cognitive questioning
<ul style="list-style-type: none"> <li>• Focus on tasks and behaviour</li> <li>• Person's own perspective</li> <li>• Linear questions</li> <li>• Repeat if struggling</li> </ul>	<ul style="list-style-type: none"> <li>• Wider context – behaviours, feelings, implications</li> <li>• Own and others' perspectives</li> <li>• Dynamic ordering</li> <li>• Explore associated events</li> </ul>

There are four different areas or “cues” that the interviewer can use individually or in combination to elicit the information sought. These are:

- Personal context (feelings, implications)
- Different perspective
- Different order
- Associations

Personal context includes things like how the interviewee felt about a given situation. It can also include questions on the implications of course of action for the interviewee and others.

Example questions:

- *You were getting ready to present your recommendations to the board. How did you feel at the time?*
- *What implications did this work have for you and your team?*

Different perspectives includes questions on how others felt about or were affected in the situation being recalled.

- *What did John focus on in that meeting?*
- *What expectations would Susan have had?*

Different order means mixing up the order of events that you are asking your interviewee about.

- *“You’ve told us about what you did at the meeting, how did you prepare for it...?”*
- *“You’ve said you decided to focus on... what were the key steps that led to that decision?”*

Associations means asking questions about other things that were going on at the time of the events under exploration.

- *“What other priorities did you have at that time?”*
- *“Where were you spending the majority of your time?”*

Whilst questions in all of these areas are not necessarily directly relevant to what is being assessed, it is legitimate to use them if it elicits the evidence that the panel is looking for.

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## Simulations and Practical Exercises

Some examples of simulations or practical exercises which have been used include:

**Presentation** – applicants are asked to make a presentation to the panel on a specific subject. This may or may not include the option to use powerpoint/visual prompts. Caution should be used about this method as it is sometimes adopted as standard when in fact there are no criteria for selection related to making presentations (see validity above).

**Prepared response** – similar to a presentation but more relaxed. Applicants are asked to speak on a topic to the panel who may or may not follow this with questions.

**Board paper exercise** – applicants are asked to consider a board paper and answer a question/or questions related to the content. Applicants might be sent the board paper in advance or asked to attend the assessment early enough to have time to be presented with, and consider it on the day.

**Psychometric testing** – this usually involves a set of on-line tests used to measure individuals' mental capabilities and behavioural style. Psychometric tests are designed to measure candidates' suitability for a role based on the required personality characteristics and aptitude (or cognitive abilities). They will usually involve a panel being provided with a report from a psychologist who has examined the applicant's results and may suggest areas for further questioning at interview.

**Role play** – this involves simulating a real life situation, usually with someone specifically trained to undertake the role required. The panel will observe and assess the applicant's response to the situation presented by the professional.

When using simulations or practical exercises it is important that panels carefully consider the combination of validity and assessment (see below).

It is also important that panels explain in advance how they plan to assess candidates and why. This approach is transparent and provides public assurance about the way in which the process is being conducted.

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## Combining types of assessment with validity

The process should be designed to find the most able board members and not the most effective at completing forms and/or performing at interview. Panels should be clear about what they are testing and how they are testing it. For example, experience and ability are different things and should be assessed in different ways.

### Testing Skills

The selection panel will usually test skills by using competency-based questioning at interview or in a written application. In either case applicants will be asked to provide examples of having put their skills to use in previous situations. The panel may also use an assessment centre approach to test certain skills such as team working and/or communications. Panels may also set specific tasks such as asking applicants to review a board paper to assess skills such as analysis and judgment or to make a presentation to assess communication and presentation skills.

The panel will establish not just whether applicants have used a given skill but how effective they are at putting it into practice.

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### Testing knowledge

The panel will not take into account whether applicants have applied their knowledge in practical circumstances unless it is clear from the person specification that practical application is important. The use of wording such as “a working knowledge” means that the panel will look for evidence of applicants having applied their knowledge to practical situations by asking them to provide examples of having done so.

The panel will usually test knowledge by questioning applicants’ understanding of the subject area. The panel may also set a test or exam either online or as part of an assessment centre exercise. Applicants will be advised of the assessment methods being used in the application pack. The panel will establish not just whether they have the knowledge but how in-depth it is. The panel will identify the applicants who are most knowledgeable in the subject area.

In some cases, although rarely, the role may require a qualification. If so, this will always be made explicit in the person specification as will clarity on whether it has to be at a certain level. Verification in this case will usually be by asking applicants to confirm by way of a tick box or similar that they have the qualification. This can then be checked with the awarding body.

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### Testing Experience

Where experience is sought, the panel will usually include a section entitled “Life History” in the application form, or ask applicants to provide a tailored CV and/or a letter. In all cases applicants will be asked to set out the roles they have held or the activities that they have engaged in that are relevant to the experience described in the person specification.

The person specification can also give guidance on the type of backgrounds or positions that the experience might have been gained in. Experience does not have to have been gained in a professional capacity. Experience gained in the applicants’ personal life and from any voluntary work they have done is equally valid. In some cases, the experience sought may be something very personal to potential applicants such as direct experience of social exclusion or first-hand experience of the accessibility issues that affect public-service users with a disability.

The panel will compare what applicants have written against the type of experience it is looking for to see which applicants provide the closest match. The panel may ask follow up questions at interview to see how effective applicants have been in the roles they have held. If this is planned it will be made clear in the person specification.

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### Testing personal qualities such as values

The NHS in Scotland has introduced a version of values based recruitment for all new chair and board member posts. This is currently a hybrid form of the appointments process as it uses the [core skills framework](#) to describe the skills, knowledge and experience sought and

a narrative explanation of the values sought with an explanation for applicants that their behaviours should be aligned with them. Here is an extract from a recent pack:

<p>The values that are shared across NHSScotland are outlined in the <a href="#">Everyone Matters: 2020 Workforce Vision</a>. These are:</p> <ul style="list-style-type: none"> <li>• care and compassion;</li> <li>• dignity and respect;</li> <li>• openness, honesty and responsibility; and,</li> <li>• quality and teamwork</li> </ul>	<p>Embedding these values in everything we do. In practice this means:</p> <ul style="list-style-type: none"> <li>• demonstrating our values in the way we work and treat each other;</li> <li>• using our values to guide the decisions we take;</li> <li>• identifying and dealing with behaviours that don't live up to our expectations; and,</li> <li>• being responsible for the way we work and not just the work we do.</li> </ul>
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The values are usually always assessed using psychometric tests and simulated activities, as well as from written application and interviews. As with all other regulated appointments, the appointment pack will continue to be clear about the assessment methods that will be used.

The Commissioner anticipates that other appointing ministers may seek to include values as essential personal qualities for future appointments that they make. It is also anticipated that the core skills framework will be further adapted to include appropriate indicators against the relevant criteria for selection such that both panels and applicants are fully aware of the types of behaviours that are being sought.

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### **Mitigating bias during assessment**

There are references to a number of ways in which panels are able to mitigate bias throughout the process detailed in this document. By way of reminder, they are also referenced below:

In addition, there is a [Mitigating Bias Crib sheet](#) which will be useful for panels to consider.

When planning for the round:

- Clearly define criteria using appropriate indicators. This will allow the panel to focus on what is required for the role and to assess people fairly against what has been agreed with the appointing minister and published in the applicant information pack. This helps to avoid (unintentionally or otherwise) bringing other factors into the assessment.

- Ensure that assessment methods chosen have appropriate validity. This will help to avoid confusion and make assessment against the criteria easier. This will help to avoid (unintentionally or otherwise) bringing other factors into the assessment.
- Plan to have plenty of time available when making any assessment decisions. This will avoid making decisions in a hurry which has been proven to increase the chance of making biased decisions as opposed to clear and rational decisions.
- Consider whether to make initial applications anonymous or not. Doing so will allow the panel to focus solely on the evidence provided against the criteria and reduce biased thinking.
- Consider how the forms of assessment that the panel is thinking about using might impact on members of any under-reflected group. In particular, consider whether and how disabled applicants may be impacted so that reasonable adjustments can be put in place. When putting adjustments in place, always consult the individual applicant to ensure that their views on what would be suitable are taken into account.

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#### When assessing the initial and final stages

- Ensure that you data gather, evaluate and then make decisions. Trying to carry out these stages concurrently will reduce clarity of thinking and judgment.
- Ensure that enough time is provided to undertake each of the assessment stages. Rushing the process will increase the chance of making biased decisions.
- Do not assess applicants on anything other than the criteria set out the published person specification. If an applicant brings a different skill, level of knowledge, experience or personal quality than asked for, or if they can demonstrate one of these to a higher level than is required, this cannot be taken into consideration. This would become a new requirement to the role, and if needed, should have been defined at the outset. Consideration of attributes not set out in the person specification has the potential to be discriminatory as not everyone has the opportunity to demonstrate whether they also have that attribute.
- Panels should each make their own analysis of each applicant against the required criteria before discussing their findings with the panel as a whole. The person giving their views first in the discussion should be rotated so that other panel members are not unduly influenced by one individual.
- In any face to face assessment method, panel members should help to make the applicant feel at ease so that they are able to give their best responses. Panel members should also be aware of non-verbal cues (micro-inequities and affirmations) in their interaction with interviewees.

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#### **Recording Assessment**

Following the final stage of assessment, the selection panel will have a lot of information available about each applicant as a result of their initial application and the assessments made at interview and/or selection exercise(s) used. The job of the panel is then to assess

all the information to identify whether they meet the criteria for selection and associated indicators. They will then need to make a record of the group decisions and reasoning. This record will form the basis of the minister's decision, as well as providing feedback to applicants and supporting evidence that decisions were appropriate in the case of any complaint made. The role of the chair of the panel is vital at this stage. They are tasked with summing up the panel's agreed view on how each applicant and candidate did or did not meet the criteria for selection.

After the final stage of assessment

- The PAT Manager will draft an applicant summary which sets out the evidence provided by each applicant drawn from each stage of assessment against each of the criteria for selection and the panel's view on how each applicant did or did not demonstrate their suitability. There's no requirement for the summary to set out which stage of assessment generated the evidence sought.
- Only the applicants who have met all of the essential requirements to the extent specified by the appointing minister can be identified as most able.
- Where the fit and proper test has been delegated to the panel, the information about and generated by the test also has to be included in the summary.
- Particular care must be taken over the contents of the applicant summary. It should include contextual information provided by applicants where this is relevant to the criteria for selection. It should not include reference to apparent new requirements and, as should be clear from the foregoing, new requirements should not in any case have featured in the assessment of applicants.

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Why including additional requirements (or appearing to in the summary) is damaging

- Public confidence is eroded if applicants believe that the process of selection is not fair and open.
- People may draw this conclusion if the feedback they receive appears not to be based on their assessment against the criteria for selection.
- This is most likely to happen when applicant summaries refer to new requirements.

For example

General knowledge of employment law is required in the person specification. The applicant summary notes that the applicant had general knowledge but not detailed knowledge relevant to the work of the body. This is fed back to the (unsuccessful) applicant. The applicant may conclude that they have been ruled out for reasons not related to the published requirements. The applicant may also conclude that they have wasted their time and effort in applying. Examples of good and poor practice in recording applicant summaries follow.

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Examples of summary contents

In this section you'll find examples of applicant summary content that, depending on the context and criterion being assessed, will or won't comply with the provisions of the Code.

Criterion – the ability to challenge constructively within a team or committee setting

Compliant:

*“Ms X provided an excellent example in her application of challenging in the context of her role as a board member of the Inversnecky Housing Association. She described how she challenged the perception of newer members that they would have a day to day role in the running of the organisation rather than overseeing and monitoring its strategic direction; at interview she explained how she did this in a constructive, engaging and facilitative way, offering to provide information and material at a future meeting in order to ensure all members had greater clarity on their role. Ms X provided a second example... The panel concluded that Ms X was highly skilled at challenging constructively within a team or committee setting”*

Non-compliant (see [highlights](#)):

*“Ms Y is a chartered accountant with PWC. She has held a mid-management role in the company for seventeen years although she had a four year break during that period. She came across as quite nervous at interview but nevertheless gave a reasonable example of challenging constructively during a staff meeting but it was from some time ago and not at the level of seniority that the body requires to be an effective board member as it was not at board level. She also didn't appear to understand the differences between the role of the executive and non-executive and the panel concluded that this would mean she would find it difficult to operate effectively as a challenging board member.”*

Please remember that whether or not an applicant summary's contents are compliant is context-driven.

By way of example, if the criterion for selection relates to experience then a list of standalone statements about roles held which demonstrate that an applicant has relevant experience is compliant:

Criterion - Experience of the Scottish Criminal Justice System

*“Mr Z is a practising Advocate, working on criminal cases. He has judicial experience as one of the Judges of the Courts of Appeal of Inversnecky since 2005.”*

Knowledge can also sometimes be inferred from positions held and in such cases it is again perfectly legitimate to list relevant positions.

Criterion - Knowledge of the Scottish Criminal Justice System

*“Professor Z is Emeritus Professor of Prison Studies in the University of Inversnecky. He was the founding Director of the Scottish Centre for Incarceration Studies (2002-2008) and a former prison governor. Professor Z has a PhD from the University of Aberdon in criminology.”*

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