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Policy on Selection of Staff		

Policy on Selection of Staff.	
See: https://www.hse.ie/eng/staff/jobs/recruitment-process/.	
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1. The Selection Process

1.1. Application Forms

Applicants may be required to complete a standard application form which may be used to shortlist candidates for interview. Application forms should only seek information that can be used to determine the suitability of the person to do the job. Questions regarding a person's marital status, age or other characteristics should be avoided unless they can be shown to be relevant to the job.

Where possible the application form and any documentation on the job should be available in different formats such as large print, tape, disk or e-mail so that they are accessible to persons with a disability. The application form may also invite applicants to specify whether any special provisions or facilities are required at the selection process, for example, use of a signer or interpreter or car parking within close proximity to the building.

A separate form should be used if requesting information for monitoring purposes (e.g. ethnic origin). This information should be sought on a voluntary basis and should not form part of the recruitment and selection process.

2.1 Interview

Claims of discriminatory treatment frequently arise in relation to the selection interview. The interview board should therefore be given clear guidance on how to conduct interviews in a non-discriminatory manner to ensure that they comply with the **Equal Opportunities/ Accommodating Diversity Strategy and Policy Objectives** and **Employment Equality Act 1998 and 2004**. It is also advisable to ensure the interview board is composed of more than one person and that a gender balance is maintained where reasonably practicable.

Interviews should focus on a candidate's skills, talents, qualifications and capacities for the job. The interview board should review the job description and

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person specification in advance and ensure that the criteria for assessing candidates reflect the requirements of the job. Interview topics should be based on selection criteria and planned in advance to ensure consistency of treatment. This will help to avoid questions related, for example, to ethnic background, family responsibilities or other subject areas that could give rise to claims of discriminatory treatment.

The interview board should also be aware of the pitfalls of engaging in ‘small talk’ with candidates prior to the interview, e.g. commenting on a candidate’s accent and asking where they are from. While such remarks may be intended to put candidates at ease, an unsuccessful candidate may subsequently allege that they found such remarks off-putting and this affected their performance at interview.

Interviewers should be alert to the dangers of asking potentially discriminatory questions, for example:

- Female candidates should not be asked questions about their child-minding arrangements or how their spouse would feel about them working unsocial hours.
- Young persons applying for supervisory positions should not be asked questions about how they would cope with managing staff that are much older than them. This line of questioning might convey the impression that the interview panel is biased against younger candidates because older staff may resent taking instructions from them. This could result in an unsuccessful candidate alleging discrimination on the basis that an older candidate would not have been asked the same question. Similarly, older candidates should not be asked how they would feel about taking instructions from a younger supervisor.
- The interview board may wish to check the ability of candidates to fulfil certain job requirements such as attendance hours, on-call liability, travel, etc. This should be done without reference to a candidate’s marital status, family commitments, disability or other characteristics. It is useful to specify these requirements in the job

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description so that prospective applicants are clear from the outset about the conditions of employment. The interview board may also outline the requirements of the job to all candidates (e.g. on-call liability, night duty, etc.) but should leave it to candidates themselves to decide whether their personal circumstances will affect their ability to meet these requirements.

It should be borne in mind that in order to prove that discrimination has occurred during the interview process, an applicant does not have to prove that s/he would have been successful in obtaining the job if s/he had not been asked the discriminatory question. Many complaints of discrimination have been upheld and compensation awarded as a result of the distress and injury suffered by reason of discriminatory questions asked or comments made by the interview board even though the claimant was not deemed to be the best candidate for the job.

Selection Criteria and Marking Schemes

A formal marking system helps avoid the pitfalls of stereotyping and snap judgements and is an importance defence against claims of discriminatory treatment. It is important to ensure that selection criteria are based on the job description and person specification in order to ensure that the criteria for assessing candidates reflect the requirements of the job. This must be done in advance of shortlisting/interview.

It is important that all of the criteria are used in evaluating the candidates.

Candidates should be assessed against each of the selection criteria and awarded an appropriate mark under each category. The marking sheet should also contain a section for comments in relation to each of the criteria.

The following equality cases illustrate the importance of a fair and consistent marking system.

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Once a marking system has been agreed it is important that it is followed and applied fairly. There have been some significant cases involving health service employers which illustrate this point. *McGinn v Daughters of Charity of St Vincent de Paul* (DEC-E2002-054) and *Burke v South Eastern Health Board* (DEC-E2003-014) are two examples (these cases will be outlined in section 6). In both cases the Equality Officer found that there were inconsistencies in how the marking systems were applied to different candidates. In particular the headings under which marks were given were broad and non-specific and the employer was unable to provide a satisfactory explanation as to how the marks were arrived at.

These cases demonstrate the importance of having specific job-related selection criteria and ensuring that the interview board is consistent in their assignment of marks against each of the different selection criteria. The marking system should be constructed before applications are received and the interview process begins and should be based on the requirements of the job.

Each member of the interview board should mark the candidate on the individual criteria during the course of the interview and where possible provide an explanation for the mark. The overall mark should be based on the sum total of individual criteria marks.

Interview Notes

Notes or 'aide memoirs' made during the course of the interview should be retained with the marking sheets as they form part of the record. While it is good employment practice to retain these notes, there must be an awareness that this information may be required if the selection decision is challenged. Care should be taken not to write comments which might have discriminatory connotations. The practice of shredding interview notes and only retaining details of the candidates' overall marks can suggest a lack of transparency in the interview process. The Equality Officers and the Labour Court have on numerous occasions made reference to the fact that the absence of such notes can call into question the transparency and objectivity of the assessment process.

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Summary Selection Process

- Application forms should only seek information that is relevant to the ability of the person to do the job
- Applicants should be asked to specify if they have any special needs prior to the interview/assessment process.
- The interview board should be familiar with the equality legislation and receive guidance on how to conduct interviews in a non-discriminatory manner
- Applicants should not be asked questions unrelated to the job
- Selection criteria should be based on the requirements of the job as set out in the job description and person specification
- Selection criteria should be devised prior to applications being reviewed

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- Interview boards should be composed of more than one person and a gender balance, where practicable, should be maintained
- A formal marking system should be used to evaluate candidates against the selection criteria
- Marks must be accompanied by evidence of how they were allocated based on the information provided in the application form and the applicant's performance at interview
- The marking system must be applied consistently
- Interview notes should be retained for at least 3 years

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Reference

Guidelines for Health Service Employers on Equal Opportunities Aspects of Recruitment and Selection and Promotion (HSE, 2005) ACCESSED AT

http://hse.ie/eng/staff/Resources/Employment_Legislation_Guidelines/Guidelines%20for%20Health%20Service%20Employers%20on%20Equal%20Opportunities%20Aspects%20of%20Recruitment%20and%20Selection%20and%20Promotion.doc.