# Standard: Merit Selection

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1 Purpose

This standard sets out the minimum requirements for effective, fair and equitable merit selection of applicants to vacant PSBA positions that are not excluded from the merit selection process and where they have been advertised in the appropriate forums. The merit selection process for temporary vacancies advertised internally (e.g. via an Expression of Interest) or for general transfer opportunities may vary.

The requirements outlined in this standard are to ensure that the most meritorious applicants are selected for appointment, enabling PSBA to achieve its service delivery objectives.

2 Overview

As set out above, where a job has been advertised in the appropriate forum and is subject to this standard, the following minimum requirements apply:

- approved position descriptions are to be used to advertise roles, reflecting the Capability Leadership Framework (CLF) for staff members or the Queensland Police Leadership Framework (QPLF) for police; and/or the ICT Skills Framework;
- a selection panel is to be formed by the Delegated Officer to assess applications, conduct selection processes and make recommendations to the Delegated Officer;
- delegated officers are to make decisions on the appointment of employees to advertised positions;
- the minimum requirements for merit selection as set out in legislation and public sector rulings are to be complied with;
- staff and police may access established review and appeals mechanisms;
- the selection process is to reflect the principles of merit, equity, integrity, transparency and natural justice, as set out in the Recruitment and Selection policy.

3 Legislation, Industrial Instruments and Rulings

The following legislation, industrial instruments and rulings, as varied from time to time, provide the framework and minimum requirements for merit selection:

- Anti-Discrimination Act 1991

Police Officers seconded to PSBA:

- Police Service Administration Act 1990
- Police Service Administration Regulation 1990
- Queensland Police Service Certified Agreement
- Queensland Police Service Award – State 2012

Fire Officers seconded to PSBA:

- Fire and Rescue Service Act 1990

Staff Members:

- Public Service Act 2008
- Recruitment and Selection Directive
- Employees Requiring Placement Directive
- Queensland Public Service Award – State 2012
• Employees of Queensland Government Departments (Other than Public Servants) Award – State 2012
• Engineering Award – State 2012

4 Delegations

Approval authorities are set out in the Human Resources Delegations and Approvals document.

5 Vacancy Management

Before a position can be filled permanently or temporarily:

• the requirements of the Employees Requiring Placement Directive are to be met (staff members only);
• there must be an approved position description for the role;
• where the position is to be advertised, the approved form/s permitting advertising need to be completed and lodged;
• the requirements of the Recruitment and Selection Directive are to be met (staff members only); and
• where the position is to be advertised, the position must be approved as vacant or will be approved as vacant within 3 months.

6 Natural Justice

The principles of natural justice apply throughout the selection process.

Where adverse information about an applicant comes to the notice of a selection panel or a Delegated Officer (including through the personal knowledge of a panel member or a referee report), the applicant is to be provided with an opportunity to respond to such adverse information.

Where an applicant holds a genuine and reasonable apprehension that a member of the panel will be unfairly biased or prejudiced against them, they should immediately raise the concern with the relevant Delegated Officer.

7 Responsibilities of Delegated Officers

Delegated Officers are those employees with the delegated authority to employees to positions according to the HR Delegations and Authorities. They are responsible for selecting appropriately experienced panel members and panel convenors, and approving the appointment of a person to an advertised position and in doing so must:

• consider the appointment recommendations from the selection panel and ensure that the person/s appointed is the most meritorious applicant/s;
• ensure that the selection process undertaken meets the requirements of merit selection, including that the necessary referee and integrity checks have been undertaken;
• in making an appointment decision, consider information gathered through the vetting process;
• monitor selection practices and take appropriate corrective action where appropriate;
• provide information or assistance to relevant parties in accordance with Agency policy and standards;
• ensure that assessment processes are undertaken in a timely manner;
• consider any apprehension of bias claims raised by applicants against panel members and act accordingly to amend the composition of the panel where appropriate and inform the applicant of any outcomes; and

• form new selection panels where required by a review or an appeal decision.

8 Selection Panels

Selection panels are required for all merit selection processes. Panels are formed under the management of a panel convenor and are responsible to the Delegated Officer.

8.1 Responsibilities of Panel Convenors

Panel convenors are responsible for managing the selection process.

In addition to their role as a panel member, panel convenors are responsible for:

• ensuring the selection process is undertaken in a timely manner and keeping applicants informed of timeframes;

• ensuring the selection process is undertaken in a fair and transparent manner;

• determining whether late applications should be considered as part of the selection process (where the applicant provides details of exceptional circumstances);

• informing panel members of their roles and responsibilities, including their right to provide a dissenting report;

• considering any special requirements of applicants and how to accommodate them during the selection process;

• ensuring an agreement is reached amongst the panel members on who will be included as a short listed applicant;

• ensuring documentation of decision making processes throughout the selection process is thorough; and

• ensuring applicants are informed of adverse information received during the selection process and are given the opportunity to respond (such contact is to be documented).

8.2 Responsibilities of Selection Panels

Panel members must declare any actual or potential conflict of interests which may be seen to unduly advantage or disadvantage an applicant.

Panel members must conduct themselves ethically in order to make fair, unbiased and defendable decisions, and abide by information privacy requirements and maintain confidentiality with regard to applicant information.

If a member of the selection panel is related to or has a close personal or commercial relationship with an applicant, they must declare this and step down from the panel.

A close personal or commercial relationship with an applicant is different to a member possessing personal knowledge of an applicant. Personal knowledge of the applicant does not preclude the member from sitting on the panel. Personal knowledge must be declared to the Delegated Officer and other panel members, and documented. The mere fact that a panel member may have knowledge adverse to the interests of an applicant is not of itself a sufficient basis for determining a reasonable basis of apprehension of bias.

Each member of the selection panel is equally responsible for:
• understanding the responsibilities of the advertised position;
• being familiar with, and applying, the legislative and industrial requirements for merit selection processes;
• complying with legislation, policy and procedures, including maintaining confidentiality of information;
• determining the selection strategy for the advertised role;
• choosing appropriate selection tools;
• undertaking the selection of applicants in a fair and transparent manner;
• conducting relevant applicant screening checks;
• completing all selection documentation and making selection recommendations to the Delegated Officer;
• participating in all selection processes used to make a final recommendation; and
• providing post selection feedback to applicants, if requested.

8.3 Composition of Selection Panels

The composition of the selection panel will be approved by the Delegated Officer.

Selection panels for the selection and appointment of Police Officers are to consist of a minimum of three (3) members and a minimum of two (2) members for the selection and appointment of staff members.

As a minimum requirement, selection panels must have at least:

• one member who has a thorough knowledge and understanding of the content and requirements of the position;
• one member who holds a rank/level higher than that of the position being advertised;
• one male and one female member (unless the Delegated Officer is satisfied that this is not practical in a particular case); and
• for police officer positions, at least one person who is external to the Agency in respect of any position where the Delegated Officer considers it appropriate.

For SES panels, see the Recruitment and Selection Directive.

Applicants are to be informed of the composition of the selection panel.

9 Selection Process

The selection panel is to identify and document the key capabilities relevant to the position against which applicants will be assessed. For Staff Member positions, the Capability Leadership Framework (CLF) is to be used. For Police Officers, the Queensland Police Leadership Framework (QPLF) is to be used. The ICT Skills Framework may be applicable to ICT positions.

All positions advertised for selection on merit will require applicants to submit written applications and will involve shortlisting. In most cases the process will also include structured interviews.
**Note:** integrity and referee checks of applicants nominated for selection are **mandatory**. This applies regardless of the other selection method/s used and are used to verify or confirm information provided by applicants.

Additional selection methods may be used as necessary to determine the most meritorious candidate for the advertised role, and may include, but do not need to be limited to:

1. practical work-based demonstrations, work samples and role plays;
2. assessment centres; and
3. tests (e.g. psychometric, aptitude and physical tests etc.), where necessary and appropriate.

The selection method/s used need to reflect the role and any mandatory selection requirements (i.e. minimum qualifications and training essential for the role). They must be valid and reliable means of obtaining information relevant to the assessment of an applicant’s suitability.

The selection of applicants for nomination requires the consideration of **all** information available to the selection panel. The selection outcome is to reflect an applicant's overall merit and suitability against the capabilities required for the role.

Where the selection panel considers there is clearly only one substantially superior or outstanding applicant, the panel may elect not to conduct an interview or other testing, provided such a decision is unanimous. However, **referee and integrity checks** remain mandatory.

Panel convenors need to be mindful and accommodating of any special needs of the applicant/s (for example, people with disability) and vary the selection processes to ensure equity and fairness.

### 9.1 Shortlisting

The following rating scale is to be used in the shortlisting process to evaluate an applicant’s responses to each capability in relation to the key accountabilities of the role, to the extent this can be done from a written application. The use of '+' and '-' in conjunction with low, medium and high is acceptable, if deemed necessary by the panel. The following 'competency levels' are by way of example to give an indication of the type of assessment required to attain the corresponding rating:

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<td>Superior – definite strengths with strong claims against the capabilities; supported by excellent examples of positive, relevant outcomes; no discernible weaknesses.</td>
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<tr>
<td>Medium</td>
<td>Adequate – satisfies minimum standards relevant to the capabilities; squarely addresses key issues; provides good quality examples in support of claims; minor or moderate weaknesses only, if any.</td>
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<tr>
<td>Low</td>
<td>Inadequate – broad weaknesses or at least a major weakness in satisfying the capabilities; relies only on superficial or limited experience; little or no evidence of relevant work outcomes.</td>
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The process used for shortlisting is to be thoroughly documented in the final selection report and must be capable of withstanding independent scrutiny. Reasons for not short listing applicants are to be thoroughly documented.
Any notes made by selection panel members during the shortlisting process are to be retained by the panel convenor with all other documents related to the selection process.

Feedback will be provided to applicants on request after official notification of an appointment in the Police Gazette and Government Gazette as required.

9.2 Interviews

Where interviews are undertaken, applicants are to be given sufficient notice prior to an interview being conducted.

Prior to interviews being conducted the selection panel is to develop and agree on the structure of the interview and a set of core questions to be asked of each candidate, which are relevant to the key capabilities required to fill the role.

All notes made by selection panel members during the interview process are to be retained by the panel convenor with all other documents related to the selection process.

9.3 Applicant responsibilities

Applicants are to make themselves contactable and where shortlisted, reasonably available for an interview consistent with the selection process timeframes established by the Delegated Officer. The assessment process will not be unreasonably held up where an applicant does not reasonably make themselves available for contact or an interview.

10 Referee Checks

Referee checks must be conducted for at least all applicants recommended for appointment. The timing of referee checks during the selection process is at the discretion of the panel. Information obtained from referees is to be documented.

Applicants for staff member positions are to provide referees as per the applicable position description and Directive. Applicants for police positions are to provide at least two referees from the QPS/PSBA, one being their current Manager or equivalent.

Questions put to referees by the selection panel need to reflect the key capabilities that the applicant has been assessed against for the role, assessing their work behaviour (including any past serious disciplinary action for staff members only) and performance.

Members of the Agency must provide timely, objective, honest and complete information about an applicant when requested by a panel member during a referee checking process. Provision of untruthful information may result in disciplinary action.

Where a panel receives adverse information from a referee that may significantly impact on the assessment of the applicant’s suitability for the role, the applicant should be informed as they have a right to provide a response to the panel.

Where a panel member is nominated as a referee, the panel is to seek information from at least one other referee.
11 Integrity - Police Officers

Integrity, diligence and good conduct of a police officer must be considered as part of the merit selection process (s 5.2 Police Service Administration Act 1990 and s 4.5 Police Service (Administration) Regulation 1990).

Only the CEO or the relevant Delegated Officer is to debar a member from promotion, transfer or other selection based on matters arising from section 5.2 of the Police Service Administration Act 1990.

Each case must be decided on its particular facts and circumstances.

Timely and accurate information on the integrity of a member is to be obtained through Ethical Standards Command.

Reasons for a decision against an applicant being appointed need to be documented.

Where it is likely that a proposed appointment will be denied because of an integrity issue of which the officer is aware, the officer must be afforded an opportunity to respond before a final decision is made.

12 Integrity - Staff Members

In deciding the merit of an applicant, their personal qualities relevant to carrying out the duties of the role must be taken into account (s 26 & 28 of the Public Service Act 2008). Any integrity issues which impact on the outcome of the selection panel’s decision are to be documented.

13 Recommendations for Appointment

A recommended applicant is to be nominated only where the selection panel considers a suitable applicant has been identified.

If there is an order of merit, there must be a comparative statement explaining the reason for the order of merit against the key attributes of the role. Reserve applicants may also be nominated in the event the primary nominee rejects an offer of appointment. All reserve applicants must have been through the full selection process.

Where a unanimous decision is not reached, a dissenting report is to be completed by the dissenting member(s) and attached to the selection report outlining full details of disagreement and the alternative recommendation.

Applicants must only be advised by the panel of the outcome of the selection process after formal approval of the appointment has been given by the Delegated Officer.

14 Documentation

Documentation of a selection decision needs to provide the Delegated Officer with details about why a recommendation for appointment should be accepted and may be subject to review. Therefore, documentation must clearly explain the decision making process and in the case of police appointments, outline any reasons why tenure should be waived.

Approval of appointments to police positions by Delegated Officers is conditional on any issues regarding tenure being resolved, acceptance by the nominated applicant and the finalisation of any outstanding reviews.

When no applicant is selected, a report must be submitted to the Delegated Officer outlining why.
15 Criminal History and Security Checks

No person is to be appointed or be permitted to commence employment with PSBA until an assessment of suitability is made under section 5AA. of the Police Service Administration Act 1990 and the Schedule “Relevant Information”.

Criminal history checks **must** be conducted in regards to **all** persons **nominated** for appointment to a position within the Public Safety Business Agency, whether temporary, casual or permanent, on secondment, contract, volunteers and work experience.

16 Appointment

The appointed applicant/s is not to make any arrangements for transfer prior to the outcome of any reviews or appeals that may have been lodged (unless otherwise provided for).

17 Attendance at Pre-qualification Training

Position descriptions are to clearly identify any pre-qualification training requirements applicable to the role being advertised.

The following arrangements apply to permanent PSBA employees undertaking pre-qualification training prior to permanent appointment:

(i) the member is employed temporarily in the new position until they successfully complete the pre-qualifying training period or traineeship;

(ii) where appropriate, any vacancy so caused may be filled in a temporary capacity until such time as the member is permanently appointed to the new position;

(iii) should the member not be permanently appointed to the position at the conclusion of the training program, they will be re-engaged in their substantive position, except where:

- the members fails to complete the relevant training for reasons of dismissal by way of a disciplinary process; or
- the member withdraws/resigns from the training program prior to its conclusion. In these instances, the employee will be re-engaged at the same classification/rank but not necessarily in the same position.

(iv) on permanent appointment to the new position, members are deemed to have resigned their previous substantive position.

18 Feedback

Selection panel members are to provide timely feedback to applicants, on request.

Detailed post selection feedback comparative to the capabilities associated with the role can occur after notification of the appointment appears in the relevant Gazette.

Selection panel members are to ensure that confidentiality of service matters, integrity issues and other personal information is maintained during the feedback process. The relative claims of other applicants or the outcome of the selection process are not to be discussed with any person not directly involved, and then only to the extent consistent with this policy.
For police officer positions **only**, when the panel is providing feedback to an unsuccessful applicant and the successful applicant for the position is an existing member of PSBA, panel members may refer to the successful applicant’s responses to the key capabilities. Where requested and justifiable, the panel may provide a copy of the successful applicant's application to the person seeking feedback. However, no personal information relating to the successful applicant is to be copied or provided to the person being given feedback.

Applicants contemplating lodging an application for review are to obtain feedback from the selection panel prior to lodging an application.

### 19 Probation

The appointment of members to advertised positions within PSBA is subject to the following probation conditions:

- Police Officers – those probationary requirements set out at s 5.12 of the *Police Service Administration Act 1990*;
- Staff members – those probationary requirements set out at s 126 of the *Public Service Act 2008* or, where the *Public Service Act 2008* does not apply, in the applicable industrial instrument.

### 20 Retention of Selection Documentation

All applications and selection documents must be retained by the Delegated Officer in accordance with the Retention and Disposal Schedule.

### 21 Complaints and Reviews

Where an applicant has genuine concerns regarding the conduct of the selection process, they should immediately raise those concerns with the selection panel convenor. Where the applicant's concerns remain after approaching the panel convenor, they should raise their concerns with the Delegated Officer.

Appeals regarding the promotion and transfer of staff members are to be made in accordance with the appeals process set out under Chapter 7 of the *Public Service Act 2008* and the *Appeals Directive*.

Reviews regarding the appointment of Police Officers are to be made in accordance with the provisions set out in Part 9 of the *Police Service Administration Act 1990* and the *Police Service Administration (Review of Decisions) Regulation 1990*.

### 22 References

In addition to documents already noted above, the following documents should be read in conjunction with this Standard:

- Minimum Tenure Requirements (Police)
- *Information Privacy Act 2009*;
- *Right to Information Act 2009*;
- *Judicial Review Act 1991*;
- *Police Service Administration (Review of Decisions) Regulation 1990*. 
23 Definitions

For the purpose of this standard the following definitions apply.

23.1 Delegated Officer

Delegated Officer means a member of PSBA having the CEO’s delegated authority to appoint an applicant to a position, subject to vetting, tenure and acceptance by the nominated applicant.

23.2 Merit

For the purpose of this policy the following definitions of merit apply:

(i) for any selection process conducted in relation to a police officer the definition outlined in section 5.2(5) and section 5.2(6) of the Police Service Administration Act 1990; and

(ii) for any selection process conducted in relation to an employee the definition outlined in section 28 of the Public Service Act 2008.