



Commissioner for Ethical Standards in Public Life in Scotland

Assessment and recording assessment – compliance and good practice basics

Refer to code principles and the code in context. Some basics:

- Focus on the outcome = appointment of the most able.
- Remember what most able means = defined in the person specification that you published *and potentially* the results of the fit and proper person test
- It's the entire process that's used to identify the most able. Shortlisting is not a "mini-competition" or hurdle and the competition doesn't reset at interview
- You've designed a process to find the most able board members and not the most effective at completing forms and/or performing at interview. Be clear about what you are testing and how you are testing it. For example, experience and ability are different things and should be assessed in different ways. How criteria and their associated indicators are worded is very important too. The person specification is based on the core skills framework so that there is transparency for both applicants and selection panels about the nature of the evidence sought. First-hand experience of social exclusion lends itself to one type of assessment, experience as a practising solicitor to another. As a general rule, the following guidance from our website is helpful:

All assessment and selection is against the requirements published in the person specification. New requirements are not introduced. The panel will not take into account the level you have worked at or how recent your skills, knowledge or experience are unless it is clear from the person specification that level or recency are important.

Most of the assessment is undertaken by a selection panel although the panel may delegate some elements of the assessment to suitably qualified individuals. For example the panel may delegate the running of assessment centre exercises or, when a significant number of people apply, the first assessment of written applications.

Testing skills

The selection panel will usually test skills by using competency-based questioning at interview or in a written application. In either case you will be asked to provide examples of having put your 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 you to review a board paper to assess skills such as analysis and judgment or asking you to make a presentation to assess your communication and presentation skills.

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The panel will establish not just whether you have used a given skill but how effective you are at putting it into practice. The panel will identify the applicants who are best at putting their skills into practice.

Testing knowledge

The panel will not take into account whether you have applied your 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 your having applied your knowledge to practical situations by asking you to provide examples of having done so.

The panel will usually test your knowledge by questioning your understanding of the subject area. The panel may also set a test or exam either online or as part of an assessment centre exercise. You will be advised of the assessment methods being used in the application pack. The panel will establish not just whether you 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 whether it has to be at a certain level. Verification in this case will usually be by asking you to confirm by way of a tick box or similar that you have the qualification. This can then be checked with the awarding body.

Testing experience

Where experience is sought the panel will usually include a section entitled “Life History” in the application form, or ask you to provide a tailored CV or a letter. In all cases you will be asked to set out the roles you have held or the activities that you 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 your personal life and from any voluntary work you may 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

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interview to see how effective you have been in the roles you have held. If this is planned it will be made clear in the person specification.

- 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

A note about 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. Validity is increased when certain types of indicator are used to describe what good evidence of a criterion being met will look like. It is decreased when other types are used. [Pearn Kandola's research on behaviourally anchored rating scales \(BARS\) is relevant](#). In summary the following are features of well-designed BARS:

- 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)
- Describe behaviours as clear actions that can be seen (rather than the absence of actions).

Predictive validity which measures who will perform effectively. For example if subject knowledge is sought it can be tested by way of a viva or written exam (but see content validity below).

Face validity which means the method must have credibility for and/or be acceptable to the applicant pool. For example the prospective chairs for Scottish Enterprise would be unlikely to attend the same assessment centre on the same day and participate in exercises together whereas prospective board members for a territorial health board may feel that this would be a good, fair and transparent method for them.

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

If I am being appointed, because of area expertise, to advise the board about developments in my field, 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.

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Guidance from research by Nightingale et al provided eight broad categories of learning outcomes and suitable methods for their assessment. That is included as an appendix to this document.

At shortlisting

- Look for reasons to include applicants for interview rather than reasons for ruling them out
- 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
- Base reasons and decisions on the evidence presented by applicants and on the criteria for selection (see C1 and D1 to D3) = don’t bring prior knowledge into play unless relevant to E6.
- Beware of unconscious bias. This applies to diversity in the broadest sense. Simply because a panel isn’t familiar with the field that someone has worked in shouldn’t invalidate the evidence that they provide.
- Be clear about what good evidence will look like and 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).
- Remember that applicants don’t necessarily provide the evidence that you’re seeking in the relevant “box”. Review the entire application before drawing conclusions.
- Have clear reasons as a panel for ruling people into or out of the next stage of assessment. This is important for transparency and for feedback
- PAT will record your decisions and reasons for them. The record should be clear about which particular areas the panel wants to follow up on with particular applicants. 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.
- Remember the techniques that you should be using to mitigate bias. For example the panel members should each have reached and recorded their own decisions about the quality of applications before discussing them collectively. Rotate the person who will lead on giving their view.

Practical exercises

By reference to the guidance on validity (see above) it is important for panels to ensure that practical exercises, where used, test the attribute sought rather than something else. It is not uncommon for candidates to be given board papers, for example, 30 minutes prior to their interview and then to spend the first ten minutes of the interview itself answering questions on them. The length and complexity of the board paper immediately become an issue in relation to the

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content validity of the test. Is the test meant to assess ability to take in and analyse a lot of information in a short time frame? If not, then the paper should be brief so that candidates can assimilate the information in the first 10 to 15 minutes of their half hour and consider the issues in the information in the remaining time.

If the panel wants candidates to look at something more complex, they should consider sending information to them in advance of the interview and in preparation for the exercise. This is clearly very similar to what board members are expected to do in advance of a board meeting and so more closely simulates the activity that successful candidates will be engaged in. Candidates can then be given a set of questions about the material 30 minutes prior to interview.

Where analysis skills are not part of the person specification panels can consider using a 'prepared response' option such as addressing a specific question or a board paper type exercise which is done by the candidate at home and is not time limited. Concerns about candidates being helped to prepare can be addressed through effective follow up questioning.

In all cases it is important that panels explain in advance how they plan to assess candidates and why. It is also important for simulations, such as board paper exercises, that people with a disability are given the opportunity to request reasonable adjustments to allow them to take part and to be treated equitably. By way of example, a candidate with dyslexia is likely to be put at a significant disadvantage in comparison with other candidates if only given 30 minutes to review a complex board paper before being asked questions on it.

At interview

- Prepare as a panel and remember what people said in their applications. Some evidence 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.
- Preparation as a panel also involves reminding each other about bias mitigation techniques. This includes ensuring that there is sufficient time for interviews and any exercises as well as for assessment between them; being aware of non-verbal cues (micro-inequities and affirmations, body language) that can impact on assessment and so on. Our bias mitigation crib sheet lists others.
- Remember the purpose of the interview – it is a stage 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.
- Try to make it as welcoming and relaxing as possible for applicants and focus on allowing people to give of their best.

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- The panel's role is to establish who will be most able. Sometimes this will require more probing and follow up questioning of one applicant than another in particular areas. That's the panel's role and applicants should not be penalised for making a panel work harder to get the information that it needs to.
- Remember to stick to the criteria for selection. Applicants may offer information that's clearly not relevant. That's absolutely fine but don't seek it and don't take it into account in your assessment (D2).
- Panel members should not reach and record judgments about applicants while they are giving evidence. They should record applicant responses and then record their views on that evidence immediately after the interview.
- If the fit and proper person test has been delegated to the panel, ensure that all elements of it have been covered (see E6 of the code)
- PAT will record the evidence provided by applicants in response to your questions and your decisions and reasons for them.
- It is recommended that the panel discusses its assessment of applicants after each interview rather than at the end of the day. Good practice involves each panel member drawing his or her own conclusions about the evidence presented and writing down his or her reasons for those conclusions *first* and then the panel chair asking 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.

After interview

- PAT 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.
- Only the applicants who have met all of the essential requirements most closely 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. Narrative overleaf gives examples of good and poor practice in recording applicant summaries.

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Examples of summary contents

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 RMA 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.

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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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Assessment methods

The following criteria are taken from the work by Nightingale et al (1996) that provided eight broad categories of learning outcomes and suitable methods for their assessment

Criteria	Further explanation	Assessment methods	Assessment methods
Thinking critically and making judgements	Developing arguments, reflecting, evaluating, assessing, judging	<ul style="list-style-type: none"> • Essay/Report writing • Letter of advice/preparing a minute 	<ul style="list-style-type: none"> • Present a case for an interest group • Review a paper • (in writing or verbal feedback)
Solving problems and developing plans	Identifying problems, posing problems, defining problems, analysing data, reviewing, planning, applying information	<ul style="list-style-type: none"> • Group or individual work on a realistic problem 	<ul style="list-style-type: none"> • Analyse a case and report the situation with solutions
Demonstrating knowledge and understanding	Recalling, describing, reporting, recounting, recognising, identifying, relating and interrelating	<ul style="list-style-type: none"> • Interview (specialist member) • Comment on the accuracy of a paper/set of records 	<ul style="list-style-type: none"> • Provide a view on a question • Answer a multiple choice test, online or on paper
Communicating	One and two way communication, communication as a part of a group, verbal, written and non-verbal communications, arguing, describing, advocating, negotiating etc	<ul style="list-style-type: none"> • Written presentation (application form/personal statement/essay) • Oral presentation • Group work 	<ul style="list-style-type: none"> • Discussion • Presentation to camera • Observation of practice (mock board meeting)

Other methods

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Other assessment methods commonly used in recruitment and appointment activity include telephone interviews and on-line assessment via tests or application methods.

Psychometric tests are now routinely used to test specific competencies as well as behaviours. SHL for example work with a range of industries and have tools to measure integrity, team building, leadership and financial stewardship to name but a few. The reports and their subsequent analysis (by trained personnel) can help inform particular areas of questioning that may be relevant to the role and criteria being tested.

When assessing criteria, either from an application or at interview it is helpful to refer to positive and negative indicators. The nature of assessment should be agreed at planning stage, not shortly before the actual assessment takes place. The Core Skills Framework is a tool that panels can use to design appropriate person specifications and associated positive indicators. An example of a simple assessment methodology is included overleaf.

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Criteria	Positive indicators	Negative indicators	Assessors record
The requirement should be described as it appears in the pack provided to the applicant	What does good look like? It is useful to include some pointers so that you are not swayed by an articulate answer that may in fact be at a very superficial level/or reference to roles held rather than personal contribution and resulting impact	What would not constitute suitable evidence?	Note here evidence provided and any follow ups asked OR to be asked + rating if at an initial sift stage.
Interview question	Outline of evidence required	Negative indicators	Assessors record
<p><i>Influencing skills:</i> You will be required to influence in a team setting. Can you tell us about a time when you have had to 'sell' a new policy or initiative to a diverse group of people? Follow up question if required: What steps did you take to involve difference audiences?</p>	<p>We want evidence that the applicant understands the importance of preparing a convincing argument supported by compelling facts.</p> <p>Have they had to overcome resistance? Have they succeeded in changing mind-sets? Did they maintain positive relationships?</p> <p>[If they have not changed minds can they influence? How will you know?]</p> <p>If req'd may check how they ascertained validity of supporting info.</p>	<p>There are negative indicators to look out for:</p> <ul style="list-style-type: none"> You don't want to see evidence of relying on authority and the rules when challenged. You don't want to see evidence that matters are referred upwards as soon as there's an issue that is difficult to resolve. 	<p>This question focusses on the way the applicant influences and checks that they actually influenced – in this instance it isn't required that the influencing took place at a board table. Questioning can establish the complexity of the task – did the person have to influence a number of people coming from different viewpoints or people sharing one, alternative, view point. It may be appropriate to probe further on the maintaining positive relationships and to probe further about the complexities (not necessarily the level) of the 'team' involved.</p>
<p><i>Leadership style:</i> How would you describe your leadership style?</p>	<p>Here we need corroboration. If they say 'inspirational' where is the evidence? What is it that they do that justifies their description</p>		

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