

Policy

Merit selection

Please note this policy is mandatory and staff are required to adhere to the content

File number:

Summary

This policy provides direction on the principles and practices for merit selection processes within DECD and must be read in conjunction with the Merit Selection Procedure.

Table 1 - Document details

Publication date	5 July 2016
Review date	1 July 2017
Related legislation/applicable section of legislation	Children's Services Act 1985 (SA) Disability Discrimination Act 1992 (Cth) Education Act 1972 (SA) and Regulations 1997 Equal Opportunity Act 1984 (SA) Public Sector Act 2009 (SA) and Regulations 2010 Race Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Code of Ethics for the South Australian Public Sector 2015
Related policies, procedures, guidelines, standards, frameworks	Merit Selection procedure Commissioner's Guidelines
Replaces	Merit Selection policy version 1.1
Policy officer (position)	Manager, Ethical Conduct Unit
Policy officer (phone)	8226 1342
Policy sponsor (position)	Director, Employee Relations
Executive director responsible (position and office)	Executive Director, People and Culture
Applies to	All employees and staff selection panels across the organisation External applicants for DECD positions
Key words	Principles, merit, selection, appointment, applicant

Status	Approved
Approved by	Executive Director, People and Culture Division
Approval date	4 July 2016
Version	1.2

Table 2 - Revision record

Date	Version	Revision description
5/11/2015	1.1	Transpose from old format to new. Minor changes to flow. No change to intent or policy position.
1/7/16	1.2	Changes arising from broadened application from 1 July 2016, Part 7 of the PS Act to the following categories of employees in the Department for Education and Child Development: <ul style="list-style-type: none"> • School Services Officers • Aboriginal Education Workers • Early Childhood Workers • 101B Corporate employees.

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1. Title

Merit Selection Policy

2. Purpose

This policy provides direction on the principles and practices for merit selection processes within DECD and must be read in conjunction with the Merit Selection Procedure.

3. Scope

The Merit Selection Policy, its associated procedure and Merit Instructions apply to:

- all promotional teacher and seconded teacher vacancies
- all vacancies pursuant to Section 101B of the Education Act 1972 (SA) (excluding executive level vacancies)
- all School Services Officer (SSO) and Government Services Employee (GSE) vacancies
- Aboriginal Community Education Manager (ACEM) and Officer (ACEO) vacancies
- Early Childhood Worker (ECW) vacancies
- all vacancies under the South Australian Public Sector Act 2009 (PS Act) other than those under the South Australian Executive Service.

The policy **does not apply to** teaching vacancies in schools and preschools, which are filled pursuant to the Recruitment and Selection of Teaching Staff in Schools Policy and the Recruitment and Selection of Teaching Staff in Preschools Policy.

4. Policy detail

From time-to-time, the Merit Selection Policy and its associated procedure are supplemented by Merit Instructions issued by the Chief Executive or the Executive Director People and Culture to clarify and provide guidance on the application of the policy and procedure.

4.1 Legislative context

This policy is a key driver of the DECD Vision for *A high performing system that improves the educational attainment and wellbeing of South Australia's children and young people. The Code of Ethics for the South Australian Public Sector* provides detail around the values for public sector employees and its professional conduct standards are relevant to the manner in which merit selection is undertaken.

Merit selection refers to processes whereby an applicant is assessed about the extent to which they have the abilities aptitude, skills, qualifications, knowledge and experiences and personal qualities to carry out the duties.

Supporting the *Vision* and fulfilling legislated responsibilities to the *Code of Ethics*, legislative requirements around merit selection and eliminating discrimination in employment is achieved through:

- vacancies being accessible to the widest possible range of potential applicants
- removal of any hidden barriers to employment to enable all people to apply for vacancies in DECD with confidence, and in the knowledge that their application will be considered on its merits
- fair and transparent processes that meet the highest standards and give applicants confidence that they will receive fair and equitable treatment

- reliance on solid and verifiable information in making selection decisions
- avoidance of any form of favouritism, nepotism or patronage through managing potential or actual conflicts of interest
- selection processes that have the explicit aim of increasing the representation of both Aboriginal persons and people with disabilities within DECD.

4.2 Principles

DECD employees are expected to apply the following principles during any selection process, and to use them in the resolution of any issues arising from a selection process.

- **Ethical**

All behaviour associated with a selection process must be honest, respectful and courteous. Decisions must be impartial and unbiased, and any form of favouritism, nepotism or patronage must be avoided.

- **No unlawful discrimination**

Unlawful discrimination occurs when a person, or a group of people, is treated less favourably than others on the basis of a real or presumed characteristic as specified in legislation: gender, sexuality, marital status, race, age, pregnancy, breast-feeding, disability, caring responsibilities, identity of spouse, association with a child, or religious appearance or dress.

- **Respectful**

All interactions should be professional, responsive, reasonable and courteous, and respectful of others.

- **Diversity**

Respect for diversity means providing opportunities for people from a broad range of backgrounds, enabling DECD to benefit from access to the widest possible variety of skills, experience and knowledge.

- **Fairness**

Fairness means treating applicants impartially, and not subjecting them to capricious decisions. However, treating everyone in an identical manner does not necessarily make a process fair. The circumstances of individual applicants may need to be taken into account to give a particular applicant an equal chance to present their case.

- **Fair access**

An important application of the fairness principle is making public sector vacancies accessible to all interested and eligible applicants.

- **Natural justice and procedural fairness**

The principles of natural justice (sometimes called 'procedural fairness') in essence require that when making an administrative decision that might affect the rights, interests or legitimate expectations of a person, that person should be provided with detail about the pending decision and afforded a reasonable opportunity to respond or make submissions in respect of the matter.

Decision-makers must be open, unbiased, act for a proper purpose, and only take into account considerations that are relevant to the decision.

4.2.1 Outcomes

The expected outcomes of this policy are to:

- facilitate the appointment of the person most suited to the requirements of the vacancy or associated duties
- provide the flexibility to tailor selection processes to meet the needs of individual sites and vacancies
- ensure transparency, equity and accountability
- clarify responsibilities and expectations of selection panels and applicants
- be accessible to all prospective applicants
- meet all legislative and organisational requirements.

4.3 Creating, defining and selecting vacancies

4.3.1 Vacancies

Vacancies may be newly created or established positions/roles or duties that have become vacant. Release of vacancies must be approved by the Vacancy Management Committee. Job descriptions should be reviewed prior to application to VMC.

4.3.2 Eligibility

A person's eligibility to apply for a vacancy in DECD will depend on the nature of the role. Eligibility criteria are outlined in the Merit Instructions, however from time-to-time the Chief Executive may impose additional eligibility requirements for vacancies within DECD.

4.3.3 Vacancy descriptions (also referred to as job and person descriptions, role descriptions or capability statements)

The role, responsibilities and expected outcomes of any vacancy must be clearly described to enable intending applicants to make a reasonable assessment of their suitability for the vacancy. The vacancy description must also include a specification of the key capabilities required (e.g. skills, knowledge and experience).

It is imperative that any *Special Conditions* within the Job Description are necessary to the role.

The person specification must be written clearly, avoiding the use of technical terminology, acronyms and language that may not be accessible to a broader range of potential applicants.

4.3.4 Advertisement of vacancies

Public Sector Act Vacancies are to be advertised on the DECD internet site and via other media in accordance with standards established by the Executive Director People and Culture and the Commissioner for Public Sector Employment.

4.4 Chairpersons of selection panels

The chairperson of a selection panel will be of a higher classification than that of the vacancy, and will generally have line management responsibility for the vacancy to be filled. If the officer who would normally chair a selection process is unavailable, the responsible delegate may approve a suitable replacement.

The Chief Executive or his/her delegate retains the right to nominate an alternative chairperson.

4.5 Rights of review

4.5.1 Reviews for vacancies under the Education and Children's Services Acts

DECD employees for merit-based selection vacancies of more than 12 months duration have a right to an internal review on specified grounds dependent on their employment conditions.

Applications for internal review will be evaluated in accordance with DECD internal review processes.

Education Act employees can seek an external appeal under Section 53(6) of the Education Act where the Chief Executive or delegate declines to accept the recommendation of the selection panel .

GSE vacancies do not carry an external right of appeal.

Merit Instruction 8a refers.

4.5.2 Reviews for vacancies under the Public Sector Act, and vacancies for School Services Officers, Aboriginal Education Workers, Early Childhood Workers and corporate 101Bs

DECD employees who apply for, and are eligible for, appointment to a vacancy that must be filled by a merit selection process have the right to apply for an internal review pursuant to Section 61 of the PS Act and Regulation 26 of the Public Sector Regulations.

Internal reviews are conducted in accordance with the Commissioner for Public Sector Employment Guideline: Review of Employment Decisions.

Employees have the right to apply directly for an external review pursuant to Section 62 and Regulation 27. External Reviews under the PS Act are available on specified grounds to employees who are aggrieved by a merit-based selection decision, either directly or following internal review.

Merit Instruction 8b refers.

5. Roles and responsibilities

Role	Authority/responsibility for
Chief Executive	<ul style="list-style-type: none"> Ensure merit selection is managed in accordance with the endorsed policy and procedure and legislative requirements. Delegate to appropriate employees the necessary powers, functions, duties and responsibilities in relation to recruitment and selection, including the review of selection processes. Provide review mechanisms for merit selection processes.
Executive Director, People and Culture Division	<ul style="list-style-type: none"> Enable development of systems and processes to support merit selection. Delegate specific roles and functions and necessary powers, duties and responsibilities in relation to merit selection processes. Exercise delegations.
Ethical Conduct Unit (ECU)	<ul style="list-style-type: none"> Consultancy advice on merit selection. Merit selection training.
Chairperson of selection panels	<ul style="list-style-type: none"> Establish a selection panel. Ensure merit selection policy and procedures are properly applied. Be merit selection trained.

Site leaders and managers	<ul style="list-style-type: none"> • Facilitate the participation of employees in designated training, and in their release to act as panelists when required. • (See also referee).
Panelists	<ul style="list-style-type: none"> • Be merit selection trained. • Ensure the merit selection policy and procedures are properly applied. • Maintain information gathered as a part of a selection.
Applicants	<ul style="list-style-type: none"> • Be familiar with current selection processes and the specific obligations of DECD employees in the process. • Provide honest and accurate information that might have bearing on their selection for a vacancy. • Disclose truthfully to a selection panel, details of their employment history, including any action taken in respect of proven unsatisfactory performance /misconduct, any active management process relating to unsatisfactory performance/misconduct, or any current investigation into their alleged conduct that may result in disciplinary action.
Referees	<ul style="list-style-type: none"> • Act in an ethical manner in relation to all referee comment provided as part of a selection process. • Provide honest, unbiased and objective comment on the applicant's abilities and provide balanced comment on aspects of the applicant's skills, knowledge, experience or work including perceived strengths and any aspects that may impact on their ability to carry out the duties of the vacancy effectively. • Where relevant referees are contacted for referee reports in relation to an applicant are obliged to be truthful in respect of their knowledge of such matters as alleged unsatisfactory performance/misconduct, or of proven past unsatisfactory performance/misconduct by that applicant.

6. Monitoring, evaluation and review

This policy will be subject to review every 3 years by the Ethical Conduct Unit, in consultation with relevant stakeholders or earlier if required to comply with any change to applicable legislation, government or departmental policy

7. Definitions and abbreviations

Table 4 - Definitions and abbreviations

Term	Meaning
Merit	<p>Merit</p> <p>'Merit' is</p> <ul style="list-style-type: none"> a) the extent to which each of the applicants has abilities, aptitude, skills, qualifications, knowledge, experience (including community experience) and personal qualities relevant to the carrying out of the duties in question, and b) if relevant; <ul style="list-style-type: none"> (i) the manner in which each of the applicants carried out any previous employment or occupational duties or functions, and (ii) the extent to which each of the applicants has potential for development.

8. Supporting documents

- Merit Selection Procedure
- Merit Instructions

[Merit instruction 1a: identifying and establishing positions – schools and preschools](#)

[Merit instruction 1b: identifying, establishing and defining PS Act, 101B and seconded teacher positions](#)

[Merit instruction 2: eligibility](#)

[Merit instruction 3a: panel composition for Education and Children`s Services Acts vacancies \(including seconded teachers\)](#)

[Merit instruction 3b: panel composition PS Act and corporate 101B positions](#)

[Merit instruction 4: training](#)

[Merit instruction 5: written application requirements](#)

[Merit instruction 6: use of external recruitment agency or consultant](#)

[Merit instruction 7: referee reports](#)

[Merit instruction 8a: internal review and external appeal Education Act vacancies](#)

[Merit instruction 8b: internal review and external appeal for Public Sector Act vacancies](#)

[Merit instruction 9: disclosure of misconduct or unsatisfactory performance](#)

[Merit instruction 10: shortlisting](#)

[Merit instruction 11a: registers of interest for vacancies under the Education and Children's Services Acts](#)

[Merit instruction 11b: registers of interest PS Act](#)

9. References

- *Children's Services Act 1985 (SA)*
- *Disability Discrimination Act 1992 (Cth)*
- *Education Act 1972 (SA) and Regulations 1997*
- *Equal Opportunity Act 1984 (SA)*
- *Public Sector Act 2009 and Regulations 2010 (SA)*
- *Race Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- Code of Ethics for the South Australian Public Sector 2015