

Procedure

Merit selection

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

File number: 2010/6284

Summary

This procedure outlines the approved processes for merit selection across the organisation and must be read in conjunction with the Merit Selection Policy.

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) Education Act 1972 (SA) Public Sector Act 2009 (SA) and Regulations 2010
Related policies, procedures, guidelines, standards, frameworks	Merit Selection Policy
Replaces	Version 1.1
Policy officer (position)	Manager, Ethical Conduct Unit, People and Culture Division
Policy officer (phone)	8226 1342
Policy sponsor (position)	Director, Employee Relations People and Culture Division
Executive director responsible (position and office)	Executive Director, People and Culture Division
Applies to	All employees and staff selection panels across the Organisation External applicants for DECD positions
Key words	Selection, merit, appointment, applicant
Status	Approved
Approved by	Executive Director, People and Culture
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Version	1.2
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Table 2 - Revision record

Date	Version	Revision description
19/11/2015	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 Procedure

2. Purpose

This procedure outlines the approved processes for merit selection across the organisation and must be read in conjunction with the Merit Selection Policy.

3. Scope

All selection panels, other than those for vacancies under the Recruitment and Selection of Teaching Staff in Schools Policy and executive vacancies (covered by the South Australian Executive Service procedures), are required to follow this procedure in the selection of suitable applicants for appointment.

The Merit Selection Policy and Procedure, and Merit Instructions apply to:

- all promotional teacher and seconded teacher vacancies (i.e. secondment of teachers to work in non-teaching roles in DECD)
- 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

4. Procedure detail

From time-to-time, in addition to the Merit Selection Policy and Procedure, the Chief Executive or the Executive Director People and Culture may issue Merit Instructions to clarify and provide guidance on the application of the policy and procedure. These instructions provide up-to-date information about specific aspects of the selection process, and must be consulted prior to commencing a selection process.

4.1 Creating, defining and selecting for vacancies

These procedures recognise the diversity of sites, roles and contexts across the organisation, and the need for procedures that will enable effective selection processes in a range of situations. Rather than one process that must be applied in all circumstances, every DECD selection process must include certain essential elements.

It is the responsibility of the Chairperson of a selection panel to ensure that all members of the panel understand the relevant procedural requirements of the selection process, and to ensure that the process is carried out in an ethical, efficient and appropriate manner.

4.2 Identifying, establishing and defining a vacancy

4.2.1 Vacancy description (also referred to as Job and Person specification, role descriptions or capability statements)

The Chairperson of a selection panel must ensure that the vacancy description/job and person specification is appropriate, as set out in the Merit Selection Policy.

Refer to the following merit instructions:

- Merit Instruction 1a: Identifying, establishing and defining a position/role/duties for Education and Children's Services Act school and preschool vacancies.
- Merit Instruction 1b: Identifying, establishing and defining a vacancy for Public Sector Act, seconded teacher and Section 101B positions.

4.2.2 Advertising vacancies

Wherever possible, vacancies must be advertised to enable the widest possible range of applicants to apply. Vacancies will be advertised on the DECD web site and in other media in accordance with standards established by the Executive Director, People and Culture Division, or the Commissioner for Public Sector Employment.

4.2.3 Provision of information for applicants

Quality information about the vacancy and its context assists applicants to make informed decisions about whether or not to apply and how to appropriately address the vacancy description. Appropriate information early in the process also assists in ensuring that applicants present relevant information to the panel, facilitating the selection process.

Applicants should have access to current contextual information relevant to the site and the vacancy role, and the opportunity to discuss the vacancy and its key priorities with the nominated contact person.

4.2.4 Contact person

The contact person (i.e. the Chairperson or nominee) provides information about the vacancy to potential applicants on request. The contact person has a crucial role in ensuring that potential applicants have access to all the information they require to assist in making a decision whether to apply or not.

The contact person should:

- have detailed knowledge of the vacancy, including the context, required capabilities, special challenges and any other relevant information, including special conditions affecting the job; for example, country travel or frequent out-of-hours work,
- be contactable in person and prepared to offer full and accurate information as necessary, and which, depending on the site capacity, may include a site visit or an information session made available to all potential applicants.

The contact person should not be:

- in any relationship with any person who is acting in the relevant role, or with a potential applicant, that would be the person who is leaving the relevant role, a person currently acting in it, or a potential applicant,
- create a conflict between personal interests and professional duties.

Applicants are strongly encouraged to contact the nominated officer to discuss the details of the vacancy prior to applying.

4.2.5 Eligibility to apply

In addition to eligibility criteria established through legislative and industrial instruments and government-wide policy, the Chief Executive reserves the right to establish additional eligibility criteria to meet the needs of the organisation.

Under normal circumstances, public sector vacancies will be advertised in the South Australian Government's Notice of Vacancies website. Some vacancies contained in the Notice of Vacancies are only available to current South Australian Government employees.

Refer to Merit Instruction 2: Eligibility to apply: School/preschool-based vacancies.

4.3 Selection panels

4.3.1 Panel composition

Selection panels should comprise people with expertise and diversity relevant to the needs of the site and/or vacancy. Selection on merit should be the primary consideration for panel members in their actions and decision-making.

A selection panel is made up of a chairperson and panel members, consistent with the policy established by the Chief Executive. The Chief Executive or delegate retains the right to nominate an alternative chairperson for a selection process. Once a panel is constituted, the panellists are responsible to the Chairperson.

A selection panel for any vacancy of over 12 months duration must have a minimum of three panellists. In exceptional circumstances additional panel members may be included where appropriate.

Approval to vary the composition of a panel from that described in Merit Instruction 3 must be obtained in writing from the Executive Director, People and Culture.

4.3.2 Gender representation

Gender representation is required on all panels for externally advertised vacancies and is achieved through the appointment of the peer panellist. In exceptional circumstances, owing to the workforce profile of the organisation, and the geographic location of some selection panels, it may not be possible to achieve male representation.

Where it is not possible to provide such gender representation, the Chairperson must discuss the situation with their line manager before proceeding to constitute a panel. Advice may be sought from the Ethical Conduct Unit.

4.3.3 Other representation

All vacancies having an Aboriginal focus require, wherever possible, Aboriginal representation on the panel.

In exceptional circumstances, an additional employee representative or client/community representative may be included on a selection panel to ensure appropriate expertise/representation. Any additional panellist should be included in accordance with Merit Instructions 3a and 3b.

In all instances, careful consideration should be given to ensuring that the size and composition of a panel are appropriate to the vacancy role and classification to be filled.

4.3.4 Short-term vacancies

A selection panel for any short-term vacancies (up to 12 months or one school year's duration) must have at least two members, unless there are exceptional circumstances. Gender representation is recommended wherever possible.

Where a Register of Interest has been established and is to be used to fill a short term vacancy, the selection process must be based on merit principles.

Refer to the following merit instructions:

- Merit Instruction 3a: Panel composition for Education and Children's Services Act vacancies, including seconded teachers
- Merit Instruction 3b: Panel composition for Public Sector Act and corporate/regional based Education Act Section 101B vacancies
- Merit Instruction 11a: Registers of Interest
- Merit Instruction 11b: Pools for Public Sector Act and Section 101B Education Act vacancies

4.3.5 Training

DECD employees who are panellists must have participated in the relevant training and be familiar with any updated selection information.

Refer to Merit Instruction 4: Training.

4.3.6 Disclosing relationships

Panellists must disclose the nature of any relationship they may have with applicants and other panellists, for example, 'none', 'working', 'personal'. In situations where an actual or possible conflict of interest exists, a panellist must not be involved in the selection process. Advice should be sought from the Ethical Conduct unit.

4.3.7 Maintaining confidentiality

Panellists must maintain confidentiality regarding information that relates to applicants, or their applications, gained as part of a selection process. This includes ensuring that documentation from the selection process is stored securely before, during and after a selection process.

Panellists may not discuss any aspect of a selection process outside the panel other than to seek advice from appropriate sources. In the first instance, this advice should be sought from the Chairperson. Where the matter cannot be resolved, or it is inappropriate to seek advice from the Chairperson, a panellist may seek advice from the Executive Director, People and Culture or his/her nominee (the Ethical Conduct unit). Members of the AEU may seek advice from the AEU President or their delegate.

Panellists may not copy or retain, for their personal use or for provision to others, applications submitted for consideration as a part of a selection process.

Applicants, when informed of the name of the first nominated applicant, are requested to keep this information confidential until the process has been finalised.

4.4 Selection process

The successful applicant will be the applicant who best meets the essential minimum requirements of the vacancy. Desirable requirements of the vacancy description may be used only to distinguish between applicants who have met all the essential minimum requirements of the vacancy description to an equal degree.

Selection must be based on a fair and transparent assessment of information gathered from a range of sources.

Panels should give careful consideration both to an applicant's demonstrated capabilities and experience and to the potential of an applicant to develop the capabilities required within a reasonable time frame. The key principle is achieving the overall best 'fit' for a vacancy based on a balanced assessment of the respective merits of applicants.

The selection methods chosen will depend on the vacancy role and required capabilities. Following the prescribed selection processes will facilitate panels' access to all relevant information required to assist them in their decision-making. Before determining a process, panels will need to consider a range of issues including effectiveness, validity, cost and equity.

Special consideration may be required for some applicants to ensure equitable participation and assessment.

A panel may decide not to proceed with further assessment of one or more applicants because they do not meet certain essential minimum requirements, either at all or to the same degree as other applicants.

Desirable requirements of the vacancy description may be used only to distinguish between applicants who have met all the essential minimum requirements of the vacancy description to an equal degree.

4.5 Disclosure of information by applicants

Applicants are required to provide accurate information to panels regarding their skills, knowledge and abilities including, where relevant, any matters of misconduct or unsatisfactory performance. Selection panels should only consider this information where it is relevant to the ability of the applicant to carry out the essential requirements of the role.

Refer to Merit Instruction 9: Disclosure of information.

4.6 Application packages

In the overwhelming majority of cases, applicants for vacancies will be required to apply for roles in writing, in accordance with the Merit Instructions.

Refer to Merit Instruction 5: Application Package.

4.7 Late applications

Late applications can only be accepted under extenuating circumstances; for example, illness of the applicant or a person they are caring for, or a family bereavement. Notification of a pending late application must be provided to the Chairperson prior to the published closing date for applications. The panel must then decide whether the application will be accepted or not. Consideration of the reasons for a late application will form the basis of the decision. A medical certificate or other form of evidence will be required in the case of illness of an applicant or person in their care.

Applications that have a postmark or email date prior to the closing time for applications must be accepted.

Once a panel had decided to accept a late application, it should be treated in the same way as other applications.

4.8 Interviews

Panels frequently use interviews as part of the selection process, although this is not mandatory. If an interview is to be used then it is mandatory that all shortlisted applicants are interviewed. It is important to ensure that participating applicants are given sufficient prior notice. This should generally be a minimum of two working days prior to the interview.

If an applicant is justifiably unable to attend an interview, an alternative time and/or method must be negotiated between the applicant and the Chairperson. In the case of inability to attend because of illness of the applicant or someone in their care, a medical certificate or other evidence is required.

If any request for delay of an interview is deemed unreasonable or undue, the panel may need to seek information from other sources to ensure the process can continue to progress.

4.9 External recruitment agencies/consultants

For some senior level vacancies, it may be beneficial to engage an external recruitment agency or consultant to assist in, or coordinate, selection processes. Reasons for engagement of an external agency/consultant may include to:

- attract high-level applicants to areas of skill shortage where a recruitment agency's industry knowledge and experience may be of benefit
- expedite recruitment processes by having an agency/consultant manage parts of the process

An agency/consultant could be involved in processes such as:

- preliminary screening of applicants where more than one vacancy is advertised or a high number of applications are received/expected
- referee checking of external applicants
- the design and administration of alternative selection methodologies

External recruitment agencies cannot solely conduct shortlisting processes and must refer the outcomes of their deliberations to the panel for further consideration. All applications should be assessed by a panel when shortlisting.

Refer to Merit Instruction 6: Procedures for the use of external recruitment agencies/consultants in filling vacancies.

4.10 Shortlisting

Shortlisting is carried out on the basis of the degree to which the applicant meets the essential criteria. The responsibility to present the panel with the relevant information in an application rests with the applicant. However, when making a decision to shortlist an applicant, panels may use referees to further explore an applicant's suitability for a vacancy.

The reasons for a panel including or excluding an applicant from further consideration, at any stage of the process, must be documented as a part of the panel report. The report should clearly show that appropriate consideration has been given to all applicants.

4.10.1 Initial shortlists

During an assessment process a panel may undertake a number of stages of assessment, and therefore compile a series of initial shortlists of applicants who are to be further assessed before a final shortlist is compiled. A preliminary assessment of applicants should be undertaken by the selection panel to determine the extent to which each meets the selection criteria. The basis for initial shortlisting is the information contained, and verified, within an application and its relevance to the vacancy description.

All applicants whose applications indicate that they meet the essential minimum requirements should be included on the initial shortlist for further consideration. If necessary, this list can be reduced to a manageable size by determining the degree to which individual applicants meet first the essential and then the desirable requirements.

4.10.2 Shortlisting for interviews

If interviews are to be held, and a large number of applicants meet the essential minimum requirements of the vacancy, it is recommended additional information is sought from referees before the panel agrees on the final list for interview. The final shortlist can then be based on the degree to which each applicant meets the essential minimum requirements of the vacancy description.

4.10.3 Appropriate consideration of experience and development potential

It is important that panels do not exclude applicants too hastily from the process without appropriate consideration of such factors as past and current experience and potential for development.

As a part of the selection process, panels are required to give due consideration to applicants who have recent relevant experience that demonstrates their ability to meet the essential minimum requirements of the vacancy. This includes those applicants with community or other experience outside the organisation, and applicants who hold or have recently performed the same or a similar role in this or another organisation. Panels should recognise that there are a range of alternative pathways into DECD, and that duration of time within the organisation is not a key consideration. Where an applicant has experience in roles at the same level or senior to the vacancy but that experience is of a different nature, a careful assessment of that experience should be conducted to identify transferable skills and knowledge.

In addition, some special consideration in the development of the shortlist must be given to specified groups including incumbents, applicants with current or previous experience in a similar role and applicants who have identified as being of Australian Aboriginal or Torres Strait Islander descent.

See Merit Instruction 10: Shortlisting

4.11 Referees

Referees provide confirmation and additional evidence of the capabilities of applicants to undertake a given role. Information from referees may be sought at any time during a selection process.

Referee checks are mandatory only where it is likely that an applicant is to be recommended for a vacancy. An applicant cannot be recommended for selection without referee contact. If an applicant, even though shortlisted, is not to be recommended, referee checks are not mandatory. Panels must clearly document any reasons deciding not to contact referees.

Questions asked of referees should be constructed to elicit information relevant to the applicant's capability to carry out the requirements of the vacancy and their potential for further development. Selection panels are also entitled to seek referee comment from any person they identify as being able to provide relevant information in respect of the applicant's suitability for the vacancy.

When providing reports, referees are obliged to provide fair and balanced comment on an applicant and, if relevant, to truthfully disclose, information relating to any proven unsatisfactory performance or misconduct by the applicant, or any current investigation.

4.11.1 Line managers as referees

Each applicant must provide at least three referees for each vacancy. For applicants who are DECD employees, this will include their current line manager. In exceptional circumstances, a DECD employee may negotiate an alternative line manager referee with the Executive Director, People and Culture. DECD applicants who do not hold a substantive position may nominate a line manager from the past 18 months who is able to comment on their work.

Panels may seek comment from any nominated referee regardless of the order in which the applicant nominated them.

Refer to Merit Instruction 7: Referees.

4.12 Recommendations

Following appropriate consideration of an applicant's skills, if the panel is confident that an applicant is suitable for appointment to the vacancy, the panel will make a provisional recommendation, in writing, to the Chief Executive or delegate that the applicant be appointed. The panel may recommend more than one applicant, with all recommended applicants ranked according to the degree to which they meet the

essential and desirable requirements for the vacancy. All recommended applicants must meet the specified essential minimum requirements of the vacancy description.

A recommendation may be made when a majority of a panel agree on the most suitable applicant for the relevant vacancy. While it is preferable that selection panels reach a consensus view as to the preferred applicant, in cases where this is not possible, the dissenting panellist(s) must submit a minority report detailing the areas of disagreement. The Chief Executive or delegate will use all information from the panel in their decision. A panel or individual panel member may contact the Ethical Conduct unit for assistance in attempting to resolve disagreement as to a preferred applicant. Members of the AEU may also approach the AEU for advice.

If the Chief Executive or delegate approves the provisional recommendation, and when the internal review period has elapsed, an offer of employment may be made to the highest ranked applicant. If that applicant declines the offer, an offer may be made to the next highest ranked applicant approved by the Chief Executive or delegate.

Recommendations for advertised vacancies of more than 12 months' duration remain active for 12 months. If the position becomes vacant again during that 12 month period, a delegate may choose to approach other recommended applicants, in order of rank.

Once the panel has reached a recommendation and the delegate approves the panel report, the Chairperson can inform the first recommended applicant of the provisional recommendation. All other applicants must then be notified of the nominated applicant and their internal review rights.

NB: Chairpersons are requested to give appropriate consideration in this matter to incumbents who have applied for the vacancy but are not the first recommended. It is generally not appropriate for such an applicant to find out that they have not been successful via the system generated email.

4.13 Making an offer of employment

When the relevant periods for internal or external review have expired, there has been no request for a review and the delegate has accepted the nomination the vacancy may be offered to the first nominated applicant. All applicants will then be notified of the appointment.

4.14 Failure to appoint an applicant

If a panel cannot recommend a suitable applicant, and the Chief Executive or delegate has approved the panel report, the selection process is considered complete and a new process may be required. The Chief Executive or delegate also has the right to decline to appoint a recommended applicant. In these circumstances the applicant may have review or appeal rights, as described in the section dealing with rights of review.

In relation to Public Sector Act vacancies or Section 101B vacancies under the Education Act, where it is established that there has been a serious breach of process, the Chief Executive or delegate may determine to do one of the following:

- not to appoint a provisionally recommended applicant, and require a new selection process be undertaken
- instruct the selection panel to reconvene to reconsider certain matters
- appoint some other applicant

In this situation DECD employees 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 2010, or directly for an external review pursuant to Section 62 and Regulation 27.

All applicants for a vacancy will be notified of a decision to undertake a new process.

4.15 Rights of review

DECD employees applying for merit-based selection vacancies may have a right to an internal review/external appeal on specified grounds dependent on their employment conditions.

Refer to the following merit instructions:

- Merit Instruction 8a: Internal review and external appeal: Education Act (promotion vacancies in the teaching service and seconded teacher vacancies) and GSE vacancies
- Merit Instruction 8b: Internal review and external review for Public Sector Act vacancies, and vacancies to which Part 7 of the Public Sector Act Applies

4.16 Communication with applicants

Applicants should be kept informed of the progress of a selection process by:

- acknowledgement of receipt of applications
- prompt notification to all applicants regarding shortlisting, the provisional nomination, and review/appeal rights
- notification to shortlisted applicants of the panel composition prior to interview, and to all applicants on request
- provision of clear information regarding the selection processes that will apply
- provision of clear information regarding any significant delays
- provision of feedback to applicants, on request

Applicants who have queries about the progress of the process should contact the chairperson of the selection panel in the first instance.

4.17 Feedback

On request, applicants will be provided with feedback that explains the reasons why they were, or were not, selected, and which includes a summary of any referee comment taken, the name of the referee and the questions asked. Where written feedback is requested, applicants should only be provided with the part of the panel report that refers to them. No comparative information should be provided. The right to feedback also applies to applicants for short term vacancies.

Applicants requesting feedback should contact the Chairperson as soon as possible after a panel recommendation has been approved, and not later than eight weeks after receiving notification of the appointment of the successful applicant. In cases where a vacancy is to be re-advertised, feedback should be restricted to the degree to which the applicant meets the essential minimum and desirable requirements in the vacancy description.

Where the Chief Executive or delegate deems that there has been a serious irregularity in a selection process, feedback will not be provided.

Feedback can only be provided by the chairperson of the selection panel or their nominee.

4.18 Documentation

Selection panels are required to prepare a panel report providing detailed information to the Chief Executive or delegate regarding a selection process. The panel report is also used for the purposes of providing feedback to applicants and as a primary source of evidence in the context of reviews/appeals.

All panellists are to be involved in determining the content of the panel report, including recommendations. The panel report must be read and signed by all panellists to signify their agreement with its content.

Where a panellist disagrees with the findings of the majority of a panel, they must submit a minority report. The Chief Executive or delegate will consider the minority report in conjunction with the panel report prior to any decision being made regarding an appointment.

A panel report must be stored securely at the site for 12 months. For selection processes involving the online Vacancy Selection and Placement system (VSP) the panel report will be stored electronically by the system.

Panellists are required to make appropriate notes throughout a selection process. These notes will be used to inform the final panel report. Panellist's notes are to be collected and held by the Chairperson once the panel has reached a decision. The notes must be stored securely at the site for a period of 12 months, after which they should be destroyed.

The Chief Executive or delegate may instruct a panel to provide additional information to that in the panel report if the report appears to be unsatisfactory.

Panel documentation, including panellist's notes may be referred to in a review and, potentially, in legal proceedings.

The panel report should include the following information:

- details of the vacancy, panellists and selection procedures
- names of applicants not shortlisted and reasons, as relevant, to the essential minimum requirements of the vacancy description
- names of, and individual comments relating to, all shortlisted applicants, as relevant to the essential minimum requirements of the vacancy description
- names of referees contacted, questions asked, and a summary of referee reports (where applicable)
- summary of the process used
- recommendations and reasons
- a comparative report comparing the relative merit of all shortlisted applicants and providing reasons for ranking and decisions, where applicable
- a minority report, where applicable

Panel reports must be written in an objective and constructive manner. The report should provide sufficient specific information explaining the decisions of the panel in relation to all parts of the process. It is not appropriate to make comments about matters not related to the essential and desirable requirements of the vacancy.

5. Roles and responsibilities

Table 3 - 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.

	<ul style="list-style-type: none"> • 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 procedure 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> <ol 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; <ol 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 Policy 2010
- 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

