

ACTPS Recruitment Policy and Guidelines



Tool 10 – JSC and SAC recruitment processes

Joint Selection Committee (JSC) Process

Principles:

1. The head of service (or delegate) must establish a JSC to fill positions where:
 - the relevant EA specifically states that a JSC must be used for recruitment of those positions or classifications; or
 - a selection process was initiated under clause B2, Review of Employment Status.
2. The head of service (or delegate) may also establish a Joint Selection Committee to:
 - Fill multiple positions with similar or identical duties to be filled from the one recruitment process.
 - Fill positions which are likely to be contested.
 - Fill positions where the recruitment process requires additional objectivity and transparency by having an external union nominated member.
 - Fill a position following a union recommendation for the use of a JSC.
3. Unless varied by the relevant Enterprise Agreement, the composition of a JSC will be a minimum of:
 - a chairperson who has appropriate skills and experience, nominated by the delegate (the chairperson);
 - a person who has appropriate skills and experience, nominated by the union(s) (the union nominee); and
 - a person who has appropriate skills and experience, nominated by the delegate from a list of employees, and agreed to by the delegate and the relevant union (the joint nominee).

Please note: Decisions based on the advice of a JSC established under clause B4 of the common core enterprise agreement are non-appealable (clause K1.4).
4. The JSC must attempt to make a unanimous recommendation to the delegate and document and provide all necessary recruitment selection documentation for consideration. Assistance should be sought from the relevant Human Resources area to assist where a JSC cannot agree on a recommendation. If the JSC is not unanimous in their decision, the JSC recommendation, if approved by the delegate, is appealable.
5. As well as appropriate skills and experience, it is expected that JSC members who are employees of the ACTPS will have completed an ACTPS recruitment training course (online or face to face) unless the delegate approves otherwise in writing due to special circumstances.
6. To facilitate recruitment training of JSC members, 'train the trainer recruitment training sessions' will be offered as part of recruitment training to assist relevant HR areas to embed the recruitment training within each directorate. Recruitment training will also be available via the ACTPS training calendar.

7. Where it is intended to fill a vacancy using a JSC, the position advertisement notification has specific written requirements under section 7(2)(e) of the Public Sector Management Standards 2016 (PSM Standards). The advertisement must include the following:
 - *Applicants should note that a Joint Selection Committee (JSC) established in accordance with the enterprise agreement provisions will assess all applications for this position.*
8. An officer may be transferred or promoted on the recommendation of a JSC under sections 96B or 87 of the *Public Sector Management Act 1994* (PSM Act) respectively. If promoted under section 87 of the PSM Act, section 29(2) requires the promotion notification to state whether the promotion is appealable or non-appealable.
9. The JSC members must, unless the delegate approves otherwise in writing, be ACT public servants or public sector members and be classified at the same or a higher classification than the position for which the prescribed selection process is undertaken (s 24(4) PSM Standards). ACT public servants or public sector member can be permanent officers or temporary employees.
10. Under section 24(8) of the PSM Standards, a member of a JSC is not subject to direction from any person or body (other than a court) in exercising a function under Part 2 'Selection Process' of the PSM Standards and the Recruitment Policy and Guidelines.

Procedure:

11. A delegate identifies a position for filling and determines the appropriate recruitment selection method.

Please Note: A Union may also make a recommendation to a delegate to form a JSC for a particular recruitment selection process. In that case, the delegate will consider the request before making their decision in writing.
12. Where the delegate determines the JSC process is the appropriate recruitment method, the formation of the JSC is initiated under the provisions of the relevant Enterprise Agreement.
13. Where possible, the delegate must nominate the chairperson and the joint nominee from a list of employees who have received recruitment training. In special circumstances, a delegate may nominate an employee who has not received the relevant recruitment training, although they must have the appropriate knowledge and skills in relation to the advertised position.
14. The relevant union must be contacted to:
 - a) advise details of the position/s to be filled;
 - b) advise the details of the JSC chairperson;
 - c) request the details of the union nominee member; and
 - d) request union agreement of the appointment of the joint nominee.
15. The relevant union must provide details of the union nominee and their agreement/non agreement to the joint nominee in writing within 5 days of request.
16. If the union does not agree, both the union and delegate must re-negotiate new JSC members within 8 days of the initial request. If agreement is not reached, the delegate may select a new recruitment method and document the reasons for their decision.

Please note: HR areas may have different processes regarding the responsibilities of some of these steps and this process should be confirmed with your relevant HR area.
17. The JSC should meet to confirm the selection criteria and recruitment process to be undertaken before commencing the recruitment selection process.
18. A scribe may be used to assist the JSC in documenting the selection process. Where a scribe or recruitment agent is used to assist with the selection process, the JSC remains responsible for the final recommendation to the delegate.

19. All committee members must declare any current or potential conflicts of interest they may have in relation to the recruitment process. This is especially important where committee members may have personal relationships with the applicants or knowledge of an applicant that may influence their decision making.
20. Once the Delegate approves advertising of the position, the advertisement must stipulate the use of a JSC for the recruitment selection process.
21. The JSC may be required to consider excess or potentially excess officers, medical redeployed and loss of eligible person status employees as part of the selection process.
22. All JSC members should participate in each stage of the selection process.
23. In accordance with 25 (3) of the PSM Standards, if a JSC member leaves the JSC before the final recommendation, a new member must be replaced in the identical way as the original JSC member. This will ensure the JSC can continue to operate under clause B4 of the relevant Enterprise Agreement and their recommendation (if unanimous) will remain non-appealable. The new JSC member should be provided with all details of the selection process to date for review and input. The leaving JSC member must not disclose any part of the selection process that has occurred outside the JSC and delegate.
24. The JSC must make a written recommendation to the Delegate regarding the outcome of the JSC recruitment selection process.
25. Where a unanimous recommendation cannot be reached, the JSC should seek to resolve any significant differences in opinion about the suitability of applicants. If the members and chair cannot reach a unanimous recommendation:
 - the selection report is finalised with the recommendation of the majority of the JSC;
 - the relevant JSC member/s can submit their own minority report and assessment to the Delegate; and
 - the recommendation will be appealable if accepted by the Delegate.
26. The Delegate may accept or not accept the recommendation by the JSC in accordance with the following provisions:
 - PSM Act, section 87(2) for promotions;
 - PSM Act, section 96B(4) for transfers at level; and
 - PSM Standards, section 8(1)(b) for appointments.
27. If the Delegate accepts the unanimous recommendation by the JSC, the decision is not appealable.
28. Where the Delegate does not accept the unanimous recommendation, any decision made regarding the recruitment process is appealable. The Delegate must provide reasons in writing for not accepting the recommendation and seek advice from the relevant Directorate Human Resources area before making this decision.

Please note: HR areas may have different processes regarding the responsibilities of some of these steps and this process should be confirmed with your relevant HR area.

29. Under section 29 of the PSM Act, all appointments, transfers and promotions must be notified in the ACT Government Gazette. Where a promotion is non-appealable, this information must be included in the notification.
30. The chair and JSC members are required to keep all their notes for any recruitment or selection process for 12 months after the recruitment decision has been finalised, as per the *Territory Records Act 2002* and the *Records Disposal Schedule*. These notes will be required in the event of an appeal or review and may also be used to provide feedback to applicants.

Selection Advisory Committee (SAC) Process

Principles:

1. A SAC must include:
 - a. a chair nominated by the head of service; and
 - b. at least two other members.
2. The chair is usually the contact officer for the position and is responsible for running the recruitment and selection process. The chair must also be at least one substantive level above that of the position that is being recruited. The chair will have an in-depth knowledge of the position and will be well placed to identify suitable applicants due to their knowledge of the position.
3. The members must, unless approved by the head of service in writing:
 - a. be public servants or public sector members;¹ and
 - b. be classified at the same or a higher classification than the vacant position.²
4. If a SAC member is not an ACT public servant or public sector member, they must be aware of the legislative framework governing recruitment and selection in the ACTPS.
5. It is also important that one of the members be outside the immediate work area (as an independent member), preferably in another directorate. There should also be diverse gender representation on the SAC to ensure different perspectives and diversity in the process. For SACs that are recruiting Aboriginal and Torres Strait Islander identified positions, there is a requirement to include an Aboriginal or Torres Strait Islander person as a member of the committee. Similarly, it is a requirement to include a Person with a Disability on a SAC when recruiting to a Person with a Disability identified position.
6. A SAC member must have the appropriate skills and experience required for the position. It is also expected that members have undertaken recruitment training, noting that most Directorates deliver their own training in addition to the whole-of-government training. At the minimum, the chair should have completed a recruitment training course to ensure they have the appropriate skills and knowledge to conduct a recruitment process.
7. SAC members should be aware of unconscious bias and direct/indirect discrimination issues.
8. While it is not prohibited, the delegate should generally not be on the SAC. If the usual delegate is on the SAC, it is recommended that another delegate be identified to consider the recommendation from the SAC.
9. A scribe may be used to assist the SAC in documenting the selection process. It is not usual practice for the scribe to be on the SAC.
10. Where a scribe or recruitment agent is used to assist with the selection process, the SAC remains responsible for the final recommendation to the delegate.
11. It is also important for all committee members to declare any conflicts of interest they may have or that may arise during the recruitment process. ³ This is especially important where committee members may have a personal relationship with an applicant or knowledge of an applicant that may influence their decision making.

¹ ACT public servants or Public Sector Members may be permanent officers or temporary employees.

² The head of service may approve a person with a lower classification if the person has specialist skills, experience or qualifications that are relevant to the position for which the selection process is undertaken.

³ Under section 9 of the PSM Act, there is an inherent requirement for all public servants to take reasonable steps to avoid a conflict of interest or declare and manage a conflict of interest that cannot be reasonably avoided.

12. If a SAC member is a referee for an applicant, the applicant's referee report must be provided in writing and to the committee prior to applications being reviewed or shortlisted.
13. Members can fill out their Directorate specific conflict of interest declaration form before commencing the selection process.
14. The chair and delegate can decide if the member should be excluded from the selection process.

Procedure:

15. A SAC must be formed when a delegate identifies a position that requires a prescribed selection process to be filled.
16. The chair of the committee must approve the selection criteria for the prescribed selection process for the position before applications are sought. The chair must seek applications for the position in the gazette but may also seek applications for the position in another way.
17. Section 8 of the PSM Standards sets out how a SAC must make a comparative assessment of the applicants based on each of their claims against the selection criteria and make a written recommendation to the delegate to select the preferred applicant on the basis of that assessment.
18. All SAC members should participate in each stage of the selection process.
19. The SAC may be required to consider excess or potentially excess officers, medically redeployed and loss of eligible person status employees as part of the selection process.
20. A member of a SAC is not subject to direction from any person or body (other than a court) in exercising a function under Part 2 of the PSM Standards or this policy.
21. If the chair ceases to take part in the deliberations of the SAC before it makes a recommendation, the SAC should be reconstituted with a new member and a new chair will be nominated by the head of service.
22. If a member ceases to take part in the deliberations of the SAC before it makes a recommendation, the SAC will be reconstituted with a new member nominated.
23. Where a unanimous recommendation cannot be reached, the SAC should seek to resolve any significant differences in opinion about the suitability of applicants. If the members and chair cannot reach a unanimous recommendation:
 - a) the selection report is finalised with the recommendation of the majority of the SAC; and
 - b) the relevant SAC member/s can submit their own minority report and assessment to the delegate.
24. The delegate may make a decision based on a non-unanimous recommendation from a SAC, however the delegate may decide to establish a new SAC in the interests of receiving a unanimous recommendation.
25. The options available to a delegate if they disagree with a SAC recommendation or if a unanimous recommendation is provided by a SAC are:
 - a) direct the SAC to undertake further selection activities; or
 - b) determine that no selection decision is made, and require the position to be re-advertised or withdraw the selection process for the position.
26. A SAC must prepare a selection report that conveys the SAC's recommendation and include enough information for the Delegate to make an informed decision. All members of the SAC and the Delegate must agree and sign (or electronically approve) the Selection Report.
27. It is the Delegate's responsibility to consider the recommendation/s contained within the report and make the formal decision to appoint, promote, transfer or engage the recommended applicant.

28. The chair and SAC members are required to keep all their notes for any recruitment or selection process for 12 months after the recruitment decision has been finalised, as per the *Territory Records Act 2002* and the Records Disposal Schedule. These notes will be required in the event of an appeal or review and may also be used to provide feedback to applicants.
29. After the completion of the selection process, the Head of Service will advise all applicants of the outcome in writing as soon as practicable.

Review

This document is an attachment to the ACTPS Recruitment Policy and Guidelines 2021 and is due for review in line with the policy.

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