

## **Decision of the European Ombudsman closing his own-initiative inquiry OI/9/2010/RT concerning the European Personnel Selection Office**

Decision

**Case** OI/9/2010/RT - **Opened on** 29/10/2010 - **Decision on** 18/05/2011 - **Institution concerned** European Personnel Selection Office ( No maladministration found ) |

On 11 March 2010, the European Personnel Selection Office (EPSO) published on its website new rules for open competitions. The Ombudsman decided to open an own-initiative inquiry into the above rules. In this respect, he asked EPSO: (i) whether the short booking period for computer based admission tests (CBTs) in new competitions was proportionate and necessary to achieve the general objective of reducing the length of the whole selection procedure; (ii) why EPSO discontinued its previous practice of sending e-mail notifications to the candidates' personal e-mail accounts; (iii) what measures EPSO took in order to ensure the same conditions for candidates in the various CBT centres; and (iv) whether EPSO would consider providing candidates with the results of the candidate satisfaction surveys or other available information which could indicate the level of candidate satisfaction.

In its opinion, EPSO explained that the measure to reduce the CBT booking period by a considerable amount was proportionate and necessary to achieve the general objective of reducing the length of the whole selection procedure. It stated that it is currently reflecting on whether to reintroduce its former practice of sending e-mail notifications in the 2011 competition for administrators. It also pointed out that every test centre complies with minimum standard conditions. Finally, EPSO agreed to make public, on a yearly basis, the global results obtained from different surveys, and to indicate the candidates' level of satisfaction.

In his decision, the Ombudsman took the view that EPSO's answers to his above questions were complete and thorough. However, as regards the practice of e-mail-notifications, EPSO did not reinstate this practice for the 2011 open competition for administrators. He thus made a further remark, asking EPSO to inform him as soon as it reinstates its above practice in open competitions. The Ombudsman also suggested that EPSO could reflect on the situation where candidates, although properly informed of the booking period, are not able to access the internet during that short period of time and thus cannot book their CBTs (for instance, because of an adequately justified illness). He made a second further remark in this regard.



## **The background to the own-initiative inquiry**

### **Preliminary remarks**

1. On 11 March 2010, the European Personnel Selection Office (EPSO) published on its website new rules for open competitions. Their objective was significantly to speed up the whole selection process – from registration to recruitment.
2. The new rules concerned, in summary, the registration of applications, the booking of admission tests, and communication with candidates. EPSO also decided to open new assessment centres for candidates to sit the computer-based tests (CBTs).
3. The application of the above new rules in Open Competition EPSO/AD/177/10 led to a number of complaints being submitted to the Ombudsman [1] . The complainants expressed concern about the new rules and EPSO's new policy for communicating with candidates. Given that, in light of the clear rules published in the notice of competition, the complainants' claims to be re-admitted to the competition were not legally sustainable, the Ombudsman considered that there were insufficient grounds to open an inquiry into the individual cases. However, the Ombudsman informed the complainants that (i) he would consider opening an own-initiative inquiry into the more general issues raised by EPSO's new rules and practices for competitions and by its policy for communicating with candidates, and (ii) the results of this possible future own-initiative inquiry would be published on his website.

### **The subject matter of the inquiry**

4. In the letter opening his own initiative inquiry, the Ombudsman put the following questions to EPSO.

- Why has EPSO reduced so considerably the booking period for CBTs in the new competitions? Please include in the answer EPSO's view as to whether this measure was proportionate and necessary to achieve the general objective of reducing the duration of the whole selection procedure.
- Why did EPSO discontinue its previous practice of sending e-mail notifications to candidates' personal e-mail accounts? Please include in the answer an explanation as to why this previous practice could not be maintained in parallel with the new obligation, stipulated in the "Guide to open competitions", that candidates should consult their EPSO account at regular intervals.
- What measures did EPSO take in order to ensure the same conditions for candidates in the various CBT test centres and thus guarantee the principle of equality between candidates?
- Would EPSO be ready to give candidates access, if they so request, to:

(i) the results of the candidate satisfaction surveys it conducts after candidates take their CBTs;  
or

(ii) any other available information which could indicate the level of candidates' satisfaction in



relation to the organisation of the tests?

## **The inquiry**

5. On 28 January 2011, EPSO submitted an opinion in response to the Ombudsman's inquiry.

## **The Ombudsman's analysis and conclusions**

### **The arguments presented to the Ombudsman by EPSO**

6. EPSO stated that Open Competition EPSO/AD/177/10 was the first competition launched within the framework of the new type of selection procedure. This new model competition encompasses fewer stages than past EPSO competitions. The rules concerning the new type of competitions were published on 9 March 2010 in the "*Guide to Open Competitions*".

7. The new model of competitions foresees two stages:

a) an invitation to the CBTs, which comprises a verbal reasoning test, a numerical reasoning test and an abstract reasoning test), and;

b) an invitation to the assessment centres, which aims to test the candidates' competencies through (i) a case study in the field in question; (ii) group exercises; iii) an oral presentation and (iv) a structured interview.

8. EPSO explained, on its website, the above stages of the new selection procedure. It also stated that the procedure would last a maximum of nine months.

9. In its reply to the Ombudsman's first question, EPSO stated that, in past competitions, candidates who registered for a competition could only book the CBTs at the end of the registration period. In the framework of the new selection procedures, EPSO wanted to combine the registration for the competition, the booking of the CBTs, and the testing during the same period.

10. After registering and validating their applications for the competition, candidates are informed of the period during which they can book their CBTs and which CBT centres they can choose from. EPSO explained that it proposes different time slots to candidates. These cover the entire testing period. For instance, a candidate can validate his/her application at an early stage of the competition and thus be among the first ones to book the CBTs. He/she can therefore choose a date to sit the tests that is as far away as possible. For the same competition, there are different time slots allowing candidates to book their CBTs. The overlapping of the registration period, the booking of CBTs, and the testing periods makes it possible for candidates who have already registered for the competition to sit the CBTs, while



other candidates are still at the registration stage. However, all candidates are offered the same number of days in which they can book their CBTs, regardless of their registration date, as long as they register within the competition deadline. CBTs can be booked via the internet, which makes it possible to do so 24 hours a day. In addition, subject to the availability of alternative dates, candidates can reschedule their CBT appointment throughout the booking and testing periods. This can be done until 48 hours before the original CBT appointment. Thus, a candidate can change the date of his/her CBTs and even choose a date outside the initial booking period granted to him/her.

**11.** EPSO pointed out that the above new rules on the first stage of the competition allow for a reduction in the overall duration of the selection procedure, which was one of the objectives pursued by the reform. The period during which candidates could take the CBTs was for instance reduced from 14 to 9 weeks. Moreover, the new system led to a higher percentage of candidates booking their CBTs when compared with the old model competitions, in which some candidates validated their applications but never booked the CBTs. Thus, reducing the booking period for each candidate did not have a negative impact on the number of candidates who booked their CBTs. It follows that this was a proportionate and necessary measure to achieve the general objective of reducing the duration of the whole selection procedure.

**12.** As regards the Ombudsman second question, EPSO first pointed out that the "*Guide to Open Competitions*" provides that communication with candidates shall take place via their EPSO accounts. The candidates were thus informed that they had to check their EPSO accounts on a regular basis. EPSO recalled that such an obligation existed also as regards competitions under the old procedure, in which correspondence with candidates took place via their EPSO accounts. EPSO explained that its old practice of sending e-mail notifications to candidates' personal e-mail accounts and of thus alerting them when new information had been posted in their EPSO accounts, proved unreliable.

**13.** In this respect, EPSO explained that, on multiple occasions, the e-mail notifications were intercepted by spam filters. Thus, some candidates never received the messages. Moreover, candidates who changed their e-mail addresses during the competition did not inform EPSO of such changes. Therefore, EPSO did not have any assurance that the e-mail notifications would reach the candidates. Furthermore, certain candidates criticised EPSO, stating that they had not received the e-mail notifications, while other candidates did.

**14.** For these reasons, EPSO decided, in the framework of its new policy, to send candidates all information relating to the competition solely via their EPSO accounts. EPSO added that, upon validating their application, candidates receive a message in their EPSO account stating that the application is being processed and that, within 48 hours of validating their application, they will receive a letter in their EPSO account informing them of the period during which they have to book their CBTs.

**15.** Nevertheless, EPSO stated that it is currently examining the possibility of returning, in the framework of the 2011 competition for administrators, to its earlier practice of sending e-mail notifications and, in addition, requesting candidates regularly to check their EPSO accounts.



**16.** In its reply to the Ombudsman's third question , EPSO explained that it is using a contractor to organise the CBTs and test centres. Every test centre complies with minimum standard conditions concerning: (i) the use of the same type of IT equipment (17cm screens), earplugs and calculators; (ii) the distance between candidates (between 60 and 80cm); the minimum size of the desks (1m per candidate). EPSO added that all these aspects concerning the test centre conditions were already dealt with in the course of the Ombudsman's inquiry into complaint 1456/2010/DK. Nevertheless, EPSO foresees to visit in the future certain test centres, such as those in Luxembourg or Brussels, before the admission tests begin.

**17.** As regards the Ombudsman's fourth question , EPSO explained that, at the end of their CBTs, candidates have the possibility to reply to a survey concerning their participation in the tests. This survey allows EPSO to assess the candidates' level of satisfaction concerning the different aspects of the competition. Given that these satisfaction surveys are an internal tool and are based on the candidates' individual and subjective evaluations, EPSO has never envisaged publishing them. However, it will assess the possibility of making public, on an annual basis, the global results obtained from the different surveys and indicating the candidates' level of satisfaction. These results would be available to all candidates.

## **The Ombudsman's assessment**

**18.** At the outset, the Ombudsman acknowledges EPSO's efforts to improve the overall quality of the EU selection procedures and their transparency.

**19.** Moreover, he considers that EPSO's answers to the questions asked in the framework of the present own-initiative inquiry are complete and thorough.

**20.** In this respect, as regards his fourth question , he welcomes EPSO's decision to make public, on a yearly basis, the global results obtained from different surveys and to indicate the candidates' level of satisfaction.

**21.** In reply to his second question , the Ombudsman notes EPSO's statement in its opinion that it is currently reflecting on whether to reintroduce its former practice of sending e-mail notifications in the framework of the 2011 competition for administrators. He also notes that, in the meantime, EPSO published the 2011 competition for administrators. On the basis of the information available, it does not appear that EPSO actually reintroduced the practice of e-mail notifications for this competition. The Ombudsman understands that the short period of time between the moment when EPSO sent its opinion to the present own-initiative inquiry and the date of launching the 2011 competition did not allow EPSO to make the necessary adjustments to the "*Guide to open competitions* " in order to allow it to reflect this change. He thus trusts that EPSO will duly inform him as soon as it reinstates the above practise for open competitions. He will make a further remark below in this respect.

**22.** As regards the length of the booking period for CBTs ( first question ) in new competitions,



the Ombudsman notes that EPSO has achieved its main objective of reducing considerably the overall length of the competition. He understands, from EPSO's explanation, that this objective could only be attained by allowing the registration of applications, the booking of the CBTs, and the actual test periods to overlap.

**23.** In this respect, he notes that EPSO duly informed all candidates, at the beginning of the competition, about the registration period and the way to register and book their CBTs. Moreover, on the basis of the statistics provided by EPSO, it appears that the measure of reducing the booking period for CBTs had a rather positive impact as regards the number of candidates who booked their admission tests. In light of EPSO's explanations, the Ombudsman considers that the above measure was proportionate and necessary to achieve the general objective of reducing the duration of the whole selection procedure.

**24.** However, the Ombudsman suggests that EPSO could reflect on the situation where candidates, although properly informed of the booking period, are not able to access the internet during that short period and thus cannot book their CBTs (for instance, because of an adequately justified illness). These candidates should not be penalised because of such exceptional and objective circumstances. He will make a second further remark below in this respect.

**25.** Finally, as regards the conditions of the test centres ( third question ), the Ombudsman recalls that EU open competitions are governed by the principle of equality between candidates. Thus, the existence of minimum standard conditions in each test centre is a prerequisite and an expression of the above principle. In this respect, even if it cannot be excluded that there were some problems regarding the conditions in certain CBT centres, EPSO's general policy concerning the test centre equipment is correct. Moreover, it appears that EPSO envisages additional measures (such as visits *in loco* ) to prevent such situations from occurring in the future. The Ombudsman considers this approach reasonable and encourages such a practise, particularly as regards the new or enlarged facilities in certain test centres.

**26.** In light of the above, the Ombudsman does not find any instance of maladministration in relation to EPSO's new policy in open competitions regarding the booking of admission tests, its communication with candidates, and the conditions in the various test centres.

## B. Conclusions

On the basis of his inquiry into the present own-initiative inquiry, the Ombudsman closes it with the following conclusion:

**The Ombudsman does not find an instance of maladministration.**

The complainant and EPSO will be informed of this decision.



## Further remarks

The Ombudsman trusts that EPSO will duly inform him as soon as it reinstates its practise of sending candidates e-mail notifications in the framework of open competitions.

EPSO could reflect on the situation of candidates who, although they have been properly informed of the booking period, are not able to access the internet during that short period and thus cannot book their CBTs (for instance, because of an adequately justified illness). These candidates should not be penalised because of such exceptional and objective circumstances.

P. Nikiforos Diamandouros

Done in Strasbourg on 18 May 2011

[1] Complaints 847/2010/TS; 868/2010/IP; 881/2010/PF; 1039/2010/ANA; 1036/2010/ELB; 1042/2010/KM; 1054/2010/IP; 1072/2010/KM; 1082/2010/DK; 1132/2010/ML.