

Decision of the European Ombudsman closing the inquiry into complaint 1719/2013/CK against the European Personnel Selection Office (EPSO)

Decision

Case 1719/2013/CK - **Opened on** 09/10/2013 - **Decision on** 05/02/2015 - **Institution concerned** European Personnel Selection Office (Friendly solution) |

The case concerned alleged irregularities relating to the 'Talent Screener' in a selection procedure organised by the European Personnel Selection Office (EPSO). The European Ombudsman inquired into the issue. Taking into account the case-law of the Civil Service Tribunal and two recent decisions of the Ombudsman, which challenged the validity of the Talent Screener in the form used by EPSO, she invited EPSO to request that the Selection Board examine the answers of the complainant and to admit him to the next phase of the selection procedure in the event that he attained the pass mark. EPSO accepted the Ombudsman's proposal for a friendly solution to the complainant's satisfaction. The Ombudsman therefore closed the case.

The background

1. The case concerns the exclusion of the complainant from a staff selection procedure.
2. The complainant, an EU citizen, took part in selection procedure EPSO/CAST/S/6/2013 in the field of educational psychology. He was excluded from the selection procedure after the first stage of what is known as the 'Talent Screener' phase, as he did not obtain the pass mark [1] . The complainant wrote to EPSO and asked that his initial score be reviewed. In reply, EPSO informed the complainant that the first stage of the procedure was purely automated and that there were many candidates who had achieved a better score than him. His initial score was therefore confirmed.
3. Dissatisfied with EPSO's reply, the complainant contacted the European Ombudsman.
4. The Ombudsman opened an inquiry into the complaint. In the course of the inquiry, the Ombudsman received the opinion of EPSO on the complaint and, subsequently, the comments of the complainant on EPSO's opinion.



Alleged failure to set out the conditions for participating in the selection procedure

The Ombudsman's friendly solution proposal

5. On 3 November 2014, the Ombudsman made a proposal for a friendly solution. When proposing the friendly solution, the Ombudsman took into account the arguments and opinions put forward by the parties [2] .

6. The Ombudsman took into account (i) the judgment of the Civil Service Tribunal in Case F-23/12 *Glantenay and others* [3] , as well as (ii) EPSO's response to two recent complaints challenging the exclusion of candidates after the first stage of the Talent Screener phase [4] . Although she noted that the present case was, to a certain extent, different from the ones she had previously examined, she invited EPSO to treat the complainant in the same way as it had treated the complainants in those cases. She therefore made a proposal for a friendly solution suggesting the following:

EPSO could consider requesting the Selection Panel to carry out an in-depth analysis of the complainant's written answers, award points for each question where the complainant answered "yes" and, if the overall mark obtained is above the relevant threshold score, to admit him to the next stage of the selection procedure.

7. EPSO accepted the Ombudsman's friendly solution proposal and stated that it would now request the Selection Panel to assess the complainant's file. The complainant was pleased with this outcome and thanked the Ombudsman.

The Ombudsman's assessment after the proposal for a friendly solution

8. The Ombudsman welcomes EPSO's constructive approach and readiness to accept her proposal. Since EPSO has taken steps to settle the matter, the Ombudsman closes the case.

Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusion:

EPSO has accepted the Ombudsman's proposal for a friendly solution to the complainant's satisfaction. The case has therefore been settled.

The complainant and EPSO will be informed of this decision.



Emily O'Reilly

Final English version of the decision on complaint 1719/2013/CK

Done in Strasbourg on 05/02/2015

[1] According to the Call for Expressions of Interest, the selection procedure consisted of two phases: phase A, "CV screening "; and phase B, "Competency test". Phase A, which was carried out solely on the basis of the information provided by the candidate in the Talent Screener section of the application form, itself consisted of two phases:

— First phase: An initial selection based on qualifications made on the basis of the answers (yes/no) ticked by the candidate and the weighting assigned to each question (on a scale of 1 to 3). The candidates who obtained the highest number of points were admitted to the second selection phase.

— Second phase: The selection board scrutinized the shortlisted candidates' answers and awarded 0 to 4 points for each answer.

[2] For further information on the background to the complaint, the parties' arguments and the Ombudsman's inquiry, please refer to the full text of the Ombudsman's friendly solution proposal available at:

<http://www.ombudsman.europa.eu/cases/correspondence.faces/en/58953/html.bookmark> [Link]

[3] Joined cases F-23/12 and F-30/12 *Glantenay and others v Commission* , judgment of 16 September 2013, not yet published in the ECR.

[4] Decision of the European Ombudsman closing the inquiry into complaint 514/2012/DK against the European Personnel Selection Office (EPSO), available at:

<http://www.ombudsman.europa.eu/cases/decision.faces/en/58055/html.bookmark> [Link]

and Decision of the European Ombudsman closing the inquiry into complaint 2045/2012/(RA)DK against the European Personnel Selection Office (EPSO), available at:

<http://www.ombudsman.europa.eu/cases/decision.faces/en/58009/html.bookmark> [Link]