



Decision in case 204/2016/DR on EPSO's alleged failure to comply with the rules of selection procedure EPSO/CAST/P/1/2015

Decision

Case 204/2016/DR - **Opened on** 08/03/2016 - **Decision on** 09/11/2016 - **Institution concerned** European Personnel Selection Office (No maladministration found) |

The case concerned an alleged failure by the European Personnel Selection Office (EPSO) to comply with the rules of a selection procedure.

The Ombudsman asked EPSO to address the complainant's concerns as a first step of her inquiry. These concerns related to the alleged provision of erroneous information about the tests under the selection procedure and a material mistake in the letters informing the complainant of the results of her tests. The Ombudsman found that EPSO's subsequent reply provided comprehensive and reasonable explanations as regards the issues raised by the complainant and that there was nothing to suggest that it did not comply with the rules governing the selection procedure in question. She therefore closed the case with a finding of no maladministration.

The background to the complaint

1. The complainant participated in the selection procedure EPSO/CAST/P/1/2015 for Financial officers.
2. On 16 September 2015, in advance of taking the tests, the complainant requested EPSO to provide her with additional information about the content of the finance competency tests, which formed part of the selection procedure.
3. On 1 October 2015, EPSO informed her that, "*besides what [was] laid down in the call [for interest], no additional information [was] available*". It also provided her with a link to sample tests.
4. On 19 October 2015, EPSO communicated the results of the preselection phase to the complainant and informed her that she had not obtained the minimum points required to advance to the next stage of the selection procedure. EPSO sent two letters on the same day, the second letter being a correction of the first one. In the first letter, the scores obtained by the complainant were listed as: i) 14.000/20 for numerical and abstract reasoning tests (pass mark: 10/20); ii) 10.000/20 for the finance competency test (pass mark: **13/20**) [1]. In the



correction letter, the scores were: i) 14.000/20 for numerical and abstract reasoning tests (pass mark: 10/20); ii) 10.000/20 for the competency test (pass mark: **13/25**) [2] .

5. On 21 October 2015, the complainant submitted a complaint to EPSO, arguing: (a) that the questions in the sample test, which she claimed were supposed to be linked to "Internal Financial Regulation", were in fact about "General Accountancy"; and (b) that the correction letter sent by EPSO raised doubts about the result of her test.

6. On the same day, EPSO sent her a reply stating: "*the latest letter applies*".

7. Dissatisfied with this reply, the complainant turned to the Ombudsman.

The inquiry

8. The Ombudsman opened an inquiry into the complaint and identified the following allegation:

EPSO failed to comply with the rules governing the selection procedure EPSO/CAST/P/1/2015 .

9. On 7 March 2016, the Ombudsman invited EPSO to address the complaint of 21 October 2015.

10. On 12 August 2016, EPSO replied to the complainant. On 22 August 2016, the complainant sent her observations on EPSO's reply to the Ombudsman.

11. In the course of the inquiry, the Ombudsman considered the information provided in the complaint, carrying out a thorough analysis of the correspondence that had taken place between EPSO and the complainant before and after the complainant turned to the Ombudsman.

Allegation that EPSO failed to comply with the rules governing the selection procedure EPSO/CAST/P/1/2015

Arguments made by the complainant and the institution

12. The complainant put forward the following arguments:

(i) EPSO provided erroneous information about the tests under the selection procedure.

(ii) EPSO's second letter communicating the results of the pre-selection tests contained an error concerning the marks obtained by the complainant in the competency test, despite being a correction.

13. In its reply, EPSO stated that its website indicated clearly that the sample tests "*are designed to give [candidates] an idea of the **type** of questions [they] may face*" and that "*to illustrate the questions in the area of financial management, questions from old CAST selections*



were used (CAST 25 or 27). This is a usual practice since EPSO cannot expose actual valid questions.”

14. As regards the alleged material mistake, EPSO explained that the typing error occurred in reference to the maximum number of points, but there was no error in the actual score of the complainant or the pass mark. Although the first letter of 19 October 2015, which stated “Competency test: 10.000/ **20** (pass mark: 13/ **20**)”, was replaced by a correction letter the same day stating “Competency test: 10.000/ **20** (pass mark: 13/ **25**)”, it was clear that the correct text should have read “Competency test: 10.000/ **25** (pass mark: 13/ **25**)”. As indicated in the Call for Expression of Interest, the maximum number of points for the Competency test was 25 and the pass mark was 13. It was clear from the detailed answer sheet annexed to the results letter that the candidate had scored 10 out of 25 questions. This typing error did not in any case affect the score or result of the test.

15. In her observations, the complainant expressed her disappointment with EPSO’s reply.

The Ombudsman's assessment

16. While EPSO’s initial reply to the complainant’s letter was not sufficiently clear, the Ombudsman notes that EPSO has now provided a more comprehensive reply to the complainant.

17. The Ombudsman also finds that EPSO’s explanations regarding the alleged erroneous information about the tests, and the material mistake in the letters on the results of the tests, are clear and reasonable. The Ombudsman notes that the complainant did not put forward any new argument or fact that would call into question the explanations provided by EPSO.

18. The Ombudsman finds that EPSO did not fail to comply with the rules governing the selection procedure in question. There is therefore no maladministration by EPSO.

Conclusion

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

There was no maladministration by EPSO in this case.

The complainant and EPSO will be informed of this decision.

Strasbourg, 09/11/2016,

Emily O'Reilly

European Ombudsman



[1] Emphasis added.

[2] Idem.