

**Comments by the European Personnel Selection Office
on own-initiative inquiry OI/5/05/PB**

The facts

On 10 October 2005 the European Ombudsman informed the European Personnel Selection Office (EPSO) that he was opening an own-initiative inquiry into access by candidates to the assessment criteria used by selection boards for written tests. On 25 November 2005 a meeting was held between the Ombudsman's staff and that of EPSO during which information was provided on competition procedures and the applicable rules.

The inquiry

As part of this inquiry, the Ombudsman has now presented his initial findings, on which he seeks EPSO's views.

As the Ombudsman sees it, selection boards lay down, or may lay down, three types of criteria for assessing written tests:

- A. General criteria based on the requirements of the competition notice concerning the purpose and/or content of the test
- B. Criteria for the award of marks, such as the weighting of questions; these are indicated implicitly but clearly in the Guide for selection boards and selection committees
- C. Criteria in the form of instructions for marking written tests.

Having outlined the above three criteria and explained what, in his opinion, they consist of, the Ombudsman would like to have EPSO's views on this breakdown and on whether or not candidates may be given access to these types of criteria.

Comments

As is clear from the terms of the own-initiative inquiry, the Ombudsman is seeking EPSO's views as to what information should be given to candidates on their performance in written tests.

With regard to this type of test, it is worth pointing out that, when a selection board lays down criteria for assessing written tests, all it does is seek a consensus among its members on all the relevant factors enabling such an assessment to be made, bearing in mind, of course, the purposes specified in the competition notice.

Whereas the competition notice defines the purpose of a test in general terms, each selection board should still be able to confer in order to pinpoint the qualities or knowledge the possession of which it considers to be necessary in order to satisfy the requirements of each written test.

At all events, as far as such tests are concerned, EPSO would stress that all these factors are already mentioned in the assessment sheets that are available to candidates on request. Consequently, it considers that there is no need to take any further action with regard to access to the criteria referred to at (A) in the inquiry document.

Turning now to the information referred to at (B), EPSO would like to make a clear differentiation from the general criteria mentioned at (A) relating to the requirements of the competition notice. The general criteria mentioned at (A) are not covered by the need for secrecy and must be communicated to candidates so that they are aware of all the factors on which the selection board bases its assessment and can, if necessary, challenge that assessment.

However, when it comes to written tests, whether on a general subject, a case file or a translation, the selection board must lay down, depending on the nature of the competition and/or the field covered, a marking grid – also based on factors imposed by the competition notice – but which may take account of other factors, such as:

- a) certain criteria that will serve as a framework for the persons marking the tests;
- b) the scale for assessing marks; and
- c) standards for ensuring equal treatment of candidates.

The documents referred to at (B) and (C) in the own-initiative inquiry have always been considered by the case law to involve comparative assessments by the selection board of candidates' respective merits, and hence to be covered by the secrecy of the board's proceedings.

In explanation of the reasons behind this case law, EPSO would point out that there is a clear distinction to be made between, on the one hand, the objective factors which help to supplement the general criteria laid down in the competition notice and, on the other, the correction criteria which enable the marks to be determined.

The qualities or knowledge needed to satisfy the requirements of each test are objective factors which help to supplement the general criteria laid down in the competition notice. By contrast, the correction criteria which enable the marks to be determined are designed to improve the conduct of a selection board's internal discussions and are related to factors linked to candidates' personal performance.

These latter factors stem from selection board members' assessments and from candidates' individual qualities. Consequently, they cannot be explained without knowing the performance level of all candidates.

The example mentioned in the own-initiative inquiry concerning translation tests is a good illustration of this difference. Thus, in the context of a translators' competition, a selection board might well decide not to penalise the absence of accents.

Such a decision could not for all that become a criterion communicable to candidates. It would merely be the result of a finding as to a very low level of linguistic knowledge on the part of candidates, obliging the selection board to relax its correction criteria.

Clearly, however, communicating such a criterion to candidates would have the effect of presenting it as being the level of ability required of officials for the purposes of Article 27 of the Staff Regulations, which might be misleading.

A selection board that adopted such a hypothetical decision would have done so as part of a specific competition taking account both of the needs of the departments and of the average

level of performance of the candidates, which is why only those who have had the opportunity to assess the overall performance of all the candidates would be in a position to understand it and judge it to be fair.

Consequently, the communication of such correction criteria is inappropriate in so far as it may not altogether correspond either to the qualities or to the knowledge needed to satisfy the objective requirements of the tests.

Attention should also be drawn to the fact that each selection board is a body independent of the administrative authority and that it is bound only by the wording of the competition notice, which may well lead, depending on the nature of the competition and the number of applications received, to widely differing practices from one competition to another. This is further illustration of the risk involved in publishing correction criteria and marking grids, which might mislead candidates into thinking that these same criteria/grids will be applied in any subsequent competition of the same type.

From a rather more practical point of view and bearing in mind the independence of selection boards, EPSO would add that it cannot be ruled out that the correction criteria, which the Ombudsman would like to see communicated, may not be adopted at all by the selection board. Such would be the case where, for example, a selection board decided to distribute scripts for correction among its members, to adopt subsequently provisional correction parameters and to get together later to discuss the said correction at a full meeting. In that event, the final correction would be done only at the full meeting, on a case-by-case basis and subject, where necessary, to adaptation of the said provisional parameters.



In conclusion, EPSO considers that the assessment sheet as currently drawn up (as in the case of competition EPSO/A/19/04, to which the Ombudsman refers by way of example) contains additional elements which may be of help and use to candidates by increasing their understanding of those aspects of their written tests which have been evaluated and taken into consideration by the selection board. This therefore complies with the Ombudsman's request that access be given to the criteria mentioned at (A) in his own-initiative inquiry.

Any other information (such as the criteria mentioned at (B) et (C)) would go beyond the limits laid down by the Staff Regulations and the case law and might even involve a risk of "false" information misleading candidates, who might suppose that these same criteria apply permanently to all competitions in such and such a field, for which a "new" selection board might - justifiably - lay down different criteria from those used for an earlier competition.