# Notable Case

**Potential conflict of interest; unevenly weighted recruitment process**

Date of Decision: 11 July 2016

## Overview

The employee appealed a promotion decision on grounds including:

* a perceived and/or real conflict of interest; and
* a breach of the Recruitment and Selection directive[[1]](#footnote-1) in relation to weighting of selection techniques for the assessment of merit.

All candidates interviewed were internal staff who had worked with the Panel Chair. However the employee alleged a longstanding friendship between the Panel Chair and the successful candidate had not been declared and the Panel Chair failed to remove themselves from the panel. The agency responded that the Panel Chair had identified their relationships with candidates at the commencement of the process and it had been agreed that the Chair would not provide any information of their working history or prior knowledge of candidates.

The employee also argued that the panel only took into account interview performance, and failed to consider the employee’s work history, experience and qualifications. The agency was able to provide the selection report showed that the employee’s work history, qualifications, general work background and interview responses had all been taken into consideration.

## Decision

The appeal was dismissed. The Appeals Officer stated that the Panel Chair had correctly identified the potential conflict of interest and that their inclusion on the panel was not unusual given their work knowledge.

## Implications for agencies

There are limitations on what may be appropriate in terms of the relationship between a member of a panel and an applicant (for example, it is unlikely to be appropriate to be on a panel considering the merit of a close friend or family member). However, the merit principle can be satisfied where a Panel Chair has prior working knowledge of one or more of the candidates.

Selection panels should agree on processes to address potential conflicts of interest.

A selection process need not separately weight the stages provided the overall agreed assessment process adequately considers the merit of candidates.

1. Section 10.2(a) and (b) of Directive 15/13, *Recruitment and* Selectionprovides that assessment processes must incorporate selection techniques that enable a sufficiently comprehensive assessment of the applicants’ merit within the current context and duties of the role, and consider all merit information given before the selection panel. [↑](#footnote-ref-1)