

Recruitment and Selection Policy and Business Processes - NSW Health Service

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Functional Sub group Personnel/Workforce - Recruitment and selection

Summary This document provides the NSW Health Service policy on recruitment and selection, as well as a step-by-step guide for any staff in the NSW Health Service involved in recruitment and selection processes. It aims to ensure that the best possible person is selected for each position; that appointees to positions have the appropriate competence, experience and, where required, professional registration; and that all recruitment and selection processes meet all relevant statutory requirements, are consistent, fair, timely and efficient, and are able to withstand external scrutiny.

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Vacancies - Public Sector Exemptions from PEO Circular 96/27 [PD2005_433]
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Compliance with this policy directive is mandatory.

**RECRUITMENT AND SELECTION:
POLICY AND SUPPORTING
BUSINESS PROCESSES**

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1. Introduction

1.1 How to use this document

This document provides the policy on recruitment and selection for the **NSW public health system**, as well as a step-by-step guide for staff involved in recruitment and selection processes.

All recruiters should read section 1.2 *Purpose and scope* for general information on who this document applies to and what information it covers. All recruiters should also read section 1.3 *Definitions*. Knowing and understanding the definitions of terms as they are used in this document is necessary to ensure compliance with relevant legislation and policies.

The rest of the document follows the recruitment and selection process flow. While not all processes outlined in this document will apply to all recruitment situations, the document has been structured so that it leads recruiters through all possible steps to allow them to consider which of those steps are relevant to their particular situation, and which policy considerations are relevant at each step.

There may be some minor variations in the order in which different recruiters follow the business processes. However, many of the processes can only be started once the previous process has been completed. The document clearly states where this is the case.

Relevant policy provisions and related considerations for each business process are outlined in the right hand column, with references to relevant legislation, NSW Health policies, and other information and assistance listed in the left hand column. Terms that have been defined under section 1.3 have been bolded.

In this document the term

- **must** – indicates a mandatory action required by law, industrial instrument, or Departmental policy directive
- **should** – indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

Additional supporting tools for use by HR staff and line managers (a list is attached at the end of this document) is available to download from the NSW Health intranet at <http://internal.health.nsw.gov.au/jobs/recruitment/recruitselect.html>.

All current NSW legislation is available at <http://www.legislation.gov.au>.

All current NSW Health policies are available at <http://www.health.nsw.gov.au/policies.index.html>.

1.2 Purpose and scope

What is the purpose of this document?

Recruitment and selection is crucial to ensuring that the **NSW public health system** can attract and retain a skilled workforce that will allow it to continue providing quality health services to the people of NSW.

Accordingly, the purpose of this policy directive is to ensure that all recruitment and selection processes in the **NSW public health system**:

- ensure that the best possible person is selected for the job
- ensure that appointees to positions have the appropriate competence, experience and, where required, professional registration
- meet all relevant statutory requirements
- are conducted in a timely manner
- are able to withstand external scrutiny.

Refer to the current NSW Health [Code of Conduct](#).

In addition, the document aims to ensure that the decisions, actions and behaviour of staff involved in recruitment and selection processes comply with the NSW Health Code of Conduct, and are based on the public sector values of:

- competence
- courtesy and respect for individuals
- cultural sensitivity
- ethical behaviour
- fairness and impartiality
- transparency, openness, honesty and accountability
- responsibility
- efficiency and effectiveness.

It is particularly important that recruitment and selection processes are conducted promptly and that the process flows in a timely manner. There should not be long gaps in the process, as this can result in loss of interest in the position, or loss of good applicants. A recommended time frame for the recruitment and selection process is included at web tool 1.3, and managers should ensure that these time frames are met, as far as practicable.

What processes does this document cover?

The scope of this document is limited to the actual recruitment process, from the decision to fill a vacancy to the acceptance of a job offer by the successful applicant, and appeals.

Who does this document apply to?

This document applies to all recruitment and selection processes in the **NSW public health system** where employment will be permanent or temporary for over 13 weeks, except those listed below.

All potential staff (including casual and temporary) must still be assessed as to their suitability to perform the duties of the vacant position.

Refer to:

- [Health Industry Status of Employment \(State\) Award](#)
- NSW Health policy on [junior medical staff recruitment](#)
- NSW Health policy on [the appointment of staff specialists](#)
- NSW Health policy on [the appointment of visiting practitioners](#)

This document does not apply to:

- **casual** employment – refer to Web appendix 1.1
- temporary employment for a period not exceeding 13 weeks – refer to Web appendix 1.1. Where a short-term vacancy progresses beyond 13 weeks, and where there is an ongoing need to fill it either temporarily or permanently, it must be advertised or otherwise filled in accordance with this policy.
- Health Executive Service - refer to the Department's HES Unit
- staff specialists – refer to the current NSW Health policy on the appointment of staff specialists
- visiting practitioners – refer to the current NSW Health policy on the appointment of visiting practitioners.

Note: Other policies referred to in this policy may apply to all employment eg employment screening.

For junior medical officer (JMO) recruitment, refer to the JMO recruitment policy directive for the current year.

Relationship to industrial awards

When filling vacancies, **employers** must also refer to the relevant industrial awards or determinations. Where this policy directive differs from the conditions set out in relevant award or determination, the award/determination conditions will take precedence. NSW Health industrial awards and determinations are available at <http://www.health.nsw.gov.au/jobs/empcond/classifications.html>

1.3 Definitions

Aboriginal person

Refers to an Aboriginal or Torres Strait Islander person. An Aboriginal person or a Torres Strait Islander is a person who is:

- of Aboriginal or Torres Strait Islander descent
- identifies as an Aboriginal or Torres Strait Islander
- is accepted as such by the community in which he or she lives.

Refer to:

- NSW Health [awards and determinations](#)

Casual staff

Refers to persons who may be engaged on an hourly basis for a period not extending beyond one week to provide services related to the unexpected absence of permanent or temporary staff. There is no expectation of continued employment beyond the provision of the services required at the time. Refer also to relevant awards.

Refer to:

- NSW Health [Code of Conduct](#)
- NSW Health policy on [Conflicts of interest](#)

Conflict of interest

Exists when a person involved in the recruitment and selection process (eg selection committee member, selection decision-maker etc) could be, or could be seen to be, influenced by a personal interest or relationship in carrying out their public duty.

Culling or short-listing

The initial assessment of applicants by the selection committee against the **selection criteria** to determine their progress to the next stage of the selection process.

Refer to:

- [Anti-Discrimination Act 1977](#)

Discrimination

Discrimination under the *NSW Anti-Discrimination Act 1977* and/or Commonwealth anti-discrimination legislation occurs when an applicant is, either directly or indirectly, treated less favourably than someone else on the basis of their race, sex (including pregnancy), transgender, marital status, disability, carers' responsibilities, homosexuality or age.

Division of the NSW Health Service

Staff employed in or in connection with an area health service, a statutory health corporation, or a declared affiliated health organisation; in connection with the provision of ambulance services; or in connection with public health organisations providing corporate and other health support services to those public health organisations.

EEO - Equal Employment Opportunity

Provides that all applicants, regardless of their background or circumstances, have equal access to information about vacant positions, and an equal right to be considered for vacant positions on their merit as relevant to the requirements of the job.

Refer to:

- [Anti-Discrimination Act 1977](#)

EEO groups

EEO groups are people affected by past or continuing disadvantage or **discrimination** in employment on the basis of their race, sex (including pregnancy), transgender, marital status, disability, carers' responsibilities, homosexuality or age.

Eligibility list

A list of people who, following a competitive selection process for an advertised vacant position, were not appointed but are deemed suitable for the position and have demonstrated the greatest merit relative to other applicants. An eligibility list may contain one or more people, ranked in order of merit.

An eligibility list may apply not only to the position for which it was created, but also to other vacant positions (regardless of location) that are substantially the same and have substantially the same selection criteria. This may include a particular class of positions experiencing recurring vacancies, if so determined by the Chief Executive or delegate. Refer also to the relevant awards.

- Section 15 of the [NSW Health Combined Delegations Manual](#)

Employer

For the purposes of this document, means any person authorised to exercise the functions of the employer of staff to which this policy applies.

Employment documentation

Refers to any correspondence provided to a prospective staff member regarding their future employment eg letter of offer, letter of employment, employment contract etc.

Fairness

Treating a person in a way that is right or reasonable, or treating a group of people equally, and not allowing personal opinions to influence one's judgement. Fair treatment does not always mean treating everyone exactly the same, but rather considering the individual circumstances of each case to ensure that the outcome is equitable.

Refer to:

- [NSW Health policy on employment health assessment](#)

Health assessment

Evaluation of a person's fitness to carry out the **inherent requirements** (duties) of the position, without endangering the health and safety of the public, other staff, or themselves. Health assessments may be done through health declarations, screening tests, medical examinations etc.

Inherent job requirements

Those duties and responsibilities of the job that are fundamental, intrinsic or essential to the position. Inherent job requirements refer to tasks themselves rather than methods of undertaking tasks.

Merit selection

Selection of the best available person for a position through open competition. Selection is based on the abilities, qualifications, experience, standard of work, performance and personal qualities of a person, as is relevant to the nature and inherent job requirements of the position.

Refer to:

- [Health Services Act 1997](#)

NSW Health Service

Consists of those persons who are employed under Chapter 9, Part 1 of the *Health Services Act 1997* by the Government of New South Wales in the service of the Crown.

Refer to:

- Section 6 of the [Health Services Act 1997](#)

NSW public health system

Consists of all area health services, all statutory health corporations, and all affiliated health organisations in respect of their recognised services, as well as the Ambulance Service of NSW, Institute for Medical Education and Training, Health Technology and Health Support.

Occupational illness or injury

Illness or injury obtained in the course of work, which therefore falls under workers compensation legislation.

Refer to:

- NSW Health policy on [employment health assessment](#)
- NSW Health policy on [employment of people with physical disabilities](#)

Reasonable adjustment

The practice of making adjustments to a job or workplace to allow a person with a disability to use their skills effectively. Adjustments can range from modifications to interview techniques and from work design to alterations to facilities etc.

Refer to:

- NSW Health policy on [injury management and return to work](#)
- NSW Health policy on [managing displaced employees](#)

Redeployment

Placing an existing member of staff to a new job for which they are deemed suitable where:

- an occupational illness or injury prevents them from continuing in their current position or
- their position has been deleted and they are deemed displaced/excess.

Referee checks

Seeking employment related information about an applicant from present or past supervisors or other people with a direct personal knowledge of the applicant's conduct and performance at work. Such work need not be paid employment.

Selection criteria

Describe the skills, knowledge, experience and, where required by legislation or an industrial award, qualifications necessary for performing the **inherent requirements** of the job. Selection criteria are used to assess the suitability of all applicants for the position.

Note: In accordance with current NSW Government policy, selection criteria is not divided into 'essential' and 'desirable', but include the essential requirements only. This will not only encourage all eligible candidates to apply for each vacancy, but will also ensure the objectiveness of the selection decision.

Structured interview

An interview where the principal questions or areas for questioning are pre-determined in line with the **selection criteria** to be addressed in the interview. The interview can also include a strategy or method for scoring and comparing the answers of interviewees. Structured interviews have been shown to have a greater predictive validity than unstructured interviews.

Refer to:

- [Anti-Discrimination Act 1977](#)
- 'Exceptions and exemptions' at the [Anti-Discrimination Board website](#)

Targeted positions

A **targeted** position lists membership of a particular **EEO group** as one of the **selection criteria**, and is available only to suitably qualified members of that particular **EEO group**.

The *NSW Anti-Discrimination Act 1977* provides for a number of *exceptions* to the discrimination provisions where being of a particular **EEO** background is a 'genuine occupational qualification' (ie an **inherent job requirement**) for a position eg advertising for a woman to clean female toilets if the toilets are to be cleaned while in use by women. Such positions are often referred to as **identified** or **designated** positions.

In other circumstances, an *exemption* under sections 126 or 126a of the Act must be sought and granted if it is proposed to **target** a position to a particular **EEO group** (and therefore discriminate against the others). To obtain an exemption, an agency must show that the **targeting** of the job will help redress past or present injustices experienced by the particular group in a specific occupation or area of employment.

Transparency

Being open and clear about the factors influencing recruitment and selection decisions and the process by which those decisions are made. To ensure transparency, all decisions must be properly documented.

All selection documentation containing personal information about the applicants must be treated confidentially both by the selection committee and other staff involved in managing the recruitment process.

Refer to:

- NSW Health policy on [employment health assessment](#)
- NSW Health policy on [employment of people with physical disabilities](#)

Unjustifiable hardship

Where **reasonable adjustment** to a workplace or job would present indefensible or unwarranted difficulties for an employer. Consideration should be given to the cost of the adjustment required, the organisation's financial situation, and the potential benefits and/or impact of the adjustment to others in the workplace.

2. Review of position information

2.1 Introduction

When a decision is made to fill a vacancy, a number of key activities or business processes should take place prior to advertising the position.

It is very difficult to meet the objectives of this policy directive without accurate, up-to-date and relevant information about the position. Position information will form the basis for the advertisement, the applicant information package, and the criteria used by the selection committee to assess the suitability of applicants for the position.

This information is usually covered in a range of documents including the position description, job demands, **inherent requirements**, **selection criteria**, the job evaluation report, etc. Therefore the key activities prior to advertising will include review of the position documentation to ensure it is accurate and up to date. (See checklist at Web appendix 2.2.)

2.2 Review position documentation

When reviewing the position documentation, the following questions will assist in identifying whether amendments are needed:

For further information, refer to:

- Your HR staff
- [Merit Selection Guide for Public Sector Panels \(OEED\)](#)
- [Merit Selection Online Refresher Training \(OEED\)](#)

- Your OHS staff
- NSW Health policy on [employment health assessment](#)
- NSW Health policy on [pre-employment screening of security staff](#)
- [Australian Psychological Society](#)

- NSW Health policy on [qualifications for senior financial management and accounting positions](#)
- relevant [legislation](#)
- relevant [industrial award\(s\)](#)

- NSW Health policy on [employment screening and review](#)
- NSW Health policy on [occupational assessment, screening and vaccination against infectious diseases](#)

- *Have the duties, responsibilities and accountabilities for the position changed?*
- *Have the **inherent requirements** of the job been identified and are they up-to-date?*
- *Have the skills, knowledge and experience to be used in the job changed?*
- *Is information related to the employer and/or the relevant organisation, facility, department or unit still relevant and up-to-date?*
- *Have the physical, psychological or sensory demands of the job tasks changed (see Web Appendix 2.1)?*
- *Are the methods for determining whether an applicant meets the physical, psychological or sensory demands still relevant?*
- *Are any educational, trade or professional qualifications referred to in the position documentation still required under law or an industrial award, and are the references up to date?*
- *Are any other/new educational, trade or professional qualifications required for the position by law or an industrial award?*
- *Is any requirement for the length of relevant previous work experience still required by law or an industrial award, and is the reference up-to-date?*
- *Are there any other/new requirements on the length of relevant previous work experience set by law or an industrial award?*
- *Have any professional registrations/authority to practice requirements changed, and are the references up-to-date (see Web appendices 4.3 and 4.4)?*
- *Are references to criminal record checks or working with children checks still relevant to the position?*
- *Does the position documentation identify the correct occupational vaccination risk category for the position, and include supporting explanatory documentation (see the current NSW Health occupational assessment, screening and vaccination policy)?*

- your HR or equity staff
- your Aboriginal Employment Coordinators
- representatives of the relevant EEO groups
- [NSW Anti-Discrimination Board web site on exemptions from the Anti-Discrimination Act](#)
- relevant [legislation](#)

- relevant [industrial award\(s\)](#)

- *If the position is identified as a **targeted position**, is this still accurate and/or relevant? Has the appropriate exemption from the NSW Anti-Discrimination Act 1997 been obtained, if required?*
- *If the position is not a '**targeted**' position, should it be?*
- *If there are references to the position requiring an understanding of a particular community, or cultural sensitivity, are they still relevant and up-to-date?*
- *If there are no references to the above in the current position documentation, should there be?*
- *Are any references to legislation still relevant and up-to-date?*
- *Does position documentation meet all relevant organisation or NSW Health content and format requirements eg position description templates etc?*
- *If the job has changed significantly, is the title, remuneration and grading/classification of the position still appropriate?*

In addition to the supporting material listed on the left, a range of actions can help determine the answers to the above, such as:

- review an up-to-date organisation chart
- review records of any recent exit interviews in relation to the position
- talk to those who may have recently acted in the position
- talk to those reporting to, and/or supervising/managing the position
- where possible and practicable, talk to those to whom the position provides or oversight services to, be they internal (other staff) or external clients (patients)
- seek advice from relevant policy, planning and/or public affairs personnel to determine if advice being provided about the organisation is accurate and up-to-date
- Arrange for the position to be re-evaluated to determine its grading and remuneration level, if necessary.

2.3 Review selection criteria

Selection criteria are a key component of a transparent, **fair** and effective recruitment and selection process. It is therefore crucial to ensure that they are up-to-date, objective, measurable and strictly job-related.

They should also be clear, concise and easy to understand. As a general rule, **selection criteria** should be limited to about 6-8 requirements. Long and complex **selection criteria** may prevent potential applicants, who may be well qualified for the position, from applying. *While drawn from the position documentation, **selection criteria** are separate from it.*

*When determining/reviewing **selection criteria**, the following should be considered:*

- *What are the skills, knowledge and experience required for performing the **inherent requirements** of the job?*
- *Have skills that can be learned in a reasonable time on the job been excluded?*
- *What are the physical, psychological or sensory requirements that are necessary for performing the **inherent requirements** of the job?*
- *Are there any educational, trade or professional qualifications that are a legal or award requirement for the position? If not, have such references been excluded eg nursing qualifications for a clinical information system position that could be done by a wider pool of applicants?*

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- Are there any legal or industrial requirements in relation to the length of previous work experience in the profession? If not, have such references been excluded?
 - Are there any professional registrations/authority to practice requirements for the job?
 - Where allied health professions are not represented by NSW health professional statutory boards, is membership of the relevant state or national professional association included in the **selection criteria**?
 - What are the vaccination requirements for the position?
 - Is the position **targeted** to a particular **EEO group** eg membership of an **EEO group** is an inherent requirement, or does it require an understanding of such a group?
 - Is any preference or availability to work in particular locations clearly excluded from the **selection criteria**? Please note that any preference matching should take place after **merit selection**.
 - Are the **selection criteria** strictly job-related?
 - Is any aspect of the **selection criteria** less favourable to a particular **EEO group(s)** than to others?
 - Does the **selection criteria** include common NSW Public Sector **selection criteria** on equal employment opportunity (**EEO**), ethical practice, Ethnic Affairs Priorities Statements (**EAPS**), and Occupational Health and Safety (**OHS**)?
 - Are the **selection criteria** written in plain English, and not unduly long or complex?

Where a professional qualification would enhance the capacity of the applicant to undertake the duties of the position, but is not required by law or an industrial award, include the following: *A degree in a relevant field, or equivalent work experience or a combination of study and work experience.*

Note: If the selection criteria specify qualifications that are not required by law or an industrial award, prior approval to include such qualifications must be sought from the Director-General.

3. Advertising

3.1 Introduction

Once all position documentation has been updated, and approval obtained for filling of the vacancy, it should be determined how the position will be filled.

The best field of applicants is usually obtained through opening vacant positions to competitive recruitment by advertising. This is also consistent with NSW Health's commitment to **fairness** and equity.

However, in certain circumstances the position may be able to be filled without advertising. Therefore, prior to opening the position to competitive recruitment, a number of business processes must be taken to ensure that these options are explored first.

3.2 Explore redeployment

Injured staff

Where occupational illness or injury prevent a member of staff from returning to the duties of his/her existing position, workers compensation legislation requires that, as far as practicable, every effort is made to place the staff member into another more suitable position of similar grading, classification and remuneration.

Therefore, the possibility of placing such staff to vacant positions, either temporarily or permanently, should be explored prior to opening the position to competitive recruitment.

*In determining whether the vacancy can be filled through **redeployment** of an injured staff member, the following should be considered:*

- *Are there any suitable staff within the **Division** who are prevented by occupational illness or injury from returning to the duties of their existing position either permanently or temporarily?*
- *If yes, do any of the injured staff meet the **selection criteria** for the vacant position, or can they demonstrate a capacity to meet the criteria within an agreed period, and, if necessary, supported by training?*
- *If yes, are the duties of the vacant position consistent with medical opinion regarding suitable duties for the staff member, and with the requirements of the staff member's injury management plan?*

Displaced/excess staff

In accordance with NSW Government and NSW Health policy, employers must take any reasonable steps to assist displaced/excess staff to be redeployed into meaningful employment as soon as possible. The NSW Health policy on managing displaced staff outlines the processes for this, including any provisions for priority of employment.

Any decision to redeploy an injured or displaced/excess staff member to a vacancy must be based on a fair and unbiased assessment of the candidate's individual circumstances and suitability for the position. Therefore, it is recommended that an assessment committee be established to interview the candidate(s). Any decision in relation to the redeployment of a staff member must be appropriately documented.

For further information, refer to:

- Your OHS staff/return-to-work co-ordinator
- NSW Health policy on [injury management and return-to-work](#)
- [Workplace Injury Management and Workers Compensation Act 1998](#)

For further information, refer to:

- Your HR staff
- NSW Health policy on [displaced employees](#)
- Section 86 of the [Public Sector Employment and Management Act 2002](#) + Section 15.21 of the [NSW Health Combined Delegations Manual](#)
- Section 87 of the [Public Sector Employment and Management Act 2002](#) + Section 15.20 of the [NSW Health Combined Delegations Manual](#)
- Section 116c of the [Health Services Act 1997](#)
- The NSW Health [redeployment registry](#)

3.3 Review eligibility list(s)

Where **redeployment** has not been successful, and prior to advertising the vacancy, the use of any existing eligibility lists to fill the position should be explored.

Used appropriately, **eligibility lists** provide an efficient and cost-effective way to meet staffing requirements while still complying with equity principles. Eligibility lists do not have to be used if, in the circumstances, it seems fairer or more appropriate to conduct a fresh selection process or take other administrative action.

For further information, refer to:
- Your HR/Equity staff

*In considering the possible use of **eligibility lists**, the following questions are relevant:*

- *Are there any **eligibility lists** specifically set up for the relevant class of positions within the facility or organisation?*
- *Are there any other suitable **eligibility lists** within the facility or elsewhere in the organisation?*
- *Are the **eligibility lists** still current ie, as a guide, not older than 12 months for base grade positions, and around 6 months for other types of positions?*
- *Do the eligibility lists comply with any relevant award provisions?*
- *Are the **inherent requirements** and the **selection criteria** for the position for which the **eligibility list** was established substantially the same as those of the current vacancy? It should be noted that location and employment status are not **inherent requirements** of the job.*
- *Is it reasonable to assume that the quality of the applicant pool is substantially the same as it was at the time of the original selection process? Some potential triggers for change may include a major restructure/increase in displaced staff, end of the academic year, a significantly different geographic location etc.*

Where a suitable **eligibility list** is identified in accordance with the above, the people listed should be offered employment in the order they appear on the list eg order of merit. Prior to an offer being made, any employment screening must be undertaken as required by the current NSW Health employment screening policies. (See section 6. Post-selection processes.)

If a vacancy is filled from an **eligibility list**, applicants who would have right of appeal must be advised of the appointment.

3.4 Review further options for appointment without advertising

Once the option of **redeployment** has been exhausted and the possibility of using **eligibility lists** explored, there may be certain other circumstances where appointments can be made without advertising or re-advertising.

Temporary appointments for over 13 weeks

It should be noted that temporary appointments under 13 weeks are not covered by this policy (refer to Web appendix 1.1).

Temporary appointments for over 13 weeks can be made without advertising:

- in accordance with any relevant provisions of the relevant industrial award, or

- as a temporary transfer or assignment in accordance with the provisions of the *Public Sector Employment and Management Act 2002* (NSW public sector staff only), or
- with the approval of the Director-General, or where delegated, Chief Executive or delegate, in certain circumstances.

Before such an appointment without advertising can be approved, the following should be confirmed:

- *the appointment is limited to no longer than 12 months. If it is planned that the position will eventually be advertised, a shorter temporary appointment should be considered so as not to give one person an unfair advantage in the future merit selection process.*
- *the position needs to be immediately filled to ensure that services are provided*
- *the appointment is necessary in light of the overriding responsibility of the Director-General/Chief Executive to act in the public interest*
- *it can be demonstrated that funds are used efficiently and in compliance with relevant award conditions.*

Permanent appointments

Permanent appointments can be made without advertising/re-advertising:

- as employer-sponsored permanent transfers in accordance with the provisions of the *Public Service Employment and Management Act 2002* (NSW public sector staff only), or
- with the approval of the Director-General, or where delegated, Chief Executive or delegate, in certain circumstances.

Before such an appointment can be approved, the following should be ascertained:

- *The position was advertised as a permanent position in the preceding six months with no suitable applicant found.*
- *The **inherent requirements** and **selection criteria** for the position have remained substantially the same.*
- *It is reasonable to assume that the market has not changed substantially since the position was advertised. Some triggers for change may include a major restructure/increase in displaced staff, end of the academic year, a significantly different geographic location from the original position etc.*
- *There is an occupational shortage either across the state or within the geographic area covered by the organisation for this type of position.*
- *It is in the public interest to have the position permanently filled to ensure continued effective provision of services to the community.*

Any appointment under this section should follow the business processes outlined in section 5 *Selection*, as appropriate. The purpose is to ensure a fair and unbiased assessment of a potential appointee's suitability for the position.

Once **redeployment** options and any **eligibility lists** have been reviewed, and unless the circumstances of the vacancy meet the above criteria for filling without advertising or re-advertising, the vacancy should be opened to competitive **merit selection**.

For further information, refer to:

- Your HR staff
- [the relevant award\(s\)](#)
- NSW Health policies on [secondments](#)
- Section 116c of the [Health Service Act 1997](#) + Section 15.11 of the [NSW Health Combined Delegations Manual](#)
- Section 86 of the [Public Sector Employment and Management Act 2002](#) + Section 15.21 of the [NSW Health Combined Delegations Manual](#)
- Section 87 of the [Public Sector Employment and Management Act 2002](#) + Section 15.20 of the [NSW Health Combined Delegations Manual](#)
- Section 88 of the [Public Sector Employment and Management Act 2002](#) + Section 5.27 of the [NSW Health Combined Delegations Manual](#)

3.5 Advertise the position

Decide how and where to advertise

Positions should be advertised as widely and cost-effectively as practicable. Some vacancies might be advertised across the organisation only and be available to the staff within the corresponding **Division** only. For others, it will be necessary to advertise across the **NSW public health system**, or both within and externally to the system.

As a general rule, if the position has a salary equivalent to or higher than Health Manager Level 4, and if it is to be filled permanently or temporarily for 12 months or more, it should be advertised across the **NSW public health system** as a minimum or more widely. However, during major restructures, refer to any related directions from the Director-General.

Employers should have an advertising strategy in place, including the monitoring and evaluation of costs, and are encouraged to develop Internet and other electronic options for advertising. All vacancies advertised across the **NSW public health system** or more widely, and the related job information packages must be placed onto the NSW Health job vacancy database, HealthJobs.

However, potential applicants without access to electronic media should not be disadvantaged. A brief reference to vacant positions should also appear in the appropriate print media referring potential applicants to additional information.

Rolling or ongoing advertisements may be considered for positions in high demand (eg nursing, medical staff). They allow for the speedy consideration of applications (eg walk-in applications) in situations where positions need to be urgently filled, while not compromising the principles of **merit** and equity. Such advertisements need not have a closing date, but their ongoing need, including the ongoing relevance of the **selection criteria**, used must be reviewed regularly.

For further information, refer to:

- Your HR staff
- Any current NSW Health directions on advertising of vacancies

- NSW [Health Jobs](#) vacancy database

- Your Equity staff
- Aboriginal Employment Coordinators
- Community Relations Commission of NSW - ethnic media at <http://www.crc.nsw.gov.au>
- Koori Mail at <http://www.koorimail.com>

In deciding how and where the vacancy should be advertised, the following should be considered:

- *Is the position being advertised during a restructure? If yes, have provisions of relevant NSW Health policies and directions specifying advertising requirements during restructures been met?*
- *Does the position have a salary equivalent to or higher than Health Manager Level 4?*
- *Is the position to be filled permanently or for a shorter period?*
- *How likely is it that a sufficient pool of suitably qualified applicants could be attracted if the position was advertised within the organisation only? Across NSW Health? Public sector wide or more widely?*
- *Does the relevant award contain specific requirements about advertising vacancies eg Ambulance Service awards?*
- *Is there currently a workforce shortage for the same type of positions within the geographical area of the organisation?*
- *How cost effective are the different options for advertising?*
- *Which advertising media or methods are the most likely to reach suitable applicants from across the wider community, including different **EEO groups**?*
- *Which advertising media or methods are most likely to reach suitable applicants from communities that are underrepresented in the **public health system**, or to which the position may be **targeted**?*

Prepare advertisement and job information package

Sufficient information should be available to applicants regarding the position and its **selection criteria**. The information should be comprehensive enough to provide a clear and accurate picture of the position, yet not so bulky that it will deter would-be-applicants, particularly where the position targets disadvantaged groups.

While there are cost reasons for keeping the advertisement short and providing additional necessary information in an information package, there may be instances where providing more detail in the advertisement is necessary to focus the field of potential applicants eg positions within specialised areas of Allied Health, nursing etc.

Information packages must be available in hard copy for those applicants unable to access them online.

In preparing the advertisement and the related information package for applicants, consider the following (see also Web Appendix 3.1):

- NSW Health [Code of Conduct](#)
 - NSW Anti-Discrimination Board - Employers and Managers/Exceptions and Exemptions at <http://www.lawlink.nsw.gov.au/adb>
 - NSW Health policy on [employment screening and review](#)
 - NSW policy on [employment health assessment](#)
 - NSW policy on [pre-employment screening for security staff](#)
 - NSW Health policy on [occupational screening and vaccinations against infectious diseases](#)
- *What is the key information about the position that will help applicants assess their own suitability for it eg **selection criteria**, position description, employment conditions, salary etc?*
 - *What other additional information on the position, the organisation or its location would the applicants find useful in deciding whether to apply for the position?*
 - *If the position is **targeted** to applicants of a particular **EEO group**, does the Anti-Discrimination Board require that any references to the relevant provision of the NSW Anti-Discrimination Act 1977 be included in the advertisement? What confirmation must the applicants provide of their membership of that **EEO Group**?*
 - *What information is the applicant required to provide as part of their application?*
 - *What checks, screening or tests will form part of the selection process? What additional information will an applicant need on such checks, screening and tests? Are there any legal or policy requirements regarding advice to be provided to applicants on such checks, screening or tests?*
 - *What declarations and/or consent or other forms are applicants required to complete as part of the job application eg prohibited persons declaration, consent forms for employment screening etc?*
 - *What proof of qualifications will be required of the applicant? What information will an applicant need in relation to such proof?*
 - *Who will be available for the duration of the advertising period as the contact person for applicant information kits? It is not appropriate for a member of staff who will be an applicant for the position to be involved in the application management or recruitment process in any way.*
 - *Who has the necessary knowledge of the position and the selection process to be the contact person for inquiries (usually the convenor)?*
 - *What is a reasonable closing date for submitting applications, having regard to when the advertisement will appear in the selected publications? As a general rule this should be a minimum of 2 weeks, however, rolling advertisements may not have a closing date at all. Some specialist publications may not come out every week, which will affect the closing date.*

- Will an **eligibility list** be created as part of the selection process, and what kind of positions will this apply to eg location, employment status etc? See also the relevant award provisions on **eligibility lists**.
- If the position is advertised through ongoing advertising, what kind of positions does the advertisement apply to eg possibility of different locations, shifts, permanent/part-time status?

All information packages must indicate that applicants should include the names of two **referees** in their applications, one of whom should be a current supervisor/manager.

For further information, refer to:
- [Child Protection \(Prohibited Employment\) Act 1998](#)

In addition, all advertisements/information packages for child-related positions must include a statement to the effect of "It is an offence under the *Child Protection (Prohibited Employment) Act 1998* for a person convicted of a serious sex offence to apply for this position."

Information packages must also contain a reference to the NSW Health Code of Conduct, and where it can be obtained. Compliance with the Code will be a condition of employment within the **NSW public health system**. Information on the public sector common selection criteria should also be provided to allow applicants to address those criteria.

3.6 Use of recruitment consultants

In certain out-of-the-ordinary circumstances, the use of recruitment consultants may be considered.

Note: Prior approval from the Director-General is required.

When deciding whether it may be necessary to use a recruitment consultant, the following should be considered:

- *Is it crucial to fill the position as soon as possible ie is the position critical to the agency?*
- *What is the likelihood of finding suitable candidates through traditional advertising eg does the position require specialised or scarce knowledge or skills?*
- *How extensively has the position been advertised without success?*
- *Are there other significant practical reasons for engaging a consultant eg resource intense bulk recruitment, ongoing interstate/overseas recruitment etc?*
- *Are there demonstrable benefits to the organisation that outweigh the cost of recruitment?*

The Chief Executive is ultimately responsible for ensuring that the most appropriate person is appointed to the position, and that the recruitment and selection processes were fair.

In setting up arrangements with a service provider, employers must satisfy themselves that:

- *the arrangements provide value for money*
- *the service provider has been fully briefed on the position and its **selection criteria***
- *the service provider has been fully briefed on all relevant NSW Health policies*
- *the agreement clearly defines the responsibilities of both parties eg who does what.*

4. Application management

- 4.1 Introduction** Application management refers to the process of sending out job information packages; providing further information to an applicant, as required; receiving and collating applications for the selection committee; and keeping applicants informed of the progress of their application.
- 4.2 Provide further information to applicants** The key consideration in providing further information to applicants, additional to the job information package, is equity of access. Therefore, no applicant is to be provided with information that would not be made available for all other applicants, should they request it.
- 4.3 Review and collate applications** All applications should be dated and checked to ensure that all information needed by the selection committee has been received. Applications can be faxed or emailed, with originals following in the mail. Where necessary, applicants should be contacted for any missing information.
- Ideally, receipt of applications should be acknowledged. If the selection process is delayed for any reason, or does not go ahead, all applicants should be advised of this as soon as possible.
- 4.4 Manage late applications** A grace period of at least 24 hours should be allowed for applications to come in after the closing time to allow for any unforeseen delays in mail, fax or email eg server down etc.
- A convenor may decide to accept late applications after 24 hours in certain circumstances. If a selection committee has already been convened, the convenor may wish to discuss the acceptance of late applications with the selection committee members. Any decision must be applied **fairly** to all late applications. Unless there are exceptional circumstances, late applications are not to be accepted after interviews have started.
- When deciding whether it is appropriate to accept a late application, some of the 'relevant facts' to be considered include:*
- *the reason for the late application eg delayed in the mail, applicant has only just returned from overseas, or has had to deal with a family or work crisis or other emergency etc*
 - *whether the application was sent before the closing date*
 - *whether the applicant obtained an extension from the convenor prior to the closing date*
 - *the quality of the field of applicants*
 - *the likelihood of being able to fill the position.*
- A record must be kept of any decision and reasons to accept/not accept a late application.

5. Selection

5.1 Introduction

The business process leading up to a selection decision consists of three stages:

- an initial **cull** of applicants who are not eligible for the position, do not meet the **selection criteria**, or are not competitive in a larger applicant pool
- gathering further information on suitable applicants
- assessing the information provided in order to select the most suitable candidate for the position.

To ensure that the selection process is **fair**, it should be undertaken by an appropriately convened selection committee.

5.2 Convene selection committee

The selection committee is responsible for assessing the relative **merit** of applicants for the vacant position in order to find the best possible person for the vacancy. Therefore, the members of the committee should have the appropriate competencies and must be **fair** and professional in exercising their responsibilities.

Committee members must be asked to declare any real, potential or perceived **conflicts of interest** as soon as they become aware of them. **Conflicts of interest** may lead to biased decision-making, which may constitute corrupt conduct under the *Independent Commission Against Corruption (ICAC) Act 1988*.

There is nothing to stop a selection committee member acting as a referee for an applicant, and sometimes this is unavoidable eg when they are an applicant's current supervisor. However, selection committee members should declare this workplace relationship when applications are received.

To be able to make selection decisions that are in the best interest of the community they serve, selection committees should also be representative of and responsive to the needs and diversity of the community. If the position is **targeted** to a particular **EEO group**, the committee must include a representative of that group.

For further information, refer to:

- Your HR/Equity/L&D staff
- Merit Selection Guide for Public Sector Panels - <http://www.eeo.nsw.gov.au/merit/panels.htm>

- Your Equity staff

When setting up a selection committee, the following should be considered:

- *How many committee members are needed to ensure that different perspectives are brought to the selection process eg usually at least 3, minimum 2 for entry level positions?*
- *Does the proposed committee have at least one member who is familiar with the position and its requirements?*
- *Is at least one of the proposed committee members male and one female?*
- *Does the nature of the job or the background of the applicants require the **selection committee** to have an understanding of a particular community or **EEO group**?*
- *Is the membership of the proposed committee an appropriate reflection of the local community?*

- NSW Health policy on [conflicts of interest](#)
- [ICAC Act 1988](#)

- Section 15.18 of the [NSW Health Combined Delegations Manual](#)

- NSW Health policy on [junior medical staff recruitment](#)

- Your L&D staff
- Merit Selection online refresher training – <http://www.eeo.nsw.gov.au/merittraining>

- Your HR/Equity/Audit staff
- NSW Health policy on [conflicts of interest](#)
- NSW Health [Code of Conduct](#)

- *Could the composition of the proposed committee allow for biased decision-making eg are there personal relationships between committee members etc?*
- *Do any of the proposed members have a real or perceived **conflict of interest**?*
- *Does the proposed committee include an independent member? See below for further assistance in choosing an independent committee member.*
- *Are there any legal/award/audit determination requirements in relation to selection committee members eg Internal Audit Manager positions require representation from the Department?*
- *If the successful applicant could be placed in one of a number of facilities/organisations after **merit selection**, or will rotate between several facilities/organisations, are the relevant facilities/organisations represented on the selection committee eg junior medical positions etc?*
- *Is the committee so big that it is likely to overwhelm applicants?*
- *Has the convenor received training or refresher training in recruitment and selection processes in the past 3 years?*
- *Have the proposed members of the committee got the appropriate skills, knowledge or experience to participate in the selection process?*

Depending on the answers to the above questions, some of the following options may be appropriate:

- Include a member of a particular community or **EEO group** on the committee.
- Ensure the committee includes representation from the facilities/organisations in which the successful applicant(s) may be placed during their employment.
- Explore ways to discharge a **conflict of interest** eg:
 - add an additional committee member as a safety mechanism eg two independents
 - limit the contribution of the committee member to discussion and decision-making, as appropriate eg comment on job knowledge issues only
 - replace the committee member.
- Assign committee members several 'roles' to bring down the size of the committee eg the female member can also be the independent, the male member can also represent a particular community etc.

Convenor

The convenor is effectively the chairperson of the selection committee.

As such, the convenor is responsible and accountable for:

- taking care of necessary administrative details eg establishing the selection committee, developing questions for the interviews etc
- ensuring the timely progress of the process and communication with applicants
- ensuring that the selection process is conducted without bias, and that all relevant information is considered.

Independent committee member

The primary role of the independent selection committee member is to ensure that the selection process is fair. Therefore, an independent committee member should be someone who has no direct interest in the outcome of the selection process, and whose views are based solely on the available evidence.

An independent should not have such affiliations with other panel members that their ability to act with autonomy might be compromised. As with other committee members, an independent member must be asked to declare any real or potential **conflict of interest** as soon as they become aware of it.

An independent committee member should be:

- *external to the **Division** in which the successful applicant will be employed, or from another public sector agency, or from outside the public sector*
- *not a recent occupant of the position*
- *not inappropriately influenced by prior knowledge of factors outside the evidence provided by applicants eg not in a close personal relationship with an applicant*
- *not inappropriately influenced by the opinions of other committee members eg not related to another committee member*
- *likely to be considered independent by applicants.*

Convenors are encouraged to take advantage of tele/videoconferencing facilities when identifying potential independent committee members, to minimise their travel costs and time away from work.

Where it has not been possible to identify a suitable person from outside the organisation in which the vacancy exists, then as a minimum the employer should identify a person who is external to the facility and the reporting structure within which the vacancy is advertised and meets all the other conditions identified above.

Where the advertised position has a salary equivalent to or higher than the minimum for Health Service Manager Level 4, the independent committee member must be external to the organisation.

5.3 Cull applications

Culling involves comparing available evidence eg information provided in the application against the requirements of the job in a systematic, **fair** and consistent manner. Using a **culling** sheet or attaching a rating or score to each **selection criteria** may help in the **culling** process. The reasons for **culling** must be documented.

As a general rule, all selection committee members should participate in the **culling** process, have a common understanding of the standard required of applicants, and use any tools provided consistently.

If a member of the committee is unable to attend the cull, all applications should be made available to that member to ensure that all members concur with the outcome of the cull. If necessary, the cull may be done via teleconference.

For further information, refer to:

- Your HR/Equity staff
- [NSW Anti-Discrimination Act 1997](#)
- [Merit Selection Guide for Public Sector Panels \(OEED\)](#)
- [Merit Selection online refresher training \(OEED\)](#)

When **culling** applicants, the following should be considered for each applicant:

- Is the applicant eligible for appointment? eg for **targeted positions**, people outside the specified group are not eligible
- Does the applicant satisfy the **selection criteria**? The criteria can often be met, and the **inherent requirements of the job** effectively performed, in a number of different ways.
- If further **culling** is needed, for example due to the volume of applications, does the applicant show evidence that their skills, knowledge and experience are substantially inferior to those of other applicants?

Care must be taken not to exclude suitable applicants with appropriate overseas qualifications (subject to the applicant meeting the relevant citizenship/visa requirements), or relevant work experience other than paid employment.

5.4 Determine how to assess suitability of applicants for the positions

Where, following the **cull**, a reasonable field of applicants exists, the selection committee will need to determine the means of assessing the suitability of applicants for the position to be able to select the best person for the job.

Only information that is directly relevant to the applicant's suitability for appointment should be collected.

All personal information collected during the selection process should be treated as confidential. All information that is relevant to the selection decision should be recorded and stored securely.

Assessment methods

Ideally, and depending on the level of the position, more than one assessment method may be used to give a comprehensive picture of what the applicant is capable of doing and is likely to do on the job. A combination of two or more assessment methods is more likely to predict job performance accurately than any one method on its own.

Such methods include but are not limited to:

- **structured interviews** to elicit examples of the candidate's previous behaviour as well as their knowledge and skills
- work samples
- work tests eg word processing skills etc
- ability and psychological testing eg literacy and numeracy tests, pre-employment screening for security staff etc
- a presentation by the applicant
- group exercises or role plays
- assessment centres, which combine several methods.

For further information, refer to:

- Your HR/Equity/OHS staff
- NSW Health policy on [employment health assessment](#)

When determining which assessment tools to use, consider the following issues:

- How can the skills, knowledge and experience listed as **selection criteria** best be assessed?

- NSW Health policy on [pre-employment screening for security staff](#)
- NSW Health policy on [occupational screening and vaccination against infectious diseases](#)

- *If any physical, psychological or sensory requirements are listed as **selection criteria** for the position, what methods are specified in the position documentation for determining whether applicants meet such requirements? It is not appropriate to check general health or exclude applicants on the basis of illness or disability not relevant to the demands of the job.*
- *Will a particular method disadvantage people from particular community groups eg emphasis on interviews for Aboriginal people, emphasis on written work for people from non-English speaking background?*
- *If so, how can this be avoided? Eg introduce '**reasonable adjustment**' to processes for groups likely to be disadvantaged by them, eg presentation instead of an interview.*
- *Will a particular method benefit people from particular community groups?*

5.5 Plan the assessment process

Providing prior advice to applicants

Prior to the assessment, applicants should be advised of the assessment format, how long the process will take, any special aspect of the selection process eg tests, and the names and titles of the selection committee members.

This will allow the applicants to prepare for the assessment as well as raise any concern they may have of a particular selection committee member, such as **conflict of interest**.

As a general rule, applicants should be given at least 3 days' notice of the assessment, unless it is mutually convenient to schedule the assessment sooner.

Providing support to applicants

Consideration should be given to applicants requiring special assistance to participate in the selection process eg wheelchair access, signing for hearing impaired applicants, Aboriginal support people for Aboriginal applicants during bulk recruitment.

Interviews

In most instances an interview will be one of the assessment tools for the selection process.

When planning for the interview it is important to keep in mind that any interview questions should:

- relate directly to the selection criteria
- be clear and unambiguous
- be, as much as possible, asked in the same way for each applicant so that a fair comparison between applicants' responses can be made.

5.6 Verification of information

It is in the best interest of the employer to make every effort prior to appointment to ensure that the relevant information given by the preferred applicant(s) is authentic.

Some of this information can be verified through the assessment process eg skills tests, work samples etc. For other information the applicant will need to provide written evidence to support their claims, or the selection committee will need to perform separate checks eg employment screening etc.

For further information, refer to:

- Your HR staff

Verify claims

Selection committees should verify the applicant's identity and residency status, as well as any claim in relation to the **selection criteria**, or other information that is significant in differentiating short-listed applicants. Verification may involve sighting relevant documents, contacting relevant authorities etc.

The following must be verified:

- Your Aboriginal Employment Coordinators
 - NSW Health policy on [midwives' credentialing framework](#)
 - NSW Health policy on [registration of professional personnel](#)
 - NSW Health policy on [occupational screening and vaccination against infectious diseases](#)
 - NSW Health policy on [medical examination of nurses](#)
- identity (see the 100 point ID check at Web appendix 4.2)
 - citizenship/residency or working visa status
 - for **targeted positions**, evidence of relevant characteristics eg confirmation of Aboriginality etc
 - proof of any educational, trade or professional qualifications listed as **selection criteria**
 - evidence of current professional registration (registration is usually annual), or eligibility for membership of the relevant state or national professional association (see Web appendices 4.3 and 4.4)
 - evidence of length of experience, where listed as a selection criterion
 - acceptable evidence of the required immunisation status.
- For further information regarding the procedures, see Web appendix 4.1.

It is also recommended that random checks be made in other cases ie where the qualifications are claimed but are not central to the requirements of the position.

Collect signed forms

- NSW Health policies on [employment screening and review](#)
 - NSW Health policy on [employment health assessment](#)
- Selection committees should ensure that relevant signed declarations or consent forms are collected at the interview, if not yet received, such as:
- consent for a criminal record check or working with children check
 - prohibited employment declaration for child-related employment
 - authorisation to obtain relevant information from the HCCC or the relevant registration body
 - consent to conduct a service check eg previous employment details, previous payments of voluntary redundancy, absentee levels etc
 - health declaration form (if applicable).

See also 6.9. *Documentation and retention of records.*

Confirm information about referees

The convenor should confirm with applicants at interview that their two nominated referees include a current supervisor.

Where the applicant refuses to identify a current supervisor or objects to the current supervisor being contacted, they should be advised that a referee check with the current supervisor is preferred NSW Health policy, and that the purpose of the check is to help verify information relevant to their claim to the position.

While the current supervisor should not be contacted without the applicant's permission, the reasons for the refusal should be canvassed and considered by selection committee members. The applicant should be given the opportunity, if necessary, to provide an alternative referee who is able to assist the committee in verifying relevant information. See also *5.8 Conduct referee checks*.

5.7 Review the applicants' relative merit for the position

When the assessment processes have been completed, and all necessary information verified as appropriate, the committee should make a preliminary assessment of the relative **merit** of the applicants for the position against the selection criteria. Normally, the committee should then do **referee checks** on at least the preferred candidate(s).

Only Australian citizens and permanent residents are to be employed in permanent positions in NSW Health, unless the position is in a category where, because of staff shortages in Australia, other arrangements have been entered into by NSW Health eg Labour Agreements with the Department of Immigration and Multicultural Affairs.

Where no such agreements are in place, those without Australian citizenship or permanent resident status who hold visas allowing them to work, are only to be employed on a temporary basis, and only where there are no suitable applicants who are Australian citizens or permanent residents.

Note: New Zealand citizens residing in Australia who hold a current Special Category Visa are considered to have permanent resident status.

For further information, refer to:

- Your HR staff
- [Merit Selection Guide for Public Sector Panels \(OEED\)](#)
- [Merit Selection online refresher training \(OEED\)](#)

- NSW Health policy on [employment health assessment](#)
- Your OHS/return-to-work staff
- [Anti-Discrimination Act 1997](#)
- Your Equity staff

When reviewing the outcomes of the assessment processes, the selection committee should consider the following:

- *Is all necessary information available to allow the committee to make an informed decision? If not, what further information is required?*
- *Has information not relevant to the **selection criteria** been excluded from considerations?*
- *How well does each of the applicants meet the **selection criteria** compared to one another?*
- *Can a lack of skills be overcome by a short period of on-the-job training?*
- *Could a disabled applicant perform the **inherent requirements** of the position with **reasonable adjustment**?*
- *Could a person with carer's responsibilities perform the **inherent requirements** of the job if provided with arrangements to manage their carer's responsibilities?*

-
- *Are there suitable applicants who are Australian citizens or permanent residents? If not, are there suitable overseas candidates to fill the position temporarily for the duration of their working visa?*

5.8 Conduct referee checks

Any **referee checks** should be conducted on the preferred candidate(s) before an offer of employment is made.

Where an applicant objects to their current supervisor being contacted, they should not be excluded from being selected. However, the key question for selection committees is whether, in the absence of a reference check with the current supervisor, the committee is still able to access enough relevant information to assess whether the applicant is the most appropriate person for the position.

References that are not current or do not provide work-related information should not be considered. Similarly, committees must confirm the relationship between the referee and the applicant to ensure there is no conflict of interest.

Referee checks should generally be done as a **structured interview** with specific questions designed to:

- verify the applicant's claim for the position
- identify any conduct or performance issues that may be of concern
- assist the committee to make a final decision between two or more preferred applicants.

Referees should be advised that selected information obtained from them may form part of the feedback provided to unsuccessful applicants.

For further information, refer to:

- Your HR staff
- NSW Health [Code of Conduct](#)
- NSW Health policies on [employment screening and review](#)

5.9 Make recommendations for appointment and eligibility list

Following the assessment of the **referee checks**, the selection committee makes a recommendation to the Chief Executive or delegate on the preferred applicant(s) for appointment, and any **eligibility list** created.

The selection committee should recommend the applicant who is considered the best person for the job, based on a comparative assessment of the applicants' abilities, skills, knowledge, qualifications (where required) and potential against the **selection criteria**, as supported by evidence and referee checks.

Where an **eligibility list** is created, other suitable applicants must be ranked in order of **merit**. Not all suitable applicants have to be included in the **eligibility list**. **Eligibility lists** are current for up to 6 months, or up to 12 months for base grade positions, unless otherwise provided by the relevant award.

The selection recommendations must be documented in a manner that clearly explains the decision making process and be in a form that allows them to be reviewed, if necessary, eg on appeal. The recommendation must not merely state a score or rating of the highest ranked applicant.

If a selection committee is unable to reach a unanimous decision, the committee member in disagreement should prepare a minority report detailing areas of disagreement and provide an alternative recommendation. The minority report is submitted to the Chief Executive or delegate along with the committee's final report.

5.10 Initiate employment screening

Once the preferred applicant(s) has been selected, the relevant Working With Children Check (WWCC) or Criminal Record Check (CRC) must be initiated, as required by the current NSW health employment screening policies.

For further information, refer to:

- NSW Health policies on [employment screening and review](#)
- NSW Health policy on [employment health assessment](#)

Where required by the position, and not already conducted, a relevant **health assessment** of the preferred applicant is also to be undertaken.

It is an offence under the Anti-Discrimination legislation to check general health or exclude applicants on the basis of their health, or illness or disability not relevant to the demands of the job.

5.11 Selection decision

The Chief Executive, or delegate, makes the final decision on appointment based on the selection committee's report and recommendation, and keeping in mind the legislative and policy requirements outlined in the first section of this document. The decision will be subject to a satisfactory employment screening result.

If the Chief Executive, or delegate, overturns the selection recommendations, this must be documented in a manner that clearly explains the decision making process and that can be reviewed and defended if an appeal is lodged.

6. Post-selection processes

- 6.1 Introduction** Before offering the position to the preferred applicant, certain business process steps must be taken to assess and manage any risks the employment of this person may pose to themselves, other staff or patients and clients. In bulk recruitment, matching successful applicants against available positions also takes place at this point.
- 6.2 Assess the outcomes of employment screening** ***Working With Children Check (WWCC) or Criminal Record Check (CRC)***
- Offers of employment are generally not to be made until the outcome of any WWCC or CRC is known, and appropriate risk management action taken as required by the relevant employment screening policies. However, in certain circumstances, it may be possible to make a provisional offer of employment, subject to a satisfactory WWCC or CRC.
- For further information, refer to:*
- Your HR staff
 - NSW Health policies on [employment screening and review](#)
 - The NSW Health Employment Screening and Review Branch
 - Your OHS staff
 - NSW Health policy on [employment health assessment](#)
- Health assessments***
- If a **health assessment** finds that an applicant does not meet the **inherent job requirements** of the position because of a disability, consideration must be given to whether a **reasonable adjustment** can be made to the position to allow the applicant to carry out its **inherent requirements**.
- 6.3 Ensure all required evidence has been sighted** Where any proof or evidence of vaccination status, professional qualifications, and other factors relevant to the selection of the preferred applicant was not available at interview, the applicant must provide such evidence before any formal offer of employment can be made.
- 6.4 Match successful applicant(s) with positions** In centralised bulk recruitment, successful applicants need to be placed into positions available across an organisation or the entire **NSW public health system**. Any matching of their preferences with available positions must take place after **merit selection**. See NSW Health policy relating to JMO recruitment.
- 6.5 Make the job offer(s)** Once the process steps listed above have been satisfactorily completed, an offer of employment can be made to the successful applicant(s). Offers are usually made provisionally (verbally or electronically) in the first instance, subject to satisfactory employment screening and the applicant agreeing to the terms and conditions of employment, including to abide by the NSW Health Code of Conduct. Unless the recommended applicant refuses the provisional offer, it is then confirmed by a letter of offer.
- The successful applicant should to be given sufficient information about the conditions of their appointment to allow them to make an informed final decision about whether to accept the offer. Having provided such information will also allow the employer to subsequently manage the staff member in accordance with the relevant award, legislative and policy provisions.

For further information, refer to:

- Your HR staff

- NSW Health policy on [Aboriginal nursing undergraduate cadetships](#)

- NSW Health policy on [employment of undergraduate nursing students as Assistants in Nursing](#)

- [Aboriginal & Torres Strait Islander Cadetship Program \(OEED\)](#)

- NSW Health policies on [employment screening and review](#)

- The NSW Health Employment Screening and Review Unit
- NSW Health policy on [employment health assessment](#)
- Section 20 of the [Government and Related Employees Appeal Tribunal Act 1980](#)
- [NSW Workplace Surveillance Act 2005](#)
- NSW Health policy on [Code of Conduct](#)

Such information must be included in any **employment documentation** provided to the prospective member of staff. They must be asked to accept the offer *and* the related conditions in writing.

*The following must be identified in any **employment documentation**:*

- *the position that is being offered to the successful applicant*
- *the employer*
- *the location of the position*
- *the employment conditions for the position eg relevant award, commencing salary etc. Any arrangements which do not form part of the ongoing terms and conditions of employment should be stated in a way that makes it clear that they are not ongoing arrangements eg provision of a private use motor vehicle, managerial allowance.*
- *the general terms of the appointment eg start date, end date (where applicable), employment status etc*
- *any other specific conditions that apply to the appointment eg probationary period, conditions arising from a risk assessment, appeal period etc*
- *any legal requirements re notifications to staff that apply to this appointment/all appointments eg workplace surveillance*
- *any policy requirements re notifications to staff that apply to this appointment/all appointments eg Code of Conduct, random checks on professional qualifications, intellectual property.*
- *the fact that any intellectual property created in the course of employment will vest in the employer and acceptance of the offer is also consent to any act by the employer or delegate which may otherwise infringe on the staff member's moral rights in the intellectual property.*

See also offer letter checklist at Web appendix 4.5.

Where the successful candidate declines the offer, employment screening should be initiated for the next ranked applicant on the **eligibility list**, and the process steps from 6.2 completed.

6.6 Visa requirements

For further information, refer to:

- Department of Immigration at <http://www.immi.gov.au>
- Area of Need website at <http://www.health.nsw.gov.au/othp>
- NSW Health policy on [occupational trainee medical practitioners](#)

Where the recommended applicant is not an Australian citizen or permanent resident, they will need an appropriate working visa to work in Australia. In some cases, sponsorship by an Australian organisation is a requirement for such a visa.

Employers should check for any specific requirements with the Department of Immigration. Also see section 5.7.

6.7 Advise unsuccessful applicants

In accordance with Section 19 of the *Government and Related Employees Appeal Tribunal (GREAT) Act 1980*, once the successful applicant has accepted the offer of employment, all unsuccessful applicants must be advised in writing of this, and when the appointment is published. Such correspondence will also include advice on any **eligibility list** created, and the types of positions, including employment status, and locations it will apply to.

In addition, all applicants from within the **Division** must be advised of when and where the appointment will be published.

Feedback should be provided to unsuccessful applicants upon request. Generally, the feedback should be provided by the convenor. In bulk recruitment, employers may wish to consider providing brief feedback to applicants in their unsuccessful letters, as it may not be practical to provide feedback in person or by telephone due to the volume of requests. A record should be kept of any feedback provided.

Feedback may relate to different stages of the selection process eg written application, interview, referee checks etc.

In all instances, the following principles should be adhered to when providing feedback:

- It should be presented in a useful and constructive way.
- It should relate to the applicant's performance in relation to the specific **selection criteria**.

Effective feedback can reduce the number of unnecessary appeals or Freedom of Information requests by informing applicants of the reasons for the selection decision.

6.8 Publish permanent appointments

All permanent appointment/s must be published within the relevant organisation eg on the intranet, internal newsletter etc in accordance with Section 19 of the *Government and Related Employees Appeal Tribunal (GREAT) Act 1980* within 14 days of acceptance of the offer of employment by the successful person.

6.9 Documentation and retention of records

Record keeping and random checks

To be able to support their selection decisions, and demonstrate that a **fair** and **transparent** process has been followed in case of an appeal or complaint, employers must keep auditable records of the process leading up to the decision. Such documentation is kept on the relevant recruitment file.

This requirement includes keeping records of any verification of claims, including a signed and dated statement on copies of the relevant documents or any other communication to verify claims. Copies of documentation verifying claims are kept both on the recruitment file and on the successful candidate's personal file.

Confidentiality

In accordance with the *Privacy and Personal Information Protection Act 1998*, all selection documentation related to personal information about the applicants must be treated confidentially both by the selection committee and other staff involved in managing the recruitment process. All recruitment documentation must be stored securely.

- [Privacy and Personal Information Protection Act 1998](#)

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- [General Disposal Authority \(GDA12\) – Personnel Records \(2.23 Recruitment\)](#) issued by the State Records Authority of NSW

Retention of records

The State Records Authority of New South Wales requires that recruitment and selection information must be retained as follows:

- vacancy/recruitment files - 2 years after recruitment has been finalised
- successful applicant – minimum 7 years after employment ceases; in some instances required as State archives
- unsuccessful applications – minimum 1 year, provided that all **eligibility lists** relevant to the position have expired, and that all appeal processes regarding the position have been completed
- any consents or declarations by unsuccessful applicants must be destroyed once the selection process is finalised.

See also Web appendix 5.1 for a record-keeping checklist.

6.10 FOI requests

Applicants are entitled to seek access to selection documentation, including applications and selection committee papers and reports, under the Freedom of Information legislation.

For further information, refer to:

- Your FOI coordinator
- [Freedom of Information Act 1989](#)

The agency may refuse access to such documents, where the documents are exempt under the Act. This will depend on a number of factors, and must be determined case by case in accordance with current government and NSW Health guidelines.

It should be noted that effective feedback to unsuccessful applicants may reduce the number of FOI requests for selection documentation.

7. Appeals and complaints

7.1 Introduction

A number of appeal and complaint processes are available to applicants, depending on the nature of their concerns. Such processes provide a mechanism of accountability that is independent of the selection committee, or the employer.

Consistent with a **fair** and transparent recruitment and selection process, employers should advise applicants wishing to lodge an appeal or complaint of their options. The following provides an overview of the options available.

7.2 Internal appeal and complaint mechanisms

Applicants may have appeal rights due to an unfavourable result following a Working With Children Check or a Criminal Record Check, or a **health assessment**, in accordance with the relevant policies.

For further information, refer to:

- Your HR/OHS staff
- NSW Health policies on [employment screening and review](#)
- NSW Health policy on [employment health assessment](#)

Where appropriate applicants may also access other complaint mechanisms within the organisation at any point in the recruitment and selection process.

Such complaints may relate to a grievance, bullying and harassment, **conflict of interest**, corrupt conduct etc, and must be reported and managed under the appropriate policy and guidelines.

7.3 External appeal and complaint mechanisms

Unions and professional associations

Staff are entitled to seek assistance and advice from their unions and professional associations at any time. Some awards also provide for dispute resolution through a dispute committee established between the organisation and the relevant union.

Government and Related Employees Appeal Tribunal (GREAT)

For further information, refer to:

- [Government and Related Employees Appeal Tribunal \(GREAT\) Act 1980](#)
- [Office of Industrial Relations – GREAT](#)

In accordance with Part 3, Division 1 of the *Government and Related Employees Appeal Tribunal (GREAT) Act 1980*, permanent staff in the **NSW Health Service** may appeal against a selection decision to GREAT where their situation meets all the following conditions:

- they applied for the position in accordance with the procedures specified in a notice or advertisement and
- they believe they are more entitled the vacant position than the successful applicant and
- their remuneration is not in excess of the maximum for Clerk Grade 12 under the *Crown Employees (Administrative and Clerical Officers - Salaries) Award* and
- the appointment would be permanent and
- the appointment would be a promotion, or involve an increase in salary for the appellant and the successful applicant and
- the position is within the same **Division of the NSW Health Service** that the appellant is employed in and
- the successful candidate was appointed from within the **Division of the NSW Health Service** that the appellant is employed in.

Appellants have 21 days from the publication of the appointment to lodge an appeal with GREAT. GREAT conducts an independent inquiry into the selection decision. The decision of GREAT is final, subject only to a right of appeal to the Supreme Court on questions relating to points of law.

Other external avenues

Employers should be aware that other external avenues for assistance exist for unsuccessful applicants, depending on their individual circumstances (see web appendix 6.1).

For further information, refer to:

- [Anti-Discrimination Board](#)
- [HREOC](#)
- [ICAC](#)
- [Ombudsman's Office](#)
- [IRC](#)

These include:

- NSW Anti-Discrimination Board
- Human Rights and Equal Opportunity Commission (Commonwealth)
- NSW Independent Commission Against Corruption (ICAC)
- NSW Ombudsman's Office
- NSW Industrial Relations Commission

7.4 After the appeal/complaint

Where the appeal or complaint changes the outcome of the selection process, the appropriate steps of the post-selection process are followed for the successful appellant.

8. List of web tools

The following tools are available on the NSW Health intranet site at <http://internal.health.nsw.gov.au/jobs/recruitment/recruitselect.html> to assist HR staff and Line Managers in recruitment and selection.

- Appendix 1.1 - [Checklist for casual/short-term temporary recruitment](#)
- Appendix 1.2 - [Flowchart - Recruitment and selection process](#)
- Appendix 1.3 - [Suggested time frame for recruitment and selection processes](#)
- Appendix 1.4 - [Checklist - Recruitment and selection process steps](#)
- Appendix 2.1 - [Checklist - Job demands \(physical, sensory and psychosocial\)](#)
- Appendix 2.2 - [Checklist - Information to be included in position documentation](#)
- Appendix 2.3 - [Sample form - Request to recruit](#)
- Appendix 3.1 - [Checklist - Information to be provided to applicants through advertisements/applicant information kits](#)
- Appendix 3.2 - [Sample form - Application for employment](#)
- Appendix 3.3 - [Sample form - Walk-in application for employment](#)
- Appendix 4.1 - [Checklist - Processes for verification of information at interview](#)
- Appendix 4.2 - [Form – 100 Point Checklist](#)
- Appendix 4.3 - [Contact list - Health professional registration boards](#)
- Appendix 4.4 - [Contact list - Allied health professional associations](#)
- Appendix 4.5 - [Template - Letter of offer/employment](#)
- Appendix 4.6 - [Checklist - Information to be included in selection documentation](#)
- Appendix 5.1 - [Checklist – Retention of records](#)
- Appendix 6.1 - [Information on external complaint mechanisms](#)
- Appendix 7.1 - [Index - Related documents and websites](#)

New tools may be added from time to time.