

# Merit selection procedure

This is a mandated procedure under the operational policy framework. Any edits to this page must follow the process outlined on the [creating, updating and deleting policies](#) page.

This procedure incorporates the previous merit selection policy and procedure. Any reference to the merit selection policy and merit selection procedure is to be taken as a reference to this procedure.

## Overview

The department's vision of world-class education relies on selecting the very best person for the role. Merit based selection is an important part of achieving this vision.

The decision to employ an individual is important. It's also a large financial commitment. Getting recruitment right by selecting candidates best suited to the role's requirements is essential to making sure our workforce can deliver on the priorities for children and young people.

The [Public Sector Act 2009](#) (PS Act) provides the framework for effectively and fairly employing and managing public sector employees. The principles of the PS Act must be applied in all recruitment and selection practices. They require public sector employees to act fairly, justly and reasonably, prevent unlawful discrimination and avoid conflicts of interest, nepotism and patronage (refer to the definitions section).

This procedure:

- recognises the need for effective selection processes that meet a range of organisational needs
- aims to provide flexibility within a broad framework of accountability
- supports successful selection outcomes through direction and guidance.

## Scope

This procedure applies to recruitment and selection for the following vacancies:

- corporate appointments under part 7 of the [Public Sector Act 2009](#), including:
  - Administrative Services Officer (ASO)
  - Manager Administrative Services (MAS)
  - Allied Health Professional (AHP)
  - Legal Officer (LE)
  - Operational Services (OPS)
  - Professional Officer (PO)
- school and preschool based leadership and seconded appointments under the [Education and Children's Services Act 2019](#), including:
  - band A leader
  - band B leader
  - Seconded Teacher



- corporate appointments under section 121 of the *Education and Children's Services Act*
- school and preschool based ancillary appointments under section 121 of the *Education and Children's Services Act*, including:
  - School Services Officer (SSO)
  - Aboriginal Education Worker (AEW)
  - Early Childhood Worker (ECW)
- school and preschool based ancillary appointments under common law, including positions classified as government services employees (GSE).

Ancillary vacancies in schools and preschools should be read with the following policies, which provide direction on principles and requirements and describe relevant processes:

- [recruitment and selection of ancillary staff in schools and preschools policy](#)
- [recruitment and selection of ancillary staff in schools and preschools procedure.](#)

This procedure does not apply to:

- hourly paid instructors and swimming and aquatic instructors
- positions under the SA Executive Service (SAES) and senior positions under section 121 of the *Education and Children's Services Act*
- any position described by [Public Sector Regulations 2010 – Regulation 17](#)
- teaching vacancies in schools and preschools. Those vacancies are covered by the:
  - [recruitment and selection of teaching staff in preschools policy](#)
  - [recruitment and selection of teaching staff in preschools procedure](#)
  - [recruitment and selection of teaching staff in schools policy](#)
  - [recruitment and selection of teaching staff in schools procedure.](#)

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# Detail

The reputation and performance of the public sector depends on the quality of the people it employs. Therefore, selection decisions must be based on a proper assessment of merit (refer to definitions section).

Selection panels play a major part in making sure the entire selection process is fair and equitable. The panel's role is to identify and recommend to the Chief Executive or delegate the applicants who best meet the role requirements and can demonstrate the necessary experience, technical expertise and capabilities outlined in the role description.

The final appointment decision rests with the Chief Executive or delegate. Departmental positions holding delegated authority for such decisions are contained in the department's [human resource \(HR\) delegations](#). Selection decisions must be fair, transparent and based on a relative assessment of merit after considering relevant information from a range of sources. The selection methods used will depend on the role and its requirements, and will assess qualities genuinely related to the role.

## Good practice in merit selection

Good practice in merit selection is supported by:

**Ethics** – all behaviour and decision making must be in line with the [Code of Ethics for the SA public sector](#).

**Fairness** – panellists must treat applicants fairly throughout the process, being impartial and unbiased. Special consideration or process modifications may be required for some applicants to ensure equitable participation and assessment.

**Diversity** – the SA public sector should be as diverse as the community it serves. Employment opportunities must be available to a broad range of people.

**No discrimination** – it's unlawful to treat someone less favourably based on a real or presumed characteristic, as defined in relevant legislation.

**Freedom from nepotism and patronage** – nepotism, patronage and conflicts of interest must be explored, managed and avoided. Refer to the definitions section.

## Merit selection training

Panel members must undertake merit selection training to be on a panel. Retraining is not required for employees who have been on a selection panel within the last 5 years. However, employees may want to update or refresh their knowledge.

Panel members must familiarise themselves with the relevant procedures and supporting resources outlined in the [plink merit selection training](#) (log in required).

Successful completion of merit selection training provides accreditation as a departmental representative on selection panels. Queries regarding accreditation as an Australian Education Union (AEU) panel representative should be directed to the AEU: [aeusa@aeusa.asn.au](mailto:aeusa@aeusa.asn.au).

# Applications and eligibility to apply for vacancies

All applicants must have access to consistent information. They should be able to discuss the vacancy with a nominated contact person if they choose.

Before advertising, the panel chairperson must make sure the role description and selection criteria are clearly defined, relevant and up to date.

Selection processes generally allow applicants to give information on their suitability for the vacancy.

Informing applicants about pre-employment checks and eligibility requirements in the role description and advertisement helps them to know if they're suitable for the role.

Vacancies may be either open to internal applicants only (public sector employees) or also open to external applicants, as stipulated in the vacancy advertisement.

## Members of the selection panel

Selection panels must include people with expertise and diversity relevant to the site, workgroup or vacancy needs.

The chairperson must form a selection panel that can conduct a fair and merit based process. They should follow the guidance on the [merit and local selection panel composition](#) page to make sure the size of the panel, and who it includes is appropriate to the vacancy.

The chairperson is generally the line manager of the role and must be of a higher classification level than the vacancy. The Chief Executive or delegate retains the right to nominate an alternative chairperson for a selection process.

## Peer panellists

A peer panellist is a recommended member for some panels. A peer is an employee from another site, or for corporate vacancies another workgroup, at the same or similar classification to the vacancy. It's important that the peer can provide an external and independent perspective.

Refer to the [merit and local selection panel composition](#) page for more information about peers, including to request a trained peer panellist list. The peer does not have to be chosen from the list as long as they're merit trained.

## Representing genders

The panel chair must make all reasonable efforts to achieve gender representation on selection panels. If this cannot be achieved, the selection panel documentation should include detail as to why it was not possible in the circumstances.

## Aboriginal panel members

Vacancies that are restricted to applications from Aboriginal applicants should include Aboriginal representation on the selection panel. If an Aboriginal panellist is not available the chairperson is to seek

advice from the Employee Relations unit ([education.ecu@sa.gov.au](mailto:education.ecu@sa.gov.au)) before proceeding with the selection process.

## Additional panel members

In exceptional cases, the panel chair may include an additional member on the selection panel. Additional members could be clients, community representatives or other stakeholders chosen due to their expertise or representative status. They do not have to be department employees. The need for additional panel members requires careful consideration. Any benefits should be weighed against the additional administrative load, and there should be a comfortable interview environment for applicants. The panel documentation should contain information on the rationale for additional panel members.

Non-department employees do not require merit training. However, the panel chair must make sure these panel members understand the merit selection procedures, including the need to maintain confidentiality.

## Pre-employment screening

The reputation and performance of the public sector depends on the quality of the people it employs. Employment should not be based solely on the skills and experience of individuals but must also take into account their character and past behaviour.

Selection panels must make sure they take steps to confirm the identity, quality and integrity of potential employees and be thorough in reference and background checks. This information must be taken from candidates during a selection process. It must be appropriately considered before making a decision to recommend an applicant for appointment or make them an offer of employment.

For further guidance refer to the:

- [screening and suitability \(child safety\) policy](#)
- [screening and suitability \(child safety\) procedure](#).

## Applicant disclosures

Applicants must provide accurate information to selection panels and follow any instructions outlined in the advertisement of a vacancy or by the panel. When requested, relevant conduct and performance matters must be disclosed (revealed). Disclosures of past or current misconduct, investigation or underperformance are maintained confidentially (usually by the chairperson) in the first instance.

If the panel chair believes that the disclosure is not relevant to the vacancy or an applicant is not shortlisted, information should not be disclosed to other panellists.

If the disclosure is relevant and the applicant is shortlisted, the information should be disclosed and discussed with the other panellists and be considered in the selection decision.

The Employee Relations Unit can give advice to the panel chair on whether the disclosure is relevant. Email [education.ecu@sa.gov.au](mailto:education.ecu@sa.gov.au).

## Before the selection process

Identifying and appointing the best candidate within an efficient timeframe requires careful preparation and consideration of each step of the recruitment process.

Panellists must disclose the nature of any relationship they have with applicants. Any conflicts of interest must be resolved before starting or continuing the panel. Guidance on selection panel declaration and management of conflicts of interest is available at [selection guidance notes](#).

If a panellist believes the information they have about an applicant may prevent them from making an objective judgment, they should discuss it with the chairperson. Email the Employee Relations Unit for advice at [education.ecu@sa.gov.au](mailto:education.ecu@sa.gov.au).

## The selection process

### Shortlisting

Shortlisting applicants is based on the degree to which an applicant meets the essential criteria. Desirable selection criteria should only be used in the final selection stages to decide between applicants who meet the essential minimum requirements to the same degree.

A selection panel may decide not to shortlist 1 or more applicants where they do not meet the essential minimum requirements, either at all or to the same degree as other applicants.

It's the applicant's responsibility to give the panel relevant information. However, selection panels must consider all applicants and their transferable skills, experience and potential for development. This means considering applications in their entirety.

The selection panel should adopt a flexible approach to gathering information to enable Aboriginal applicants to demonstrate their knowledge and skills before determining shortlisted applicants. A flexible approach includes the option of conducting referee checks to determine applicant capabilities and potential to undertake the role.

At this point of the process, the panel chair is responsible for verifying eligibility for employment in the SA government (including appropriate residency and work visa requirements, and employment exclusion dates) and ensuring that the application shows they meet any eligibility requirements stated in the role description.

### Applicants already in the role, or who have been or are in an equivalent role

Selection panels are encouraged to take the approach of shortlisting by default any applicants who are working in the advertised role, are currently working in an equivalent role, or have done so previously.

It's open to the panel not to take this approach where:

- the applicant has only worked in the advertised role for a short time
- the equivalent role experience is not recent
- the application does not demonstrate capability to the level of other shortlisted applicants
- or there are known performance issues.



## Interviews

Interviewing is the most commonly used selection technique and if used appropriately can be a sound and valid predictor of work performance. However, conducting interviews is not mandatory if other selection assessments can accurately assess each candidate's ability to perform the role.

In some instances more than 1 interview may be appropriate. In other instances panels may decide not to conduct an interview and rely on other selection tools. Where interviews are part of the selection process, applicants must be given sufficient notice. At least 2 working days to attend is good practice.

If an applicant cannot attend an interview for a justifiable reason, such as illness, alternative arrangements may be negotiated. If alternative arrangements cannot be negotiated, the panel may decide to get information from other sources, such as referee checks. This information can help assess an applicant's suitability for the role.

## Other selection tools

A selection panel should adopt a flexible approach to gathering information from applicants. For information about other available selection tools refer to [selection guidance notes](#).

## Applicant pools

The Chief Executive (or delegate) may establish pools of applicants to fill vacancies on the basis of merit.

For more information contact People and Culture Operations at:

- [education.hr@sa.gov.au](mailto:education.hr@sa.gov.au) – for school and preschool based vacancies, or
- [education.corporatehr@sa.gov.au](mailto:education.corporatehr@sa.gov.au) – for corporate vacancies.

## Reference checks

To verify current and past performance, including conduct and behaviour, reference checks must be conducted for all candidates recommended by the panel.

Reference checks are essential to get information from someone who has direct personal knowledge of a candidate's experience, skills, knowledge and personal qualities. Reference checks can be made at any time during the selection process. Department employees must include their current Line Manager as 1 of their referees.

In exceptional circumstances, applicants from within the department may get an exemption where they do not have to include their Line Manager as a referee. They can negotiate an alternative Line Manager referee with the Director, Employee Relations, by emailing the Employee Relations unit at [education.ecu@sa.gov.au](mailto:education.ecu@sa.gov.au). Each request will be considered on its merit.

Questions asked of referees should be developed to gain information about the individual applicant's capability to carry out the role's requirements and their potential for further development. This means that panels may ask different questions to referees based on what they have observed during the selection process.

Reference checks may also be conducted outside of an applicant's nominated referees. The applicant must be advised if this is intended, before any checks take place. Although the applicant's permission is not required, their views should be considered. If the applicant is external to the department or the public sector, particular care should be taken when contacting referees from their current employment, outside of those nominated.

When providing reports, referees must provide a fair and balanced comment on an applicant and truthfully disclose relevant information.

## Confidentiality

All panellists must ensure the integrity, confidentiality and security of information during and after the selection process.

The application process must not be used to collect information about applicants unless it's directly relevant to assessing their suitability for the vacancy they applied for.

## Late applications

Late applications can only be accepted under extenuating circumstances. For example, illness of the applicant or a person they're caring for. The chairperson must consider the reasons for the late application and decide whether it will be accepted.

Once the application has been accepted, treat it in the same way as other applications.

Applications with a postmark or email date before the closing time for applications must be accepted.

## Finalising a selection process

After appropriately considering the applicants, the panel will make a provisional recommendation to the delegate. The panel can make several recommendations if there's more than 1 role or suitable candidate.

Recommended applicants must meet the essential selection criteria, be suitable for the role and be ranked in order of merit. At this stage, the panel chair is responsible for verifying any required licences and qualifications.

It's preferable for all selection panel members to agree on the preferred applicant or applicants. If they cannot all agree, the member or members who disagree with the majority of the panel can prepare a minority report.

The Chief Executive or delegate will use all the information from the panel to make a decision.

If the Chief Executive or delegate approves the recommendation, the recommended applicants can be informed. All other applicants must then be notified of the outcome in writing.

The panel report is used in reviews as well as to document the process and provide feedback to applicants. The report must also include the reasons for including or excluding an applicant for further consideration at any stage of the process. It must clearly outline that all applicants were appropriately considered.

Panel documents including panellists' notes may be referenced in a process review. The [State Records Act 1997](#) requires that all panel information is kept for 2 years. Refer to [disposal of records](#) for more information.

Applicants can ask for feedback and be given the parts of the panel report relevant to the assessment of their application. Applicants have 4 weeks to request feedback, starting from the date they were notified of the outcome. If additional information is requested, it can be provided verbally or in writing by the panel chair or their nominee.

## Merit review

Some vacancies, as outlined below, allow unsuccessful applicants, who are public sector employees, to ask for a review of the process. In some cases, a review process may find serious irregularities. This could mean the selection process has to start again.

## Public Sector Act vacancies and vacancies to which part 7 of the Public Sector Act applies

Part 7 (division 4) of the [Public Sector Act 2009](#) and part 5 (Division 5) of the [Public Sector Regulations 2010](#) set out review rights for the following vacancies:

- corporate appointments made under the *Public Sector Act*
- corporate appointments under section 121 of the *Education and Children's Services Act*
- school-based ancillary appointments under section 121 of the *Education and Children's Services Act*:
  - School Services Officer (SSO)
  - Aboriginal Education Worker (AEW)
  - Early Childhood Worker (ECW).

## Internal reviews

Reviews of applicable selection processes are based on whether:

- the successful applicant was not eligible for appointment
- the processes were affected by nepotism or patronage (refer to definitions section) or were not properly based on assessing applicants' merits
- there was some other serious irregularity in the processes.

If an internal review identifies a serious irregularity in the selection process, the reviewer may recommend that the selection process should start from the beginning or from some later stage of the process. An internal reviewer has no authority to overturn the decision of a panel.

Internal review requests must be submitted within 7 calendar days after the day of notification of the decision. Complete the online [request for internal review of selection](#) process form or email [education.ecu@sa.gov.au](mailto:education.ecu@sa.gov.au).

## External reviews

The *Public Sector Act* (section 62) also allows an employee aggrieved by an employment decision that directly affects them to apply to the South Australian Employment Tribunal for review of the decision.

## Education and Children's Services Act promotional vacancies, seconded teachers and government service employees

### Internal reviews

Departmental employees who are applicants for vacancies greater than 12 months can lodge a request for an internal review of the selection process. The grounds for review are limited to concerns of serious irregularities in the selection process (including nepotism or patronage) that may have impacted the outcome. The right of review does not include a review of the respective merit of applicants.

Internal review requests must be submitted within 7 calendar days after the day of notification of the decision. Complete the online [request for internal review of selection process](#) form or email [education.ecu@sa.gov.au](mailto:education.ecu@sa.gov.au). The internal review request is determined by the Executive Director, People and Culture (or delegate).

If an internal review for promotional vacancy identifies a serious irregularity in the selection process that may have impacted the outcome, the Chief Executive or delegate may determine that a new selection process is undertaken. Findings of serious irregularities for other vacancies may result in the Chief Executive or delegate appointing another applicant, or directing that the selection process should start from the beginning or some later stage of the process.

### External reviews

A limited right of external review to the [South Australian Employment Tribunal \(SAET\)](#) applies to *Education and Children's Services Act* promotional level positions (made under section 106).

Under section 124(6), external review provisions apply where the Chief Executive or delegate does not appoint an applicant from the provisional recommendation of the selection panel. In this case, an application for review under section 124 must be made within 14 days of notification of the decision. It can only be made by the employee who was the panel's provisional recommendation but was not appointed.

To avoid doubt, external reviews do not apply to Education and Children's Services Act promotional positions where:

- there's no selection panel
- an employee is appointed to a position in an acting capacity for a period not exceeding 12 months
- an employee is appointed to a position in an acting capacity for a period of 12 months or more but less than 2 years in circumstances determined by the Chief Executive (or delegate)
- an employee is transferred between positions in the teaching service

- the basis on which an employee is engaged is changed (for example, if they went through a merit based selection process to fill a role on a term basis and they are converted to ongoing) and they will continue to perform the same or similar duties of the original role
- the Chief Executive or delegate determines that there are special circumstances.

## Roles and responsibilities

### Chief Executive, Executive Director, People and Culture, and Director, Employee Relations

- Establish and maintain effective recruitment and selection systems and processes in the agency.
- Make sure merit selection processes meet requirements under the relevant legislation and are managed in line with the endorsed procedure.
- Delegate to appropriate employees the necessary recruitment and selection powers, functions, duties and responsibilities.
- Provide review mechanisms for merit selection processes.

### People and Culture Division

- Provide executives, managers and employees with confidential support, advice and guidance on recruitment and merit selection processes and practices.
- Provide merit selection training across the agency.
- Undertake internal reviews.

### Chairperson of selection panels

- Coordinate and record the selection process and make sure that merit principles are applied and implemented.
- Establish the selection panel as per the [merit and local selection panel composition requirements](#) and make sure processes are merit based and conducted in a confidential, fair and ethical way.
- Make sure the panellists have relevant information.

### Site leaders and managers

- Help employees participate in designated training, and help in their release to act as panellists when required.

## Panellists

- Conduct selection processes in a confidential, fair and ethical way and in line with the merit selection procedure.
- Maintain the information gathered from a selection.

## Applicants

- Make themselves familiar with current selection processes and the specific obligations.
- Provide honest and accurate information that might impact their selection for a vacancy.
- Disclose honest details of their employment and conduct history.

## Referees

- Provide honest, unbiased and objective comment on the applicant's skills, knowledge, experience or work. This includes perceived strengths and any aspects that may impact their ability to carry out the vacancies duties.
- If contacted for referee reports, be honest about their knowledge of an applicant's alleged or proven past unsatisfactory performance or misconduct, if relevant.

## Definitions

### ancillary staff

Staff employed as school services officers, Aboriginal education workers, early childhood workers and government services employees appointed to a Department for Education site.

### merit

The extent to which each of the applicants has abilities, aptitude, skills, qualifications, knowledge, experience (including community experience) and personal qualities relevant to the duties of the role.

It also includes:

- the way that each of the applicants carried out any previous employment or occupational duties or functions
- each applicant's potential for development.

### merit principle

Choosing the best person for the job based on candidates' abilities and their potential for development.

## nepotism

Favouring the appointment of relatives for the vacancy.

## patronage

Favouring the appointment of friends or close personal associates for the vacancy.

## promotional position

Under the *Education and Children's Services Act* – all classification levels are promotional level positions in the teaching service, other than:

- Teacher
- Highly Accomplished Teacher (HAT)
- Lead Teacher (LEAD)
- Advanced Skills Teacher 2 (AST2).

## Supporting information

[Merit and local selection processes](#)

[Merit and local selection panel composition requirements](#)

[Acts, awards and agreements for employment conditions](#)

## Related legislation

[Public Sector Act 2009](#)

[Public Sector Regulations 2010](#)

[Education and Children's Services Act 2019](#)

[Education and Children's Services Regulations 2020](#)

[Disability Discrimination Act 1992 \(Cth\)](#)

[Equal Opportunity Act 1984](#)

[Racial Discrimination Act 1975 \(Cth\)](#)

[Sex Discrimination Act 1984 \(Cth\)](#)

## Related policies

[Merit engagement, assignment of duties and transfer of non-executive employees](#)

[Guideline of the commissioner for public sector employment: recruitment](#)

[Code of Ethics for the South Australian Public Sector](#)

[Recruitment and selection of teaching staff in preschools policy](#)

[Recruitment and selection of teaching staff in preschools procedure](#)

[Recruitment and selection of teaching staff in schools policy](#)

[Recruitment and selection of teaching staff in schools procedure](#)

[Recruitment and selection of ancillary staff in schools and preschools policy](#)

[Recruitment and selection of ancillary staff in schools and preschools procedure.](#)

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