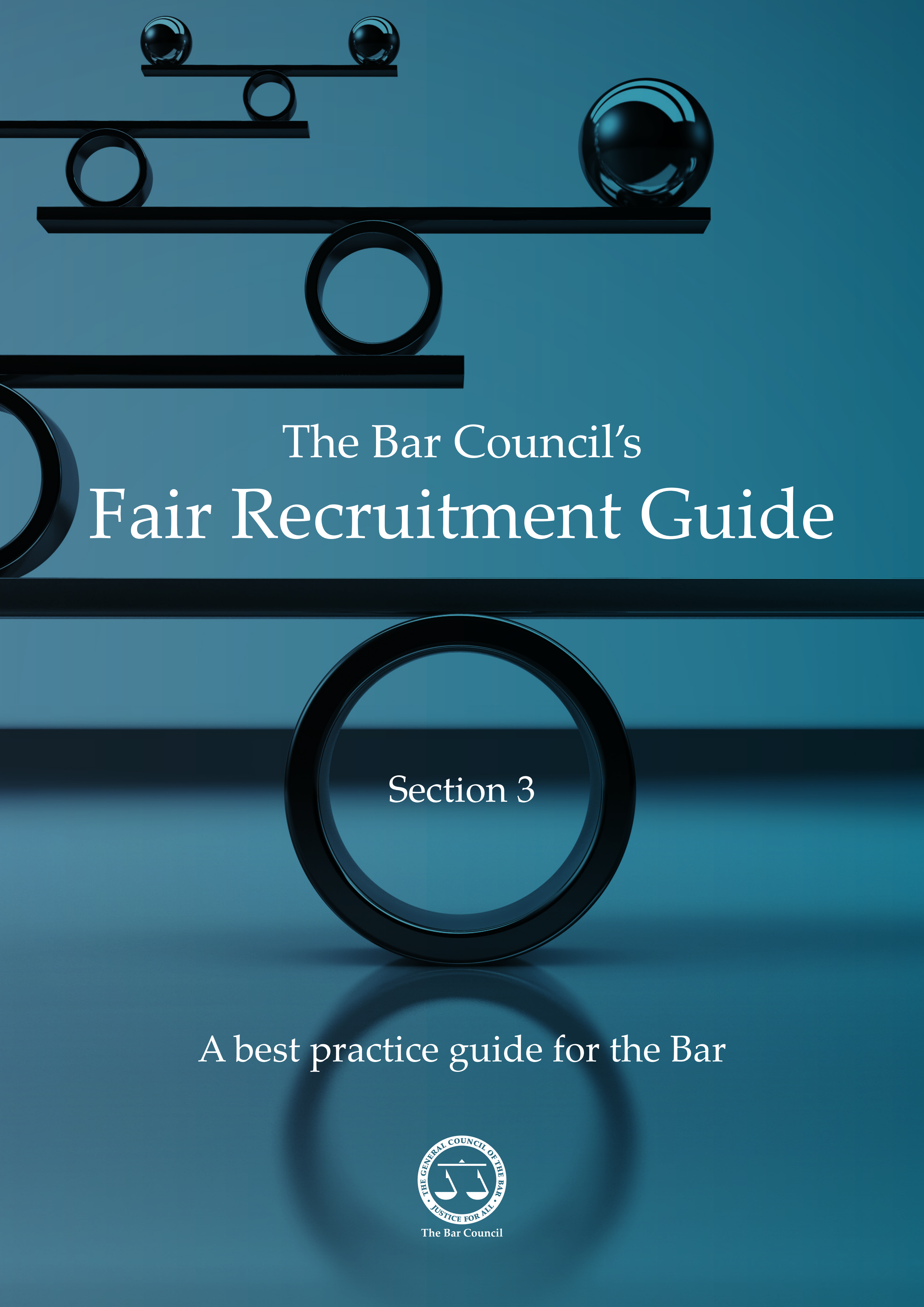

The Bar Council's

Fair Recruitment Guide

Section 3

A best practice guide for the Bar

THE GENERAL COUNCIL OF THE BAR · JUSTICE FOR ALL ·

The Bar Council

Contents

This section is about putting the process into practice and is applicable to everyone involved in selection, including those responsible for shortlisting, assessing and interviewing.

Shortlisting

Whether you're starting an annual round of pupillage recruitment, deciding on tenancy, bringing in an experienced barrister or recruiting a new staff member, it helps to start by thinking about the role you're seeking to fill and the skills and experience required for fill it, rather than about the type of person you are looking for.

Shortlisting tends to be the part of the selection process which is most open to bias. This is where the largest number of applications are assessed in the shortest amount of time. If applicants have not been directly and specifically asked to provide evidence against each of the criteria, the panel can end up taking a subjective approach as its members will reach conclusions based on vague or limited information.

Careful planning and following the process will make shortlisting as easy and efficient as possible, ensuring high quality candidates are identified and that all applicant information is assessed in a consistent manner.

Preparation

1. Decide who will be involved in shortlisting from your chambers or BSB entity – this group will be known as the 'Shortlisting Panel'. The shortlisting panel should include at least one member from the 'Recruiting Panel' who will be involved in the interview and assessment stages. The BSB Handbook (RC110 3.c and d) requires members of chambers and BSB authorised bodies' selection panels to be trained in fair selection methods as set out in this Guide. All members of the shortlisting and recruiting panels should be asked to declare if they have any conflict of interests, for instance if they know an applicant personally.
2. Ensure that all members of the shortlisting panel are aware of the criteria that you are shortlisting against. It is also essential to agree "weightings" (i.e. the relative priorities) for the skills, knowledge, experience and behaviours being assessed, as it will prove helpful should the panel be left to choose from a large number of applicants who all meet different criteria to varying degrees. For further information about weightings see Section 2, Page 12.

3. Have a meeting of the shortlisting panel to familiarise its members with the criteria and discuss what constitutes appropriate evidence for the different ratings the panel is using. For example, what differentiates 'excellent' from 'good', for a given criterion. The meeting is also an opportunity to identify any information that should not be taken into consideration, such as prior knowledge of, or hearsay about a candidate.
4. Agree a rating scale (or scoring mechanism) to use to assess each criterion. Choose a scale that the panel members are confident they can apply consistently. (Section 4, Template 3: Shortlisting form) Remember to use the full scale when shortlisting; there is a tendency among selectors to give candidates mid-score e.g. a rating of three on a one to five scale and, whilst this might be a valid rating for the candidate, it is important to utilise the entire rating scale and all of the scores available.
5. Agree the shortlisting rules and decide whether there is an absolute minimum criteria which must be met for a candidate to be offered an interview. These rules need to be agreed by all those shortlisting in order to ensure consistency.
6. At this point, those AETOs that use the Pupillage Gateway to recruit can download anonymised versions of the applications for circulation amongst the panel members. It is recommended that any AETO operating outside of the Pupillage Gateway anonymises numbered copies of the original applications by removing candidates' details such as name, address and perhaps even the names of school, college or university. Removing the names of the school, college or university where they studied will help to reduce the risk of unconscious bias.
7. Ensure that all diversity monitoring information has been separated from the application and is not therefore seen by the shortlisting panel. This information should be saved and stored separately as it will be needed for diversity monitoring. For more information see Section 2, page 44.

Calibration

Double marking applications has the benefit of increasing consistency. If chambers and BSB entities do not have the resources to double mark, then a calibration exercise is recommended. This involves taking a random sample of 5-10 applications and asking all those shortlisting to mark them before discussing their scores and calibrating them so that all are agreed on how the ratings will be awarded when marking the additional candidates. It should then not be necessary to double mark all the applications, although it is good practice to double mark one in every 20 applications.

Shortlisting

- Aim to spend the same amount of time on each application to ensure as much consistency in the process as possible.
- Study the whole application before you begin to classify or assess it and check for positive and negative evidence against the selection criteria. Highlight this evidence on the form.
- One method is to circle the evidence and write + or – on it (depending on whether it is positive or negative evidence) followed by the criterion it relates to. For example, "+ Advocacy Skills".
- Once you have completed this for the whole application, rate each criterion against the rating scale, using a shortlisting form (see templates for an example in Section 4, Template 3: Shortlisting form).
- Apply your shortlisting rules and scoring to give every candidate a score which will enable you to decide which ones are 'Unsuccessful', 'Successful' or 'Borderline'.
- Keep a note of the key reasons for the decision made in relation to each candidate. The shortlisting form, score sheet and any supporting notes will be consulted if applicants request feedback.

Invitation to next stage

- Do not shortlist any candidate that does not meet the minimum criteria.

Remember: All candidates that meet the agreed shortlisting criteria should be invited for interview or to the next stage of assessment. If there are still too many candidates at this stage, take a second look at the weighting and scoring, and make them more stringent.

- Invite shortlisted candidates for assessment/interview.

Remember: When inviting candidates to the next stage of the process, ask them to make you aware of any special requirements or reasonable adjustments that they may have. These may include dietary requirements (if relevant), access issues into chambers, time slots for interviews, or disabilities that may require you to provide specialist equipment or extra time for candidates. For more information see Section 1, Page 20.

- Candidates that are not shortlisted should receive notification by email, informing them of the decision and thanking them for their application. Chambers and BSB entities using the Pupillage Gateway should also change the status of the applicant on the platform.

TIP: Letting people know as soon as possible if they haven't been shortlisted helps them to make decisions about what to do next. This has an impact on applicant's perception of the process and your organisation.

- Keep the shortlisting forms and application forms in a secure place in accordance with your GDPR compliance framework.

References

Asking for references at this stage significantly disadvantages people from under-represented groups. It is much easier for applicants who have existing contacts at the Bar or prestigious academic contacts to impress shortlisters with their references. This puts those who don't have existing contacts at a significant disadvantage.

Good practice reminder: It is good practice to seek references at the end of the process, once a recruitment decision has been made, and to verify claims and academic achievements. This reduces the possibility that, even unconsciously, those responsible for shortlisting are unduly influenced by a stellar reference from an old family friend who happens to be a High Court Judge.

Interviewing

Interviews enable candidates to talk about their skills, and provide opportunities for them to demonstrate their knowledge, motivation, experience and ability to communicate. Interviews also provide an important opportunity for chambers and BSB entities to sell themselves to prospective pupils and differentiate themselves from other sets and organisations.

It is recommended that chambers and BSB entities supplement an interview with another assessment methods, such as work samples, to ensure that the most important selection criteria are measured more than once. This will help the panel gain a more accurate understanding of a candidate's competence, thereby increasing the reliability of the selection process.

Types of interview

There are different types of interview used in selection.

Shortlisting interview

Used as the final stage of the shortlisting process or as a first interview, this interview can be done in person, on the phone or online. It is usually very short and the interviewer asks a series of set questions, the answers to which can be scored effectively.

Pros:

- Provides shortlisters with an opportunity to get to know the candidates a bit better before making a final decision.
- Offers chambers and BSB entities a chance to differentiate between candidates who may have achieved similar scores on the paper application.
- An effective way of achieving the final shortlist for full interview.

Cons:

- Can't be done anonymously which means that there is more opportunity for conscious or unconscious bias to affect decision making.
- Some candidates may excel at this sort of interview, while others may find it hard to shine in such a short space of time.

ⓘ Recommendation

Shortlisting interviews can be an effective final stage of the sifting process and can reassure recruiters that they've shortlisted the right candidates or help make the final shortlist decision from a very high-scoring applicant pool. To be effective, these interviews must be well-structured and interviewers should only ask questions that can be scored consistently. Interviewers should also be reminded of the risks of unconscious bias prior to the interviews taking place.

Unstructured interview

The panel has no set questions but uses knowledge of the candidate and the role to ask general questions about why the candidate applied and what they have done in the past.

Pros:

- Provide an opportunity to get to know the candidate and talk about what interests them.

Cons:

- Every interview is different so it becomes impossible to compare candidates.
- The questions mainly explore whether the candidate will 'fit in' to chambers, rather than meet the selection criteria.
- Scoring against the criteria is impossible.

ⓘ Recommendation

Don't use this. This form of interview is strongly discouraged as it tends to be heavily prone to subjectivity and bias, and has very poor predictive validity.

Biographical interviews

These largely focus on the candidate's career or employment history.

Pros:

- They are easy to conduct as they're based on the candidate's cv or application form.

- They help to establish a good rapport with the candidate.

Cons:

- They can easily distract the panel from the relevant agreed criteria.
- They are more likely to provide opportunities for personal biases to influence decisions and can therefore increase the danger of biased and potentially discriminatory decisions being made.

ⓘ Recommendation

Don't use this. This form of interview is strongly discouraged since it tends to be heavily prone to subjectivity and bias, and has very poor predictive validity.

Structured, criteria-based interviews

These interviews have an agreed, consistent structure and include the same overall questions for all candidates. There are several ways of structuring an interview, but with all of them the objective is to collect relevant information on the criteria (or competency) for the role. Candidates are required to provide specific examples from any area of their life illustrating how they meet the criteria. Candidates are asked the same opening questions although follow up questions will vary according to candidates' responses.

Pros:

- These interviews create a degree of consistency for all candidates.
- They ensure that relevant information is collected against the criteria.
- They make consistent scoring possible.

Cons:

- It is harder to make the interview friendly and relaxed because of the formality of the questions.
- The panel find it harder to 'get to know' the candidate.

ⓘ Recommendation

This is the type of interview, properly conducted and combined with a work sample exercise, has the best predictive validity and is recommended for use by chambers and BSB entities.

Interview preparation

The following guidance provides a step by step approach to preparing for interviews.

Recruiting/interview panels

- Decide on the membership of the recruiting panel. Try and make the panel as diverse as possible, thinking about the protected characteristics and also diversity in terms of experience, Call date, style and, if appropriate, practice area.
- An interview panel of three is advisable. This number is small enough to enable rapport to be developed between the interviewers and the candidate, and brings different perspectives on the candidate's performance. Having only one interviewer reduces the reliability of interviews as decisions will need to be based on their evidence alone (which can be prone to bias). Having more than three interviewers on a panel can be unwieldy in terms of structure and planning, and can be intimidating for some candidates. It is important to try and ensure consistency of panel members across different interviews – this will increase the reliability and validity of the process.
- All the panel members should be trained in fair recruitment and selection and be familiar with the contents of this Guide. Check that no-one on the panel has any special relationship or conflict of interest with any of the candidates. If possible, they should not be involved in the assessment of anyone closely connected to them (for example, a family member or friend) as this can cause difficulties for both the candidate and the interviewer, and affect either objectivity or the appearance of objectivity in the interview process.
- Decide upon the following:
  - » Who will chair the interviews?
  - » Which criteria will be measured in the interview? This should already have been decided when designing the selection criteria and deciding upon assessment methods.
  - » How much time will be given for each interview bearing in mind the number of criteria? About 45 minutes is considered a suitable amount of time for an interview as candidates and panels may not be able to concentrate for longer periods without a break and it will be difficult to cover all the selection criteria in less time.
  - » How much time will there be between interviews for writing up and discussing? It is essential to leave some time between interviews to enable panel members to individually classify their evidence and evaluate the candidate. Later they will convene for a 'panel discussion' and compare their ratings and evidence.
  - » Who will be responsible for which areas of questioning, so that the same format can be used with all candidates?

- Familiarise the interviewers with all the key documentation e.g. role profile, selection criteria, application forms etc.
- Conduct a pre-meeting in which the final details can be agreed including: role of the chair; sequence of questioning; protocols for keeping to time; protocols for interrupting; clarification on inappropriate questioning and protocols for dealing with this if it should inadvertently occur; scoring and the note taking policy.
- Design an interview schedule and timetable.

Candidates

- Give candidates as much information in advance as is reasonably possible as this helps them to prepare, and to some extent reduces the risk of a candidate's feelings of anxiety interfering with the interview.
- Ensure that all candidates are given equal opportunity to access the same information about the interview.
- Information should be sent to candidates with details about the place, time, and format of the interview. This should include informing them of any other assessments and exercises they will be undertaking, and the expected dress code.
- Ensure you have met any requests for reasonable adjustments from candidates, including in how they receive information about the interview and how they will complete the assessments. If additional aids or translators are needed ensure these are booked in good time to reduce stress for the candidates. See Section 1, Page 20.

Environment

- Organise how candidates will be received. Inform staff that interviews are taking place and who to expect. Arrange refreshments and ensure that the waiting area is pleasant and welcoming.
- Plan how candidates can be entertained in the eventuality of interviews overrunning, for example by providing reading material about chambers. Is there someone available they could have a chat to e.g. current pupils or starter tenants? This will help to create a favourable impression of your chambers or BSB entity but ensure you make it clear that this isn't part of the assessment process.
- Arrange the interview room and ensure that there are no interruptions. Consider the seating arrangements. There is nothing wrong with sitting behind a desk but try to ensure that the room is set up in a way that does not to intimidate candidates (e.g. try not to have a long distance between the panel and the candidate).

Online interviews

When the Covid-19 crisis hit in 2020, many chambers and BSB entities were in the middle of their pupillage interviews. Some of these interviews were cancelled, but more were moved hastily online. The Bar quickly adapted to online meetings, hearings and interviews and the technology became more accessible. It is yet to be seen if the move to online continues, but it does feel like more activities, including job interviews, will take place online in the future.

Advantages of online interviews include:

- Efficient use of time –more interviews can be fitted into a day as there isn't as much physical moving around.
- Cost saving – interviewers and interviewees can be anywhere and take part in the interview, saving on travel time and expenses.
- Accessibility – some applicants may find online interviews more accessible.

Disadvantages of online interviews include:

- Communication – it can be harder to build a rapport with the applicant in an online interview.
- System failure – if the platform goes down or internet is interrupted it can be hard to complete the interview.
- Location – some applicants may find it difficult to find a suitable, distraction-free location to do the interview in. They also won't get the opportunity to see the physical space they may end up working in.
- Unconscious bias – you get a view into someone's world which you wouldn't get in an in-person interview.

Online interviews require the same amount of preparation as in-person interviews. In addition, interview panels should do the following:

- Make sure everyone has access to the platform well in advance and knows how to use it. Interviews are stressful and time limited, so time shouldn't be wasted by interviewers struggling to log on.
- Ensure interviewees have all the information they need to do the interview. Give them plenty of notice about the platform you're using and provide them with an opportunity to log on and practice the functionality in advance of the interview to ensure it works on their computer.
- Speak to interviewees about the location they should choose for the interview, and support them to find somewhere suitable if needed. Advise them to try to locate as neutral a background as possible to reduce distraction and level the playing field.
- Think about how you will put candidates at ease – with online interviews they suddenly appear on screen with none of the settling in time candidates usually

get when they come into the room, get comfortable, shake hands, get a drink, etc. It's important to give candidates time to acclimatise to the virtual room.

- Don't forget to ask about reasonable adjustments. Just because there may not be the same physical access issues with online interviews, does not mean applicants might not need other adjustments.

Skills of an effective interviewer

Building rapport

Establishing a positive rapport can help the candidate to relax, focus on the questions, and provide comprehensive and honest answers. Interviewers should bear in mind that interviews are a two-way process and that candidates are also selecting the chambers or BSB entity they wish to join. A pleasant and welcoming selection panel are likely to make a more favourable impression than an impersonal or even hostile one. Interviewers should therefore try to foster an approach that is professional, friendly and effectively demonstrates their interest in the candidate and their experience.

The interview panel should:

- Welcome the candidate warmly into the interview room and spend a couple of minutes on 'chit-chat' to try and put them at ease (sticking to completely non-controversial topics like their journey that morning). Do this before moving on to any formal introductions.
- Try to build and maintain rapport throughout the entire interview, and not just when questioning the candidate. This can be achieved through active listening and positive body language.
- Show interest. As well as the obvious body language conventions of smiling, making eye contact and nodding, this involves employing a positive, interested, tone of voice and verbally acknowledging what the candidate has said.
- Be aware of how to interrupt or redirect a candidate. It is sometimes necessary to interrupt a candidate who is not providing an appropriate response to a question. However, this is best achieved with a friendly tone such as:

  'I was really interested in what you were saying when you mentioned X, could we return to look at that further? What exactly was your role?'

- Panel members should be aware of their body language and the impact that it is having on a candidate. Facial expressions and body language may have the effect of encouraging or discouraging candidates, and the impact of their behaviour may be greater for some groups than others. For example, those with past experience of discrimination may be more sensitive to 'negative' body language such as looking disinterested, yawning or checking phones. Interviewers should strive to maintain an open and friendly demeanor towards all candidates.

Active listening

It is not enough for interviewers to listen; they also need to show that they are listening. They can do this by reflecting on, or linking back to, what a candidate has said previously. For example:

> **'You mentioned earlier that you had previously worked on xxx case. I'd like to explore that a little further. Could you tell me more about what you did?'**

Summarising what a candidate has said is also a good way of demonstrating active listening and has the added advantage of allowing the interviewer to check that the candidate has understood the information correctly whilst thinking about the next question to ask.

Observing

The recruiting panel need to use their observation skills as well as their listening skills. They:

- Should look at the candidate and observe what they do, as well as what they say.
- Should try not to make judgments about the candidate while observing them.
- Need to be careful not to be influenced by irrelevant characteristics such as their physical appearance, gender, race or age.

Accurate recording

In a good interview, a great deal of information is observed and obtained from the candidate. It is impossible for anyone to remember all the facts and details accurately and note taking is therefore crucial. In a panel interview it is recommended that all interviewers make their own notes. However, this is challenging to do whilst also maintaining rapport with the candidate, maintaining sufficient eye contact, listening to their responses and forming a follow up question. It is therefore recommended that when one panel member is questioning, the others will take greater, though not sole, responsibility for note-taking.

The ability to remain impartial and objective throughout the interview is crucial. As far as possible, notes should be a record of what the candidate says or does during the interview or assessment. Panel members should avoid making evaluations or judgments when taking notes during an assessment – judgment on a candidate's performance is best reserved until after the assessment or interview is over. It is also helpful to keep in mind that under GDPR, interview notes may be disclosed to the individual to which they refer.

Classifying and evaluating

All members of the recruiting panel are required to individually classify the evidence they have collected against the selection criteria and rate the candidate against each criterion. An Interview Record Form should be used for this activity (Section 4, Template 4: Interview Record Form), which should be undertaken immediately after each interview.

Once all interviews have been completed, a ‘panel discussion’ will take place during which the panel members will compare their ratings, discuss the evidence and arrive at an agreed score for each candidate.

Designing interview questions

The interview panel should convene well in advance of the interviews to devise and agree a list of interview questions and a structure for the interview. Panels should refer to the selection criteria and construct questions that will elicit evidence against each criterion and of the behaviours that underpin that criterion.

Interview questions that put candidates both at ease and elicit information relevant to the selection criteria, should be devised.

Competency-based questions

When devising competency-based questions, panel members should construct questions that are in the past tense rather than the future tense. These questions require candidates to provide examples from their previous experience, as opposed to requiring candidates to construct hypothetical answers that do not necessarily inform panels of how they might actually behave or respond in a given scenario. There is substantial evidence to indicate that **past performance is a good predictor of future performance**.

i Competency-based question examples

Some examples of competency-based questions are:

- “Tell me about a time when you have had to work with others, under challenging conditions, to achieve a particular outcome”. (Team working)
- “Give me an example of a time when you came up with a new or different way of doing things.” (Innovation/Creativity)
- “Please give us an example of a time when you had to work hard to convince others of your way of thinking.” (Influencing/Advocacy)

Situational (or hypothetical) questions

Situational questions should be devised to measure criteria that chambers could not easily measure with a competency-based question – these may include criteria such as judgment, advocacy and ethics. When designing these questions, panels need to structure them in a way that asks candidates what they would do in a given situation.

ⓘ Situational question examples

Some examples of situational-based questions are:

- "What piece of XYZ legislation would you change, and why?" (Advocacy, Knowledge of XYZ legislation, Communication)
- "If you were the Secretary of State and had to reduce legal aid expenditure, where would you start?" (Advocacy, Knowledge of Legal Aid, Communication)
- "If a client described their case to you and you actually knew one of the parties mentioned, what would you do and why?" (Ethics)

Biographical questions

Biographical questions are suitable as part of a mix with competency and situational questions. They allow a candidate to talk about their education and experience to date, and their motivations.

Care should be taken to ensure that the questions still elicit evidence against the selection criteria that chambers or BSB entities are trying to assess.

ⓘ Biographical question examples

Some examples of bigraphical-based questions are:

- What is the most important thing you have learnt through study for your degree?
- Why did you choose to become a barrister?
- What skills most qualify you for this role?
- What is your ultimate career goal?
- Where do you see your career in 5 years?
- What difficulties have you had to encounter to achieve your goals?

Questioning techniques

A simple model to use when probing is the 'STAR' model, described below. STAR is an acronym for Situation, Task, Action and Result – a useful tool to remember when interviewing.

STAR model of questioning (Situation, Task, Actions, Result)

- Start by asking an open question that relates to the criterion you want to assess.
- Clarify the Situation and/or the Task that the candidate was involved in. Ensure that the candidate does not spend too much time on this and, where necessary, move them on.
- Ask what Actions the candidate took (what they specifically said or did rather than what generally happened). The majority of the allocated time should be spent on this as it will provide specific relevant evidence against the criterion that you are assessing.
- Ask what Result or outcome was achieved and any reflection they have on it.

Question types

The prime objective when questioning candidates is to get enough information against each criterion, both positive and negative, to conduct an accurate and fair assessment. This requires both consistency and flexibility; consistency in the criteria that are being explored and the initial questions asked of each candidate, but flexibility in how they are probed and followed up.

It is better not to ask multiple questions, or multiple-choice type questions, as these can be very confusing for the candidate. It is also, of course, better not to ask leading questions, as this merely allows the candidate to adapt their answers accordingly.

ⓘ Useful questions to ask

The types of questions that are useful to ask are:

Open – Questions that require candidates to give an extensive answer. These are useful for encouraging conversation and exploring how skilled candidates are at providing a structured answer.

Probing – Questions that explore a topic further and delve deeper, focusing on specific aspects.

Closed – Questions that are very specific and require a one-word answer. These are only good for establishing key facts and can be used to tie an area off before moving on to the next area of questioning. They are also useful when a candidate talks a lot and you do not need them to expand further.

Avoiding bias and discrimination

Questions which are based on assumptions, stereotypes and concerns related to gender, ethnicity, disability, religion, sexual orientation, age and socio-economic background should be avoided. They are likely to be offensive or patronising to the candidate, risk biased decisions and could lead to claims of unlawful discrimination.

Typical questions include:

- Asking women about plans for marriage/children.
- Asking women what their partner does.
- Asking about childcare arrangements.
- Asking Black or ethnic minority candidates where they (or their parents) are from.
- Asking Black or ethnic minority candidates about their plans to stay in the UK.
- Asking an older candidate about their age.
- Asking candidates about their religious observances and if they need time to pray.
- Asking disabled candidates about their health and hospital appointments.
- Asking disabled candidates about their ability to cope with the pressures of the role if other candidates are not asked the same question.
- Questions about home life, economic background etc.

ⓘ Areas to avoid

Panels must be vigilant not to stray into these areas, particularly if when using the candidate's application form to explore their career history. Panels should also ensure that all questions are criterion or competency-related and thus can and should be reasonably asked of all candidates.

Panels should not divert time to exploring a candidate's disability, or to exploring any potential adjustments that would need to be made to the role if they were successful. Focusing on the disability distracts from the interview and the assessed questions that are being asked of the candidate, and could make them perform less well at interview.

The Equality Act 2010 prohibits health related questions of an applicant either orally or in writing before an offer has been made. This does not prevent questions being asked for the purposes of making reasonable adjustments, equality monitoring, or establishing whether the applicant will be able to perform a function intrinsic to the work concerned e.g. ability to cope with stressful situations. Once an offer has been made, health related questions can then be asked, however chambers and BSB entities would still need to exercise caution around the potential for disability discrimination. The EHRC has produced **more information** about health related questions and Section 60 of the Equality Act.

Where a disabled candidate may need reasonable adjustments to enable them to practice, these should be discussed once the decision to make the candidate an offer has been made. The possible need for such adjustments should play no part in the decision-making process. This is covered in greater detail in Section 1, Page 20.

Evaluation and making a selection decision

The process of coming to a selection decision involves several stages: classifying and collating evidence against each criterion; evaluating the evidence to reach a rating; combining ratings across different assessment methods; discussing any differences between individual panel members' to agree final candidate ratings; and finally, choosing the best candidate on the basis of the ratings they achieved.

Classifying evidence

Each member of the recruiting panel should classify their observations from the exercises they observe. The best time to do this is straight after the exercise or interview, where time permits.

Classifying involves the following steps:

- Take the Observation Form from an exercise (i.e. the interview record form, or exercise observation form) and read it through to get an overview of what the candidate said or did.
- Re-read your notes in detail and highlight information, classifying it in relation to the criteria that you are assessing. Circle or highlight sections of your notes that provide evidence against each criterion, making a note of which criterion it links to.
- Information relating to the criteria may not fall neatly in one place on your observation forms so ensure you read your notes fully. Go through all your notes for the exercise and classify all relevant evidence. This is best done by assessors collating evidence for each criterion sequentially. However, provided that they are very familiar with the criteria, it is possible for assessors to collate evidence at once.

Evaluation of candidates

Once evidence has been classified for an exercise, each criterion needs to be evaluated and given a rating. The starting point in any evaluation must be the criteria set at the beginning of the process.

- Summarise the key evidence for each criterion, both positive and negative, on the exercise rating form. This summary should assess how well the candidate demonstrated the elements of the criterion and give brief examples of what they did. A bullet point style helps in providing accessibility of information and makes it easy to see the balance of positive and negative evidence.
- Rate the evidence using the agreed rating scale and taking account of the breadth and depth of the evidence emerging from the examples provided, as well as on the basis of the balance of positive and negative evidence.
- Ensure that you are not being influenced by any biases when awarding ratings. Different types of biases are described in Section 1, Page 18. It can be useful to analyse what is prompting a negative reaction to a candidate, as it may be the result of personal bias or a reaction to a candidate's poor interpersonal or communication skills. It is valid to record and assess relevant behaviour at the interview as part of the evidence for the selection criteria; it should not, however, take undue precedence over all other information gathered.
- There can be a tendency amongst assessors to place too much weight on the negative evidence and thus under-rate the candidate (also known as the 'horns effect').
- There is a natural tendency for assessors to want to compare candidates (also known as the 'contrast effect'). If this is done before the ratings are awarded, there is the risk that some candidates will be under or over-rated depending on who they are being compared with. An average candidate can appear good if following a particularly poor candidate, likewise they can appear marginal if compared with someone who excelled. In awarding the ratings, care must be taken to compare candidates to a common standard (i.e. the role profile) and not with each other. Once the ratings have been made, candidates can be compared with each other to see who scored the highest.
- When reviewing recorded notes, there can be occasions during which there will be no evidence for a particular criterion. However, this may not mean poor candidate performance. Consideration should be given to whether the candidate was actually asked a question regarding this criterion, or whether they were specifically instructed to address a particular aspect of a work sample exercise. This position should be checked as, if the candidate was asked for examples in the interview but could not provide them, or was guided to focus on a particular aspect of a work sample exercise and chose not to, then the absence of evidence will provide an indication of poor performance.
- Be aware of, and avoid where appropriate, the tendency to award candidates a mid-score (also known as 'central tendency').

Agreeing panel ratings

Once every member of the recruiting panel has individually classified and evaluated every exercise for every candidate, they need to convene and have a 'panel discussion'. The purpose of this discussion is to agree a final 'panel rating' for every criterion, in every exercise, for every candidate. The panel discussion is crucial to ensure the objectivity of the selection process, and having multiple assessors increases reliability as ratings are awarded based upon the evidence of many individuals, not just one. It is also useful in situations where an assessor has recorded a rating of 'no evidence' as it may be that other panel members have recorded evidence that their colleague has missed and so a rating can be awarded.

Where there are discrepancies in ratings between panel members, a full discussion of the evidence supporting the ratings should take place. It is possible that different assessors have recorded and taken account of different evidence. It is important that panel members challenge the ratings/evidence and not each other. If there are no discrepancies, and all panel members have the same rating, there will be little or no discussion.

Once evidence has been discussed, a firm/final rating on each criterion should be agreed by the panel. This may or may not be the average of the preliminary ratings. Where it is agreed that 'no evidence' is a valid rating, a decision must be made as to how to progress. It is useful for the panel to keep their original notes and ratings for each candidate, as well as the final ratings in one folder for each candidate. The original ratings can sometimes be useful to refer back to when making selection decisions.

It is advisable for the chair or the most dominant personality not to automatically have the final say on awarding ratings as there can be a tendency for 'groupthink' with some panel members 'agreeing' too readily and not bringing alternative evidence to the fore. This scenario is particularly likely when the panel is tired or in a hurry to finish. It is important to ensure that each panel member has an equal role in the discussion and that no one individual has more 'say' or 'decision making power' than the others.

Draw together the key themes to emerge from the evidence gathered during the assessment exercises, as these will form the basis for feedback. Two strengths and two developmental areas (if applicable) should be enough for providing feedback to each candidate.

Integrating ratings across different assessment methods

Where a criterion has been assessed by more than one exercise or interview, it is often the case that a candidate will score differently on the same criterion in different exercises. In such cases, the panel will need to integrate the different exercise scores to reach an overall rating for the candidate on that criterion.

In arriving at the overall rating, it is not appropriate to simply take the average of the ratings. Instead, assessors should discuss the different exercise scores and agree a final score for the candidate on the criterion in question. This should take in to account the opportunity for the candidate to demonstrate the criteria in question in each exercise, and the strength of the evidence provided.

Making the selection decision

Deciding who to appoint or make an offer to should be relatively simple – it should simply be the candidate(s) who achieved the highest ratings across all the assessment exercises. No other information should influence this decision as all evidence and any discrepancies between panel members' ratings will have been discussed during the earlier stages of the panel discussion.

Unlike shortlisting, there is rarely a strict decision-making rule for the final selection decision, other than to **take the best candidate, if they meet the agreed minimum requirements**. There may be occasions when the best candidate still has some development needs. In such cases, the panel will need to determine whether to appoint or to re-advertise the role.

Checklist

In this section you have learned about fair selection, including:

- Shortlisting
- Calibration
- Effective interviewing
- Interview questions
- Avoiding bias and discrimination
- Evaluation and making a selection decision

If you would like more information about designing a fair recruitment process please contact the Bar Council's Equality and Diversity team:

Helpline: **0207 611 1426**

Email: **equality@barcouncil.org.uk**