



CABINET OFFICE

Sub
21/12

From the Minister of State

Lord Gowrie

MANAGEMENT AND PERSONNEL OFFICE

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21 December 1983

Dear Tony,

REPORT ON RACE RELATIONS IN THE CIVIL SERVICE *attached*

Further to my letter to you of 15 December on this subject, I now confirm that the report "Race relations: a review of policies and procedures in the Civil Service" will be published today, and arranged Written Answers are announcing publication in both Houses.

I am copying this letter to David Barclay, Mike Corcoran, Barnaby Shaw, Richard Hatfield, and to members of EOM and EOM(SD).

Yours sincerely,

Paul C

P L CANN
Assistant Private Secretary

Civil Service: Long Term Policy 17 14

21 DEC 1983





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Dear Tony,

REPORT ON RACE RELATIONS IN THE CIVIL SERVICE

This is to say that the publication of the report "Race Relations: A Review of Policies and Procedures in the Civil Service", and the announcement of that event are postponed temporarily while Ministers consider further one aspect of the subject. I will write again to confirm the date of publication when it has been agreed.

I am copying this letter to David Barclay, Mike Corcoran, Barnaby Shaw, Richard Hatfield, and to members of EOM and EOM(SD).

Yours sincerely,

Paul Cann

P L CANN
Assistant Private Secretary

RACE RELATIONS

A Review of Policies and Procedures
in the Civil Service

RACE RELATIONS

A Review of Policies and Procedures
in the Civil Service

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1983

CABINET OFFICE

Management and Personnel Office

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I INTRODUCTION

1. In February 1981 the then Minister of State at the Civil Service Department submitted a memorandum* on race relations policy in the Civil Service to the Race Relations and Immigration Sub-Committee of the House of Commons Home Affairs Committee. The memorandum put forward proposals designed to utilise the limited resources available in the Civil Service directly to improve the effectiveness of personnel management procedures in the field of race relations. These proposals were: a review of personnel policies and procedures in the four key areas of recruitment, promotion, allocation to duties and selection for training; the issuing of a policy statement which should be drawn to the attention of all staff; and the designation of an officer (or officers) within each department responsible for implementing the Civil Service policy of non-discrimination. These proposals shared common ground with evidence submitted to the Race Relations and Immigration Sub-Committee by the Council of Civil Service Unions in July 1980.** Commenting on the Minister of State's memorandum the Home Affairs Committee, in its report on Racial Disadvantage, stated "There is clearly room for greater awareness in departments of the need to keep recruitment and promotion procedures under review, and to ensure that necessary language and other training opportunities are available".***

2. The aim of the review of policies and procedures is to eliminate the possibility of racial discrimination in the future. Racial discrimination falls into two categories: direct discrimination and indirect discrimination. These are defined in the race relations policy statement (reproduced at Appendix A) which has recently been agreed with the Council of Civil Service Unions. Within these legal concepts particular care should be taken to guard against subtle and unconscious forms of discrimination which may result from general assumptions about the capabilities, characteristics and interests of particular groups and which may in turn influence the treatment of individuals and groups (see paragraph 4 of the policy statement). The statement also refers to the designation of Equal Opportunity Officers and defines their role. This report sets out the results of the review and makes recommendations for further action.

3. The Trade Union Side of the Joint Co-ordinating Committee for Government Industrials declined to co-operate in the review. Therefore the review relating to industrial civil servants had to be undertaken as a management exercise.

Planning and preparation

4. Following the Minister of State's memorandum, preliminary work on the review was initiated by the Management and Personnel Office (formerly the Civil Service Department) in consultation with the government departments which were represented on the Joint Working Party on Race Relations in the Civil Service (JWP), which included both management and trade unions. Five questionnaires, designed to elicit information on the procedures that exist and how they operate, were drawn up: Recruitment (non-industrial); Recruitment (industrial); General (new entrants, allocation to duties, staff reporting, career interviews); Promotion; and Selection for training. A pilot exercise, using these questionnaires, was then undertaken in selected areas of each of the departments represented on the JWP (Ministry of Agriculture, Fisheries and Food, Ministry of Defence, Department of

*Racial disadvantage 5th report from the Home Affairs Committee (Session 1980-81), HC 424 iv, HMSO, 1981, Appendix 6, pp 37-39.

**Ibid, HC 424, pp 373-4.

***Ibid, HC 424-I para 193, pp lxxix - lxxx.

Employment, Department of the Environment, Home Office, Department of Health and Social Security and Management and Personnel Office). The questionnaires were then adapted, in consultation with the non-industrial trade unions, in the light of experience gained from this pilot exercise in preparation for their use in the Service-wide survey.

The review

5. The Chairman of the Joint Working Party wrote to the Principal Establishment Officers of all government departments in September 1982 asking them to undertake the review. The letter provided certain guidelines to departments on how, and in what areas, the review should be carried out. Although this was a Service-wide review it was recognised from the start that it would be impracticable to attempt to cover the entire Civil Service. Departments were therefore instructed to arrange for the questionnaires to be completed in selected areas, the breadth and depth of coverage depending upon the size and structure of the organisation. For small, headquarters only departments, a single reply was all that was needed. Separate replies were required for any major area in a department with a distinct personnel management regime. Where departments had a regional network they were instructed to prepare replies for a selection (two-to-three suggested) of regional or equivalent offices and for a selection (again two-to-three suggested) of local or other offices within each selected region. Departments were asked to ensure that the areas chosen to participate in the review reflected the full range of departmental activity. Departmental Trade Union Sides were advised of the review and departments consulted with them when choosing the areas for the review. No collation of the replies was undertaken by departments, thereby enabling the Joint Working Party to study personnel activity at all levels in departments. The five questionnaires sent to departments are at Appendix B and a table of the areas covered by the review is at Appendix C.

6. As well as asking departments to complete the five questionnaires, the Chairman of the Joint Working Party invited more general comments on the degree of success with which the policy of non-discrimination was operated in departments together with their views on problems encountered, how they might be overcome and on priority areas for action.

7. Questionnaire 1 (Non-Industrial Recruitment) was also completed independently by the Civil Service Commission in respect of recruitment schemes administered centrally. Certain specialist grades in the Civil Service such as Economists and Statisticians are managed centrally and not by individual departments; it was decided to include some such examples in the review. All participants in the review were asked to return the completed questionnaire by the end of November 1982.

8. The scope and coverage of the review can be ascertained from the table at Appendix C. In all, some 50 government departments participated, covering central London and about 40 other geographical locations.

II RECRUITMENT: QUESTIONNAIRES 1 and 2

A. Non-industrial recruitment: Questionnaire 1

9. The Civil Service Commission (CSC) issues guidance on the avoidance of discrimination of any kind, both to its own boards and to departments undertaking their own recruitment. The long-standing principle of recruitment by fair and open competition that governs Civil Service recruitment provides a firm basis for the implementation of equal opportunity policies. At the time the review took place recruitment to the lower grades of the Service (for instance clerical and secretarial grades) was delegated by CSC to departments but CSC maintained overall responsibility. Since 1 January 1983 full responsibility for recruitment to these grades has been assumed by departments under instructions and guidance issued by MPO. Reproduced at Appendix D is the recruitment guidance on race relations issued to departments (Note for the Guidance of Selection Boards). This guidance has not changed with the shift in responsibility but it should be reviewed.

10. The responses received show that departments follow the instructions and make use of the Civil Service Commission's guidance although not always in the form provided. The substance of the guidance is nevertheless retained, even though it may be reproduced in a format that the department regards as more suitable for its own purposes. We recommend that the guidance should continue to be issued and that departments should continue to:

- issue recruitment instructions to all recruitment points;
- arrange for at least two officers to participate in all sifts and interviews;
- record formally in each case the reasons for rejection at interview;
- notify Job Centres of all vacancies;
- issue selection board guidance to all board members.

11. Procedures vary much more in areas where less precise instructions are given. Departments should consider introducing formalisation in such areas. The areas in question are as follows:

a. The reasons for rejection at selection points other than the interview itself should be noted. The possibilities are:

- i. failure to meet the basic eligibility requirements;
- ii. rejection at sift stage - ie reasons other than basic eligibility;
- iii. adverse references after interview;
- iv. failure on health grounds.

b. The sift: criteria (other than basic eligibility) should be established at the beginning of the exercise and formally recorded, and should be modified in the light of the number and quality of applications received in relation to the number of vacancies, and a statement recorded, after the sift, of the criteria used to select the better candidates for interview.

c. At the pre-board briefing meeting the chairman should refer to the policy of equal opportunity and to the dangers of unconscious discrimination, and confirm that the board members have read the relevant instructions.

For b. above, the essence is that the reasons should be available if an individual decision is challenged. It may not be necessary to annotate each set of papers as long as a proper sift note has been retained recording the outcome, how it was reached and the criteria used.

12. At about the time the review was started by departments, CSC issued instructions (September 1982) concerning the use of the press and Job Centres for the advertising of vacancies. The previous obligation of departments to advertise vacancies in the press was removed (at first for clerical grades only, but from 1 January 1983 this applied to all departmentally-recruited grades). The new arrangements left departments free to advertise as before if they so wished but provided for all departmental recruitment to be channelled primarily through the local offices (Job Centres or Employment Offices) of the Manpower Services Commission's Employment Division and local authority Careers Offices. The Manpower Services Commission issues guidance to its staff on how to avoid racial discrimination. Similar guidance is provided by the Department of Employment to the Careers Service. This change of emphasis from the use of the press to Job Centres was clearly reflected in departmental responses.

13. However, in certain relatively isolated areas departments maintain a list of people who have enquired into the possibility of employment and use these as a source of applicants. Such informal methods of recruitment are fraught with potential hazards and should be discouraged. Departments should be alerted to the dangers of such procedures creeping in to the more isolated parts of their organisations and warned to guard against them.

14. The advertising arrangements for CSC centralised recruitment remain unchanged: press advertising is undertaken on a national basis, and the use of the public employment service is restricted to Professional and Executive Recruitment.

15. Finally, it is important to remember that all selection criteria, whether at the sift or interview stages, must be related to the requirements of the grade. Any other criteria, however conscientiously applied, run the risk of accusations of discrimination, direct or indirect.

B. Industrial recruitment: Questionnaire 2

16. Industrial grades comprise around 20 per cent of the Civil Service (132,195 industrials compared with 520,339 non-industrials at 1 January 1983) and they are concentrated mainly in six departments: Ministry of Defence, Department of Employment Group, Department of the Environment (Property Services Agency), Her Majesty's Stationery Office (HMSO), Home Office, and HM Treasury. Consequently the main responses to this questionnaire came from these departments. It should be pointed out that the arrangements in HMSO tend to differ from those in the rest of the Service because of the particular circumstances relating to the printing trade.

17. Where departments employ few industrial civil servants and consequently only recruit infrequently in this area, the procedure varies considerably from department to department. Some departments recruit as they do for non-industrial staff, in which case the officers concerned will have received all the appropriate guidance on the Civil Service race relations policy and the need to avoid the dangers of unconscious racial discrimination. But this is not always so and there are examples where a department's ad hoc arrangements do not include guidance to recruiting officers (at any level) on race relations. It should be stressed that such guidance is relevant and necessary for any recruitment that is undertaken. Informal methods of recruitment are fraught with potential hazards and should be discouraged.

18. The safeguards which are built into the recruitment procedure to ensure fair and open competition should apply equally to industrial and non-industrial recruitment. Departments' responses to this questionnaire indicate that, for example, at times applicants are only asked to complete an application form after the interview, while sifts and interviews are sometimes undertaken by only one officer. These practices should be avoided wherever possible. Where sifting and interviewing is undertaken by staff in personnel branches, the guidance given to them on joining those branches should suffice. Other staff should be provided with specific guidance on racial discrimination.

19. The responses to this questionnaire have revealed that there is a lack of uniformity in the Service in this area. Departments need to be reminded of their obligations in industrial recruitment, obligations which should be met no matter how infrequently recruitment is undertaken. Guidance on this area of recruitment needs to be strengthened, as at present the potential for racial discrimination is much greater than it is in non-industrial recruitment.

20. As with non-industrial recruitment departments should make sure that all selection criteria are job-related and justifiable in all other respects (see paragraph 15. above).

C. Recruitment - general

21. The Civil Service cannot afford to be complacent because it is an 'Equal Opportunities Employer'. It must also be able to demonstrate to potential employees that equal opportunities are practised both in recruitment and conditions of service. We understand that, at a conference of staff from personnel divisions in Civil Service departments in the North West Region on 1 July 1982, the Merseyside Task Force said that in Liverpool there are third, fourth and even fifth generation members of the black community who have no language problems and who are well integrated into the culture of the city. These groups still believe, however, that they will not succeed if they apply for jobs in the Civil Service and local authorities (excluding manual local authority posts) and there is some evidence that young people, even those with the necessary educational qualifications, often do not apply as they believe they are sure to be rejected.

22. A relatively inexpensive method of helping to allay such fears would be the addition in all recruitment advertising of the statement: "The Civil Service is an Equal Opportunities Employer". Such a statement is becoming increasingly common in recruitment advertisements and would provide an economic way of making the position clear to potential applicants from the outset.

III GENERAL PERSONNEL PROCEDURE: QUESTIONNAIRE 3

23. This questionnaire covered general personnel procedure and was divided into four sections: New entrants, Allocation to duties, Staff reporting and Career interviews.

A. New entrants

24. Not all departments advise new entrants of the Civil Service's race relations policy. Those that do, do so in a variety of ways, the most common being:

- reference at the induction interview;
- reference at induction courses (attendance at which is usually automatic);
- the issue of a special note which may be a copy of a routine instruction;
- reference in the staff handbook.

It is most important that both the Civil Service's policy towards all forms of discrimination in general, and the implications of the Race Relations Act 1976 in particular, are drawn to the attention of new civil servants straightaway. There are three main reasons for this: individuals know what treatment to expect from their employer; they know how they are expected to treat their colleagues; and they know how they are expected to treat any member of the public with whom they may come into contact during their official duties. Failure to alert new entrants to their obligations could result in complaints against the department.

25. The way in which new entrants are advised should be determined by a department's domestic arrangements for welcoming new staff. The task is inexpensive: departments can build upon the equality declaration in the recruitment advertisements that is suggested in paragraph 22 above. Universal coverage is essential. The various methods are satisfactory only if all new staff are covered and if their attention is specifically drawn to a statement of the policy. Reference at an induction course is not satisfactory as the sole means of information unless attendance at such courses is mandatory. Leaving staff to discover the policy for themselves from a staff handbook or manual will not do. They must be told that the statement is there and what it contains and a copy given to them.

B. Allocation to duties

26. Very little specific guidance on the posting of staff is issued by departments. A few give detailed guidance but for the most part guidance, where given, is in the general terms of the aim to provide the best match between jobs available and the interests and talents of the individual. Although no specific mention of the dangers of racial discrimination in allocation to duties is made, most departments commented that the posting of staff is the responsibility of officers in personnel divisions and such officers are constantly reminded of the need to treat all staff impartially and fairly. There is the need to avoid stereotyped assumptions. It should be remembered, however, that it may be at the discretion of management within the division or branch concerned to determine the duties allocated to the officer. Equally, it is left to personnel divisions to ensure, for example by a scrutiny of annual reports, that no discrimination is practised by line managers and supervisors in the allocation of duties. The reliability of such a procedure is questionable and therefore departments should not place too great an emphasis on it.

27. Individuals' posting and the type of work they are given are most important as postings can have a marked influence on the development of their career. It is

necessary to ensure that ethnic minority staff are not assigned to particularly narrow or restricted areas of work but are given the same opportunity as other staff to take challenging jobs. This is important when promotion is being considered. When staff are posted to personnel divisions they should be specially warned about discrimination, and given appropriate training.

28. The importance of posting to an individual's career development is such that a study of allocation to duties should be undertaken by the Management and Personnel Office in consultation with the Council of Civil Service Unions to establish whether there is a need for guidance to personnel staff. The recent review* may be relevant to this study as it has been concerned with the need for positive career planning.

C. Staff reporting

29. All departments issue instructions on the completion of annual staff reports. These are issued either when an officer moves into a reporting grade, or with each report. However, not all follow the central guidance in specifically referring to race relations, although they do stress the need for objective reporting. In addition to written instruction most departments run training courses, though attendance is not always compulsory. It is on the basis of annual reports that an officer's present performance and promotion potential are assessed. Such reports are completed not by trained personnel staff, who are more likely to be familiar with the Service's equal opportunity policy, but by line managers, who tend to be far removed from the centre. The officers are usually aware of the need to avoid conscious discrimination of all kinds; they may not be so much aware of the needs to avoid unconscious discrimination or indeed of the forms that unconscious discrimination might take. Departments' attention should be drawn to the importance of a paragraph on race relations in the reporting guidance, and steps should be taken to ensure that such a paragraph is added immediately to those instructions where it is not included. An example of such a paragraph is:

"A person should be judged solely by his or her performance in the job. Reporting and countersigning officers should take care that their judgements are not affected by personal prejudices and should bear in mind the anti-discrimination provisions of such legislation as the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Employment Protection (Consolidation) Act 1978. Particular care should be taken to guard against the more subtle and unconscious varieties of discrimination which can result from pre-conceived notions about capabilities or characteristics of particular groups. Examples of unconscious discrimination are:

- a. Staff may be directed into particular types of work on the basis of general assumptions without sufficient regard to the particular attributes and abilities of individuals.
- b. Preconceptions about the ability of ethnic minority staff to supervise may be allowed to affect recruitment or promotion to supervisory positions.
- c. The allocation of work, and the recruitment or promotion of ethnic minority workers into particular posts, may be affected by assumptions about the reaction of other staff and/or members of the public.
- d. There is a risk that 'double standards' may be used in making judgements of merit, and that different standards may be used according to the ethnic or national origins of individuals.

*Civil Service management development in the 1980s MPO, 1983.

e. Assumptions about a command of English or ability of ethnic minority staff to communicate that are not based on evidence of actual capacity may affect decisions on recruitment, promotion or postings."

30. Selective monitoring of the staff reporting and appraisal system should include consideration of the incidence of unconscious discrimination. Departments' training courses in staff reporting should address themselves to the problem of conscious and unconscious racial discrimination.

D. Career interview

31. Career interviews are undertaken by the appropriate personnel manager. All departments issue instructions on this and a number back these up with training courses. Although instructions on the conduct of career interviews are issued, not all specifically mention the dangers of racial discrimination. Such interviews are conducted by officers in personnel sections who should be well aware of the need to treat staff impartially, and indeed if the recommendations in paragraph 27 above are implemented they will have been given appropriate guidance on posting to personnel divisions. Nevertheless, in view of the possible effect of career interviews on the officer's future and likelihood of advancement, departments should ensure that all written instructions on career interviews include a paragraph on race relations.

E. General

32. The review revealed that it is not automatic in personnel procedures for reference to be made to the dangers of discrimination, racial or otherwise. It is essential that all staff, particularly line managers, should be made aware of their responsibilities in relation to the Civil Service's policy of equal opportunity and of the general provisions of the legislation concerning racial discrimination. It is an intrinsic part of good management that staff are treated fairly and on the basis of merit.

IV PROMOTION: QUESTIONNAIRE 4

33. The principle underlying promotion is that it shall be on merit and that there shall be no discrimination on such grounds as sex, colour, race or religion. Each department must operate recognised promotion machinery, but the general arrangements and procedures are with certain exceptions delegated to departments.

A. Non-industrials

34. Procedures in all departments, with two exceptions, follow the same general pattern. A basic field of eligibility is established, taking into account any agreed seniority fields, promotion markings on annual reports, and any formal qualifications required for the post. If too many are eligible to be seen by the promotion board, there is a sift to select a manageable number for interview. At the next stage the interview board produces a list of those recommended for promotion, in order of merit. In some cases they may only recommend sufficient to fill the vacancies; in others they may recommend a reserve list, again in order of merit, from which subsequent vacancies may be filled. A few departments do not follow this pattern; a "paper" board subsumes both sift and interview, and the candidates do not appear in person.

Promotion boards

35. The procedures for promotion boards are followed faithfully and work well. The normal pattern, indeed the invariable pattern where large numbers are concerned, is that written instructions to board members are issued either immediately before the board or at the start of the boarding season or in one or two cases when the board members are first trained. In a very few cases where the boards are at very senior levels and are dealing with small numbers the chairman briefs the board at the start of proceedings. In two departments with boards at senior levels, it has been assumed hitherto that because of the seniority and eminence of the board members no special warnings about discrimination are required; this procedure should be discouraged.

36. The instructions to boards in all departments include standard guidance about racial discrimination, conscious and unconscious. There are only two departments not fully in line. One of those is currently revising its instructions to incorporate the standard warning; the other - a very small department - contents itself with an oral reminder. However no special action is taken to ensure that the instructions have been read and digested by all board members, apart from one department where the chairman of the board checks before the start that his members have received and read the notes. All chairmen should check that the board members are aware of the instructions on discrimination.

37. Since departments ensure that board members have detailed instructions on the avoidance of discrimination, there may be no need to ensure that all board members are made aware of the policy to avoid racial discrimination, but training in interviewing skills and in avoiding discriminatory questions can be useful. Relying on the general dissemination of anti-discrimination policy throughout the department may not be adequate, and the policy should be re-issued from time to time by means of a general office notice.

Sifts

38. Sifts in all the respondent departments are carried out by two or more officers. The procedures vary more than those for boards. In some cases instructions are issued, including the standard warning about discrimination, but to avoid any

risks of discrimination, it is desirable that departments make sure that all staff undertaking sifting have had the instructions about discrimination drawn to their attention before a sift takes place.

39. Sift criteria vary widely. Some departments look at the candidate in the round, giving more weight to recent annual staff report markings and taking into account such things as relevant experience and overall performance as well as any other relevant information in their attempt to find the best person for the grade. At the other extreme departments limit the number for interview by such devices as lengthening the seniority requirement, excluding candidates marked lower than "well fitted" or excluding candidates with fewer than a specified number of "fitted" markings. In between, some departments instruct their sifting panels to select on merit with due regard to age and seniority where applicable.

40. Departments with rigid requirements that are in fact an extension of the basic eligibility criteria tend to spell them out in advance; other departments leave the panel members to settle the ultimate criteria in relation to the size of the field, the general calibre of candidates and the number of expected vacancies.

41. All promotion decisions, whether at sift or board stage, should be based on the needs of the grade at the higher level if they are to be fully defensible against accusations of discrimination. Departments which extend basic eligibility requirements such as seniority may need to consider whether their criteria are fully related to the capacity to do the job effectively in the higher grade, and whether they might be discriminating against an ethnic group which for one reason or another might have had less chance of fulfilling those requirements.

Recording of sift and board decisions

42. The reasons for promotion boards' decisions are almost invariably recorded at once or immediately afterwards and those departments that do not yet record the reasons for board decisions should consider how best this might be done. As with the recruitment process (see paragraph 11) the sift criteria should be established at the beginning of the exercise and formally recorded. This is already done by the majority of departments.

Training

43. National guidance provides that all members of interview boards should normally have received formal training in interview techniques. Exceptionally, if it is not possible to arrange formal training, departments should ensure that the board members have acquired the necessary skills and expertise by attending as observers at boards at which they were not formal members.

44. Only eight of the respondent departments have mandatory training, of either one or two days. Four departments run their own optional courses, and a further group use the Civil Service College but do not make attendance mandatory. Other departments only require board members to attend an earlier board as observers, even though this procedure should be exceptional. Four small departments have no training at all.

45. The timing of formal training varies. The big departments send their officers on training courses shortly before their first board. At the other extreme small departments tend to send them fairly soon after promotion into a grade where they may serve on a board and are reasonably likely to be asked to do so. All formal training covers discrimination, with two exceptions where the departments rely on general Civil Service experience and the inclusion of a statement of the policy in the papers issued to each board.

46. Formal training should be a normal requirement. Without such training, pitfalls may not be properly identified, particularly in the areas of unconscious discrimination. By itself, briefing or attendance as an observer is not normally sufficient, not least because not all the risks and difficulties will necessarily appear or be discussed during the course of that particular board. Something more systematic is needed. The Civil Service Commission training for Executive Officer board members held at the Civil Service College provides an appropriate level of training. It is also relevant that systematic formal training is a considerable aid to the achievement of consistency of standards within a department.

B. Industrials

47. The procedures for industrials, including promotion from the industrial ranks to the lowest grade of non-industrial supervisor, are less developed than those for non-industrials. Instructions, whether general instructions or special instructions on discrimination, are not always issued to members of promotion boards. Not all board members are trained, either by training courses or by sitting as observers. Induction may be no more than sitting as junior members with senior colleagues. Training is especially important in areas where numbers of industrial grades are employed as procedures are less developed than those where non-industrial grades are employed. There are occasions where sifts are carried out by one officer alone and this should not continue.

V SELECTION FOR TRAINING: QUESTIONNAIRE 5

48. Training, in particular developmental courses, plays a vital part in the career development of all staff. The review was therefore concerned to see how departments go about selecting staff for such training. Training can be divided into three general categories: induction, which takes place on entry to a department or grade and is normally mandatory; job related (vocational); and developmental (management) training. On the whole, attendance at the first group is automatic on entry to the Service or grades. It is in selection to the second and third groups that there is greater diversity between departments.

49. Selection for the second and third types of training is either by self-nomination or at the discretion of management. If an officer puts himself forward for a course, the application will be forwarded through the line manager and/or the head of branch. The support of the application by management is usually based on:

- a. the usefulness of the course to the officer (and the branch); and
- b. the availability of the officer.

50. Training sections do not normally sift applications. A check may be made to ensure that the application matches the aims and level of the course. A CO would not be accepted for a course intended for HEOs and above. Additionally if the course is over-subscribed applicants may be put into an order of priority (on grounds of need, length of time in grade or length of time waiting for the course). In such cases the officers excluded would be placed on the list for future courses.

51. A management initiative for training normally arises from one of two sources:

- a. training section;
- b. line management/personnel management.

Some departmental training sections maintain lists of officers eligible for specific courses. In addition there is a section on the annual report form which invites the reporting officer in consultation with the individual to identify any training needs. Personnel divisions, as well as noting any remarks made in this section, will scrutinise the rest of the report to see if it reveals any unidentified training needs.

52. No particular effort is made to draw the attention of officers selecting staff for training to the race relations policy and the dangers of unconscious discrimination, though the officers concerned would be familiar with this guidance in connection with one of their other duties. Most of the departments stress that selection for the majority of courses is virtually automatic, thereby implying that there is little need for special guidance in this area.

53. The question of ensuring that ethnic minority staff enter training courses is not checked by departments, though again mandatory courses present no problem. However, such selection and recommendation procedures as there are may be open to the dangers of discrimination, which should not be ignored. Departments should draw the attention of all staff involved with selection or recommendation for training to the potential for unconscious discrimination in so far as it has not already been done in other ways and to the need to guard against preconceived ideas about the likely benefit of a specific training course to a particular ethnic group. In addition, where possible, informal checks should be made to see that ethnic minority staff are being invited on developmental courses, and that steps are taken where

necessary to deal with remediable defects, such as communication difficulties. Section 38 of the Race Relations Act 1976 allows employers to take action to train or encourage employees from a particular racial group to do work in which that group has been under-represented.

VI FUTURE DEVELOPMENTS

54. At the time that this review was taking place a separate Review of Personnel Work* was being carried out in nine departments, which together covered some 60 per cent of the non-industrial Civil Service grades. That review was not specifically concerned with racial discrimination. Its objectives were to examine major aspects of personnel work, to consider the respective roles in such work of line and personnel managers and to make recommendations for improving the performance of personnel work by line and personnel managers.

55. That review has now been completed and some of its findings will have implications for the race review, to the extent that its findings should lead to the decentralisation of many personnel decisions. This increases the risk of discrimination since such decisions will now be taken by line managers less familiar with the equal opportunity policy. It is therefore essential that all staff, and in particular line managers, should be aware of their responsibilities, including the need to avoid stereotyped assumptions, and departments must ensure that they are reminded of them as part of an awareness programme.

56. Departments also need to be sensitive to the possible effects of changes in the social structure, in particular geographical areas. Should there be an increase in the numbers of the ethnic minorities into any area, departments should ensure that staff, and in particular the local managers, are reminded of the race relations guidance, and warned that it will be increasingly relevant to their responsibilities.

VII SUMMARY OF RECOMMENDATIONS

57. Non-industrial recruitment

a. The Management and Personnel Office should review the Note for the Guidance of Selection Boards (paragraph 9).

b. All departments should follow the recommended procedures in the Civil Service Commission's guidance on race relations policy and practice. To this end, departments should continue to issue the guidance at regular intervals (paragraph 10).

c. Departments should formalise the recruitment procedures in areas where guidance has hitherto been imprecise, particularly in the recording of reasons for rejection, the recording of sift - as distinct from eligibility - criteria, and checking that board members have read their instructions on non-discrimination and the dangers of unconscious discrimination (paragraph 11).

d. Departments should be aware of the dangers inherent in the development of informal methods of recruitment, particularly in outlying parts of their organisation and should discourage such methods of recruitment throughout their operations (paragraph 13).

e. All selection criteria must be related to the requirements of the grade (paragraph 15).

58. Industrial recruitment

a. There is considerable divergence of practice and the risks of racial discrimination are much greater than for non-industrial recruitment. The safeguards built into the non-industrial procedures should apply equally to industrial recruitment procedures. Informal methods of recruitment should be discouraged (paragraphs 17-19).

b. Guidance should be issued to all recruitment points and it also needs to be strengthened (paragraphs 17-19).

c. All selection criteria must be job-related and justifiable in all other respects (paragraph 20).

59. Recruitment: general

a. All recruitment advertising should include the statement that "the Civil Service is an Equal Opportunities Employer" (paragraph 22).

60. General personnel procedure

a. All new recruits must have their attention specifically drawn to a statement of the Civil Service's equal opportunity policy and a copy given to them (paragraphs 24 and 25).

b. Allocation to duties. Staff on posting to personnel divisions should be specially warned of the risks of discrimination and given appropriate training (paragraph 27).

c. Management and Personnel Office, in consultation with the Council of Civil Service Unions, to undertake a study of allocation to duties (paragraph 28).

*Review of Personnel work in the Civil Service: Report to the Prime Minister, by J S Cassels CB, HMSO, July 1983.

d. All departments should ensure that their instructions on the completion of annual staff reports include the central guidance on race relations and the avoidance of discrimination (paragraph 29).

e. All officers responsible for completing annual staff reports should be reminded of the need to avoid unconscious as well as conscious discrimination, and should also be reminded of the form that unconscious discrimination might take (paragraph 29).

f. Selective monitoring of the staff reporting and appraisal system should include consideration of the incidence of unconscious discrimination, and departments' training courses in staff reporting should address themselves to the problem of conscious and unconscious discrimination (paragraph 30).

g. All written instructions on career interviews should include a paragraph on race relations and discrimination (paragraph 31).

61. **Promotion**

a. The chairmen of promotion boards should check that their board members are aware of the standing instructions on the avoidance of discrimination (paragraph 36).

b. Departments should reissue the statement of the policy from time to time by means of a general office notice (paragraph 37).

c. Departments should ensure that all those carrying out sifts have had the instruction about discrimination drawn to their attention before they begin their work (paragraph 38).

d. All promotion decisions, whether at sift or board stage, should be based on the needs of the grade at the higher level (paragraph 41).

e. Departments should examine their sifting criteria to ensure that there is no risk of bias, conscious or unconscious (paragraph 41).

f. Those departments that do not yet record the reasons for board decisions should consider how best this might be done (paragraph 42).

g. The criteria used in sifts should be recorded in every case (paragraph 42).

h. Formal training for all board members should be a normal requirement. The Civil Service Commission's training for Executive Officer board members provides an appropriate level of training (paragraph 46).

i. The procedures recommended for the non-industrial Service should be followed within the industrial grades of the Civil Service (paragraph 47).

62. **Selection for training**

a. All staff involved with selection for training should have their attention drawn to the race relations policy and in particular to the dangers of unconscious discrimination and the need to guard against preconceived ideas about the likely benefit of a specific training course to a particular group (paragraph 53).

b. Informal checks should be made to see that ethnic minority staff are being invited to attend developmental courses (paragraph 53).

c. Departments should ensure that steps are taken where necessary to deal with remediable defects such as communications difficulties (paragraph 53).

63. **General**

a. If line managers have personnel responsibilities delegated to them following the Review of Personnel Work*, departments should ensure that they receive the appropriate training on the avoidance of discrimination both conscious and unconscious (paragraph 55).

b. When there is a change in the ethnic balance in any geographical area, departments should ensure that staff and in particular local managers are reminded of all the relevant guidance on race relations and of their responsibilities (paragraph 56).

*see footnote on page 14

RACE RELATIONS POLICY STATEMENT

1. General

1.1 It is the policy of the Civil Service that all eligible persons shall have equal opportunity for employment and advancement in the Civil Service on the basis of their ability and qualifications and fitness for the work. There must be no direct racial discrimination against any eligible person whether in recruitment, training, promotion or in any other way.* Similarly there must be no indirect racial discrimination. This occurs where a requirement or condition is applied equally to people from different ethnic origins but is unfavourable to particular groups defined by reference to any of the characteristics of colour, race etc because a considerably smaller proportion of them can comply with it: *unless* the requirement or condition can be shown to be justifiable irrespective of the colour, race etc of those to whom it is applied.

1.2 This policy pursues and builds on the statutory position in Great Britain and Northern Ireland. The intention is to comply as much with the spirit as with the letter of the legislation and to establish and pursue an effective policy of promoting equal opportunity. In Great Britain it is generally unlawful to discriminate on grounds of colour, race, nationality, ethnic or national origins under the Race Relations Act 1976. Under the Fair Employment (Northern Ireland) Act 1976 it is unlawful to discriminate in employment matters on the grounds of religious belief and political opinions.

*1. Race Relations Act 1976 Section 1(1)

A person discriminates against another in any circumstances relevant for the purposes of any provision of this Act if:

- a. on racial grounds he treats that other less favourably than he treats or would treat other persons; or
- b. he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but:
 - i. which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and
 - ii. which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and
 - iii. which is to the detriment of that other because he cannot comply with it.

1.3 It is essential that this policy should be clearly communicated to all management and staff and should therefore be published in, for example, office notices, circulars, information on promotion and departmental staff handbooks. It should also be made known to potential applicants, through recruitment and careers literature and job advertisements, that the Civil Service is an Equal Opportunities Employer.

2. Departmental responsibility

2.1 Although the Management and Personnel Office is responsible for developing, formulating and promulgating the policy for the Service as a whole, operational responsibility lies with the Principal Establishment Officer of each department, under the direction of the head of that department. Personnel Divisions and line managers are responsible to Principal Establishment Officers for ensuring that all staff for whom they have responsibility are aware of this policy of equal opportunity and that there is no unlawful discrimination of any kind. For an equal opportunity policy to be effective it must be adopted at all levels of management and supervision.

2.2 An officer should be designated within each department to be responsible for co-ordinating the equal opportunity policy and to act as an inter-departmental liaison officer with the Management and Personnel Office. In larger departments it will often be appropriate for officers to be designated with this responsibility at regional and/or local levels.

2.3 Existing joint management/union machinery should be used at departmental and where appropriate local levels to plan and oversee the implementation of the policy on a continuing basis. Similarly joint machinery at national level should be responsible for monitoring equal opportunity policies and programmes on a Service-wide basis.

3. Individual responsibility

3.1 The existence of law cannot of itself ensure that any policy of non-discrimination will work effectively. This will be achieved only if staff at all levels examine critically their attitudes to people and ensure that no trace of discrimination is allowed to affect their judgement. In this connection staff should be aware of the forms which unfair discrimination can take, guard against them and avoid any action which might influence others to discriminate unfairly.

4. Unconscious discrimination

4.1 Care should always be taken to guard against the more subtle and unconscious varieties of discrimination which may not easily be perceived. These may result from general assumptions about the capabilities, characteristics and interests of particular groups which are allowed to influence the treatment of individuals or groups. They may also take the form of applying conditions or requirements, without considering whether they operate disproportionately to the disadvantage of particular groups. Any such requirements must be shown to be justifiable within the spirit and terms of the Race Relations Act. Unconscious discrimination may show itself in several ways:

a. Staff may be directed into particular types of work on the basis of these general assumptions without sufficient regard to the particular attributes and abilities of individuals.

b. Preconceptions about the ability of ethnic minority staff to supervise may be allowed to affect recruitment or promotion to supervisory positions.

c. The allocation of work, and the recruitment or promotion of ethnic minority workers into particular posts, may be affected by assumptions about the reaction of other staff and/or members of the public.

d. There is a risk that "double standards" may be used in making judgements of merit, and that different standards may be used according to the ethnic or national origins of individuals.

e. Assumptions about a command of English or ability of ethnic minority staff to communicate that are not based on evidence of actual capacity may affect decisions on recruitment, promotion or postings.

4.2 These and similar kinds of behaviour may occur without conscious intention to discriminate, and without giving rise to complaints by those affected. Line managers should take particular care to be seen to be impartial in their dealings with all staff. When interviewing ethnic minority staff - whether in job appraisal reviews or in the course of day to day business - they should ensure that their own conduct accords with the policy in this statement and ascertain whether any difficulties discussed are due directly or indirectly to race, colour etc and take all appropriate action to deal with any discrimination.

5. Recruitment, Selection for training, Allocation to duties and Promotion

5.1 Eligibility criteria for recruitment should be formulated to ensure that they are related to job performance and are non-discriminatory. These criteria should be included in the information sent to prospective candidates about any scheme of recruitment. Those which could act as discriminatory barriers to the employment of staff from the ethnic minorities should be identified and reviewed. Similarly, any tests used in recruitment, training or promotion should be examined to ensure that they are related to job performance and are non-discriminatory.

5.2 Selection and promotion board decisions and reasons for such decisions should be recorded at each stage of the selection and promotion process. Where recording the criteria used at each stage of the process is sufficient to explain the decisions of selection and promotion boards, this will be an adequate record.

6. Training

6.1 Training and information can play a major part in the promotion of equal opportunity. It is essential that departments should make every effort to ensure that all those with managerial and supervisory responsibilities perform those duties with full regard to all the implications of the equal opportunities legislation. The policy described in this statement should be explained wherever possible in management courses, and in literature and circulars as referred to in paragraph 1.3 above.

6.2 The Race Relations Act 1976 (Section 38) provides, *inter alia*, that where members of particular racial groups have been under-represented over the previous twelve months in particular work, employers may encourage them to take advantage of opportunities for doing that work or to provide training to help them attain the skills needed for it. Departments should be aware of this provision and should take it into account in arranging, or in providing guidance on, equal opportunity training.

6.3 Where the workforce includes employees whose knowledge of English is limited, steps should be taken by departments to assist those employees who have

difficulties to improve their command of English so as to ensure more effective performance and better communications within the organisation.

7. Advertising

7.1 Advertisements whether internal or external (this includes all media, leaflets, posters, films and other visual aids) must not indicate, or appear to indicate, an intention to discriminate in selection for recruitment, promotion, training or transfer.

7.2 In all areas of advertising care must be taken to ensure nothing is said about Civil Service policies or activities which might be interpreted as reflecting any form of discrimination.

7.3 Advertisements should not be confined unjustifiably to those areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular racial group. Where appropriate, consideration should be given to advertising in publications of special interest to ethnic minorities in addition to wider press advertising.

7.4 Where a particular qualification is required it should be made clear that a fully comparable qualification obtained overseas is as acceptable as a UK qualification.

8. Complaints of discrimination

8.1 **Grievance procedures.** All civil servants should be made aware of the grievance procedures which are available to them, including the right to request a formal written explanation of treatment they believe to be discriminatory.* A written explanation should also be given to those job applicants to the Civil Service who claim that a refusal to offer employment was discriminatory.

8.2 **Tribunals.** Employees who think they have been discriminated against and who consider they have failed to secure adequate redress have a legal right to take their case to an Industrial Tribunal. In these circumstances complaints can be brought against managers as well as against the employing department.

9. Agreement

9.1 This policy has been jointly agreed by the Official and Trade Union Sides of the National Whitley Council and all parties affirm their full support for the principle of equality of opportunity and are concerned that there should be a practical and generally accepted programme for action. They are determined that everything possible is done to ensure its full and effective implementation.

*Form RR65 is available for this purpose.

QUESTIONNAIRE 1

DEPARTMENTAL RECRUITMENT (Non-industrial)

The instructions issued from the Management And Personnel Office, including the Civil Service Commission, are contained in the following: Establishment Officers' Guide 7000-7389, and General Notice Gen 76/24 dated 6 April 1976.

Rec/Inst 1, 2, 3, 4, 5

Discrimination - Note for Guidance of Selection Boards
SB/Notes [Departmental Recruitment of Clerical Officers and Clerical Assistants.]

1. Which recruitment instructions, including those issued by the Civil Service Commission, are sent to every recruitment point in your department?
2. Are all vacancies advertised in the press either collectively or individually?
3. If the answer to 2. is No, please say to what extent vacancies are advertised in the press either collectively or individually?
4. To what extent are all vacancies notified to Job Centres?
5. What is the minimum number of officers involved in the sifting of application forms?
6. Do you have explicit sift criteria?
7. What is the minimum number of officers constituting an interview board?
8. On what occasions are the Civil Service Commission notes for guidance of selection boards issued to every member of a selection board?
9. How do you ensure that they are seen by all board members?
10. How do you ensure that all board members are made aware of the policy to avoid racial discrimination?
11. How are all board members warned of the dangers of unconscious discrimination?
12. How frequently are all board members reminded of the policy to avoid racial discrimination and of the dangers of unconscious discrimination?
13. Are the reasons for rejection of a candidate at a selection board recorded? Please say how this is done.
14. Are the reasons for rejection recorded at any other elimination stages? Please say when and how this is done.

QUESTIONNAIRE 2

DEPARTMENTAL RECRUITMENT (Industrials)

1. What recruitment instructions are sent to every recruitment point in your Department?
2. How do you select industrial candidates for interview?
3. Do candidates complete application forms, etc, before or after interview?
4. If application forms are completed before interview, how many officers are involved in the sifting process?
5. Do you have explicit sift criteria?
6. Who interviews for industrial recruitment? What is the minimum number of officers involved in interviewing? Is the interviewing done by these officers concurrently or successively?
7. On what occasions are CSC notes for guidance for selection boards issued to all officers concerned with the selection of candidates for industrial employment?
8. How do you ensure that they are seen by all concerned?
9. How are all officers concerned with the selection of candidates for industrial employment made aware of the Civil Service policy to avoid racial discrimination?
10. How are the officers referred to in 9. warned of the dangers of unconscious discrimination?
11. How frequently are the officers referred to in 9. and 10. reminded of the policy to avoid racial discrimination and of the dangers of unconscious discrimination?
12. Are the reasons for the rejection of a candidate recorded during the selection process? Please say how this is done.
13. Are the reasons for rejection recorded at any other elimination stages? Please say when and how this is done.

QUESTIONNAIRE 3

GENERAL

New entrants

1. Are all new entrants made aware of the Civil Service policy to avoid racial discrimination?
2. Please say how new entrants are made aware of the policy to avoid racial discrimination?

Allocation to duties

3. What general instructions are issued to members of the Personnel Divisions engaged in the initial posting of staff?
4. Do the instructions referred to at 3. include any references to the dangers of unconscious discrimination? If so, please say what they are.
5. What general instructions about allocation to duties are issued to line managers at all levels down to the basic supervisory grades?
6. Do the instructions referred to at 5. include any references to the dangers of unconscious discrimination?
7. What steps are taken to ensure that no discrimination is practised by line managers and supervisors in the allocation of duties to staff from the ethnic minorities?
8. What procedures are followed to ensure that staff from the ethnic minorities are not kept indefinitely in routine jobs?

Staff reporting

The instructions on staff reporting are contained in Annex C of Establishment Officers' Guide paragraph 9871

9. Is anything said about discrimination and the Civil Service policy to avoid racial discrimination in the notes for guidance to reporting officers? If so, what is the content?
10. On what occasions are these instructions issued to every member of staff responsible for completing or counter-signing a confidential annual report?
11. How do you ensure that these instructions are seen by reporting officers and counter-signing officers?

Career interviews

The instructions issued from MPO on career interviewing are contained in Establishment Officers' Guide paragraph 10062

12. What instructions on discrimination are issued to all staff undertaking career interviews?
13. Are reminders issued to all such staff? If so, how and with what frequency?

QUESTIONNAIRE 4

PROMOTION

The instructions issued from MPO are contained in CSD Circular GEN 75/38

1. What is the minimum number of officers involved in the sifting for a board?
2. What general instructions do you issue to staff responsible for selection for promotion?
3. How do you issue your instructions - what are the procedures?
4. On what occasion are these instructions issued to every officer responsible for sifting for promotion boards?
5. Do you have explicit sift criteria?
6. On what occasions are these instructions issued to every member of a promotion board?
7. What do your instructions say about the Civil Service policy to avoid racial discrimination?
8. What do your instructions say about the dangers of unconscious discrimination?
9. How do you ensure that they are seen by all board members?
10. How do you ensure that all board members are made aware of the policy to avoid racial discrimination?
11. What training is given to all board members?
12. When is this training given?
13. Is the subject of discrimination included in the training? If so, to what extent?
14. Are the reasons for the rejection of a candidate recorded during the selection process?
15. If the answer to 14. is Yes, please say at what stages of the selection process the rejection is recorded. Please also say how this is done.

Promotion boards where candidates are not interviewed

16. With what general instructions are the board members provided?
17. What do these instructions say about:
 - a. the Civil Service policy to avoid racial discrimination?
 - and b. the dangers of unconscious discrimination?

QUESTIONNAIRE 5

SELECTION FOR TRAINING

1. How are individuals selected to attend training courses?
2. If attendance is by way of self nomination does the applicant have to pass through the line manager and/or the head of branch/division?
3. If the answer to 2. is Yes, what criteria are used for nomination/rejection?
4. Does any "sifting out" occur in the Training Section?
5. If the answer to 4. is Yes, on what basis is this done?
6. How do you ensure that the officers involved in selecting staff for training are made aware of the Civil Service policy to avoid racial discrimination?
7. How are the officers involved in selecting staff for training warned of the dangers of unconscious discrimination?

AREAS COVERED

Aldermaston	Lytham St Annes
Bedford	Manchester
Birmingham	Midland Region (DEmp)
Blackburn	Midland Region (PSA)
Bootle	Midland and Oxford Circuit (LCD)
Bracknell	Newcastle on Tyne
Bristol	Norwich
Burnley	Nottingham
Cardiff	Preston
Cheltenham, Glos	Reading
Crawley	Rosyth
Derby	Runcorn
Durham	South Eastern Circuit (LCD)
Edinburgh	Southampton
Fylde	Stafford
Glasgow	Sunningdale
Harrow	Swansea
Leicester	Swindon
Liverpool	Wales (PSA)
Llantrisant	Weymouth
London	Yorkshire and Humberside Region (DEmp)

CIVIL SERVICE COMMISSION
DISCRIMINATION
NOTE FOR THE GUIDANCE OF SELECTION BOARDS

REVISED MAY 1981

Ref SEC 181/182/01
SEC 144/223/01

1. It is a cardinal principle of the Commissioners' recruitment work that prejudice in matters of colour, race, sex, religion, politics, etc should be excluded. The Board Chairman (or the Commissioners' representative on a Board not arranged by the Commission) must make it his special concern to ensure not only that no prejudice of this kind operates, but also that no candidate has any grounds for thinking that it enters into the Board's questioning or assessment.

Racial discrimination

2. There is a particular danger of misinterpretation in the case of ethnic minority candidates, who, if unsuccessful, may well assume that they have been at a disadvantage because of their colour. It is especially important to ensure that the interview should give them every chance to show their quality, and Board members must take care that neither the form nor the tone of any of their questions gives any suggestion of colour prejudice.

3. In the Board's assessment, coloured candidates, like all other candidates, must be judged solely on the suitability of their qualifications, relevant knowledge, experience and personal qualities. There must be no question of applying different standards according to the ethnic or national origins of candidates, and the Board should be on its guard against the more subtle and unconscious varieties of discrimination which can result from general assumptions about the capabilities, characteristics and interests of such groups. For instance, the Board should avoid any preconceptions about the ability of coloured or immigrant staff to supervise, or about the possible reactions of white staff or members of the public to the employment of coloured workers in particular posts. A coloured candidate is as acceptable as anybody else, and the Board will normally have no difficulty in recognising the merits of a candidate of clear intellectual ability with a good record of relevant experience.

4. The Board should consider carefully such matters as personality and powers of communication. There may be little evidence about a candidate's capacity to tackle work of the kind which would have to be done in a Civil Service job, or to work in harmony as a member of a team. Powers of communication are obviously of the highest importance; a civil servant who cannot readily follow instructions given by his superiors or who is not easily understood by members of the public in personal interviews or on the telephone cannot do an effective job. Whatever allowance the Board may justifiably make for the difficulties of candidates from overseas, it must judge them in the last resort on the same terms as other candidates, in whose case powers of communication would be looked for as a matter of course. The Board should, therefore, consider carefully the suitability of a candidate who finds it difficult to communicate. But it is important that the Board's judgement should be based on the evidence as a whole, including the interview performance, and not on any subconscious assumptions about coloured candidates' ability to communicate. Where the Board decide that a candidate has to be excluded largely on such grounds, a note should be made on the rating form or record card.

5. The Board is not concerned with the acceptability of candidates on security grounds; where that question arises (for example, with candidates who have lived in this country for only a short time), it is entirely a matter for the prospective employing department and should not be allowed to influence the Board's general assessment of the candidate.

Sex discrimination

6. Care should be taken to avoid asking female candidates the kind of questions which could not also be asked of men and *vice versa*, as such questions might be interpreted as evidence of discriminatory practice in employment under the Sex Discrimination Act 1975. It should be noted that under that Act discrimination on the grounds of marital status is unlawful as well as discrimination on the basis of sex.

General

7. Where a candidate is not recommended for appointment, the Chairman should indicate on the rating form the candidate's strong and weak points and, wherever practicable, the reasons why he is considered less suitable for the job than those who are recommended for appointment. The Commissioners find such comments especially valuable when they are called upon to reply to complaints or to MP's enquiries regarding alleged discrimination. The Chairman should retain his own fuller personal notes in case any question arises later. In view of the possibility of complaints of unlawful discrimination being made to Industrial Tribunals by unsuccessful candidates, it should be borne in mind that Selection Board reports, rating forms, and the Chairman's notes may sometimes have to be produced at Tribunal hearings or in a Court of Law. The Tribunal or Court may order the discovery (ie the production) of such documents relating not only to the complaint but also in respect of other candidates who were interviewed in the same group or by the same Board.