



## XpertHR Podcast

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- Laura Merrylees: Hello and welcome to this week's XpertHR podcast with me, Laura Merrylees. Interviews are the most commonly used selection tool in recruitment, but not all employers agree that they're the most effective. With me today to discuss how to make the most of interviews is managing editor for employment law, Bar Huberman. Now, Bar, interviews can be a very effective recruitment selection tool, but they have been criticised for their unreliability in predicting the candidate's ultimate performance in the role. Why is that? [0:00:33.5]
- Bar Huberman: The main reason is that interviews are conducted by people, so they can be a subjective process and this makes them vulnerable to a number of issues.
- Laura Merrylees: So what are the sorts of issues organisations encounter? [0:00:45.4]
- Bar Huberman: Well one of the main issues is discrimination, which can arise in a number of ways in an interview process and one of the primary ways in which discrimination occurs is where the interviewer makes assumptions about the candidate because of a particular characteristic. So this could be where the interviewer assumes that a young candidate who's being interviewed for a management role wouldn't be able to cope with managing a team of people. Another common problem organisations come across is interviewers selecting in their own image, rather than focusing on the skills and capabilities of candidates.
- Laura Merrylees: And is it fair to say, Bar, that there is a risk that an interviewer can form an impression of a candidate early on in the interview and then they fail fully to engage in the process and they don't properly explore whether the candidate is likely to perform well in the role? [0:01:28.9]
- Bar Huberman: Yes, that's a difficulty some organisations encounter.
- Laura Merrylees: Okay. So presumably training interviewers is one of the best ways of avoiding these problems. What should training cover? [0:01:37.9]
- Bar Huberman: There are a number of areas to cover in training and I'll highlight just a few points. First there should be practical guidance on preparing for the interview, such as how to set the right questions. Training should also explore what conduct the interviewer should exhibit during the interview, so things like body language. I've already mentioned discrimination being an issue in a recruitment selection interview, so training should include an overview of direct and indirect

discrimination in the protected characteristics as well as how conscious and unconscious bias can affect the process. For example, an individual manager might not consider a man for a caring role, because he or she has a perception about male attributes.

Laura Merrylees: Yes and another important area to cover is how to respond to unexpected scenarios, such as what do you do if someone unexpectedly asks about the opportunity to work flexibly. Could you give listeners some tips on what interviewers should do in this scenario, for example. [0:02:29.2]

Bar Huberman: Well I think as with any situation where you come across an unexpected request at a job interview, it's best to take some time to think it through rather than coming to any hasty conclusion. So tell the candidate you will consider the request and get back to them. After the interview you can then think the situation through and if you're a line manager, seek advice and guidance from HR if you're not sure about what to do. While people who don't have 26 weeks' service don't qualify for the right to request flexible working, dismissing the request outright could still amount to indirect discrimination on the basis that more women than men have the main responsibility for childcare, so are less likely to be able to work full-time, as well a failure to make reasonable adjustments for an employee with a disability.

Laura Merrylees: Also, I suppose, failing to consider such a request could mean that the organisation is, potentially, missing out on employing the best candidate for the role. [0:03:16.3]

Bar Huberman: That's right and we're going to come on to more issues around discrimination a bit later on in the podcast.

Laura Merrylees: Great. Well let's drill down now a bit further and focus on some of these points. Asking the right questions is essential in making sure that employers can assess the candidate's ability. Is it best to follow a set format, though? [0:03:31.7]

Bar Huberman: Well most interviews follow what's known as a structured or semi-structured approach to asking questions. This is considered a reliable interview technique because it involves asking standard questions of all candidates, which allows the interviewer to make direct comparisons between them. The difference between these two formats is the extent to which the interviewer deviates from the script. So a semi-structured approach is much more flexible and listeners can get more information about structured and semi-structured interviewing in the good practice guide on recruitment and selection techniques.

Laura Merrylees: Okay and what about the types of questions to ask to enable the interviewer to pick the best person for the job? How should managers go about setting those questions? [0:04:10.5]

Bar Huberman: Well many organisations design questions that focus on the competencies for the job. These are the behaviours and skills that people need to exhibit to be able to perform the job in question.

Laura Merrylees: So I suppose typically this wouldn't include questions like, 'Where do you see yourself in five years' and, 'What are your strengths and weaknesses?' I think many people no longer consider these questions to be the best way, necessarily, of making a valid assessment of the candidate's suitability, do they? [0:04:34.6]

Bar Huberman: That's right. Instead what the interviewer does is takes the competencies that job holders need to perform well in the post, such as team-working or working to a tight deadline and then ask questions to find out if the candidate possesses these skills and competencies.

Laura Merrylees: And many employers design competency frameworks, don't they, to list the behaviours that an employee will need to perform well in the role. So once you have a list of the competencies you want to test, how would you then actually go about deciding whether the interviewee possesses them? [0:05:01.4]

Bar Huberman: Again there are different techniques in terms of the types of questions to ask. Many employers use behavioural and situational interviewing techniques and these are considered effective methods to gather information on the candidate's ability to perform the role.

Laura Merrylees: So can you tell us, Bar, just about the difference between those two techniques? [0:05:16.4]

Bar Huberman: Sure. So with behavioural questioning, the manager uses questions that ask candidates how they've acted in the past in specific situations. So, for example, 'Tell me about how you communicated a difficult decision to a colleague' or, 'Give me an example of how you've set yourself a goal in the past.'

Laura Merrylees: Okay, so the candidate in those circumstances can then draw on real experiences to explain how he or she dealt with the situation. [0:05:39.6]

Bar Huberman: Absolutely and the rationale is that past behaviour is a good predictor of how someone will behave in the future.

Laura Merrylees: And what about situational interviewing? [0:05:48.8]

Bar Huberman: Situational or hypothetical questions are where the employer asks the candidate questions about how he or she would act in a certain work situation. So you would start with something like, 'How would you deal with...?' or, 'How would you respond if...?'

Laura Merrylees: And you mentioned earlier that training for interviewers should include guidance on discrimination, but before we delve into that a bit further, can you just tell us about employer's liability for discrimination in respect of job applicants, because I think with employees it's fairly familiar territory, but people can sometimes be wrong-footed by that. [0:06:16.7]

Bar Huberman: Discrimination law applies to the entire employment life-cycle. So even before someone becomes an employee, they're protected under the Equality Act 2010 and job applicants are protected against

discrimination based on the same nine protected characteristics that apply to employees.

Laura Merrylees: Right. So one of the areas in discrimination where some employers have consistently fallen down is making assumptions about a woman's commitment to work because of her family responsibilities. Is this still the case? [0:06:44.0]

Bar Huberman: Well it may come as a surprise to some, but some interviewers do still ask women about their childcare arrangements or their plans to have a family or their marriage plans and even their partner's occupation. Now, where a job applicant is suitable for the job in terms of skills and experience and they're rejected in favour of someone of the opposite sex or a different racial group, for example, and that person can show that potentially discriminatory questions were asked during the interview, the burden of proof then shifts to the employer to show, on the balance or probabilities, that it didn't discriminate,

Laura Merrylees: And employers also need to watch out for the risk of discrimination in less obvious scenarios, don't they? [0:07:19.5]

Bar Huberman: Well interestingly there have been two cases recently, one heard in the Supreme Court called *Essop v Home Office*, which dealt with the requirement for Home Office staff to pass an assessment to be eligible for a promotion and another called *Government Legal Service v Brookes* where a job applicant with Asperger's Syndrome was required to complete an online multiple choice psychometric test. In both cases the requirements were held to be indirectly discriminatory. Now although these cases didn't deal with an interview scenario, they do show that employers need to think really carefully about the kinds of questions they're asking and ensure that they are relevant to the candidate's ability to perform the job.

Laura Merrylees: And that's another point, isn't it? The sorts of questions you mentioned earlier about childcare arrangements are unlikely to tell you whether a person is likely to perform well in the role. [0:08:02.8]

Bar Huberman: That's right. Interviewers need to bear in mind that as well as the potential for discrimination, the answers to these questions bear no relation to how well somebody is likely to perform in the role and if you want to know more about discrimination in recruitment, we have lots of guidance on XpertHR, including a podcast on disability discrimination in recruitment and that's available on the audio and video tool, which you can access via the home page.

Laura Merrylees: Great. So what are some of the other ways, apart from training, of reducing the risk of discrimination creeping into a job interview? [0:08:29.8]

Bar Huberman: There are some simple tools and principles that HR can adopt to reduce the risk of discrimination. Having more than one interviewer, so a panel of trained interviewers, can help to minimise the risk of bias. It can also greatly increase the reliability of the process in choosing the right person for the role and I also just wanted to mention that a consistent method of scoring people is really crucial in ensuring an objective interview process. There are a range of scoring mechanisms available, with different levels of complexity, but one of

the key factors is applying the same method to everyone to ensure a level playing field.

Laura Merrylees: So let's move on now to what happens after the interview. Often employers will be interviewing quite a number of candidates for the same role or the interview might be one of a number of recruitment selection tools that they're using. So quite some time can pass before the candidate knows whether or not he or she has been successful. This can lead to the risk of disengagement, can't it? How do you overcome that? [0:09:20.7]

Bar Huberman: Yes, it's really important to keep candidates engaged with the recruitment process. It's essential that you keep communicating with them. Say a candidate thinks that an interview has gone well, he or she might be put out if you don't then get back to them quickly, even if you've said that it will take a few weeks. So keep communicating with people even if you don't have any news. This is going to help to keep them interested. Also, make clear that they can contact you. So if they have any concerns they speak to you first, without accepting a job elsewhere.

Laura Merrylees: And it's important to apply these principles to all candidates, isn't it? So you're not just applying them to those that you're likely to offer a job to this time round? [0:09:57.4]

Bar Huberman: Absolutely. When you're interacting with candidates, you're creating an impression of your organisation not only for them as job applicants for the current role, but also for future roles or as customers and friends and family of your customers. They may have invested a lot of time and effort in applying for the role, so show them you appreciate that by communicating with them too.

Laura Merrylees: Indeed. Well thanks, Bar, and just to round up on those resources on the site that we've been talking about, do take a look at the Good practice guide on recruitment selection techniques, and to delve deeper into the employment law considerations when you're recruiting and selecting, we have plenty of information in the recruitment and selection chapter of the Employment law manual.

Well that brings us to the end of this week's XpertHR podcast which you've been listening to me with, Laura Merrylees. We're back again next Friday, but until then it's goodbye from us.