Fairness in Interviewing

There is now considerable research to show that the interview can be a notoriously unreliable method of assessing the suitability of applicants. It is known that aspects of an applicant’s identity such as their ethnicity, gender identity, any disability, age and their sex may differentially shape the expectations and behaviour of the interviewer and the outcome of the interview. The discrimination might not necessarily be the result of overt prejudice on the part of the interviewer, but might be due to the informality of the interview or the reliance on inexplicit criteria and subjective judgements.

a) Selection criteria used at the interview should be rigorously evaluated for their potential for bias and discrimination.

b) Carefully structured interviews should be based on a planned sequence of questions to all candidates.

c) The same areas should be covered in questions to all candidates to ensure comparability between interviews.

d) The interview schedule and the guidelines for scoring and decision-making should be discussed and agreed between the committee members before the round of interview begins. As interview panels are frequently composed of varying groups of committee members this pre-interview meeting will be important for the maintenance of consistency and equality of opportunity between candidates.

e) Interviews should not be conducted by an individual acting on their own.

g) The number of members on the panel should be consistent throughout the interview round.

h) Interview panels should include men and women and as diverse a mix of levels of seniority and background as possible. Fairness may be facilitated by greater diversity in the group making the assessments. The composition of the panel may also influence the applicants’ perception of the interview process and their performance.

First Impressions

A consistently applied structured interview procedure minimises the risk of direct discrimination resulting from negative first impressions. Interviewers are often aware of the power of first impressions – described by one member of staff as “walking in through the door test.” First impressions are often inaccurate.

For women or members of minority groups, the negative impression may be related to gender or racial stereotypes, or conscious prejudices about the acceptability of gay men or disabled applicants, or it may simply be because of the interviewer’s unfamiliarity with people from a particular community.
Interview Questions

Questioning in selection interviews is a specific skill. Considerable care needs to be taken in the formulation of interview questions to ensure that they will elicit valid and reliable information for the assessment of applicants with diverse backgrounds and abilities. Questions to all applicants should cover the same areas and should not vary in complexity between applicants.

The form of the question affects the answer given and interviewers should ensure that any differences between applicants in the quality of the answers are not merely a reflection of differences in the clarity or nature of the questions asked.

While taking care to maintain objectivity and consistency, interviewers need to be sensitive to the individual differences in applicants’ styles or presenting themselves and their familiarity with or self-confidence in the social environment of the organisation.

Questions in selection interviews should therefore be:-

- planned in advance and written down
- directly related to the selection criteria
- justifiable on grounds of the work to be done
- reviewed for potential bias
- clear and unambiguous

Avoiding Discriminatory Questions

Questions should not be directly or indirectly discriminatory. Interviewers should avoid questions which may discriminate against applicants covering the protected characteristics. The value of each question to the selection process should be assessed:

- Is this question likely to elicit information which will give a fair assessment of this applicant’s ability to work in this particular area of the organisation?
- Is it based on unwarranted assumptions about the similarity of applicants’ previous experience, financial resources or lifestyles?
- Does it have the potential to disadvantage any person in relation to any of ‘protected characteristics’ described in the Equality Act? i.e. age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief, sex and sexual orientation.

How is the information elicited going to be assessed and can the response be rated objectively and reliably?

Can the individual applicants be reliably compared on the basis of their answers to this question?
Questions to be Avoided

Interviewers should avoid questions about personal relationships and family composition which are irrelevant to the applicant’s professional performance e.g.

<table>
<thead>
<tr>
<th>To men and women or to women only</th>
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</thead>
<tbody>
<tr>
<td>Are you planning to get married?</td>
</tr>
<tr>
<td>What are your plans for a family/ how old are your children?</td>
</tr>
<tr>
<td>What does your spouse do?</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>To women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you think that you will be able to deal with difficult male clients?</td>
</tr>
<tr>
<td>How would your husband react to...?</td>
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<tr>
<td>What arrangements will you make for your family if you have to work away from home?</td>
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</tbody>
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<table>
<thead>
<tr>
<th>To members of minority ethnic groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where do you/your parents/your grandparents come from?</td>
</tr>
<tr>
<td>Do you think that being from an ethnic minority will be a problem here?</td>
</tr>
<tr>
<td>Do you think that you will be able to fit in?</td>
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</tbody>
</table>

Basic questioning for fair interviews

- All questions must be clearly related to job role and the person specification.
- Questions should not be asked to test ethnic minority candidates’ understanding of UK customs or to check their fluency in English unless these are bona fide job requirements.
- Where a job involves necessary unsocial or irregular hours, the full facts should be presented to all interviewees. Assumptions should not be made about the likelihood that women are less likely to be able to cope with working hours. All candidates should be asked whether they have understood the requirements and will be able to conform to them if appointed.
- Care should be taken not to discourage candidates from any particular groups by stressing the disadvantages of the job.
- Interviewers must keep interview notes and their scoring in order to make fair comparisons between candidates.
- Reasons for rejection and selection at the short-listing stage and after interview must be recorded for later incorporation into the selection-monitoring process and be available to candidates if required.
- Venue and timing for interviews should be checked to ensure it does not inhibit any individuals from coming forward.
A note on positive action

Employers can take proportionate steps to help people with protected characteristics who are disadvantaged, or under-represented in some areas of life, e.g. employment or have particular needs linked to their characteristic to take proportionate steps to help them overcome that disadvantage or to meet those needs for example if you have a workforce that has no south Asian staff yet there is a substantial south Asian population locally, an employer can advertise in local Asian press, community centres and places of worship to encourage the to apply, but then through the selection process no extra support or encouragement should be given to any group as this would then become positive discrimination which is unlawful.

However in addition to allowing positive action, the Equality Act now allows employers to favour a candidate from an under-represented minority in cases where two candidates for a job or for promotion are equally well qualified.

Positive discrimination i.e. making decisions irrespective of merit (i.e. quotas) or having an automatic policy of favouring those from under-represented groups e.g. in recruitment and selection, is unlawful.

The ‘two tick’ rule, positive about disabled people

Are you committed to improving employment opportunities and career development for disabled people? To demonstrate your commitment you could use the Disability Symbol which is awarded by the Employment Service. As a symbol user, the organisation will guarantee an interview to anyone with a disability whose application meets the minimum criteria for the post, and then consider them on ability.

Pre-employment health questionnaires:

Questions may not be asked unless the reason is one of the following:

- to make suitable arrangements for interview or selection
- for the purposes of equality and diversity monitoring.
- for a genuine, job-related, reason.
- to take positive action.
- to assure the employer that a candidate has a disability where the job genuinely requires the jobholder to have a disability.

If you would like further support, training in interviewing skills or fair recruitment and selection please contact Jonathan.

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