



Chapter 15: Pre-qualified Pools

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15.1 Sources of Information

15.1.1 Legislation

[Public Service Employment Act](#) Subsection [10\(2\)](#)
[Public Service Employment Regulations](#) subsection [5\(2\)\(i\)](#), subsection [5\(3\)](#), and Section [44\(c\)](#)
[Pre-qualified Pool Exclusion Approval Order and Pre-qualified Pool Recourse Regulations](#)
[Standards for Selection and Assessment](#)

15.2 Policy Statements

Pre-qualified pools (PQP) may be established by departments, as delegated by the Public Service Commission (PSC). PQPs allow for flexibility in the staffing process, provided that:

- a. PQPs are established as part of good HR planning and employees are informed at the outset of the standard of competence to be used, selection criteria that may be applied and how the pool will be used. Planning and transparency are key to the success of the pool.
- b. A PQP is a pool of fully assessed and fully qualified candidates. Information needed to apply selection criteria (criteria that may be applied to select from the pool) should be gathered from candidates at the time of assessment. Once the pool is established no further assessment is done.
- c. Candidates in a PQP have a reasonable expectation of appointment. A reasonable expectation of appointment means that under normal circumstances, all those persons whose names were placed in a pre-qualified pool would be appointed.

Appointments from a PQP are based on individual merit. Candidates in PQP processes who are denied entry to the pool, and candidates who meet the criteria for selection and are not appointed, are provided with appropriate recourse. Departments are encouraged to resolve issues informally before candidates request formal recourse.

15.3 Values-Based Approach

A department's decision to use PQP processes must be clearly communicated to employees to provide a comprehensive understanding of the approach including how and when PQP will be used in the department in relation to other staffing processes. Employees and applicants must be provided with information about the basis on which decisions will be made. Full and open communication of the standard of competence for entry into the PQP and the criteria used for selection and appointment of individuals from the pool promotes understanding of the process and increases its transparency.

When conducting a PQP process, all eligible persons must have a reasonable opportunity to be considered. A standard of competence established to demonstrate that candidates are fully qualified for positions for which the PQP was established will ensure the selection of competent individuals for appointment.

The PQP process has an alternate recourse mechanism that provides for feedback, review of the decisions made and if appropriate corrective action. This recourse mechanism safeguards that staffing decisions are made in a fair, equitable and transparent manner.

15.4 What is a Pre-Qualified Pool (PQP)?

A PQP is defined in the *Public Service Employment Regulations* as meaning a pool, established for a class of similar positions of the same occupational group and level, containing the names of persons who have been assessed against, and found to be qualified in relation to, a standard of competence for those positions.

A PQP is an efficient staffing mechanism for candidates and managers. It provides a source of individuals fully assessed relative to the requirements for a position or for similar positions within the same occupational group and level. All candidates in a PQP are fully qualified for appointment.

15.5 Delegated Authority for PQP

Departments must obtain delegated authority from the Commission in order to establish a PQP. A template is available to assist departments in the preparation of their request for delegated authority.

Authority to appoint from a PQP is delegated to all departments that have a signed Staffing Delegation and Accountability Agreement. This is intended to allow for partnering within a community or among departments that share similar types of position and requirements.

To make appointments from a PQP the following conditions must be met:

- the person is being appointed to one of a class of similar positions in the same occupational group and level for which the PQP was established;
- the Public Service Commission has authorised the establishment of the PQP;
- the department making an appointment from the PQP was included in the area of selection; and
- the notice for the PQP clearly indicated that the department would be making appointments from the PQP.

15.6 The PQP Process

Appointments are made in accordance with the individual merit circumstance described in [subsection 5\(2\)\(i\)](#) of the *Public Service Employment Regulations* (PSER). The PQP process must be developed in consultation with bargaining agents, where applicable.

Departments should determine whether establishing a PQP process is appropriate to respond to their staffing needs. Staffing planning is a critical element when establishing a PQP. It ensures there is a reliable forecast of the number of similar positions performing similar work and requiring the same qualifications within an organization, across organizations or within a community. An accurate forecast of the number of anticipated vacancies is essential to ensure that qualified candidates who are placed in the pool have a reasonable expectation of being appointed. Section I of [Developing a Staffing Strategy](#) provides additional information on staffing planning.

A [standard of competence](#) must be developed for each position or group of positions within the same occupational group and level. All managers having access to the PQP must be willing to appoint any candidate meeting the standard of competence and must therefore agree at the outset that the standard of competence is appropriate in relation to the position or group of positions.

Selection criteria for appointment from the pool must also be identified at the outset of the process. The selection criteria must be objectively established, based on business and organizational needs relevant to the duties to be performed. Criteria may include such factors as area of selection, experience, language requirements, strengths and weaknesses of the work team, and availability of individuals in the pool. Where departments have a PSC approved Employment Equity Program, employment equity status may also be used as a criterion for selection from the pool.

TIP: Offering individuals in the PQP an opportunity to determine and express their availability is a characteristic of a fair and transparent process. Selection criteria must respect the [mobility](#) and [equality provisions](#) of the [Canadian Charter of Rights and Freedoms](#) and the [Canadian Human Rights Act](#). For example, if availability was established as a selection criteria, not selecting a qualified person because they were on sick or parental leave might constitute discrimination against them based on a disability or their family status.

If using official language requirements as a selection criterion for a PQP established for a group of positions with various linguistic requirements, managers must remember that in accordance with the *Official Languages Act*, language requirements must be objectively established based on the requirements of the position and possession of qualifications beyond those requirements must not be a factor in selecting candidates. This would be contrary to the guarantee of equal opportunity to employment and advancement in the federal public service. For example, if a position has a language requirement of bilingual imperative BBB/BBB, it would not be appropriate for a manager to select a qualified candidate with higher SLE results over another qualified candidate who meets the BBB requirement solely on the basis of the higher language proficiency. Similarly, if a position has a language requirement of bilingual non-imperative CCC/CCC, it would not be appropriate for a manager to select a qualified candidate who already meets this requirement ahead of another qualified candidate who has received a positive second language diagnostic result and is entitled to language training. When staffing on a non-imperative basis, all eligible candidates shall be equitably considered for appointment by providing access to language training.

A PQP has some features that are similar to a competitive process for relative merit appointments. After an area of selection is specified, a PQP is advertised to attract candidates.

Information concerning the statement of qualifications and the selection criteria for appointment must be made available to potential candidates. The assessment of the candidates' qualifications is conducted as described in [Chapter 8](#).

Candidates are identified as either meeting or not meeting the standard of competence established for entry into the pool. Candidates are not ranked and an eligibility list is not created. All candidates meeting the standard of competence may have their names placed in the PQP, provided that they have a reasonable expectation of appointment. Methods such as top-down selection may be used as a means to arrive at an appropriate numbers of person in the PQP. Top-down selection is the practice of choosing those individuals who attain a higher level of proficiency in a particular qualification to advance to the next stage of assessment. However, the overall marks of candidates may not be used to conduct a top-down selection as this would constitute a relative merit evaluation. Once in the PQP, all candidates are considered fully qualified and there will be no further assessment of qualifications. Candidates whose names are placed in the PQP should be advised of their status in the process and relevant candidate information gathered to assist with selection from the PQP.

As positions become vacant, candidates who meet the selection criteria set by the manager, are identified for appointment. The selection criteria are not a further assessment of the candidates. For example, if candidates were assessed against the ability to analyse, among other qualifications, to gain entry to the pool, analytical skills cannot be assessed further. However, the manager may want to consider the past experience(s) or context(s) in which candidates demonstrated analytical skills, to select the candidate with the most relevant experience as long as experience was identified as a selection criterion at the outset.

15.7 Recourse

Where a PQP is established for appointments from within the Public Service, recourse is available at significant decision points in the process:

- after notification of the decision not to place the name of a candidate into the pool (i.e., during screening or assessment); and
- after notification of the decision not to appoint a candidate whose name was considered as meeting the selection criteria for the appointment.

15.7.1 The Recourse Process

Recourse specific to the PQP process has been established through a [Pre-qualified Pool Exclusion Approval Order and Pre-qualified Pool Recourse Regulations](#).

The Exclusion Approval Order states that appointments from a PQP are excluded from the operation of section 21 of the *Public Service Employment Act*. The *Pre-qualified Pool Recourse Regulations* apply only to PQPs open to persons employed in the Public Service.

Within a PQP process, recourse will be provided to candidates at two decision points. The first decision point is when a candidate is not placed in a PQP. Managers are required to inform candidates in writing of this decision and of their right to request, within five working days that the Deputy Head review the decision. The second decision point is when a candidate who meets the selection criteria for appointment is not selected. Managers are required to inform candidates in writing of the decision and of their right to request, within ten working days that the Deputy Head review the decision. Candidates may have representation at the review of decisions.

Should a candidate not be satisfied with the Deputy Head's decision, the candidate may within ten working days after the receipt of this decision, request that the PSC review its reasonableness. Should a candidate not receive the Deputy Head's decision within twenty working days of requesting the review, the candidate may then request the PSC to conduct the review.

15.7.2 Establishment of a Recourse Process

A Deputy Head must establish a departmental recourse process before the department can use a PQP. The process must respect the *Pre-qualified Pool Exclusion Approval Order and Recourse Regulations* and the policy established in this chapter. Where a department has delegation to establish a PQP recourse must be provided at both decision points. Departments who are sharing a PQP must provide recourse at the second decision point when appointments are made from the PQP within their organization.

Deputy Heads are expected to consult union representatives, where applicable, when establishing a recourse process to ensure that potential concerns are addressed. When determining a recourse process, a Deputy Head should consider other approaches such as [Alternate Dispute Resolution](#) (ADR) to assist in resolving problems as close to the source as possible. Departments should offer to provide candidates whose name will not be placed in the pool and candidates who were identified but not selected for appointment, with feedback concerning their assessment or the decision not to appoint them. Meaningful feedback will allow a candidate to determine the necessity to request a formal review of the decision by the Deputy Head and/or PSC.

15.7.3 Access to Information or Documents

A candidate in a PQP process who requests additional information must be given access to any information, or any document that contains information related to the candidate or to the decision made about the candidate. It is expected that all information will be provided within a reasonable time frame, as the review of materials is limited to individual interests.

The Deputy Head concerned or the PSC, as appropriate, may refuse to allow access to information or a document, or to provide a copy of a document, if the disclosure might:

- threaten national security or any person's safety;
- prejudice the continued use of a standardized test that is owned by the Deputy Head's department or the PSC or that is commercially available; or,
- affect the results of such a standardized test by giving an unfair advantage to any individual.

15.7.4 Request for Review of Decision

Candidates must make a request for a review of the decision in writing. The request may be made by alternative format as needed as long as the request is in a form that can be retained for future reference.

15.7.5 Action by Deputy Head

The Deputy Head has the authority to review decisions and determine corrective action if necessary. Corrective action could include reversing the decision made and could lead to the revocation of an appointment. If a Deputy Head reverses a decision not to include a candidate in

a PQP, the candidate would then proceed in the PQP process. If a Deputy Head reverses a decision concerning an appointment made from a PQP, the appointment which has been made could be revoked and a new appointment could be made. In this latter case, the Deputy Head must give the person whose appointment is being considered for revocation, the right to be heard.

It is expected that most complaints will be resolved within the department. However, as a review by the PSC may occur, detailed records of requests for review of decisions and of disclosure of materials must be kept by the department.

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