



Public Service Commission
of Canada

Commission de la fonction publique
du Canada



Audit of the Commission for Public Complaints Against the RCMP

A Report from the Public Service Commission
of Canada

October 2005

Canada

Public Service Commission of Canada
300 Laurier Avenue West
Ottawa, Ontario K1A 0M7
Canada

Information: (613) 992-9562
Facsimile: (613) 992-9352

This Report is also available on our Web site at www.psc-cfp.gc.ca

Cat. No. SC3-109/2005
ISBN 0-662-69280-2

© Her Majesty the Queen in Right of Canada, represented
by the Public Service Commission of Canada, 2005



Audit of the Commission for Public Complaints Against the RCMP

A Report from the Public Service Commission
of Canada

October 2005

All of the audit work in this report was conducted in accordance with the legislative mandate and audit policies of the Public Service Commission of Canada.

Table of Contents

Summary	2
Introduction	3
Background	3
Focus of the audit	3
Observations	4
Selection processes were manipulated to hire pre-selected individuals	4
Hiring practices followed an unacceptable pattern	6
Statements of Qualifications were tailor-made	6
Assessments were not based on merit	7
Justification for staffing without competition was inadequate	7
Staffing decisions were questionable	8
The CPC Staffing Management Framework was weak	10
Roles and responsibilities were not clearly defined	10
No monitoring system was in place for staffing	11
Timely human resources planning is needed	12
Poor human resources services were provided	13
Service provider officials failed to fulfil staffing responsibilities	13
There was no effective challenge function	14
The CPC has committed to improving its staffing practices	16
The PSC has placed conditions on the delegation of staffing authorities	17
Looking forward to the new PSEA	18
Conclusion	19
About the audit	21
Glossary	23

Summary

1. From April 2001 to September 2004 (the period we audited), significant staffing irregularities occurred at the Commission for Public Complaints Against the RCMP (CPC). The CPC generally followed an unacceptable staffing pattern. Managers would first hire someone under a contract or through a temporary help agency. After a year or less, they would officially hire the individual to the public service through a competition open to the public. For many of the 51 selection processes we examined, the CPC deliberately tailored the Statement of Qualifications to match this individual's experience and knowledge. We also found that the CPC's assessment tools and practices did not demonstrate that these individuals were the most qualified for the position. We have concluded that the majority of appointments did not comply with the merit principle under the *Public Service Employment Act* or the conditions accepted by the Chair of the CPC in signing the Staffing Delegation and Accountability Agreement with the Public Service Commission (PSC).
2. We attributed this non-compliance in part to the Chair of the CPC as there was no infrastructure in place to effectively manage the staffing system. The Chair did not clarify roles and responsibilities for the delegated manager or other managers, nor did they receive training on staffing values. We also found no evidence of human resources planning; as a result, the CPC made appointments on an *ad hoc* basis.
3. Our audit also revealed that the human resources service provider failed to provide expert advice to the CPC. As a small agency, the CPC relied on human resources services provided by a larger department, the Department of the Solicitor General (SOL). In 1997, the two organizations signed a general agreement stipulating that SOL human resources officials would provide staffing services and expert advice to the CPC. In fact, the SOL failed to fulfil its staffing responsibilities to the CPC.
4. A new Executive Director joined the CPC in June 2004 and is introducing changes in CPC staffing practices and other human resources areas. Human resources guiding principles were also developed, approved by the Chair and shared with staff. In May 2005, members of the CPC Management Committee attended a one-day course on values-based staffing. In July 2005, the service provider and the CPC signed a document entitled Management and Delivery of Staffing and Classification Services, outlining the roles and responsibilities of both organizations.
5. The PSC has placed conditions on the CPC's delegation of staffing authorities. Until the PSC is satisfied that a proper staffing system is in place, the CPC Chair may not delegate staffing authorities to anyone other than the Executive Director. The CPC will also submit quarterly progress reports to the PSC on its staffing system.

Introduction

6. An independent body established by Parliament in 1988, the Commission for Public Complaints Against the RCMP (CPC) receives and reviews allegations of inappropriate conduct by members of the Royal Canadian Mounted Police (RCMP). The CPC conducts investigations, holds public hearings, initiates complaints, and makes findings and recommendations to the RCMP Commissioner and the Minister of Public Safety and Emergency Preparedness. The Review Unit is at the core of CPC's business.
7. The Governor in Council appoints the Chair of the CPC; the incumbent has served since 1997. Other key officers are the Executive Director, the General Counsel, and the Director General of Reviews and Policy. The CPC has just over forty employees on strength at any given time.
8. *The Public Service Employment Act (PSEA)* governs appointments to CPC positions. During the period covered by the audit, CPC was part of the portfolio of the Department of the Solicitor General (SOL). The department provided administrative and management support services, including human resources services, to the CPC – at no cost to the CPC. In December 2003, SOL was reorganized and the CPC became part of the portfolio of Public Safety and Emergency Preparedness Canada (PSEPC), which continues to provide services to CPC.

Background

9. The Public Service Commission (PSC) reviewed the last CPC Departmental Staffing Accountability Report for its 2002-2003 staffing activities. The review raised questions as to the number of staffing activities and the practice of hiring term employees for one year and then appointing them without competition on an indeterminate basis.

Focus of the audit

10. This audit assessed the extent to which every staffing decision taken by the CPC respected the merit principle of the PSEA and the staffing values under the CPC Staffing Delegation and Accountability Agreement with the PSC.
11. We examined 51 selection processes completed during the period from April 2001 to September 2004. We reviewed and analyzed relevant documentation, including departmental staffing files. We also conducted interviews with CPC management, union representatives and PSEPC officials. We excluded from our review types of appointments that are the subject of other audits by the PSC, such as casual, student and acting executive group appointments.
12. For more details, see **About the audit** at the end of this report.

Observations

Selection processes were manipulated to hire pre-selected individuals

13. We noted that the CPC conducted selection processes on an ad hoc basis. It initiated a selection process when a vacancy occurred because a permanent employee had left, or when the organization created a new position or received new funding.
14. To fill vacancies, the typical pattern CPC managers would follow was to first hire casual or contract workers and then later hold open competitions to bring the temporary workers into the public service as term employees. CPC managers would subsequently, after a year or less, appoint these term employees to permanent positions without competition.
15. Hiring casual or contract workers initially provides a high degree of efficiency and flexibility. However, the process of hiring casual and contract workers may not involve the same rigorous assessment as a staffing process based on the merit principle. Further, for short-term employment opportunities, the pool of candidates may have less than optimal qualifications and the organization may attract insufficient numbers of members of employment equity groups.
16. We found situations in which CPC managers manipulated the selection process to bring temporary workers into permanent positions. One such example, as described in **Exhibit 1**, illustrates the manipulation.

Exhibit 1: An example of manipulation of a CPC selection process

In September 2001, the CPC advertised a closed competition, open only to employees of the public service, for the position of administrative assistant (AS) to the Chair.

In all, 44 candidates applied for the position, including the worker temporarily occupying the position. However, after realizing that the use of a closed competition would not allow the temporary worker to apply, the delegated CPC manager changed the selection process to an open competition.

In October 2001, the human resources official from the Department of the Solicitor General sent letters to the applicants announcing cancellation of the selection process because of CPC organizational requirements.

In November 2001, the CPC manager requested an open competition to staff the position on a six-month term basis. Applicants from outside the public service, including the temporary worker, were eligible to apply.

The PSC referred 138 candidates to the CPC. However, the CPC manager determined that the temporary worker was the only candidate who met all the requirements set out in the statement of qualifications.

In January 2002 the temporary worker was appointed to the public service as a term employee and, less than six months after, was appointed without competition to the same position on an indeterminate basis.

17. In the processes that we reviewed, we found that CPC managers specifically chose open competitions to hire pre-identified individuals as term employees. The CPC managers we interviewed indicated that, in this way, they avoided potential appeals and were able to control competition outcomes.
18. After these individuals had been employed for a year or less, the CPC used the without competition appointment process to change their employment tenure from term to indeterminate (permanent).
19. We also found two other situations in which appointees did not actually perform the duties of the position to which they had been seconded or deployed. Instead, they were immediately assigned higher-level duties without competition. For example, in July 2001, a clerical group (CR-04) worker from outside the organization received an acting appointment without competition into the administrative group (AS-03). After four months, the CPC deployed the individual as a CR-04; seven months later, while the individual was still acting, the CPC promoted the employee without competition to the AS-03 position.
20. These CPC practices did not respect the merit principle and staffing values. Individuals hired as casual, contract or temporary help do not necessarily undergo rigorous assessment. The CPC's use of without competition processes allowed such persons to be appointed to the public service and to gain permanent tenure. In addition, the hiring of pre-selected individuals undermines equal access to employment opportunities for the Canadian public.

STAFFING VALUES

Results values

Competency: Attributes which ensure that public servants are qualified to carry out their public service duty.

Non-partisanship: Employees are appointed and promoted objectively, free from political or bureaucratic patronage.

Representativeness: The composition of the public service reflects that of the labour market.

Process values

Fairness: Decisions are made objectively, free from political or bureaucratic patronage; practices reflect the just treatment of employees and applicants.

Equity of access: Equal access to employment opportunities; practices are barrier-free and inclusive.

Transparency: Open communication with employees and applicants about resourcing practices and decisions.

Hiring practices followed an unacceptable pattern

21. Our analysis of the CPC information system found that the organization conducted about 200 staffing activities during the three and a half years covered by our audit, while it had an average annual complement of just over 40 employees. At first glance, this fact might suggest a high turnover rate since the number of appointments exceeded the number of staff. Our audit revealed something else: 19 employees, or approximately 45 percent of the staff, received two or more appointments during the period.
22. In our opinion, this number of appointments was excessive for the size of the organization and for the period of time. It is not indicative of appropriate resourcing approaches that give best value for the cost and time invested. Furthermore, the CPC's hiring pattern was unacceptable because of multiple appointments and the inappropriate use of selection processes.

Statements of Qualifications were tailor-made

23. Before staffing a position, an organization must determine generic or specific criteria that candidates must meet to qualify for appointment. These criteria form the Statement of Qualifications. The criteria must be consistent with the work and the context in which it will be performed in that organization.
24. We found that the statements of qualifications were tailor-made in both with competition and without competition processes. We examined 13 open competitions; in almost every case, the CPC had designed the Statement of Qualifications to match the experience, knowledge or other qualifications of a pre-selected candidate. We found the same situation in many of the 35 without competition processes.
25. The CPC often used the résumé of the pre-selected candidate as a basis for setting the Statement of Qualifications of the positions to be staffed. In one case, we found that the pre-selected candidate's language test results provided the basis for the language profile of the position. In another case we found a note on file from the delegated manager, who requested that a position be staffed as a three-month term in order to discourage applications from outside the public service. The note also called for a review of the Statement of Qualifications to match the experience of the pre-selected candidate.
26. Our analysis revealed that statements of qualifications were usually very narrow and tailor-made, so that the only candidate to qualify was the one the manager had pre-selected. In our opinion, the CPC acted inappropriately in tailoring statements of qualifications to match the qualifications of pre-selected individuals. The Statement of Qualifications should reflect the type of work to be performed, in accordance with CPC's mandate, the work description, the manager's knowledge of the position, and the PSC Standards for Selection and Assessment.

Assessments were not based on merit

27. In a competitive process, the assessment must properly demonstrate the candidates' competency and results, so that they may be ranked in order of merit, in accordance with the rating guide. There are various ways of assessing candidates to determine consistency of performance over time and in different situations. These include interviews, samples of previous work, simulation/situational exercises, written tests, assessment centres, and review of accomplishments and experience. Taken together, assessment methods must produce results relevant to all of the qualifications being assessed.
28. We examined 14 files for appointments made by competition. We found that 11 out of the 14 files (or 80 percent) did not contain a proper assessment of the successful candidate. In addition, we rarely found on file any assessments for the unsuccessful candidates. As a result, the CPC was unable to demonstrate that selection in these cases was made according to relative merit.
29. Moreover, we are concerned about the quality of the assessment tools used by the CPC. For the 13 open competitions we examined, we found limited documentation on file demonstrating how the candidates were assessed and ranked. In fact, we found few files that contained any summary assessment of the candidates' qualifications. The CPC assessment tool consisted of a grid listing the requirements in the Statement of Qualifications, followed by three columns; a check mark placed in one of the columns indicated whether the candidate met, exceeded or failed to meet a particular requirement. However, we found no narrative assessment of the candidates on file or any explanation of how they met the requirements of the position or how the most qualified candidate was selected.
30. In one case, we found that the assessment was carried out appropriately. The file involved a closed competition for public servants in the National Capital Region for a one-year secondment/assignment or acting appointment. The assessment tools, including a written exam with a case study and an interview, were adequate for identifying the candidate whose results most closely matched the Statement of Qualifications.

Justification for staffing without competition was inadequate

31. We found that the CPC frequently used the without competition staffing process and often without proper justification. Of the 35 appointments without competition that we examined, only 23 files, or 66 percent, contained justification for the use of a non-competitive process; in 12 of the 23 files (52 percent), the justification was inadequate. There were also 14 appointments involving a change in tenure from term to indeterminate; the CPC used the same justification for each of these, simply stating that the incumbent in the position had performed the duties well.
32. Among the 35 appointments, there were 13 reclassifications, with seven of the files containing no explanation as to why the reclassification was occurring and under what circumstances. Of the remaining six files, four adequately described the reasons for reclassification.

33. For each of the three promotions without competition, the file contained a written explanation. However, explanations were so sketchy that they were of little use in demonstrating the potential impact of the appointment on other eligible persons within a reasonable area of selection.
34. We found the CPC's justification of without competition appointments to be inadequate. In our view, CPC failed to clearly describe the potential impact of the decision on employees who would normally have been considered within the area of selection, had a competition been held.

Staffing decisions were questionable

35. We expected selection decisions to be impartial and to provide CPC employees with reasonable and equitable access to career and development opportunities.
36. PSC staffing policy requires every member of a screening or selection board to sign a "Statement of Persons Present at the Board" form, which contains an undertaking to be impartial in making decisions. The policy applies to every appointment, whether made with or without competition. The requirement to attest to impartial decision-making prompts board members (usually including the manager for the position being staffed) to carefully examine whether they have any personal interest that might influence the proposed appointment.
37. Most of the selection processes that we reviewed required signed statements of impartiality, and these appeared in the files. However, in view of the tailoring of statements of qualifications and the weakness of assessments, we found that CPC managers failed to fulfil their duty to demonstrate their impartiality.
38. CPC managers tailored statements of qualifications to ensure the appointment of pre-selected individuals. In our view, the result was that other potential candidates were denied access to employment. The CPC could not demonstrate that selection processes were impartial and free of personal favouritism.
39. We found a consistent pattern of inappropriate use of staffing methods by the CPC (**Exhibit 2**). In open competitions, managers tailored the statements of qualifications to favour a temporary or contract worker. After conducting a flawed assessment, they then proceeded to hire the pre-selected individual as a term employee. Later, without any competition and without adequate justification, the same individual was appointed to an indeterminate position. In our opinion, staffing decisions made in this manner are questionable.

Exhibit 2: Tailoring, poor assessment and no justification for without competition process

In April 2001, the CPC had one librarian position classified within the social sciences services group (SI-02), which was occupied by a temporary help worker with a master's degree in library science.

In June 2001, the CPC advertised the SI-02 position on a term basis in a competition open to the public.

The education requirement for the advertised position was a master's degree in library science. The experience requirements were very specific: experience in managing a library specializing in administrative law or criminology.

The temporary incumbent indicated having experience in administering and managing a special library with a collection concentrated in administrative law, criminology and policing.

The PSC referred 21 applicants. The temporary incumbent alone was deemed to have met all the requirements of the position and was therefore the only applicant to pass the screening process.

By only rating the successful candidate as meeting or exceeding each of the qualifications for the position, the assessment was inadequate. In our opinion, the CPC's assessment method did not demonstrate that the candidate was fully qualified for the position. The candidate was appointed as of July 30, 2001.

In January 2002, the CPC delegated manager initiated a request to appoint the incumbent to the position on an indeterminate basis without competition. The qualifications were the same as for the position previously filled on a term basis. We found no justification on file for this action. A selection board conducted another assessment, which was equally inadequate as it was identical to the assessment carried out in the previous selection process. The incumbent was appointed on an indeterminate basis effective January 24, 2002.

The position of librarian was then reclassified as of February 1, 2002, and the incumbent was reclassified from SI-02 to LS-02. There was no justification on file for the reclassification. The only assessment on file is identical to that used in the previous selection processes.

Recommendation

40. The Chair of the CPC must ensure that every selection decision meets the requirements of the merit principle and respects staffing values. Staffing actions should be reviewed not only on an individual basis (for choice of selection process, appropriate identification of qualifications, assessment methodologies, and documentation), but also from a global perspective in terms of the pattern of staffing.

The CPC Staffing Management Framework was weak

41. Under the PSEA, the PSC delegates its staffing authorities to the Chair of the CPC through a Staffing Delegation and Accountability Agreement. In signing the Agreement, the Chair accepts the accompanying powers, functions, duties and responsibilities, and commits to respect the values, expectations, and legal and accountability requirements.
42. The Chair of the CPC is accountable to the PSC for all activities under the delegated staffing authority, including the design and implementation of a staffing management framework. In delegating staffing responsibilities to CPC managers, we expected the Chair to ensure that:
 - the roles and responsibilities of the managers involved in selection processes are clearly defined;
 - managers are knowledgeable about values-based staffing within the PSEA framework; and
 - staffing activities are monitored against risk management factors to ensure good management practices.
43. These managers are expected to ensure the integrity of the staffing system by making decisions that respect the staffing values and the merit principle.

Roles and responsibilities were not clearly defined

44. We did not find any documents at the CPC that outlined staffing responsibilities. The Staffing Instrument of Sub-Delegation, a one-paragraph document signed by the Chair, stated that the delegated manager “meets all departmental staffing requirements.” It did not describe the delegated functions, duties, roles and responsibilities.
45. The Chair of the CPC needs to provide direction to managers involved in selection processes or staffing decisions when they are:
 - choosing the appropriate selection process to recruit and promote;
 - determining qualifications, conditions of employment and assessment methods, based on the duties to be performed and the needs of the organization;
 - assessing candidates by gathering sufficient and pertinent information to make effective decisions; and
 - providing information, formally or informally, to explain staffing practices, selection methods and decisions.

46. In carrying out their staffing responsibilities, managers should seek to increase their understanding of staffing through learning and training activities. We found that CPC managers had not received any training in staffing. They said their knowledge was obtained from experience working in other departments or by learning from other managers.

No monitoring system was in place for staffing

47. Monitoring activities involve the ongoing review of activities and operations against plans, procedures or performance standards. Monitoring determines whether these activities and operations are being performed or are functioning as intended, and are producing desired results. The intent of monitoring is to review at regular intervals the patterns of staffing to identify potential weaknesses in approach. When required, the organization must take corrective action and introduce improvements to existing policies and processes. For effective monitoring of staffing, the organization must have reliable and accessible staffing information. In signing the Staffing Delegation and Accountability Agreement, the Chair agreed to monitor CPC staffing activities.
48. We did not expect to find an elaborate monitoring system at the CPC. However, we did expect active monitoring to help the CPC manage selection processes effectively, make proper decisions and take timely corrective actions.
49. We requested documentation on human resources policies developed by the CPC, including policies related to monitoring. The Director, Corporate Services, had some outdated human resources policies on file, including a “Staffing Monitoring Framework” from July 1994. An excerpt from a CPC administration manual, this document outlined the performance expectations and criteria for evaluating the CPC’s management of staffing delegation under the Staffing Delegation and Accountability Agreement. The Staffing Monitoring Framework might have helped the management team identify staffing trends. However, CPC managers never used it or updated it to reflect the organization’s current Staffing Delegation and Accountability Agreement with the PSC.
50. The Director, Corporate Services, provided us with a chronological list of activities related to staffing and classification, which was used as a tracking tool. We found that the list set out desired staffing outcomes and named individuals pre-selected for positions. For example, some notes specified positions to be reclassified, sometimes by more than one level, to ensure the retention of employees. We found other notes that named a pre-selected candidate before the competition was finalized.
51. The CPC did not undertake adequate monitoring of staffing activity during the period under review. Monitoring involves ongoing review to determine whether staffing activities are being performed or are functioning as intended, and are producing desired results. We found that the CPC did not summarize or analyze staffing trends. As a result, the CPC could not ensure effective management of its selection processes and decisions.

Timely human resources planning is needed

52. During the period under review, the CPC made approximately 50 appointments annually (including acting appointments, some of which were of short duration and developmental). It had no formal human resources planning process. Instead, discussions on human resources needs took place at senior management meetings.
53. Since it is a very small agency, we would not expect the CPC to have comprehensive human resources plans or strategies. However, at a minimum, we expected the CPC to identify and clearly link its human resources needs to its mandate and strategic objectives.
54. While the CPC 2003-04 Departmental Performance Report did not discuss human resources planning, it did state that an action plan on modern comptrollership had been completed and approved. The action plan was intended to lead to the integration of strategic planning, business planning and performance management. The action plan also identified several practices for creating a “sustainable workforce,” including:
 - preparing a succession plan;
 - identifying the number and type of staff to be recruited and developed; and
 - providing career development opportunities to employees.
55. We found no CPC action plan to implement its proposed practices for creating a “sustainable workforce.”
56. We also found that the organization had no documented human resources strategy or plan, such as senior-level discussions about staffing needs and the types of processes that would be most efficient and effective for the CPC.
57. During the period under review, four of five executive positions remained vacant for a period of three and a half years. The CPC discussed this situation with its contact at the PSC but did not report it in its Departmental Staffing Accountability Report (2002-2003). The CPC also did not report on the impact of this situation on its day-to-day operations. There were also no reports on any other difficulties, such as a lack of human resources planning. With the appointment of a new Executive Director in June 2004, the CPC recently began a systematic approach to human resources planning.
58. In our opinion, the lack of a systematic approach to human resources planning at CPC had two results. First, managers were reactive, rather than proactive, in filling vacancies created by staff departures; the result was an over-reliance on short-term hiring solutions. Second, the reactive approach to staffing, in turn, made it more difficult to achieve the objectives of an integrated planning process and succession planning.

Recommendation

59. The Chair of the CPC must ensure that any person involved in a selection decision as a member of a selection board, or a delegated manager, is knowledgeable about the requirements of the new PSEA and the associated policies and framework.

Poor human resources services were provided

60. As many small federal agencies do not have their own human resources services, they must rely on services provided by a larger organization. For the CPC, that organization was (until December 2003) the former Department of the Solicitor General (SOL), which agreed to provide – at no cost to the CPC – human resources services.
61. SOL human resources officials were accountable to their Deputy Minister for ensuring that managers understood and applied fundamental staffing values to make appropriate, values-based selection decisions. As service providers, SOL human resources officials were equally accountable when their organization provided staffing services to the CPC. The human resources officials recognized that they were responsible for providing staffing expertise in the form of advice and guidance, but they took the position that CPC managers were accountable for their own staffing decisions.
62. During the period under review, one certified human resources official at SOL provided most of the staffing services to CPC. We could not interview this individual, who was on leave during our examination. We were able to interview the current Manager of Client Services and the Senior Human Resources Advisor at Public Safety and Emergency Preparedness (PSEPC).
63. We expected the service provider to meet its staffing responsibilities by providing timely and expert advice to CPC managers, including an effective challenge function.

Service provider officials failed to fulfil staffing responsibilities

64. In its March 31, 1999 Departmental Performance Report to Parliament and its Departmental Staffing Accountability Report to the PSC (2001-2002), SOL reported providing administrative and management support services to the CPC.
65. During our examination, we did not find any other documents describing the support, advice or guidance provided by SOL to the CPC. What we did find was a work description of a human resources advisor position. The description includes provision of strategic and operational staffing advice; interpretation and advice on staffing policies, practices, legislation and regulations; and staffing expertise and guidance to managers.

66. On the basis of what we learned from our findings and our interviews with the service provider, we are concerned by the limited service and advice on staffing matters. If the service provider was encountering internal difficulties in fulfilling this staffing responsibility appropriately, the service provider should have reported the problem to its Deputy Minister, to the CPC Chair or to the PSC.

There was no effective challenge function

67. The challenge function provided by staffing specialists is particularly important when managers lack sufficient staffing experience, as was the case at the CPC. We found several instances in which human resources officials provided advice that was either inadequate or purely administrative.
68. Without a challenge function from the service provider, there were significant irregularities in the application of legislation, policy and staffing values. For example, in one case, CPC managers wanted to recruit an individual from outside the public service. SOL human resources officials advised CPC managers to conduct an open competition. We found little evidence on file that SOL human resources officials discussed with the CPC the requirement to first consider persons within the federal public service before seeking candidates outside, as required by the PSEA.
69. We found six selection processes in which the CPC changed either the language, the education qualifications or the security level required for the position to match those of pre-selected candidates. We found no evidence on file of the service provider's guidance or concern about these changes.
70. In one case, we found evidence on file that the service provider advised CPC managers that a notice of selection would not be posted on the week-end to avoid large numbers of applicants.
71. In many instances, CPC's interview questionnaires did not properly assess the qualifications in the Statement of Qualifications. In addition, most assessments did not demonstrate that the pre-selected candidates were the most qualified (or qualified at all) for the position. We found little evidence on file that SOL human resources officials questioned the appropriateness of the CPC's assessment tools.
72. We found one reclassification appointment in which the service provider failed to provide expert advice that would have helped the CPC delegated manager better understand the PSC Standards for Selection and Assessment (**Exhibit 3**).

Exhibit 3: SOL failed to provide expert advice to CPC

The FI (financial position) standard is complex and could leave room for interpretation. We would have expected the service provider to inform the CPC in a timely and accurate manner about the correct requirements of the FI standard.

In November 2002, the CPC reclassified an existing administrative position from an AS-02 to a financial position (FI-01). The incumbent, who had high school diploma, was appointed to the reclassified group and level.

At the time, the minimum education standards for an FI-01 position were:

- successful completion of two years of an acceptable post-secondary program in accounting, finance, business administration, commerce or another specialty relevant to the position being staffed; OR
- successful completion of Level II of the training program offered by a recognized Canadian professional accounting association; OR
- possession of the Government of Canada Financial Management Certificate.

The CPC prepared a Statement of Qualifications for this reclassification and presented it to the service provider. The CPC correctly identified the first education requirement, but was in error about acceptable alternatives to the other education requirements. The CPC Statement of Qualifications read: "achievement of satisfactory scores on the PSC-310 General Intelligence Test approved as an alternative to university graduation, and the PSC-360 Financial Administration Knowledge Test, coupled with an acceptable combination of education, training and/or experience."

We found no evidence on file that SOL human resources officials challenged the incorrect wording on the Statement of Qualifications.

73. As noted earlier, in many cases, the CPC repeatedly made use of its staffing authority to appoint the same pre-selected individuals. We found few, if any, comments on file from the service provider about how these serial appointments compromised staffing values.
74. The human resources officials we interviewed reported that they did not always receive complete information from CPC managers and that they took action on the basis of the incomplete information provided. The service provider claimed not to have been aware that successful candidates had previously worked at the CPC. In one case, SOL learned that the successful candidate had previously worked on contract with the CPC only because records showed that the individual had obtained a security clearance while on contract at the CPC.
75. We found no evidence that the hiring pattern at CPC prompted the service provider to be more vigilant in asking questions in the initial stages of a staffing process. Human resources officials should have challenged CPC's frequent use of without competition processes that lacked proper justification.

Recommendation

76. The Chair of the CPC should ensure that a qualified human resources specialist is available to provide expert advice and to play a challenge role with managers involved in selection processes, and that managers and the human resources specialist clearly understand this role.

The CPC has committed to improving its staffing practices

77. During the course of our examination, management at the CPC acknowledged that many staffing decisions and practices failed to respect the staffing values. The CPC Chair and the Management Committee also agreed to change their approach by instituting measures to clarify the strategic and operational links between staffing values and related activities.
78. Since joining the CPC in June 2004, the new Executive Director, working with the Chair and the Management Committee, has been introducing changes in CPC staffing practices and other human resources areas. The Executive Director led the drafting of a human resources plan for 2004-05. The plan identifies three strategies for improving the organization's effectiveness and efficiency. One of the steps seeks to assess which human resources services PSEPC provides.
79. In addition, the CPC has included a commitment to human resources management in the performance agreements for management team members. Moreover, CPC's Governance: A Framework for Decision-Making, approved in April 2005, included conformity with, and the application of, staffing values.
80. The CPC has developed guiding principles for managing human resources issues. The Chair and the Management Committee approved these principles and communicated them to staff. **Exhibit 4** lists some of the guiding principles.

Exhibit 4: Extract from CPC Human Resources Guiding Principles

- Regular and open communication will take place with employees and will form the basis of an overall communications strategy.
- The Management Committee endorses the core staffing values of competency, non-partisanship and representativeness, which will guide the staffing processes.
- The Management Committee recognizes that, to ensure that these values are respected, appointments are based on merit.
- When undertaking staffing actions, managers will endeavour to consider departmental employees in accordance with legal and operational requirements.
- The Management Committee is committed to fostering a work environment that respects employees and is supportive of their career and training needs, and promotes work-life balance.
- The Management Committee is committed to seeking the participation of employee associations in the development and revision of human resources practices and policies.
- A classification and staffing control system will be in place to ensure that the values and principles are adhered to.
- Human resources activities will be monitored to ensure good management practices through regular reporting to the Management Committee.

81. In May 2005, members of the CPC Management Committee attended a one-day course in values-based staffing, offered by the Canada School of Public Service.
82. In July 2005, the Director General of Human Resources of the PSEPC and the Executive Director of the CPC signed a document entitled Management and Delivery of Staffing and Classification Services, which outlined the roles and responsibilities of both organizations.
83. We believe that the CPC is moving in the right direction toward correcting the staffing irregularities we have identified. The CPC should not underestimate the effort needed to improve its staffing system. Appropriate human resources expertise, combined with an effective monitoring system, will help the CPC achieve its staffing objectives.

The PSC has placed conditions on the delegation of staffing authorities

84. Our audit revealed that CPC staffing practices did not respect the merit principle and staffing values. We seriously considered completely withdrawing the delegation of staffing authorities from the CPC.
85. We believe that the poor staffing practices resulted from lack of training and understanding, rather than from ill intent. In addition, the CPC did not receive the advice it was entitled to expect from its service provider.

86. Since the CPC has now taken action to improve its staffing practices, the PSC has decided not to withdraw the delegation of staffing authorities from the organization. Instead, the PSC has placed certain conditions on this delegation. Until the PSC is satisfied that the CPC has a proper staffing system in place, the Chair may not delegate staffing authorities to anyone other than the Executive Director. The CPC must submit quarterly progress reports to the PSC, which will closely monitor staffing. If the CPC chooses to use the services of the strategic staffing consultants of the PSC, the PSC will work with CPC managers and the service provider on adapting strategies for hiring well-qualified staff, while complying with the PSEA and staffing values.

Looking forward to the new PSEA

87. Under the new PSEA, managers will not be required to consider more than one person in order for an appointment to be made on the basis of merit (subsection 30(4)). Appointments can also be made by means of an advertised or non-advertised process (section 34). These two clauses might be interpreted as implying that all of the actions taken by the managers at the CPC would be legitimate under the new Act.
88. However, we note that the new Act sets out in its preamble a series of values under which managers are expected to operate, including merit and non-partisanship; fair, transparent employment practices; and respect for employees. The PSC will require managers to provide a rationale for any non-advertised processes. Managers will have to be able to demonstrate to employees, their deputy heads, the PSC, and potentially to the Public Service Staffing Tribunal, how their decisions meet the merit principle and respect staffing values. The actions of the CPC managers did not meet these values under the existing Act, nor would they meet the test under the new Act.
89. We note that, under the new PSEA, employees can file a complaint with the Public Service Staffing Tribunal on the basis of “abuse of authority,” which could include “personal favouritism.” Our study on this topic, which is being released at the same time as this report, identifies behaviours that lead employees to believe personal favouritism is influencing staffing decisions. Many actions described in this audit are inconsistent with values-based staffing. Were they to continue, these actions could leave managers open to allegations of personal favouritism.

Conclusion

90. The staffing practices at CPC need immediate attention. During the period under review, the CPC hired pre-selected individuals through competition processes open to the public, changed their employment tenure, and reclassified or promoted these same individuals using processes without competition. In pre-selecting candidates, the CPC denied employment opportunities to other public service employees and to the Canadian public. CPC selection board members considered only one individual for appointment and did not base their appointment decisions on formal assessments or other objective information. These staffing practices are unacceptable.
91. In our opinion, the CPC did not respect the merit principle under the PSEA and did not demonstrate respect for the staffing values enunciated in its Staffing Delegation and Accountability Agreement with the PSC.
92. The Chair of the CPC did not ensure that the CPC had an appropriate staffing management framework, including a clear definition of roles and responsibilities and effective monitoring of staffing activities.
93. We also found little evidence of expert advice from CPC's service provider — the former Department of the Solicitor General. Instead of promoting values-based decision-making, the service provider's advice did not adequately address the issues of the risks and consequences of the staffing strategies and appointments proposed by CPC managers. For the most part, the service provider's human resources officials simply facilitated the CPC's requests, without providing any challenge function or sound advice.
94. Toward the end of this audit, the CPC began to put in place the necessary components of a more appropriate staffing system. The PSC has therefore placed conditions on the delegation of staffing authorities, until such time as it is satisfied that the Chair has implemented a proper staffing system at the CPC.

Overall response of the Commission for Public Complaints Against the RCMP:

We believe that the audit is a fair depiction of what took place between April 2001 and September 2004, a period described in the report as one during which four of five executive positions were vacant for a variety of reasons, thereby limiting the general ability of the organization to plan, deliver and report. In the spring of 2004, when it was possible to begin to restore some stability in the management ranks, the Chair took the initiative to build a solid management team and begin thorough business and human resources planning. When the audit was announced in the fall of 2004, a management team had been assembled, planning had begun, and major changes in human resources management had been implemented. We appreciate the acknowledgement of these good efforts in this audit, and are very committed to implementing practices based on respect for staffing values, and to using the opportunities afforded by the new staffing legislation not only to reinforce these values, but also to meet our important business needs.

Overall response from the Public Safety and Emergency Preparedness Canada (PSEPC):

The PSEPC has already taken significant steps to improve and enhance human resources services including, but not limited to, organizational changes, and developing staffing documentation check lists for mandatory use on all files to ensure that all required documentation is on file, including written justifications for staffing decisions. These efforts are further strengthened by an agreement between the accountability centre (CPC) and the service provider (PSEPC) regarding their respective roles and responsibilities and the assignment of a more senior PSEPC human resources advisor to the CPC file.

About the audit

Objective

The objective of the audit was to assess the extent to which every staffing decision made by the Commission for Public Complaints Against the RCMP (CPC) respected the merit principle of the *Public Service Employment Act* (PSEA) and the staffing values under the CPC Staffing Delegation and Accountability Agreement with the Public Service Commission (PSC).

Scope and approach

We examined 51 selection processes (**Table 1**) completed from April 2001 to September 2004. We reviewed and analyzed the relevant documentation, including departmental staffing files. We also conducted interviews with CPC management, union representatives and Public Safety and Emergency Preparedness Canada (PSEPC) officials. We excluded from our review types of appointments that are the subjects of other PSC audits, such as casual, student and acting executive group appointments.

Table 1: CPC selection processes, April 2001 to September 2004

SELECTION PROCESSES (type)	VOLUME
Appointments with competition	14
Open competition (external hiring)	13
Closed competition within the public service	1
Appointments without competition	35
Acting	1
Change in tenure (term to indeterminate)	14
Reclassification	13
Term reappointment	3
Promotion	3
Emergency term appointment	1
Total PSEA appointments	49
Deployment	1
Total PSEA selection processes	50
Secondment	1
Total processes	51

Source: PSC Audit Branch

Criteria

We drew the criteria for the audit from the Staffing Delegation and Accountability Agreement between the CPC and the PSC. We expected to find:

- selection decisions to be impartial and CPC employees to be provided with reasonable and equitable access to career and development opportunities;
- the roles and responsibilities of managers involved in selection processes to be clearly defined and communicated by the Chair;
- before exercising staffing authority, CPC managers to be knowledgeable about values-based staffing within the PSEA framework;
- the CPC to actively monitor its staffing activities against risk management factors to ensure effective management of selection processes and decisions and to take timely corrective actions;
- the CPC to identify and clearly link its human resources needs to its mandate and strategic objectives; and
- the service provider to meet its staffing responsibilities in providing timely and expert advice to CPC managers, including an effective challenge function.

Audit team

Acting Vice-President, Audit Branch:
Kathryn Elliott

Director General, Audit Operations:
Michael Corber

Audit Manager:
Denise Coudry-Batalla

Auditors:
Micheline Newberry, Dora Preto, Kris Trottier

Glossary

Acting appointment

An acting appointment is the temporary assignment of an employee to the duties of a higher position and provides the appointee with additional compensation.

Appointment without competition

An appointment without competition is an appointment made without holding a competition, and is based either on individual or relative merit.

Area of selection

The geographical/occupational/organizational parameters candidates must be within to be eligible for appointment. In a non-competitive process, the area of selection indicates who has the right to appeal.

Casual employment

Casual employment is a temporary staffing method that may be used to meet short-term staffing requirements, e.g., to replace employees on leave or to carry out short-term projects. Persons hired under this authority are not considered employees under the *Public Service Employment Act* and are not eligible for closed competitions.

Closed competition

A closed competition is a competition open only to persons employed in the public service.

Deployment

A deployment is the voluntary movement of an employee to a new job that does not constitute a promotion or a change in tenure.

Emergency term appointment

Departments have been delegated the authority to recruit and appoint employees for a specified period to respond to emergency situations, such as those where there is an immediate threat to health, safety, security, the environment or essential services to the public.

External hiring

External hiring refers to the appointment of a person from outside the public service.

Open competition

An open competition is a competition in which persons not employed in the public service are eligible to be considered for appointment. Persons already employed in the public service may also apply.

Relative merit

In a relative merit process, a person is assessed along with other candidates, found qualified for a position, and ranked in order of merit.

Secondment

Secondments give employees new functions for a temporary period with no additional compensation. The term refers to an assignment between departments and requires a written agreement.

Temporary help

This staffing practice can be used to replace regular employees on short-term leave, to deal with an increase in workload, or to meet urgent operational needs. Temporary help is normally contracted through a company or agency. Temporary staff are not appointed under the *Public Service Employment Act* and are not considered employees.