

# Practitioners Guide to Articles 13 and 14 of Regulation 06/2019 on the Appointment of the Chief State Prosecutor and Chief Prosecutors

This practitioners guide defines the scoring criteria and sets out the scoring process to enable the KPC to *deliver an objective, transparent, non-discriminatory and inclusive, merit-based process regarding the nomination procedure of all Chief Prosecutors and the nomination of Chief State Prosecutor*<sup>1</sup>.

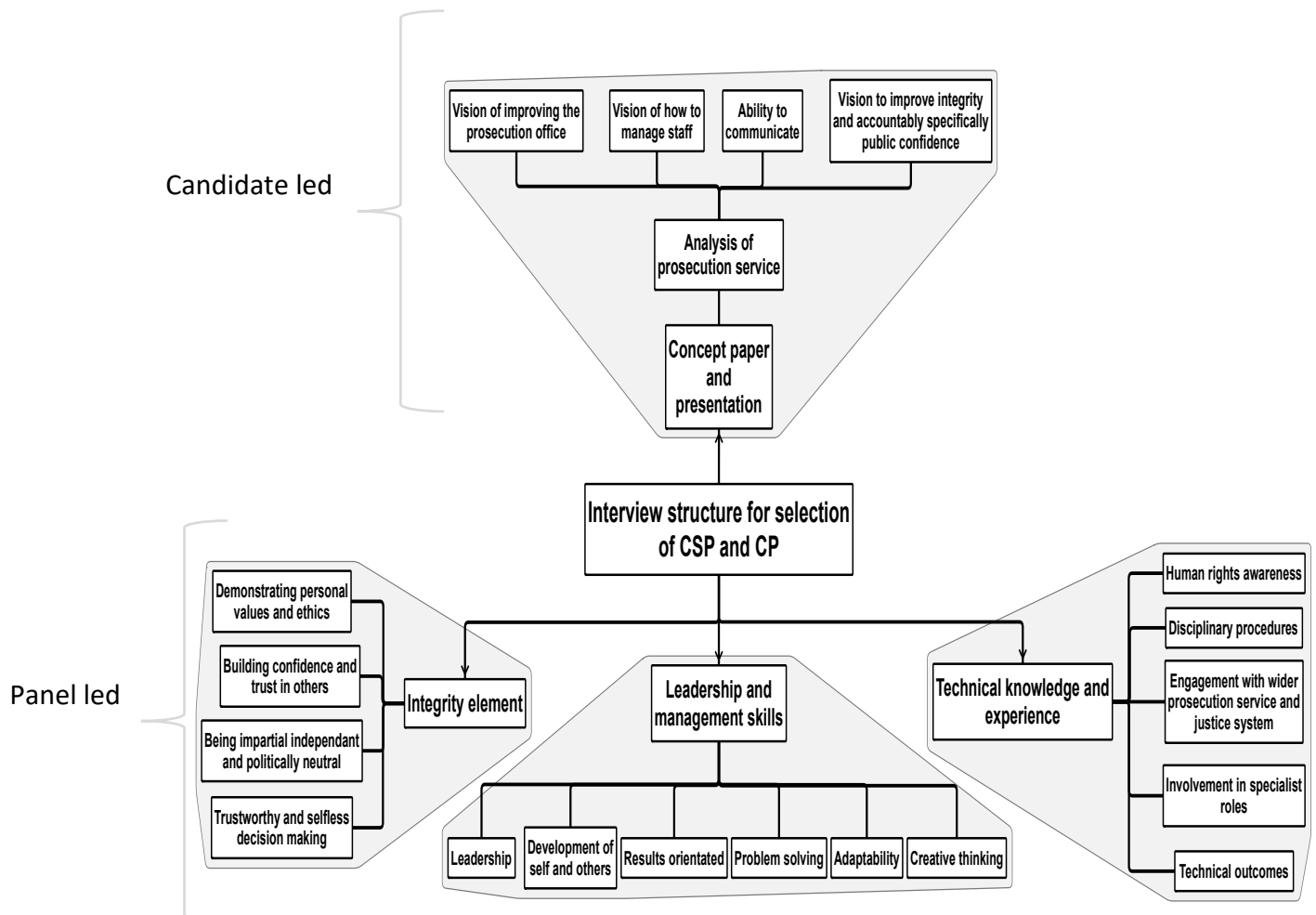
This Practitioners' Guide will be supported by the delivery of implementation support training which will focus on the key stages of the appointment process such as shortlisting, preparation for interview, conducting the interview, note taking and scoring.

To ensure an objective, fair and transparent process which treats all candidates equally and complies with Article 13, the Evaluation Panel must score each candidate against the following criteria:



## INTERVIEW STRUCTURE

**Guidance Point:** Each of the scoring criteria has been divided into separate parts. These parts focus on the specific areas of knowledge and competence that candidates should be assessed against during the interview.



<sup>1</sup> Article 1.

## ASSESSMENT RATING SCALE

**Guidance Point:** To ensure a fair, consistent and meritocratic approach to scoring the criteria, Panel members must take notes of the responses to the questions and use that information to decide what standard the candidate has reached in respect of the specific competence under consideration using this rating scale. For example, if the Panel member determines that the candidate's response is 'acceptable' then 3 points should be awarded.

Each Panel member is required by the regulation to provide an explanation for their assessment and scoring. To ensure Panel members are able to do this to the required standard, it is essential that notes are taken during the interview by each Panel member and support will be provided during the implementation phase.

<p><b>Unacceptable</b> <i>(Severely weak)</i></p>	<ul style="list-style-type: none"> <li>• Little or no positive evidence of the competency/criteria</li> <li>• Evidence is well below the required level for role</li> <li>• Context of evidence has little or no relevance / equivalence</li> <li>• Many significant areas for development observed</li> </ul>	<p><b>1</b></p>
<p><b>Development Needed</b> <i>(Relatively weak)</i></p>	<ul style="list-style-type: none"> <li>• Limited positive evidence of the competency/criteria</li> <li>• Evidence often below the required level for role</li> <li>• Context of evidence has limited relevance / equivalence</li> <li>• Some significant areas for development observed</li> </ul>	<p><b>2</b></p>
<p><b>Acceptable</b> <i>(Not a concern)</i></p>	<ul style="list-style-type: none"> <li>• Some positive evidence of the competency/criteria</li> <li>• Evidence mostly at the required level for role</li> <li>• Context of evidence is partly relevant / equivalent</li> <li>• Some areas for development observed.</li> </ul>	<p><b>3</b></p>
<p><b>Good</b> <i>(Relatively strong)</i></p>	<ul style="list-style-type: none"> <li>• Positive evidence of the competency/criteria</li> <li>• Evidence at the required level for role</li> <li>• Context of evidence is mainly relevant / equivalent</li> <li>• Limited areas for development observed.</li> </ul>	<p><b>4</b></p>
<p><b>Outstanding</b> <i>(Strong)</i></p>	<ul style="list-style-type: none"> <li>• Extensive positive evidence of the competency/criteria</li> <li>• Evidence is at or above the required level for role</li> <li>• Context of evidence is fully relevant / equivalent</li> <li>• No significant areas for development observed.</li> </ul>	<p><b>5</b></p>

## SCORING THE CONCEPT PAPER & PRESENTATION

**Maximum of 30 points available**

**Guidance Point:** Panel members will receive the written Concept Paper in the candidate's file and should familiarise themselves with it. Additionally, Panel members must familiarise themselves with the performance management information relating to the relevant Prosecution Office to ensure they have a good understanding the current situation to help with their assessment of this criteria. The Concept Paper and its presentation is scored in five (5) parts to achieve a maximum score of up to thirty (30) points. Candidates must present their future vision for the Prosecution Office which provides the opportunity to assess a specific leadership and management competences.

<b>Analysis of Current Situation</b>	<b>Maximum of 10 points to be awarded</b>
<p><b>Candidates are required to:</b></p> <ul style="list-style-type: none"> <li>▪ Analyse the current situation in the State Prosecutor's Office;</li> <li>▪ Assess the current situation in the Prosecution Office they have applied to;</li> <li>▪ Identify the main shortcomings and main challenges of this Prosecution Office;</li> <li>▪ Assess whether the current strategies of the system address needs of the Prosecution Office;</li> </ul>	<p><b>Guidance Point:</b> The information provided in this part will enable the Panel to assess the candidate's <u>strategic thinking</u> skills including their ability to understand and relate things to a broader context, to explain their long-term vision of the organisation and to prepare plans for the realisation of their vision. The successful analysis of the current situation is key to enabling the candidate to successfully address the other elements of the Concept Paper and for that reason it carries a higher weighting than the other parts and up to ten (10) points can be awarded.</p>
<b>Vision to improve the work of the Prosecution Office.</b>	<b>Maximum of 5 points to be awarded</b>
<p><b>Candidates are required to:</b></p> <ul style="list-style-type: none"> <li>▪ Set out their vision for improvement of operational work during their mandate;</li> <li>▪ Identify the short, medium and long-term objectives required to achieve the required organisational improvement;</li> <li>▪ Identify and explain how they would mitigate the risks in achieving these objectives;</li> </ul>	<p><b>Guidance Point:</b> The information provided in this part will enable the Panel to assess the candidate's <u>ability to achieve results and improve performance</u> through the setting, monitoring and measuring of the achievement of strategic objectives and the management of risk.</p>
<b>Vision to manage staff in the prosecutorial system.</b>	<b>Maximum of 5 points to be awarded</b>
<p><b>Candidates are required to:</b></p> <ul style="list-style-type: none"> <li>▪ Explain their management style;</li> <li>▪ Set out how they will allocate resources effectively to ensure that organisational objectives are achieved;</li> <li>▪ Set out how they will improve staff accountability and professionalism;</li> </ul>	<p><b>Guidance Point:</b> The information provided in this part will enable the Panel to assess the candidate's ability to <u>manage resources</u> effectively through appropriate allocation of resources, planning, monitoring and managing of performance (including managing poor performance), and delegation of responsibilities.</p>
<b>Vision to improve the integrity and accountability of the system and public confidence.</b>	<b>Maximum of 5 points to be awarded</b>
<p><b>Candidates are required to:</b></p> <ul style="list-style-type: none"> <li>▪ Discuss what steps they will take to increase the level of trust in the prosecution office by balancing the transparency and confidentiality of the procedure;</li> <li>▪ Identify how they will ensure quality work at in the prosecution office;</li> <li>▪ Set out their plan to improve on the overall system accountability;</li> </ul>	<p><b>Guidance Point:</b> The information provided in this part will assess how the candidate will promote a culture of integrity and create organisational integrity through systems and processes to improve the overall trust and confidence of the public in the system. This will include building and maintaining effective working arrangements with a range of people and partner organisations.</p>
<b>PART 5</b>	<b>Maximum of 5 points to be awarded</b>
<p>The Concept Paper in written form and as presented during the interview will provide sufficient information to assess the candidate's ability to communicate.</p>	<p><b>Guidance Point:</b> The information provided in this part will support the assessment of the candidate's communication skills as well as their ability to remain calm under pressure and deliver messages that are clear, understandable and persuasive.</p>

**SCORING THE CANDIDATE'S INTEGRITY**  
**Maximum of 20 points available**

**Guidance Point:** This criteria tests whether a candidate has the right moral and ethical characteristics and whether they are able to apply them in their professional working life. A candidate must show that they will always do the right thing in all the circumstances even if no one is watching, that they are true to themselves and would do nothing that demeans or dishonours them or their prosecutorial office. Scoring of a candidate's integrity is done in two (2) parts each of which test a specific element of integrity. This will achieve a maximum score of up to twenty (20) points.

**Relevant Sources of Information:** Panel members should familiarise themselves with the Candidate's file and the information in it relating to including data on disciplinary measures imposed in the last five (5) years, references and other information from relevant sources including public source information that may contain information relevant to the assessment of a candidate's integrity.

**Each candidate should be asked the following question:** 'Is there anything in your personal or working life, or in your past, or to your knowledge in that of your family or close friends which, if it became generally known, might bring you or the prosecutorial system into disrepute, or call into question your integrity, authority or standing as a Prosecutor?'

**If the answer to this is YES** or the candidate answers **NO** but there is information on the candidate's file that suggests they may not be telling the truth, this must be discussed with the candidate and a decision taken as to how much, if at all, this affects the candidate's ability to be honest and truthful.

PART 1	Maximum of 10 points to be awarded
Promoting a culture of organisational integrity.	<b>Guidance Point:</b> The candidate must show that they are willing and able to create organisational integrity (systems and processes) and promote a culture of integrity throughout the organisation.
PART 2	Maximum of 10 points to be awarded
<p>Demonstrating personal values and ethical behaviours, including compliance with the Prosecutorial Code of Ethics.</p> <p>Building trust and confidence in others.</p> <p>Making Impartial and independent decisions without being affected by influences (political or otherwise) that compromise their professional judgement.</p> <p>Trustworthy and selfless decision making.</p>	<p><b>Guidance Point:</b> The candidate must show that:</p> <ul style="list-style-type: none"> <li>- they are able to behave ethically in situations where their integrity may be compromised. They must clearly explain their personal values such as honestly, truthfulness, loyalty and respect giving practical examples of what they have done in the past to show that they are able to act in accordance with these values.</li> <li>- they understand the distinction between what is honest or dishonest by ordinary standards and can keep their promises and own up to their mistakes</li> <li>- they can avoid being influenced or controlled by others in matters of opinion and conduct, are able to think for themselves standing by decision they feel are right even in the face of challenge or criticism from others.</li> <li>- they can make timely, fair and transparent decisions for the benefit of the wider prosecution service and the public by establishing all the facts, challenging their own instincts setting aside opinion, assumption, emotion and personal bias before making a final decision being careful to avoid the need to make the decision just because it is uncomfortable.</li> </ul>

## SCORING LEADERSHIP AND MANAGERIAL SKILLS

**Maximum of 30 points available**

**Guidance Point:** Scoring of the concept paper and the candidate's integrity, has already tested a number of leadership and managerial competences. The concept paper focuses very much on future vision, so this part of the interview focuses on the candidate's prior work experience and understanding of leadership and management..

There are six (6) additional competences that the candidate could be scored against. The Panel will choose the most appropriate competences for the job role and the number of points to be awarded for each will be reflected by the number of competences chosen for assessment. For example, if all six (6) competences are to be assessed then each will have a maximum score of 5 points. If only three (3) competences are to be assessed then each will have a maximum of score of 10 points in order to achieve a maximum score of 30 points. Further guidance will be provided during the implementation stage.

Competence 1	Points to be awarded – see above
<p><b>Leadership:</b> Determines the organisation's direction, and is capable of motivating others, building effective teams, and using different leadership approaches when needed.</p>	<p><b>Guidance Point:</b> In answering this question the candidate must show that they are able to provide visible leadership to support and deliver long-term organisational strategies creating a sense of pride and motivation in working for the organisation and empowering others to take initiative and accountability for their work.</p>
Competence 2	Points to be awarded – see above
<p><b>Creative thinking:</b> Always looking for new ways of doing things to achieve the desired results, regularly questioning the status quo in the development of new ideas.</p>	<p><b>Guidance Point:</b> The candidate must show that they are willing and able to implement new and innovative strategies to modernise and improve organisational procedures and practices;</p>
Competence 3	Points to be awarded – see above
<p><b>Adaptability:</b> The ability to deal with conflicts and stress, remains determined but not aggressive, and is self-motivated.</p>	<p><b>Guidance Point:</b> The candidate must be able to respond quickly and positively to unexpected changes in the organisation's environment, reacting positively to setbacks and challenges, providing calm and clear direction challenging those who resist changes in organisational direction, practices and behaviour.</p>
Competence 4	Points to be awarded – see above
<p><b>Problem solving:</b> The ability to analyse information, and demonstrate flexibility in thinking;</p>	<p><b>Guidance Point:</b> The candidate must show that they can deal with organisational problems in a timely and efficient manner including making quick strategic decisions when required, often with incomplete information whilst ensuring that they exercise independent and impartial judgement, considering all relevant evidence and ethical considerations.</p>
Competence 5	Points to be awarded – see above
<p><b>Results oriented:</b> Is consistently focused on achieving results and understands the needs and aspirations of the end user and is capable of defining objectives and measuring their achievement.</p>	<p><b>Guidance Point:</b> Candidates must be able to build a working culture that promotes efficiency keeping staff focused on achieving core objectives ensuring that expectations are met and performance and delivery across the organisation monitored and reviewed.</p>
Competence 6	Points to be awarded – see above
<p><b>Developing self and others:</b> Understands personal strengths and weaknesses and how to deal with them, always ready to learn from experiences and from others, builds capacities, and develops talent in others.</p>	<p><b>Guidance Point:</b> The candidate must be able show they can take an active role in leading the professionalisation of the State Prosecution. They must take a structured approach to planning their own personal development that identifies and addresses their own personal development needs and they must proactively encourage others to take responsibility for their own professional and career development in a way which supports personal development and maximises individual potential.</p>

## SCORING TECHNICAL KNOWLEDGE AND EXPERIENCE

Maximum of 20 points available

**Guidance Point:** Panel members should use their knowledge and understanding of the work and challenges of the role of a Chief State Prosecutor or Chief Prosecutor as well as their knowledge of the current situation in the relevant Prosecution Office to draft the technical questions remembering that the technical knowledge and experience required for a Chief Prosecutor in a Basic Prosecution Office may be different to that required within the Appellate Prosecution or the SPRK.

There are four (4) areas of technical knowledge and experience to be tested each carrying a five (5) points. This will achieve the maximum available score of twenty (20) points. Having drafted the questions, Panel members should agree the assessment points they expect the candidate to highlight in answering the questions, this is sometimes referred to as a 'model answer'.

**Relevant sources of information:** The candidate self-evaluation is a good source of background information.

PART 1	Maximum of 5 points to be awarded
<b>Human Rights Awareness.</b>	<b>Guidance Point:</b> The candidate must be able show they have a sound knowledge and understanding of the law, relevant working practice, policies and procedure in relation to Human Rights. They must show they are able to apply their knowledge in practice by making decisions based on the law and the facts in an objective and unbiased way and be able to explain their arguments and decisions in a persuasive way giving concise explanations of the relevant facts.
PART 2	Maximum of 5 points to be awarded
<b>Managing Disciplinary Procedures.</b>	<b>Guidance Point:</b> The candidate must have a sound knowledge and understanding of the law, relevant working practice, policies and procedure in relation to disciplinary procedures. They must show they have the courage and confidence to deal with the conduct of others which falls below the required standard in an objective, unbiased and timely way in accordance with the Law. They must be show they are willing to take these decisions even if they know they will be unpopular and should show that they are able to explain their decision in a persuasive way giving concise explanations of the relevant facts.
PART 3	Maximum of 5 points to be awarded
<b>Involvement in additional tasks or specialist roles.</b>	<b>Guidance Point:</b> Not all candidates will have undertaken additional tasks or specialist roles. However, if they have and the knowledge and experience gained from that is relevant, the Panel should recognise that in scoring this part. Taking responsibility for additional tasks or specialist roles can show that the candidate has a clear sense of taking ownership and responsibility for completion of their own tasks as well as those outside of their usual day to day role. This in itself is a good indicator that the candidate has a strong work ethic. Taking on additional tasks or specialist roles also indicates that the candidate is willing to acquire new knowledge and skills and takes responsibility for their own personal and professional development.
PART 4	Maximum of 5 points to be awarded
<b>Technical outcome options:</b>  - the knowledge and experience the candidate has as a prosecutor in dealing with complex investigations and cases, how they will use that learning to support the development of others and advice and guide them in their work; <b>OR</b>	<b>Guidance Point:</b> The Panel should choose one of these technical outcomes to be tested in this part and draft a question accordingly. The questions should be formatted to allow the candidate to describe their existing knowledge and previous experience as a prosecutor and to explain how they will use that to support the development of others and the improvement of performance in the Prosecution Office to which they are seeking appointment.

- *the candidate's understanding of the importance of technology within the work of the Prosecution Office generally and how it could be used to improve both individual and organisational performance; **OR***
- *any specialist legal knowledge and experience required to carry out the role in that particular level of Prosecution Office.*