



THE COMMISSIONER FOR PUBLIC APPOINTMENTS

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Commissioner for Public Appointments
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DECISION NOTICE

Complaint regarding the campaign to appoint Independent Assessors of the Student Loans Company

Appointing authority: Department for Education (DfE)

Public body: Student Loans Company (SLC)

Role(s): Independent Assessors

Summary

- The Commissioner received a complaint regarding the campaign to appoint Independent Assessors of the SLC. The complaint focused on the difference between the advertised approach to the Disability Confident Scheme (DCS) on apply-for-public-appointment.service.gov.uk and the approach followed by the department.
- The overview of the selection process was clear that all DCS candidates meeting the minimum criteria would be invited to interview ('the guaranteed interview wording'). It was not explained in either the advert or the job pack that an alternative process may be used in the event of high application volumes.
- Therefore, having reviewed evidence from the complainant and DfE, the Commissioner determines that there has been a breach of sections 2.1(e) (Openness) and 8.2 (transparency). The Commissioner accepts that the 'guaranteed interview' wording on the job advert was included in error and that it was not DfE's intention to be unclear about the process. Balanced against this is the need to ensure that selection processes are clearly and accurately explained on the advert. The Commissioner notes that the error here could unintentionally undermine confidence in the process and in cross-government diversity and inclusion commitments.
- The Commissioner is grateful that the Cabinet Office, following consultation with departments, has now amended the standard wording on job adverts to reflect how departments apply the DCS in practice. She also welcomes guidance from the Cabinet Office to departments to amend job adverts to reflect how the DCS is applied in practice. She encourages the Cabinet Office to update the auto-populated wording on apply-for-public-appointment.service.gov.uk to ensure consistency in how the DCS is described.

Power to consider complaints

1. Under article 4(4) of the Public Appointments Order in Council 2025 ('the Order in Council') the Commissioner 'may conduct an inquiry into the procedures and practices followed by an appointing authority in relation to any public appointment whether in response to a complaint or otherwise.'
2. Under section 4.4 of the Governance Code on Public Appointments ('the Code') the Commissioner 'should consider complaints made about a public appointments process.' This part of the Code sets out that:

Complaints should be raised with the appointing department, or the Welsh Government in the first instance, which is responsible for having effective complaints handling procedures, for making applicants aware of their right to complain and for referring them to the Commissioner's complaints procedures. If, after investigation by the department or the Welsh Government, the complainant remains dissatisfied, they may bring their complaint to the Commissioner.

Background

3. The campaign for Independent Assessors of the SLC closed on 22 May 2026. The advertisement on the apply-for-public-appointment.service.gov.uk website contained information on the DCS across three areas:
 - a. Overview of the application process: *'If you have applied under the Disability Confident Scheme and you meet all the essential criteria, then you will also be invited for an interview.'*
 - b. Disability Confident section: Stated that *'this competition will operate in accordance with the Disability Confident Scheme.'*
 - c. Job pack: Stated *'you will also have the opportunity to...apply under the disability confident scheme before you submit your application.'*
4. Neither the wording in the Disability Confident section nor the job pack contradicted the guaranteed interview wording in the overview section.
5. On 22 June 2026, the SLC sponsorship team notified the complainant by email that he had not been shortlisted:

'When you applied you indicated that you had a disability and wished your application to be considered under our commitment, as part of

*the Disability Confident Scheme. Unfortunately, on this occasion your application has not been successful at sift, as we received a large number of strong applications, **only candidates who best met the criteria at this stage progressed.***

6. On 23 June 2026, the complainant brought their complaint to the department. He highlighted the wording in the overview section guaranteeing an interview to all DCS applicants who met the minimum criteria and noted that any qualification of this approach must be stated clearly in the job advertisement per DCS guidelines.
7. On 25 June 2026, the department responded, explaining that the text in the overview section had been included in error. They confirmed the complainant was 'judged to meet the minimum criteria' but missed the shortlist due to the volume of applications and the department's decision to only invite those who best met the minimum criteria to interview. The complainant then brought their complaint to the Commissioner.

What is the Disability Confident Scheme?

8. DCS is a government scheme, owned by the Department for Work and Pensions (DWP), to encourage employers to recruit and retain disabled people and those with health conditions. DfE is a Disability Confident Leader (Level 3) employer, the highest of the scheme's three levels. One element of the scheme is to offer an interview to disabled people who meet the minimum criteria for a role. So long as it is made clear to candidates on the job advert, the scheme permits employers to limit the number of interviews offered to disabled candidates meeting the minimum criteria where it is not practicable to interview all DCS candidates meeting the minimum criteria.¹ Departments should therefore make it clear how they will apply the DCS in practice and if they intend on only inviting the DCS applicants who 'best meet' the minimum criteria in the event of large application volumes.
9. The use of the DCS falls within the Commissioner's remit insofar as it is an element of the public appointments process and therefore its operation in public appointments must be in compliance with the requirements of the Code.

Outline of the complaint

10. The complainant's complaint focused on the inconsistency between the advertised selection process on the 'overview of the appointments' section of the job advert and the process followed by the department. His principal concern

¹ Department for Work and Pensions (23 July 2026), 'Disability Confident Guidance: Level 1, Disability Confident Committed', accessed at: <<https://www.gov.uk>>

was that the process followed by the department in sifting applications materially differed from the process published on the job advert.

Analysis of the in-scope grounds of complaint and findings

11. Three grounds of complaint were in scope for detailed consideration by the Commissioner: alleged breaches of Openness, section 8.2 (transparency) and section 7.8 (customer care).

Ground one: Section 2.1(e) - Openness

12. Section 2.1(e) establishes that public appointments processes must be 'open and transparent'. Campaigns must be open for all to apply. This is not at issue in this case, as the campaign was advertised publicly on apply-for-public-appointment.service.gov.uk.
13. A transparent campaign is one that is clear, easy to understand and honest, without secrets. The core elements of a campaign are the criteria candidates are assessed against and the process to be followed in assessing candidates against that criteria. A transparent campaign should include clear, accurate and easily understood information on the selection process, including how the DCS will be applied.
14. The department (albeit in error) stated that all DCS candidates who met the minimum criteria would be invited to interview. This was not contradicted by the DCS wording in either the 'Disability Confident' section of the job advert nor in the attached pdf job pack. DfE officials have suggested that this was intended as a cross-reference to the DCS guidance published by the Department for Work and Pensions and that the department was always clear only those best meeting the minimum criteria would be invited to interview. The Commissioner accepts that this was their intention. However, the DCS guidance published by DWP establishes that while employers are permitted to 'select the disabled candidates who best meet the minimum criteria for the job' this 'should be explained in the employer's recruitment policies and job adverts.'² Regrettably, this was not explained in DfE's job advert for this role.
15. The Commissioner is of the view that this inconsistency between the published and intended process could undermine confidence in both the process and diversity and inclusion commitments more generally. Although the mistake was unintentional and candidates were assessed against the same selection criteria with the DCS applied consistently, it is vital that job adverts accurately reflect the

² Department for Work and Pensions (23 July 2026), 'Disability Confident Guidance: Level 1, Disability Confident Committed', accessed at: <https://www.gov.uk>

process departments intend on following. Where this concerns disability, particularly with the wider underrepresentation of disabled people in public appointments, processes that are perceived to be opaque and unfair could undermine efforts to improve diversity in public appointments. The Commissioner therefore finds a breach of section 2.1(e) as the DCS process was not transparent to candidates.

Ground two: section 8.2 (transparency)

16. Section 8.2 sets out that ‘where possible, there should be full transparency of...the selection process.’ Full transparency within the selection process requires that departments set out, at the time of launching the campaign, the selection process that they intend on following during the campaign. It may not be possible to follow this selection process in certain scenarios, such as where there are more applications than expected or, in the event of change of government, where ministerial decisions are delayed and a campaign cannot proceed on the basis of indicated timelines. In such cases, the Code states, at section 7.8, that ‘if key campaign dates change, all candidates should be informed’, in line with the requirements of full transparency.

17. In this case, the Commissioner is of the view that DfE could have been fully transparent in how it intended on applying the DCS in the event of a large number of applications. It is apparent the guaranteed interview wording was included in error. From the outset, DfE intended only on inviting those DCS candidates who best met the minimum criteria for the role in the event of a large number of applications.

18. It is unfortunate that the job advert and the job pack contained no reference to this approach and stated that all DCS candidates meeting the minimum criteria would be invited to interview. DfE was in possession of information to correctly reflect the process it followed and, in error, failed to include this information. It was possible for DfE to provide full transparency of the selection process and did not do so. On that basis, the Commissioner finds a breach of section 8.2.

Ground three: section 7.8 (customer care)

19. Section 7.8 sets out that departments are responsible for ‘providing a good service to individuals who have applied for appointments.’ A ‘good service’ includes informing candidates of changes in key campaign dates and keeping candidates informed about the progress of their application.

20. The Commissioner notes that the department followed the core, specified elements in section 7.8. The complainant was informed of the progress of their

application. In responding to their complaint, the department was prompt and open - conceding that it had made an error in including the guaranteed interview wording on the advert. In addition, the department has committed to providing detailed feedback to the complainant, over and above the requirements at section 7.9 to provide 'constructive feedback following...interview'.

21. Thus, while the department could have provided better candidate care by ensuring the advert was entirely accurate before publication, the Commissioner does not find a breach of section 7.8.

Recommendations

22. The Commissioner has heard from DfE that elements of the auto-populated sections on apply-for-public-appointment.service.gov.uk include the guaranteed interview wording. While the Commissioner is of the view that departments should amend job adverts to accurately reflect the process that will be used in individual campaigns, she accepts that the current phrasing on the DCS in the overview section on job adverts does not reflect how the DCS is referred to elsewhere, such as in the 'Disability Confident' section. She therefore recommends that the Cabinet Office updates the wording in the overview section to reflect the amendments recently made to the Disability Confident section.
23. Where there is auto-populated wording on job adverts that does not accurately reflect the process a department will follow, this should be amended. Attaching a job pack, as a pdf or Word document, but leaving the webpage unamended can be confusing for candidates where there is contradictory information. If there is an attached job pack, the Commissioner expects the wording in here to be identical to that on the webpage for a campaign.