1. **Introduction**

This document has been created to support hiring managers with interviewing. It provides an overview of what good practice recommends and what our legal obligations are, in particular, by helping those involved in interviewing to avoid discrimination.

Read the University’s [recruitment policy](#).

2. **Good practice in recruitment interviewing**

The key purpose of a recruitment interview is to assess the skills, experience and general background of job applicants in order to make a decision on which candidate is the most suitable person for a particular job. Interview questions should therefore be structured to explore facts, and interviewers should take care not to make decisions based on assumptions about applicants linked to their own subjective views and opinions.

It is a good idea for managers to prepare a list of core interview questions to be asked of all applicants for a particular post. This approach ensures consistency and fairness because all interviewees will be given an equal opportunity to sell their skills and abilities.

However, managers should not restrict themselves to asking only these questions. There will also be a need to ask questions that are specific to a particular applicant, for example to clarify something vague or ambiguous on an application form or ask about a gap between jobs.

In addition, further unplanned questions will be necessary at the interview itself in order to follow up or probe any relevant matter raised or hinted at by the interviewee.

3. **The law**

Employers are liable in law for any discriminatory actions carried out by their staff in the course of their employment. This means that if a manager who is conducting recruitment interviews does or says anything that could be construed as discriminatory, the employer will be potentially liable to pay compensation to the victim if a successful complaint is then made to an employment tribunal.

A job applicant who believes that they have experienced discriminatory treatment during the process of recruitment has three calendar months from the date of the treatment to lodge a claim with a tribunal. There is no limit on the amount of compensation that can be awarded by tribunals in discrimination claims.

Job applicants enjoy protection against discrimination because of:

- Sex
- Transgender status (ie: where a job applicant has had a sex change or is in the process of changing sex)
- Pregnancy and maternity
- Marriage or civil partnership
- Race, colour, nationality, ethnic origins and national origins
- Religion or belief
- Sexual orientation
- Age
- Disability
It is also unlawful to reject a candidate on the grounds of their past or present trade union membership or, with some exceptions, on the basis of a “spent” criminal conviction.

The general principle contained in the UK’s anti-discrimination legislation is that all job applicants must be treated equally, irrespective of sex, race, etc.

The structure of the law on disability is slightly different; the employer may choose to (and in some circumstances must) treat a disabled candidate more favourably than other candidates.

Read the University’s equality and diversity policy.

Direct & indirect discrimination

Discrimination can be direct, ie: targeted at an individual because they possess a protected characteristic, because they associate with someone who possesses a protected characteristic (eg: if an applicant has a disabled son), or because the employer mistakenly believes that they possess a protected characteristic.

Discrimination can also be indirect. Indirect discrimination occurs where an unjustifiable criterion is imposed as part of the recruitment process putting certain people at a disadvantage, even though applied to all job applicants. For example, a requirement for job applicants to speak or write English to a standard of fluency would discriminate indirectly against people who come from a country in which English is not the first language. Such a requirement would be racially discriminatory and unlawful unless the employer could show that it was appropriate and necessary for the effective performance of the job, and not excessive in relation to the needs of the job.

It is irrelevant whether or not discriminatory treatment is intentional.

4. Avoiding bias

Managers involved in recruitment have a duty to conduct selection interviews fairly and without bias for or against any particular candidate.

This is harder than most people think, because all human beings are affected by bias and prejudice and these often operate at a subconscious level. It is therefore important for managers responsible for recruitment decisions to recognise how bias might influence their thinking.

Dos and don'ts:

- **Do** recognise that candidates from different racial backgrounds may have different ways of communicating their achievements at a job interview. For example, candidates from certain ethnic backgrounds may be relatively reserved about their experience and achievement on account of their racial or cultural background. In addition, in some cultures it is considered impolite to make direct eye contact with a person in authority.
- **Do** guard against the “halo effect”. This occurs when something about a job applicant creates a favourable first impression on the interviewer. This results in them not being able to view the candidate’s suitability for the job objectively or recognise any negative elements in their background. For example, the interviewer might find the applicant’s manner, accent or appearance pleasing, or might discover that they attended the same school or university as the applicant.
- **Do** recognise your own general personal attitudes, views and likes/dislikes with regard to people, and learn to put these to one side during selection interviews.
- **Do** distinguish between the information that the candidate is presenting and the mode of presentation. Unless presentation skills are relevant to the job in question, a slick and/or confident presentation style will be irrelevant to the person’s suitability for the job.

- **Don’t** allow the initial impression of a job applicant to influence the selection decision. For example, by making negative assumptions about an applicant based on mode of dress, general appearance or accent.
- **Don’t** be influenced by stereotypes. For example, by assuming that older candidates will not be capable of undertaking training in new technology.
5. **Effective questioning techniques**
   - Design interview questions to check facts, obtain relevant information about each applicant’s background, test achievement and assess aptitude and potential.
   - Ask specific questions on matters such as the applicant’s work experience, qualifications, skills, abilities, ambitions and strengths/weaknesses.
   - Ask open questions – those beginning with “what”, “which”, “why”, “how”, “where”, “when” and “who”, rather than closed questions inviting only a yes/no answer.
   - Ask questions that are challenging, but not in an intimidating or aggressive tone or manner.
   - Ask questions that require the applicant to give examples of real situations that he or she has experienced. For example: “Tell me about a time when you had to discipline a member of your staff. How did you handle it?”
   - Ask factual questions about past experience and behaviour and refrain from making assumptions.

6. **Avoiding discriminatory questions**

Discrimination can take place in the following circumstances:

- When a job applicant is subjected to interview questions that have an underlying discriminatory impact. For example, questions put to a woman about her children or childcare arrangements.
- Where a question put to a job applicant implies that the interviewer thinks there may be a problem. For example, asking “would you have a problem working on Saturdays?” specifically because the interviewer has deduced (or assumed) that the candidate is Jewish. Such a question could be viewed as directly discriminatory because of religion.
- When negative assumptions are made about the applicant on the basis of the answers given to the above types of questions.
- Where an applicant who is pregnant is asked questions about plans for maternity leave, childcare, etc.

Candidates **should not** be asked questions about:

- Their marital status or marriage plans.
- Childcare arrangements.
- General family commitments and/or domestic arrangements.
- Actual or potential pregnancy/maternity leave.
- Their partner’s occupation and mobility.
- Any actual or potential absences from work for family reasons.

Instead, ask all candidates questions that explore the applicant’s ability to perform the job:

<table>
<thead>
<tr>
<th>Don’t say</th>
<th>Do say</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you planning to get married/have a family in the next few years?</td>
<td>What are your general aims and goals over the next three/five years?</td>
</tr>
<tr>
<td>Who would look after your children if you were asked to travel away from home on a business trip?</td>
<td>The job would involve travelling away on business trips approximately [x] times a year. To what extent would you be able to comply with this?</td>
</tr>
<tr>
<td>If we needed you to work late at short notice, how would this affect your childcare arrangements?</td>
<td>The job might occasionally require you to work late at short notice. How would you respond if asked to do this?</td>
</tr>
<tr>
<td>How would your husband feel if we asked you to relocate to a different branch of the company?</td>
<td>How would you feel if we asked you to relocate to a different branch of the company?</td>
</tr>
</tbody>
</table>
7. **Interviewing a disabled candidate**

Job applicants have no duty to volunteer to disclose a disability to a prospective employer. It is also unlawful to ask about an applicant’s health during the recruitment process (which includes asking about disability) before offering them a job, except in limited circumstances. This ensures that employers do not reject candidates without allowing them to exhibit their suitability for a role.

The following situations are the limited circumstances in which employers are permitted to pose questions about health:

1. To establish whether or not an applicant will be able to undergo an assessment (e.g. a job interview or written test) and if the employer will need to make reasonable adjustments in connection with that assessment (e.g. reducing the overhead lighting in an assessment room if the applicant is sensitive to light).
   These questions will most commonly be asked in an invitation to interview letter. Here the assessment process will be explained and candidates asked to notify the employer of any reasonable adjustments they might require.

2. To establish whether or not an applicant will be able to perform a function that is intrinsic to the job for which they are applying, after having taken into account reasonable adjustments that could be made to help the applicant overcome any difficulties in performing the role on account of a disability.
   This will be permissible in very limited circumstances and the questions should be specific to the role. For example, it might be permissible to ask a candidate who is applying to be a waiter a question relating to their ability to carry heavy objects. However, a question relating to the candidate’s ability to lift heavy objects should not be asked of a candidate who is applying for a desk-based role.
   Broad questions, for example asking a candidate about his or her absence record, are not permitted.
   To ensure that interviewers recruit the best person for the role, they should explore each candidate’s ability to perform the essential aspects of the role.

3. To monitor the diversity in the range of people applying for work. This would typically arise in an equal opportunities monitoring form.

4. In certain circumstances, to eliminate a disadvantage experienced by disabled individuals, meet their needs, or encourage their participation in an activity if they are under-represented in that activity.

5. To establish whether or not an applicant has a particular disability where having that disability is an occupational requirement. For example, to establish whether or not an applicant is HIV positive in respect of a role of HIV mentor.

To avoid discrimination during an interview, line managers should bear in mind the following:

- Ensure that any questions focus on the applicant’s ability to perform the duties of the job, and not on the potential difficulties that they might have in the job on account of a disability.
- Refrain from asking intrusive questions about the candidate’s medical condition or disability.
- Frame questions in a positive way so as to avoid the risk of the applicant perceiving that you are looking for or anticipating problems.
- Avoid drawing negative conclusions based on an assumption about a disabled candidate’s capabilities.
- Asking a question about health in prohibited circumstances could be evidence of disability discrimination. If an unsuccessful job applicant subsequently brings a disability discrimination complaint, the employer would need to prove that no discrimination took place.

Once a manager has made an offer of employment to a candidate, they can pose questions relating to the applicant’s health, taking care to ask in a sensitive manner. Therefore it might be permissible to make a job offer conditional on passing a medical examination, if the offer is genuine.

Adopting an attitude of looking for solutions is encouraged. For example, asking the candidate whether or not he or she will require reasonable adjustments to be made, suggesting adjustments, and establishing if his or her present or previous employer made any helpful adjustments.
8. **Avoiding age discrimination**

Managers should beware of placing too much importance on length of experience when interviewing. Focusing on length of experience will place younger applicants less likely to have long experience at a disadvantage. Instead, managers should concentrate on the type and breadth of experience of the applicants and their skills, competencies and talents.

Do not use age as a criterion in the selection process. Age is a poor predictor of effective job performance and age discrimination has been prohibited since October 2006.

9. **Interview notes**

It is essential for managers conducting recruitment interviews to:

1. Keep notes of the interview.
2. Make a record of the rationale behind the selection decision after the interview - ie: to note the key reason(s) why the successful candidate was selected and the other shortlisted candidates rejected.

There are several key reasons why such records are important:

- Nobody has a perfect memory. If you have interviewed several candidates during the same day you will inevitably be unable to recall accurately who said what, what the key issues were in relation to a particular candidate, and how a particular question was answered.
- If no records are created and one of the rejected candidates then brings a claim alleging discrimination, you are unlikely to be able to recall the precise matters that were discussed at the interview or the way in which questions were phrased.
- The absence of any records may lead an employment tribunal to conclude that the whole recruitment process was conducted in a random, subjective or haphazard way.
- If records are available, this will provide evidence that the recruitment process was approached in a professional manner.
- If records are available, they may also provide specific information that will form a defence against a claim, eg: that the answers that the candidate gave to specific questions indicated that they did not have the essential knowledge or skills required for the job.

**Data protection**

Managers should be aware that any record created about an individual and placed in a structured file (or input to a system) will give rise to individual rights under the Data Protection Act 1998. Specifically job applicants will have the right to be given a copy of their own file upon written request. Interview notes should therefore be compiled with this in mind.

Read the University’s [data protection policy](#).

10. **Interview panels**

Good practice recommends that interviews are conducted by a panel consisting of at least three people:

1. The immediate line manager of the vacant post
2. A colleague familiar with the area of work
3. A representative from another department or stakeholder/customer representative
4. In addition, you may value a member of HR staff to join the interview panel

At Southampton, interviews for certain University positions require specific members on the panel, summarised below:

<table>
<thead>
<tr>
<th>Level</th>
<th>Pathway</th>
<th>Panel size</th>
<th>Specified chair</th>
<th>Specified panel members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1–4</td>
<td>MSA/CAO/TAE</td>
<td>2–5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 5–6</td>
<td>MSA</td>
<td>2–5</td>
<td></td>
<td>Head of Service (or Deputy)</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
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<th>Pathway</th>
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<th>Specified panel members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 7</td>
<td>MSA</td>
<td>2–5</td>
<td></td>
<td>Vice-Chancellor (or delegate)</td>
</tr>
<tr>
<td>Level 4–5</td>
<td>ERE</td>
<td>3–5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 6</td>
<td>ERE</td>
<td>3–5</td>
<td>Dean, DVC or Associate Dean</td>
<td>Head of Academic Unit (or Deputy)</td>
</tr>
<tr>
<td>Principal Research Fellow/Reader, etc</td>
<td>ERE</td>
<td></td>
<td>Associate Dean (Research)</td>
<td></td>
</tr>
<tr>
<td>Principal Teaching Fellow/Senior Lecturer, etc</td>
<td>ERE</td>
<td></td>
<td>Associate Dean (Education)</td>
<td></td>
</tr>
<tr>
<td>Level 7 – Chair</td>
<td>ERE</td>
<td>7</td>
<td>Vice-Chancellor or DVC</td>
<td>Dean (or delegate), 3 members of Academic Unit, 2 external advisors</td>
</tr>
<tr>
<td>Clinical appointments</td>
<td></td>
<td></td>
<td></td>
<td>Appropriate NHS representative</td>
</tr>
</tbody>
</table>

Requirements of the panel members should include:
- Knowledge and understanding of the University’s recruitment policy.
- Trained in recruitment as appropriate.
- A balance of sex and ethnicity wherever possible.
- A declaration if they already know the candidate.
- Willing and able to attend all interviews for the duration of the process.
- Ensure fair treatment of all candidates.
INTERVIEW CHECKLIST

Interview panel
☐ Clarify areas of questioning required to cover all elements of the person specification.
☐ Allocate panel members to explore question areas to avoid overlap/repetition.
☐ Discuss expectations of answers prior to the interview.
☐ Take notes to help the panel make an informed decision based on the interview content.
☐ Avoid comments which may be perceived as inappropriate or personally derogatory.
☐ Treat all paperwork as confidential and dispose of appropriately.

Interview questions
☐ Ensure the same areas of questions are covered with each candidate.
☐ Avoid assumptions about expertise or ability based on employment history.
☐ Phrase questions to avoid favouring one candidate or group over another.
☐ Use supplementary questions to probe for more information or clarify a response.
☐ Avoid questions that could be construed as discriminatory.
☐ Avoid prejudice when interpreting candidate answers to questions.
☐ Disregard information offered by the candidate regarding personal circumstances unrelated to the job.

Preparing for interview
☐ Book equipment for candidates to use during interview or when completing a selection exercise, eg: flipchart, projector.
☐ Arrange for water/refreshments for both the candidate and panel members.
☐ Ensure that the room(s) that have been booked for the selection process are comfortable and the set-up is suitable.
☐ Think about the ventilation, lighting and heating in the room(s).
☐ Ensure there will not be any interruptions.
☐ Inform reception that interviews are being held and the venue, etc.
☐ Ensure that reasonable adjustments have been made for candidates who have made such a request eg: a candidate with a disability.

Candidate checks at interview
The following documentation should be verified at the time of interview:
☐ Qualifications – academic/professional
☐ Right to work in the UK
☐ Any other specifics considered essential for the post

Conducting the interview
Before starting the interview:
☐ Ensure that phones in interview room(s)/mobiles are diverted and that there will be no other interruptions (including disturbances by the arrival of refreshments, etc).
☐ Ensure that the temperature and lighting in interview room(s) are comfortable and that water is provided for candidates.
☐ Agree who will bring the candidate into the interview room.
☐ Agree whether they will all stand up or all remain seated when the candidate comes into the interview room.
☐ Agree whether they will shake hands with the candidate.
At the beginning of each interview:

☐ Welcome the candidate.
☐ Introduce the panel members.
☐ Explain how the interview will be conducted (ie: panel members will each ask questions of the candidate).
☐ Explain that candidates will have an opportunity to ask questions at the end of the interview.
☐ Inform candidates that panel members may take notes during the interview.
☐ Make the candidate aware of the time allocated for the interview (and ensure that this is adhered to).

During the interview:

☐ Start with less demanding questions to enable candidates to relax, before addressing more complex issues.
☐ Think about body language, especially when other panel members are asking questions. Look supportive and interested.
☐ Listen (and look as if you are listening) to the candidate.
☐ Avoid jumping from one topic to another.
☐ Follow the sequence of questions planned, but be prepared to deviate if required.
☐ Give the candidate the opportunity to think before they respond to a question.
☐ Avoid interrupting the candidate unless they are starting to ramble.
☐ Use a combination of question types to obtain responses from candidates who are not forthcoming.
☐ Take notes.

At the end of the interview:

☐ Ask the candidate what questions they would like to ask.
☐ Inform the candidate of the timescales for decision making and how the outcome is to be notified, eg: by letter from HR or by telephone by the panel chair or nominee.
☐ Clarify if feedback is to be given to unsuccessful candidates or not.
☐ Thank the candidate for their application and for coming to the University to take part in the selection process.
Take this short quiz about the interview process – answers at the bottom of the page.

1. A line manager inadvertently asks a discriminatory question at a job interview. What are the possible consequences?
   a) There is no possibility of a tribunal claim. Only employees and not job applicants can bring claims of discrimination.
   b) There is no possibility of a tribunal claim. The line manager did not intend to discriminate.
   c) A tribunal claim is possible but the employer cannot be held responsible for the line manager’s actions.
   d) A tribunal claim is possible and the employer will be held responsible for the line manager’s actions.

2. Which of the following would it be inappropriate for a line manager to ask?
   a) How would you respond if you were asked to work late at short notice?
   b) How would you feel about managing an older team?
   c) How would you feel if in the future we asked you to relocate to our northern office?
   d) What are your general goals over the next five years?

3. Which of the following questions might it be appropriate to ask a candidate who has a sight impairment in an interview for a typist role?
   a) How will your condition affect your ability to get to work on time?
   b) What is wrong with you?
   c) How might your condition impact on your ability to use a computer?
   d) Are you able to lift heavy equipment?

4. Which of the following interview questions is unlikely to elicit much useful information?
   a) Which of your previous positions did you enjoy most and why?
   b) What are the main challenges of your current role?
   c) Do you enjoy working in a customer-facing role?
   d) How do you think your previous experience could be of benefit in this role?

5. Which of the following statements regarding interview notes is true?
   a) An experienced line manager will be able to recall accurately how each candidate answered a particular question so making a written note of responses will be unnecessary.
   b) If there are no interview notes a tribunal will not be able to conclude that the interview was conducted in a discriminatory manner.
   c) As interview notes are for their own sight only, line managers should feel free to note their own assumptions about the candidates where appropriate.
   d) Where an unsuccessful job applicant brings a tribunal claim, accurate interview notes can assist in the defence of the claim.

Test yourself answers: 1. (d), 2. (b), 3. (c), 4. (c), 5. (d).