

Senior Executive Service (SES) Recruitment

Published: 21 May 2021

Last updated: 1 February 2022

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SES recruitment

When filling Senior Executive Service (SES) vacancies Australian Public Service (APS) agencies have obligations under the *Public Service Act 1999* (<https://www.legislation.gov.au/Details/C2019C00057>) (PS Act) and the *Australian Public Service Commissioner's Directions 2022* (<https://www.legislation.gov.au/Details/F2022L00088>) (the Directions). Agencies need to ensure they are fully aware of their obligations when undertaking SES recruitment, due to additional requirements beyond those of non-SES recruitment.

The role of the SES is to provide APS-wide strategic leadership of the highest quality that contributes to an effective and cohesive APS. It is important for agencies to effectively manage SES talent, including recruitment activities to attract the required qualities, skills and experience.

Employment decisions must comply with the PS Act, *Public Service Regulations 1999* (<https://www.legislation.gov.au/Details/F2019C00020>) and the Directions, which require that all engagements and promotions in the APS are based on merit, and that selection processes are fair and transparent. Please visit [The APS Merit Principle](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/aps-merit-principle) (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/aps-merit-principle>) and the [Public Service Gazette Requirements](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/public-service-gazette-requirements) (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/public-service-gazette-requirements>) for more information.

APS agencies must also comply with the *Public Service Classification Rules 2000* (<https://www.legislation.gov.au/Details/F2014C01338>) to ensure roles are classified based on work value by considering the type and nature of the work to be performed using the SES Work Level Standards (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/classifications/work-level-standards-senior-executive-service>) and the [SES Evaluation](https://www.apsc.gov.au/sites/default/files/2021-05/SES%20WLS%20Evaluations.docx) (<https://www.apsc.gov.au/sites/default/files/2021-05/SES%20WLS%20Evaluations.docx>) (<https://www.apsc.gov.au/sites/default/files/2021-05/SES%20WLS%20Evaluations.docx>) Methodology - Guidelines and Workbook (<https://www.apsc.gov.au/sites/default/files/2021-05/SES%20WLS%20Evaluations.docx>). It is also valuable for agencies to consider the [Optimum Management Structures Framework](https://www.apsc.gov.au/publication/optimal-management-structures) (<https://www.apsc.gov.au/publication/optimal-management-structures>).

APS agencies should ensure that any SES vacancy can be accommodated within the agency's average staffing level (ASL) cap administered by the Department of Finance and the agency's SES cap (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/senior-executive-service-ses/ses-cap>).

APS agencies may also benefit from reviewing the [Talent Management in the APS](https://www.apsc.gov.au/initiatives-and-programs/talent-management-aps) (<https://www.apsc.gov.au/initiatives-and-programs/talent-management-aps>) webpages, the [APS Workforce Strategy 2025](https://www.apsc.gov.au/initiatives-and-programs/aps-workforce-strategy-2025) (<https://www.apsc.gov.au/initiatives-and-programs/aps-workforce-strategy-2025>) and the [APS Mobility Framework](https://www.apsc.gov.au/initiatives-and-programs/aps-mobility-framework) (<https://www.apsc.gov.au/initiatives-and-programs/aps-mobility-framework>) for more information.

Outside a recruitment process, APS agencies also have options to engage and mobilise SES employees, including through an [assignment of duties within an APS agency](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/assignment-duties-within-aps-agency) (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/assignment-duties-within-aps-agency>) or [movement between APS agencies](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/movement-between-aps-agencies) (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/movement-between-aps-agencies>).

Preparing to fill a vacancy

Similar vacancy and merit lists

The meaning of similar vacancy is important when planning to advertise a vacancy in the APS Employment Gazette (PS Gazette) as it can impact the utility of a merit list or pool for filling future vacancies both within the agency and across the APS.

Therefore, agencies are encouraged to include flexibility when describing the duties, category of employment, location, and classification, where possible and appropriate.

When selecting candidates from a merit list or pool to fill an SES vacancy, the vacancy is similar to a vacancy that resulted in a merit list or pool being created if it:

- is the same category of employment (ongoing or non-ongoing)
- comprises of similar duties
- is at the same classification and
- is to be performed in a similar location.

The legislative definition of a similar vacancy can be found section 9 of the Directions.

Agencies are to advise the Commission that they have reviewed merit lists for similar SES roles prior to advertising an SES vacancy in the PS Gazette.

The Commission will also need to be notified when a candidate is selected from a merit list or pool. Refer to the SES selection decisions and outcomes section on this page for information on recording selection outcomes.

SES selection committee

Section 26 of the Directions outlines additional requirements when establishing a selection committee for SES engagement and promotion, which includes the participation of the Australian Public Service Commissioner (the Commissioner) or a Commissioner's representative in the selection process.

Commissioner's representative

The Commissioner's representative is an independent and impartial panel member. They are required to uphold the principles of merit and guide decisions that are consistent with the APS employment framework, including the relevant APS Values and Employment Principles.

The Commissioner's representative must:

- be an APS employee
- be from a different portfolio to the agency that is filling the SES vacancy
- contribute to gender balance and
- be at a substantive classification level above the SES vacancy.

SES Band 3 vacancies

The Commissioner must be notified of an APS agency's intention to advertise a SES Band 3 vacancy and, where possible, notice should be provided one month before advertising.

Advance notice of an upcoming selection process provides an opportunity for consultation with Chairs of the Secretaries and Deputy Secretaries Talent Council, to identify development opportunities.

Please complete the [SES Band 3 Intention to Advertise and Invitation to the APS Commissioner form](https://www.apsc.gov.au/sites/default/files/2022-02/SES%20Band%203%20Intention%20to%20Advertise%20and%20Invitation%20to%20the%20Commissioner.docx) (<https://www.apsc.gov.au/sites/default/files/2022-02/SES%20Band%203%20Intention%20to%20Advertise%20and%20Invitation%20to%20the%20Commissioner.docx>) and return to the Employment Policy team via employmentpolicy@apsc.gov.au (<mailto:employmentpolicy@apsc.gov.au>).

This form also asks agencies to propose an eligible Commissioner's representative who will be asked to participate in the selection process if the Commissioner is not available.

The Employment Policy team will confirm endorsement of the proposed Commissioner's representative via email.

SES Band 1 and 2 vacancies

Agencies are required to identify an eligible Commissioner's representative and seek approval from the Commission before the commencement of any selection activities. To seek approval, agencies are asked to complete the [Proposed APS Commissioner's Representative SES Band 1 and 2 Selection form](https://apsc2.govcms.gov.au/sites/default/files/2021-05/Proposal%20of%20Commissioner%27s%20Representative%20-%20SES%20Band%201%20and%202%200.docx) (<https://apsc2.govcms.gov.au/sites/default/files/2021-05/Proposal%20of%20Commissioner%27s%20Representative%20-%20SES%20Band%201%20and%202%200.docx>) and send to the Employment Policy team via employmentpolicy@apsc.gov.au (<mailto:employmentpolicy@apsc.gov.au>).

The Employment Policy team will confirm endorsement of the proposed Commissioner's representative via email.

Commissioner's representative certifying the selection process

The Commissioner or Commissioner's representative must participate in the entire selection process. If a representative of the Commissioner participated, they must certify that the process has complied with the PS Act and the Directions.

At the conclusion of the selection process, the Commissioner's representative must complete the [SES Selection Certification APS Commissioner's Representative](https://apsc2.govcms.gov.au/sites/default/files/2021-05/Certification%20of%20SES%20exercise%20by%20APS%20Commissioner%20Representative.docx) (<https://apsc2.govcms.gov.au/sites/default/files/2021-05/Certification%20of%20SES%20exercise%20by%20APS%20Commissioner%20Representative.docx>) and return it to the Employment Policy team via employmentpolicy@apsc.gov.au (<mailto:employmentpolicy@apsc.gov.au>).

Commissioner's representatives are asked to familiarise themselves with the [Guidance for representatives of the APS Commissioner in SES Selection Panels](https://apsc2.govcms.gov.au/sites/default/files/2021-05/Guidance%20for%20Commissioner%27s%20Representative.pdf) (<https://apsc2.govcms.gov.au/sites/default/files/2021-05/Guidance%20for%20Commissioner%27s%20Representative.pdf>).

Specialist panellist for HR, Digital and Data SES vacancies

Where an agency is recruiting to SES roles that require Human Resources, Digital or Data expertise, agencies should include a specialist panellist as a member of the selection panel.

The specialist panellist provides advice and guidance to help select individuals with the right skills and attributes to be effective leaders and support the uplift APS capability in their relevant field.

The specialist panellist and the Commissioner's representative may be the same person.

If your agency is recruiting for:

- SES HR, please contact APSHRProfessionalStream@ato.gov.au (<mailto:APSHRProfessionalStream@ato.gov.au>).
- SES Digital, please contact digitalprofession@apsc.gov.au (<mailto:digitalprofession@apsc.gov.au>).
- SES Data, please contact: data.profession@abs.gov.au (<mailto:data.profession@abs.gov.au>).

Further information can be found on the [APS Professional Streams](https://www.apsc.gov.au/initiatives-and-programs/aps-professional-streams) (<https://www.apsc.gov.au/initiatives-and-programs/aps-professional-streams>) webpage.

Affirmative measures

The Directions prescribe that an Agency Head may, consistent with Commonwealth law, identify an SES vacancy to be filled by only Aboriginal and/or Torres Strait Islander persons; and/or people with disability.

APS agencies can apply these provisions when advertising the PS Gazette. For more information visit the [Affirmative measure and identified positions](https://legacy.apsc.gov.au/indigenous-employmentaffirmative-measure-and-identified-positions) (<https://legacy.apsc.gov.au/indigenous-employmentaffirmative-measure-and-identified-positions>) and the [Affirmative measure for recruiting people with disability: A guide for agencies](https://legacy.apsc.gov.au/affirmative-measure-recruiting-people-disability-guide-agencies) (<https://legacy.apsc.gov.au/affirmative-measure-recruiting-people-disability-guide-agencies>) webpages.

Advertising

Before advertising, agencies are asked to review merit lists or pools for similar SES vacancies within their agency and in other APS agencies.

The requirements to advertise in the PS Gazette as outlined in section 25 of the Directions applies to SES recruitment.

Agencies wishing to also advertise a vacancy in major newspapers, should refer to the Department of Finance's [Recruitment Advertising Policy](https://www.finance.gov.au/government/advertising/recruitment-advertising-policy-rmg-408) (<https://www.finance.gov.au/government/advertising/recruitment-advertising-policy-rmg-408>).

SES selection decisions and outcomes

Section 24 of the Directions set out the elements of merit-based selection process, including that the selection process is determined in advance and information about the process is available to candidate.

On completion of a selection process, the selection committee provides recommendations to the Agency Head (or their delegate).

Decision makers are not bound by the recommendations made by the selection committee; however, the decision must be recorded and have regard to merit and the requirements of the PS Act. Where the decision is different to the recommendations of the selection committee, the reasons for their decision should also be recorded.

Options to fill an SES vacancy

Where an offer is to be made to someone that is external to the APS, the outcome is an engagement under section 22 of the PS Act.

For the temporary or permanent movement of an ongoing SES employee between APS agencies where it is not a promotion (section 46 of the Directions), Agency Heads may agree in writing to a reassignment of duties for the SES employee under section 26 of the PS Act. Agency Heads can offer SES employees, in writing, the opportunity to transfer at level between agencies without the need for a merit selection process.

The date of effect for a permanent reassignment of duties is the date agreed between the parties or, if no date is specified, four weeks after the employee informs their Agency Head in writing. For a temporary reassignment of duties, the date of effect is the date agreed between the parties.

The promotion of an SES employee takes effect four weeks after the decision has been notified in the PS Gazette, or a later date agreed by the relevant parties.

The duration of a non-ongoing engagement can be up to five years if the vacancy has been advertised in the PS Gazette and a merit selection process is undertaken. If the vacancy was not advertised in the PS Gazette, the SES employee may be engaged for an initial term of 18 months and the total period of engagement (including any extension), must not exceed 3 years..

Agencies should ensure that non-ongoing employment contracts/determinations include suitable provision(s) covering compensation in the event of early termination.

Advising of selection outcomes

Agencies are required to notify the Commission of the outcome of all SES selection processes. It is recommended agencies advise candidates that, if they are placed on a merit list or in a merit pool, their resume will be provided to the Commission.

For selection outcomes using a merit list or pool, please complete the SES Selection Notification of Outcome form (<https://apsc2.govcms.gov.au/sites/default/files/2021-05/Notification%20of%20Outcome.docx>) including a copy of the successful candidate's resume and return to the Employment Policy Team via employmentpolicy@apsc.gov.au (<mailto:employmentpolicy@apsc.gov.au>).

For all other SES selection outcomes, please complete and return the following documents to the Employment Policy team:

- SES Selection Notification of Outcome form (<https://apsc2.govcms.gov.au/sites/default/files/2021-05/Notification%20of%20Outcome.docx>).
- SES Selection Certification APS Commissioner's Representative (<https://apsc2.govcms.gov.au/sites/default/files/2021-05/Certification%20of%20SES%20exercise%20by%20APS%20Commissioner%20Representative.docx>), if applicable
- a copy of the selection report signed by the Agency Head (or their delegate; and
- a copy of the successful candidate's resume.

Please note, that any conditions of engagement (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/conditions-engagement>) to be imposed, for example probation, must be specified in offer of employment documentation, as they cannot be imposed after an employee commences.

Remuneration

SES remuneration terms and conditions can be determined by:

- Agency Heads under section 24 of the PS Act
- a common law contract or
- an enterprise agreement.

Remuneration must be determined in accordance with government policy including the [Public Sector Workplace Relations Policy](https://www.apsc.gov.au/node/99) (<https://www.apsc.gov.au/node/99>) and the [APS Executive Remuneration Management Policy](https://www.apsc.gov.au/node/445) (<https://www.apsc.gov.au/node/445>).

Engaging a person who has received a redundancy benefit or incentive to retire

Section 66 of the Directions places restrictions on subsequent employment of people who have received a redundancy benefit and/or incentive to retire. Please refer to the [SES Separation](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/senior-executive-service-ses/senior-executive-service-ses-separation) (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/senior-executive-service-ses/senior-executive-service-ses-separation>) and the [Engagement of people who have received a redundancy benefit](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/engagement-people-who-have-received-redundancy-benefit) (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/engagement-people-who-have-received-redundancy-benefit>) webpages for more information.

HR practitioners seeking more information on SES recruitment can contact the Employment Policy team via employmentpolicy@apsc.gov.au (<mailto:employmentpolicy@apsc.gov.au>) or call the advice line on (02) 6202 3857.

Downloads

[SES Band 3 Intention to Advertise and Invitation to the Commissioner](https://www.apsc.gov.au/sites/default/files/2022-02/SES%20Band%203%20Intention%20to%20Advertise%20and%20Invitation%20to%20the%20Commissioner.docx)

(<https://www.apsc.gov.au/sites/default/files/2022-02/SES%20Band%203%20Intention%20to%20Advertise%20and%20Invitation%20to%20the%20Commissioner.docx>) (DOCX - 258.31 KB)

[Proposed APS Commissioner's Representative SES Band 1 and 2 Selection Form](https://www.apsc.gov.au/sites/default/files/2021-05/Proposal%20of%20Commissioner%27s%20Representative%20-%20SES%20Band%201%20and%202_0.docx)

(https://www.apsc.gov.au/sites/default/files/2021-05/Proposal%20of%20Commissioner%27s%20Representative%20-%20SES%20Band%201%20and%202_0.docx) (DOCX - 259.24 KB)

SES Selection Certification APS Commissioner's Representative

(<https://www.apsc.gov.au/sites/default/files/2021-05/Certification%20of%20SES%20exercise%20by%20APS%20Commissioner%20Representative.docx>)

(DOCX - 133.72 KB)

SES Selection Notification of Outcome Form (<https://www.apsc.gov.au/sites/default/files/2021-05/Notification%20of%20Outcome.docx>) (DOCX - 260.98 KB)

SES Evaluation Methodology - Guidelines and Workbook

(<https://www.apsc.gov.au/sites/default/files/2021-05/SES%20WLS%20Evaluations.docx>) (DOCX - 659.61 KB)

Guidance for representatives of the APS Commissioner in SES Selection Panels

(<https://www.apsc.gov.au/sites/default/files/2021-05/Guidance%20for%20Commissioner%27s%20Representative.pdf>) (PDF - 592.57 KB)
