



**GENERAL SECRETARIAT OF
PENITENTIARY
INSTITUTIONS**

**GENERAL SUBDIRECTORATE
OF HUMAN RESOURCES**

**«Recruitment and
personnel management in
the Spanish Penitentiary
Administration»**

Sevilla, June 2022

STAFF SELECTION: GUIDING PRINCIPLES

1. All citizens have the right of access to public employment in accordance with the constitutional principles of equality, merit and ability, and in accordance with the provisions of the Basic Statute of Public Employee and the rest of the legal system.

2. Public administrations and entities shall select their civil servants and employees by means of procedures that guarantee the following constitutional principles:

- ✓ Publicity of the calls for proposals and their terms and conditions.
- ✓ Transparency.
- ✓ Impartiality and professionalism of the members of the selection bodies.
- ✓ Independence and technical discretion in the actions of the selection bodies.
- ✓ Adequacy between the content of the selection processes and the functions or tasks to be performed.
- ✓ Agility, without prejudice to objectivity, in the selection processes.

STAFF SELECTION: GENERAL REQUIREMENTS

1. Spanish nationality.
2. Functional ability to perform the tasks.
3. Being at least sixteen years of age and not be over the maximum age for compulsory retirement.
4. Not having been dismissed by disciplinary proceedings from the service of any of the Public Administrations or of the constitutional or statutory bodies of the Autonomous Communities.
5. Not having been disqualified neither by judicial decision from public employment or posts nor for access to the body or scale of civil servants, or to exercise functions similar to those they performed in the case of employment personnel, in which they had been dismissed or disqualified.
6. Nationals of another State must not have been subject to a disciplinary or equivalent sanction that prevents, in their State and in the same terms, access to public employment.
7. To hold the required qualifications.

ACCES TO PUBLIC EMPLOYEMENT AS CIVIL SERVANTS FOR NATIONALS OF OTHER STATES (1)

- Nationals of the MS of the EU shall have access under equal conditions as Spaniards to public employment, with the exception of those which directly or indirectly involve participation in the exercise of public authority or in functions whose purpose is to safeguard the interests of the State.
- The governing bodies of public administrations shall determine the groups of civil servants to which nationals of other States shall not be admitted.
- Previous provisions shall apply, whatever their nationality, to the spouse of Spanish nationals and nationals of other MS of the EU, provided that they are not legally separated, and to their descendants and those of their spouse, provided that they are not legally separated, are under the age of twenty-one or are dependent over that age.

ACCES TO PUBLIC EMPLOYEMENT AS CIVIL SERVANTS FOR NATIONALS OF OTHER STATES (2)

- Access to public employment shall also be extended to persons included in the scope of application of the International Treaties concluded by the EU and ratified by Spain in which the free movement of workers is applicable.
- The foreigners referred as well as foreigners with legal residence in Spain, may have access to Public Administrations, as employment personnel, under the same conditions as Spaniards.
- Only by law of the Cortes Generales or of the legislative assemblies of the Autonomous Communities may the requirement of nationality be waived for reasons of general interest for access to the status of civil servant.

STAFF SELECTION BODIES

- The selection bodies shall be collegiate and their composition shall comply with the principles of impartiality and professionalism of their members, and shall also aim at parity between women and men.
- Elected or politically appointed staff, interim officials and temporary staff shall not be eligible to serve on selection bodies.
- Membership of the selection bodies shall always be on an individual basis, and may not be held in representation of or on behalf of anyone.

STAFF SELECTIVE SYSTEM (1)

- Selection processes shall be opened and shall guarantee free competition, without prejudice to the provisions established for internal promotion and the positive discrimination measures provided in the Staff Regulations.
- Selection bodies shall ensure compliance with the principle of equal opportunities between sexes.
- Selection procedures shall pay particular attention to the connection between the type of tests to be passed and their suitability for the performance of the tasks of the posts advertised, including, where appropriate, any practical tests that may be required.
- The tests may consist of tests of knowledge and analytical ability, expressed orally or in writing, exercises to demonstrate the possession of skills and abilities, tests of proficiency in foreign languages and, where appropriate, physical tests.

STAFF SELECTIVE SYSTEM (2)

- Those selective processes that include, in addition to the mandatory capacity tests, the assessment of professional merits of the candidates, may only award this assessment a proportionate score that shall not, in any case, determine, in itself, the result of the selective process.
- Public Administrations may create specialised and permanent bodies for the organisation of selection processes, and these functions may be entrusted to the Institutes or Schools of Public Administration.
- In order to ensure the objectivity and rationality of selection processes, tests may be supplemented by the completion of training courses, traineeships, curricular presentations by the candidates, psycho-technical tests or interviews. Medical examinations may also be required.
- Selection systems for civil servants shall be: competition process, competitive examination, with the characteristics established in the previous section, or merit-based competitive examination. Only by virtue of a law may, exceptionally, the system of competition be applied, which shall consist solely of the assessment of merit.

STAFF SELECTIVE SYSTEM (3)

- Public administrations may negotiate the forms of collaboration that, within the framework of collective agreements, establish the action of trade union organisations in the development of selection processes.
- Selection bodies may not propose the access to the status of civil servant of a higher number of successful candidates than the number of vacancies advertised, except when this is provided for in the advertisement itself.
- Nevertheless, the convening body may request from the selection body a complementary list of the candidates who follow those proposed, for their possible appointment as career civil servants, when the selection bodies have proposed the appointment of the same number of candidates as the number of vacancies advertised, and in order to ensure that the vacancies are filled, when there are resignations of the selected candidates, before their appointment or taking up their posts.

SELECTION PROCESS PRISON OFFICERS STAFF (900 annual posts)

Concrete functions of Prison Officers staff are the following:

1. To carry out internal surveillance and custody tasks in the facilities.
2. Ensuring the conduct and discipline of the inmates.
3. To supervise the cleanliness and tidiness of the prison population and of the facilities.
4. Providing the Observation Team and Treatment Boards with the data obtained by direct observation of the behaviour of the inmates.
5. Participating in the re-education and rehabilitation tasks of the inmates, implementing the guidelines of the Observation Team or Treatment Boards.
6. To carry out the necessary administrative tasks of collaboration or processing.
7. To comply with the instructions received from their superiors and any other tasks which, by reason of their specific service, may be entrusted to them.

SELECTION PROCESS PRISON OFFICERS STAFF: QUALIFICATIONS REQUIRED

- Applicants must hold a baccalaureate or technical diploma or have fulfilled the conditions for obtaining it by the closing date for the submission of applications. Applicants with qualifications obtained abroad must accredit that they are in possession of the corresponding accreditation certificate. This requirement shall not apply to applicants who have obtained recognition of their professional qualification, in the field of regulated professions, under the provisions of Community law.
- Not to have been convicted of an intentional crime and sentenced to a term of imprisonment of more than three years, unless an expungement or rehabilitation has been obtained.

SELECTION PROCESS PRISON OFFICERS STAFF: COMPETITION PHASE

- ❖ **First exercise:** a written questionnaire of 150 questions with four multiple-choice answers, which will cover the full content of the programme, only one will be correct, with the possibility of three additional reserve questions. The duration of the test will be two hours and fifteen minutes. The programme consists of the following 50 topics:
 - Part 1: Organisation of the Spanish State. General Administrative Law. Staff and Financial Management (17 subjects).
 - Part 2: Criminal Law (10 subjects), Penitentiary Law (20 subjects), Human behaviour (3 subjects)
- ❖ **Second exercise:** It will consist of resolving in writing 10 practical cases, each case will contain 5 questions with four multiple answers, which will deal with the complete content of the programme, only one of which will be correct. The maximum time allowed is one hour and forty minutes.
- ❖ **Third exercise:** A Medical aptitude tests will be designed to check that candidates do not meet any of the medical exclusion criteria to perform their tasks.

SELECTION PROCESS PRISON OFFICERS STAFF:

1. SELECTIVE TRAINING COURSE

- By Resolution of the General Secretary of Penitentiary Institutions, the calendar will be established, the programme which will include a module on equality between women and men, another on gender violence, as well as the internal rules governing the selective course, which will not exceed three months.
- The selective course will be structured in two phases:
 - A **training phase**, which will consist of a training course. It may be given in one or more locations and may be face-to-face, by videoconference or in a mixed manner. It will be compulsory to attend minimum the 80% of the teaching sessions in order to be able to take the exam.
 - The exam must be passed to move on to the next phase, consisting of a **supervised internship** performed in the field in prisons.
- The selective course will be graded as "Fit" or "Unfit". Since it is mandatory, to obtain the qualification of "Fit", it will be an essential requirement that the trainee Prison Officers attend at least 80% of the compulsory time (taking into account the two phases).
- Applicants who do not pass the selective course will not proceed to the traineeship period.

SELECTION PROCESS PRISON OFFICERS STAFF:

2. TRAINEESHIP PERIOD

- During this period, trainee Prison Officers will carry out their functions in the field in prisons: candidates will combine the performance of their duties with theoretical training. The necessary monitoring of this performance shall be carried out in order to ascertain their personal aptitudes and attitudes with regard to the exercise of their duties, establishing the necessary controls for their assessment.
- If during this period any of the trainees Prison Officers are misbehaving and/or he/she shows a serious and obvious inability to perform the duties for which they have been selected, the Prison Administration may, by means of a reasoned decision, discharge the trainee from the traineeship period, even if the period has not ended.
- This period will be assessable and graded as "Fit" or "Unfit", and it will be an essential requirement to have completed 75% of the internship period in prisons.
- **Both periods, selective training course and traineeship period, shall have a maximum duration of 18 months.**

STAFF MANAGEMENT (1)

- ❖ The management of civil servant staff and the organisation of HHRR in the Spanish Prison Administration follows the same regulatory basis as those applicable to the staff of the General State Administration.
- ❖ Personnel management and human resource planning can be defined as the adoption of a series of decisions by the competent administrative bodies, following the legally established procedure, which have a direct effect on both public employees and the organisation as a whole.
- ❖ One of the main differences between prison staff and other staff in the service of the General State Administration is the **shift work regime**. This regime is motivated by the uninterrupted and permanent nature of the public service provided, within the framework of the execution of custodial sentences and the detention and custody of detainees, prisoners and convicts, as well as the execution of alternative measures to these sentences.

STAFF MANAGEMENT (2)

- ❖ Staff and human resources management in the Penitentiary Administration covers the following main aspects:
- Remuneration.
 - Collective bargaining (with trade unions), representation and institutional participation.
 - Working hours, leave and holidays.
 - Acquisition and loss of the Administration service relationship.
 - Human resource planning.
 - Provision of posts and mobility.
 - Administrative situations.
 - Disciplinary regime.



**THANK YOU VERY
MUCH FOR YOUR
ATTENTION**