

East Devon District Council Recruitment and Selection Policy

Reviewed

June 2009

Policy Approval

This policy has been agreed by the Executive Board 15 July 2009 and UNISON.

Reasons for introducing the policy

This policy and procedure forms an integral part of our approach to human resource management and aims to ensure that we have the right people, in the right place at the right time.

This policy is aimed at ensuring that the Council adopts a legally compliant, fair and consistent approach to the recruitment and selection at East Devon District Council. The Council recognises the value of a diverse workforce and is committed to recruitment practices which attract a diverse range of applicants.

Policy statement

It is the Council's policy that everyone who comes into contact with East Devon District Council shall be treated equally and with respect and this policy incorporates the principles and aims of the Council's Equality and Diversity Policy and the Employment Screening Policy.

Recruitment is an essential process. If it is not carried out properly it can have serious repercussions including wasting resources and legal challenges. This policy and procedure will help to provide guidance to employees and Managers in dealing with recruitment issues as well as providing an awareness of the legal framework. More detailed advice and guidance including clarification of roles and responsibilities is available in the Managers' Guide to Recruitment and Selection.

This policy is applicable to all activities that form part of the recruitment and selection process and in order for the policy to be effective it is essential that any employee or external customer who may be involved in recruitment is aware of the contents and adheres to it.

How will we go about it?

The policy aims to reflect principles of consistency, fairness, and operational needs whilst trying to balance compliance with legal requirements.

The Council commits to:

- Seeking the best candidate for the job based on merit
- a 'best practice' recruitment procedure
- guaranteeing a disabled applicant (who meets the essential criteria) an interview
- ensuring that all Managers involved in the recruitment and selection of staff receive our "in house" training in the recruitment and selection process and have an awareness of the legal framework which underpins recruitment processes
- ensuring that all managers who are involved in recruitment have also attended our "in house" Equality and Diversity training
- reviewing its advertising agency on an tri-annual basis to ensure best value for money

- ensuring all advertisements are free from bias and discrimination
- ensuring all vacancies are advertised
- short-listing candidates for interview only on the basis of ability
- ensuring that essential criteria is fair and non-discriminatory and is objectively applied
- responding positively to requests to work part-time or job share where ever possible
- treating candidate information as confidential
- securing the permission of candidates before approaching their referees
- effectively using equal opportunity information to review whether we are reaching and attracting a diverse population
- ensuring that internal candidates are given feedback if they have not been short-listed or are unsuccessful in their interview.
- Ensuring appropriate screening takes place to comply with legislation.

Specific policy areas

Legal Considerations

This Recruitment and Selection Policy is designed to cover our general principles of recruitment and selection in order to attract the best person for the job in order to meet our corporate priorities. This policy also aims to follow best practice principles from the Human Rights Equality Commission and the Advisory Conciliation and Arbitration Service (ACAS) because if we were challenged in an employment tribunal these provisions would be admissible as a defence.

The legal issues concerned with Recruitment and Selection include:

Discrimination: The Sex Discrimination Act 1975; The Race Relations Act 1976, The Disability Discrimination Act 1995; The Employment Equality (Religion or Belief) Regulations 2003, and The Employment Equality (Sexual Orientation) Regulations 2003, The Employment Equality (age) Regulations 2006, Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2002

Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Many of these acts have been amended since their introduction and make it illegal to discriminate against a person, either directly or indirectly in employment because of reasons relating to their colour, race, gender, marital status, creed, nationality, sexual orientation, religion, ethnic or national origins, disability and age.

Direct Discrimination occurs when an individual is treated less favourably and a decision is made not to employ someone because for example their age or sex.

Indirect discrimination occurs when a requirement or condition has the effect of discriminating unfairly and unjustifiably between one group or individual and another, for example insisting upon a higher language standard than is necessary could disqualify candidates whose first language is not English. Similarly, insisting upon an unnecessary physical requirement could discriminate against one sex in favour of the other. This means that essential criteria need to be considered carefully and must truly be essential to carrying out the duties of the job.

The Data Protection Act 1998

In accordance with the Data Protection Act, data such as selection records, personal details and references should only be requested and stored when this is objectively justified and relevant to the position. Further information can be found in the Data Protection Policy.

The Asylum and Immigration Act 1996

This Act obliges employers to ensure that they do not employ anyone who is not legally entitled to work in the UK.

Criminal Convictions

The Council is responsible for carrying out checks on employees working with children or vulnerable adults. These checks may be made in accordance with the Rehabilitation of Offenders Act 1974 (as amended), or with the Criminal Records Bureau. In October 2009, the Council will be responsible for ensuring that anyone who is employed in a controlled or regulated activity with Children or Vulnerable adults is registered by the Independent Safeguarding Authority and not barred from working with these groups.

Baseline Personnel Security Checks (BLPS)

Baseline Personnel Security Checks (BLPS) is 1 of 7 parts of the HMG Security Policy Framework which is aimed at government organisations to lessen the threat of malicious attack of assets or information by bogus employees. The Council is responsible for ensuring employees recruited to posts which require access and transfer of sensitive data through the Government Connect Secure Xtranet (GCSX) are subject to recruitment controls known as the BLPS. Unless the security check controls are satisfied, the employee will not be permitted to have access to GCSX and ICT will not carry out the essential training that is required.

Recruitment authorisation

- The Authority to Recruit form should be used for all new vacancies, existing vacancies and extensions to fixed term contracts. **The Authority to Recruit form can be found on the Managers' guide to Recruitment.**
- Requests for new posts as part of a restructure should be discussed with Human Resources and applied for via the Executive Board. The report must detail the following:
 - grade of post
 - a draft job description detailing the duties for the new post
 - detail which posts will be deleted from the establishment so as to provide detail of where savings can be met.

When a post has been agreed via the Executive Board an Authority to Recruit must still be completed for approval to advertise regardless of whether this is internally or externally.

- If recruitment to a post is due to turnover, the Line Manager must submit an updated job description and person specification using the Council's corporate template. A completed Authority to Recruit Form should be submitted with the updated Job description and person specification to the Chief Executive for approval. The business case should be outlined for filling the vacancy and the Chief Executive will either approve or refuse the request, managers will be informed via Human Resources.
- Prior to getting authority to recruit consideration should also be given to whether the job content has materially changed for it to be re-evaluated within the context of the Council's Job Evaluation scheme. If a post requires a re-evaluation before advertising, a new Job Evaluation Questionnaire should be completed and HR will arrange for a panel to convene. HR will advise the manager as quickly as possible of the outcome in order to prevent delays in recruiting to the post. Alternatively, if the post is not evaluated before it is advertised it will be marked as 'Subject to Job Evaluation'. The new postholder will be required to submit a Job Evaluation Questionnaire within three months of occupying the post. Any salary increase will be backdated to the employee's start date in the post. If

the grade/salary is reduced, the normal protection arrangements will apply. Please refer to the Job Evaluation Policy which is located in the Policy Register on the Council's intranet.

- In some circumstances such as organisational review, or for financial reasons the Council may decide to impose a recruitment freeze. This will mean that managers will need to look more closely at their department to assess the impact on their team and look to implement measures which will counteract staffing shortages. This may mean reprioritising work, stopping some work, extending deadlines or changing how something is done. Some recruitment of critical posts will continue during the recruitment freeze. Managers will need to make the case to the Chief Executive if they consider a post is critical.

Advertising and attracting applicants

- Advertisements should be based on the person specification and identify a number of the essential criteria in order to maximise the number of suitably qualified applicants. Under normal circumstances all posts will be advertised both internally in order to facilitate career advancement and to promote our "grow our own" principle, and externally in order to enhance the diversity of the workforce. Managers will be responsible for ensuring that the advert is both accurate, non-discriminatory and appropriate.
- Managers should refer to the Managers' Guide on age discrimination and the recruitment and selection guide when considering the text of an advertisement. Care should be taken to ensure that job advertisements do not imply or suggest that a person of a particular age should not apply for the job being advertised (unless that job has a Genuine Occupational Requirement) Language and images with age connotations should be avoided which may deter either younger or older applicants from applying. Human Resources will monitor all advertisements before they are released for publication.
- In some circumstances, it may be more effective to go to a recruitment agency than to advertise externally, however the post will still be advertised internally. Circumstances where a recruitment agency may be required is where the post has already been advertised externally but not attracted enough interest, or where the post requires a particular specialist. We use Temp Solutions (Devon County Council) as our preferred supplier for agency recruitment and Managers must explore and exhaust this avenue. If Temp Solutions are unable to assist with their preferred suppliers they will attempt to find another agency. Please contact Human Resources rather than making direct contact with new agencies.
- All external posts will be advertised on our website and Devon County Council's website. We will also make use of publications that will help to attract a more diverse workforce such as Ethnic Britain.
- Employees who have been acting up or seconded to a higher graded post that subsequently becomes vacant, will not automatically be promoted They will be required to apply for the position once it has been advertised. Acting up is not a guarantee for appointment, it may be however more appropriate to advertise internally only in such cases, but this should be discussed with Human Resources.

Managing the application process

- In all circumstances the Council's application form must be used which is available on our internet site, where an applicant does not have access to a computer, we will provide a paper copy. However in future, it is our intention to promote on-line applications wherever possible. CV's will not be acceptable except in circumstances of recruitment through an agency, in which case the applicant will still be required to complete an application form prior to commencing employment.

- Human Resources will collate all applications and will pass these to the manager on the application closing date.
- Applicants who indicate that they have a disability on the application form and who meet the minimum criteria as detailed on the person specification are guaranteed an interview. Human Resources will ensure that managers are aware of applicants with a disability before commencing the short-listing process. Applicants with a disability must be asked if any reasonable adjustments are required prior to attending an interview in order to ensure that they are not disadvantaged during the selection process.
- Analysis of the equal opportunity information will take place by Human Resources to assess applicant information as part of its monitoring processes.

Short-listing

- All applicants should be assessed against the person specification and should meet the essential criteria as a minimum. If none of the applicants meet the essential criteria, then short-listing should not take place. The Person Specification and if applicable any market supplement status will need to be reviewed and the post re-advertised or placed with a specialist agency.
- Short listing should be undertaken by two people as a minimum to avoid any possibility of bias, one of whom should be the direct line manager, who must also be part of the selection interview panel.
- For reasons of equal opportunity the short-listing officers will not be given any detail about the age, race, and marital status of applicants. We do not ask questions pertaining to religion or sexual orientation.

A Line Manager must not eliminate applicants from the shortlist on the grounds of:

- disability
 - gender; gender reassignment
 - pregnancy
 - race
 - sexual orientation
 - marital status
 - age
 - spent convictions unrelated to the job
 - religion or belief
- Short-listed candidates must be provided with as much notice as possible as to the interview date to ensure their attendance, therefore specific or anticipated dates for interview must be specified within the recruitment pack and wherever possible on the initial advertisement.
 - Candidates must be provided with any written information regarding tests or presentations so that they can prepare and also advise of any special requirements they may have in order to participate.
 - Any member of staff that has a personal or familiar relationship with a candidate, except for a line management relationship, should not be part of the selection process and should bring this to the attention of Human Resources.

- Applicants will be advised within the recruitment literature that if they have not heard from us within 3 weeks of the closing date that they should assume that they have been unsuccessful. If for unforeseen circumstances short-listing has not been able to take place within 3 weeks then all the applicants should be advised of when this will occur.
- All internal candidates who have not been selected for interview should be advised personally as to the reasons why; this is to protect morale and to assist our employees to develop areas of potential weakness to assist their career advancement.
- East Devon District Council has committed to ensuring that all applicants with a disability who meet the minimum criteria are guaranteed an interview. Issues such as the need for special equipment should be provided where necessary if the disabled applicant is the most suitable person for the post.
- The scoring ratings that should be used to assist with short listing candidates are as follows:
 - 1. No Evidence
 - 2. Little/some evidence
 - 3. Acceptable evidence
 - 4. Good evidence
 - 5. Excellent evidence

Candidates who score 1 in any of the essential criteria will not be invited to interview. Notes of short listing should be made and these will be retained by Human Resources for a minimum period of 6 months after which time all paperwork will be shredded in accordance with Data Protection legislation. **The short listing form can be found on the Managers' Guide under recruitment forms.**

Selection

- Interview questions and the structure of the interview should be consistently applied to all candidates and should be based on the Person Specification. Questions should not be posed which could amount to direct discrimination.
- Competency based questions have been developed for each competency and should be used consistently to gather evidence around EDDC competencies. These are available from Human Resources.
- It is recommended that as well as interview questions, other selection methods which are both behavioural and skills based are used in order to assess both the essential and desirable criteria. Selection methods must be appropriate for the vacancy to be filled and be based on the requirements of the job. Human Resources can provide advice and guidance on appropriate methods which could include:
 - Psychometric tests
 - Presentation on a given subject
 - Tests which simulate job activities
- Recruitment for posts that have managerial responsibility **must** include mandatory personality questionnaire. This should be completed in advance of the interview process in order that the results can be probed during the interview. Please contact HR for further advice and guidance.

- Any tests used as part of the process must be administered by a qualified person in Level A and B of psychometric testing
- A minimum of 30 minutes feedback on tests will be made available to the candidates at some point during the selection process.
- Accurate notes recording the salient responses of the interview should be taken so that you can refer back to these when assessing the candidate against the person specification. Notes should be factual and should not refer to personal comments about a candidate as these may be required to substantiate decisions in the event of a dispute. Managers should be aware that Candidates may request to see notes written about them and other applicants. All notes should be passed to Human Resources for retention under the guidelines of the Data Protection Act who ensure the proper storage and destruction within specified time scales. **An interview record form can be found on the Managers' Guide under recruitment forms.**
- The recruitment scoring system should be applied to decide the successful applicant, where disagreement from the panel arises then the majority view should prevail. Under no circumstances should the scoring be creatively fixed in order to favour a preferred candidate from securing the post.
- In the event a candidate requests feedback about their performance this should be provided by the chair of the panel. The feedback provided should be accurate and not based on personal opinion but around weaknesses against the person specification, interview responses provided or testing completed.
- All internal candidates should be provided feedback as soon as the successful applicant has confirmed their acceptance of the post. All external applicants should be similarly notified and advised in writing within 2 days of the interview.

Offer of employment

- When making an offer of employment the Line Manager must expressly advise the candidate that the offer is conditional upon: satisfactory medical, satisfactory references, criminal records check (if applicable), Right to work in the UK and satisfactory check of qualifications essential to the post including driving licence and membership of professional organisations. Human Resources will issue a written contract of employment subject to the stated conditions. **The Line Manager must ensure that a starter's form (which can be found in the Managers' Guide to starters and leavers) is completed and passed to Human Resources as soon as an offer has been made and accepted by the applicant.**
- The Line Manager must advise the candidate that they must not hand in their notice until these checks have been completed as an offer may be withdrawn if the employment checks are not satisfactory. By ensuring that the employee still has a job will reduce the risk of liability for the Council if an offer has to be withdrawn.
- On making the offer Line Managers must advise candidates that they must confirm their acceptance of the job within 2 working days of the verbal offer; this will allow the interview panel to move onto their second preferred applicant if the position needs to be filled quickly.
- **If any promises are made at this stage, they become legally binding. Therefore, Line Managers should ensure that they do not make promises, which are outside of policy for example, enhanced relocation benefits.**
- **If an applicant starts before any condition is satisfied, then the employer effectively**

waivers the conditions upon which the offer was made, for example if you do not receive copies of qualifications and you permit the employee to start you are effectively waiving this as condition of employment.

References, health screening and other pre-employment checks

- All prospective employees must be able to pass the new Baseline Personnel Security Standard (BPSS) checks which forms part of the Security Policy Framework (SPF) which is aimed primarily at Government Departments.
- Line Managers must seek a reference from a current employer using the Council's standard reference request form. Managers must cross reference data provided by the referee to that given by the candidate for example employment history, sickness absence, reasons for leaving, any errors or omissions should be investigated before the employment is confirmed. It is essential that references are provided which cover as a minimum the last three years as this is a requirement of Baseline Personnel Security Standard checks which we are required to complete to protect the Council from any malicious acts. If there are any noticeable gaps in employment advice needs to be sought from Human Resources.
- Where referees provided by the candidate are not a current or previous employer, the candidate should be asked at interview for a relevant referee.
- All applicants will be required to undertake an occupational health review prior to commencement, to ensure they are fit to undertake the duties of the post and to put in place any reasonable adjustments. Where an applicant is deemed unfit and no opportunity to put in place any reasonable adjustments exists then the offer of employment should be withdrawn. Advice should be sought from Human Resources prior to this decision being made.
- Unless the candidate has indicated otherwise all references should be taken up prior to interview. References should not be taken up without the prior approval of the candidate so as to safeguard their employment relationship with their current employer.
- It is possible that an internal candidate has only ever worked for the Council; if this is the case then the current Line Manager should provide the reference. **Please see the Managers' Guide to references.**
- If the post is expected to carry out business mileage on behalf of the Council, the post holder will be expected to have a valid driving licence and cover for business use on their personal motor insurance. These documents will need to be verified by Payroll Services before any mileage expenses are reimbursed.
- Qualifications essential to the post should be checked at interview or if not available before an offer of employment is confirmed so as to ensure the candidate is suitably qualified and meets the criteria of the post. **See also offer of employment.**

Human Resources will ensure that the Right to Work in the UK check is completed and that where applicable a valid work permit is held. **For further guidance please refer to the Employment Screening Policy**

- Posts which require the post holder to have a satisfactory CRB should be undertaken as soon as practically possible given delays that are possible in receiving clearance. Under no circumstances will a post holder be able to work unsupervised or alone where contact with Children or a vulnerable group is likely. **For further guidance please refer to the Employment Screening Policy.**

Corporate welcome day and induction

- Before an employee starts with East Devon District Council they are provided with access to our employment policies which they need to read before commencement of employment. Managers should ensure that employees have read and understood these policies during their first week of employment.
- All employees are required to attend a full day's welcome training, regardless of whether the post is fixed term or permanent. All employees will also undertake a local induction which is aimed to provide familiarisation with the department and team. **Managers should ensure that the checklist to the local induction is completed and returned to the Human Resources section, this is available from the Managers' Guide to the welcome process.**

Probationary period

- All employees new to Local Government will be monitored through a six month probationary period. Performance issues during this period should be addressed and the employee given time to improve. Failure to improve will mean the appointment is not confirmed. Human Resources should be contacted for advice in the early stages of concern to ensure remedial action is taken in a timely manner. Successful completion of the assessment period will be confirmed in writing to the employee.
- Employees who have transferred to the Council from another Authority will still be subject to a 6 month assessment period but they will not be required to serve a probationary period. However, if performance is not to the required standard the employee must be given appropriate levels of training, coaching and advice in order to improve before the Council's Dealing with Unsatisfactory Performance Policy is put into practice.

Salary and grading

Managers may not approve a starting salary outside of the grade advertised for the post as this may lead to an equal pay claim. Any recruitment problems due to salary issues should be first discussed with the Head of Organisational Development who will assess whether a market supplement recommendation should be made to SMT.

Outcomes

One of the key objectives of this policy is to ensure that we have a fair and consistent approach to recruitment and we will monitor the number of complaints received to ensure that our process and training is embedded into the Council. We will also review and monitor our equal opportunity data to ensure that we are attracting candidates from a diverse population and implement any remedial action as required.

Who is responsible for delivery?

Anyone who is involved in the recruitment and selection of employees is responsible for ensuring that this policy is adhered to and they are fully aware of the principles and have undertaken our Internal Recruitment and Selection Training.

Policy consultation

This Policy has been reviewed with the help of Senior Management Team, Staff Joint Forum and reference to employment legislation.

Policy review

The Head of Organisational Development will review this Recruitment and Selection Policy in accordance with the introduction of new employment legislation which occurs periodically and in May 2012.

Related policies and strategies

- ❑ Disciplinary Policy
- ❑ Grievance Policy
- ❑ Dealing with Unsatisfactory Performance Policy
- ❑ Managing Sickness Absence
- ❑ Acceptable Behaviour
- ❑ Flexible Working Policy
- ❑ Relocation Policy
- ❑ Data Protection Policy
- ❑ Equality and Diversity Policy
- ❑ Employment Screening Policy