

# **RECRUITMENT AND SELECTION**

## **POLICY AND PROCEDURE**

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**North Warwickshire  
Borough Council**

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## **POLICY**

It is the Council's policy that Assistant Directors (ADs)/Line Managers are responsible for recruitment in conjunction with the Human Resources (HR) section. This policy applies to all recruitment, permanent, temporary and agency staff. When the Council appoints in partnership with others and is the accountable body and therefore the employer, this policy shall be followed by all members of the recruiting panel, including those members from another organisation or the community. A line manager who wishes to recruit someone must first obtain approval. This applies whether it is to recruit to fill a vacancy created by a leaver, to upgrade a post, or create a new post. All jobs must be evaluated prior to advertising. It is the Council's policy that all vacancies will be placed on the Council's web site, route ways to work and at the local job centre.

The Council aims at all times to recruit the person who is most suited to the particular job. Recruitment will be solely on the basis of the applicant's abilities and individual merit, as measured against the criteria for the job. Qualifications, experience and skills will be assessed at the level that is relevant to the job.

Before embarking on the process of recruitment, the AD/Line Manager must ensure that there is an up-to-date job description for the post and a clearly drafted person specification. The job description will describe the duties, responsibilities and level of seniority associated with the post, whilst the person specification will describe the type of qualification(s), training, knowledge, experience, skills, aptitudes and competencies required for effective performance of the job.

The Council accesses agency workers via a supply management organisation. Agency workers are usually short term assignments to cover sickness in customer facing roles.

In addition and in conjunction with HR, the Council may use a recruitment agency for Chief Officer and hard to fill posts. This could be for all or part of the process, including 'head hunting' suitable candidates. The decision to do this will be taken by the Management Team.

Where the job is to be advertised, the AD/Line Manager will submit the proposed advertisement to the HR section for approval. All jobs that are advertised externally are posted on the Council's web site, West Midlands Jobs and placed with the job centre. Managers should also consider and discuss with the HR section where it is appropriate to post the vacancy, ie. newspapers, professional publications and/or with an approved employment agency.

The Council is committed to applying its equal opportunities policy at all stages of recruitment and selection. Short-listing, interviewing and selection will always be carried out without regard to any of the nine protected characteristics; pregnancy and maternity, marriage and civil partnership, sexual orientation, sex, religion or belief, race, gender reassignment, disability and age or trade union membership.

Furthermore, any candidate with a disability will not be excluded unless it is clear that the candidate does not meet the essential criteria outlined in the person specification. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his/her disability.

It is Council policy to shortlist candidates whose application form indicates they have a disability if they meet all the essential criteria contained in the person specification. All applicants who declare a disability who meet the minimum requirements of the job, as set out in the job description and employee specification (essential criteria), will be guaranteed an interview. Having short-listed candidates in this way, however, selection should then proceed in the normal way. All candidates should then be assessed equally on merit against the job criteria, and not on the basis of which candidate is least or most disabled.

Anyone conducting recruitment interviews will ensure that the questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the needs of the job and skills needed to perform it effectively. A record of every recruitment interview must be made and passed to the HR section, where it will be retained for six months. On no account should any job offer be made during or at the end of an interview.

Provided it is appropriate, psychometric testing will be used as part of the recruitment process, in consultation with the HR section. Any test used must have been validated in relation to the job, be free of bias, and be administered and validated by a suitably trained person. Normally it will be appropriate to use this for managers' posts. However, it could also be used to test for particular skills or behaviours.

It is the Council's policy that the successful applicant will be asked to complete a pre-employment medical questionnaire and, if requested by occupational health, to attend a medical examination with the occupational health doctor. Any offer of employment will be conditional on the result of this medical examination being satisfactory to the Council.

It is the Council's policy to seek the candidates' consent for it to seek two written references, one of which must be their current or most recent employer, and to ask for documentary proof of qualifications. Any offer of employment will be conditional on both of these being satisfactory to the Council.

The Council is committed to fulfilling its duty to protect children and adults with care and support needs to whom it provides a service, by ensuring the highest integrity of those appointed or contracted to positions of trust. Some posts will require a Disclosure and Barring Service (DBS) check and any offer of employment will be subject to a satisfactory clearance being received from DBS.

Posts requiring a DBS check will have this indicated in the advertisement, on the job description and in the recruitment pack. Any candidate being offered employment will be required to complete a disclosure application form and the offer of employment will be subject to a satisfactory disclosure.

The process of requesting completion of a Declaration of Criminal Convictions and a Disclosure Application Form shall be applied equally to internal and external applicants applying/being appointed to posts that have been assessed as requiring a criminal record check.

All short listed applicants will be required to bring proof of identity to their interview. See Appendix I. For candidate and manager information.

## **Law relating to this document**

### *Leading Statutory Authority*

Equality Act 2010

Employment Equality (repeal of Retirement Age provisions) Regulations 2011 (SI 2011/561)

Data Protection Act 1998

Rehabilitation of Offenders Act 1974

Immigration, Asylum and Nationality Act 2006

Asylum and Immigration Act 1996

Immigration (Restrictions on Employment) Order 2004 SI 2004/755

Immigration (Restrictions on Employment) Order 2007 SI 2007/3290

Accession (Immigration and Worker Registration) Regulations 2004 SI 2004/1219

Employment Act 1989

Working Time regulations 1998 (SI 1998/1833)

Health and Safety (Young Persons) Regulations 1997 (SI 1997/135)

## **SECTION 1**

### **THE VACANCY**

#### **1.1 The Vacancy**

1.1.1 A vacancy can arise for a variety of reasons, but before it is filled the following questions should be answered:

- a Is the post still required? If so, is it required in its present format?
- b Can changes be made to the post so that it attracts a wider range of candidates?
- c Are there any existing staff where re-deployment is required (check with the HR section)?
- d Is there approval for the filling of the vacancy?

#### **1.2 Approval to Fill a Vacancy**

1.2.1 Using the Vacancy Nomination Form (see Appendix A), approval to fill a vacancy is given by the Management Team. (The exception to this is in Leisure. Due to high turnover the Assistant Director approves the filling of the vacancy provided it is replacing like for like and within budget). The form is then passed to HR, together with the Job Description, the Person Specification, the Advert and any additional information required for the job pack. The standard job pack will have included:

- Covering letter
- General information about NWBC
- Job description
- Person specification
- Terms and Conditions
- Application form
- Corporate organisational chart
- Divisional organisation chart

Additional information will be dependent on the post and for example could be an inspection report or a strategy.

#### **1.3 The Job Description**

1.3.1 All posts should have a job description that has been through the job evaluation process (in some cases may be generic), which is up-to-date, clear and reflects the role, responsibilities and content of a post. Care should be taken when revising a job description, as salary grades may be affected. If in any doubt please consult the HR section.

#### 1.4 The Person Specification

- 1.4.1 This should, in realistic terms, provide a profile of the ideal person for the post. It should list the qualification, experience and personal attributes needed to fill the post, based on the job description. This specification will set the criteria upon which selection will be based and made.

#### 1.5 The Job Description and the Person Specification

- 1.5.1 The review and production of the Job Description (see Appendix B) and the Person Specification (see Appendix C) is the responsibility of the Assistant Director/Line Manager. This process should also include relevant colleagues and, where appropriate, the members of the selection panel. Both should be done in the format as in Appendices B and C.

- 1.5.2 The job description has four distinct areas:

*Safeguarding:* This must not be removed from the job description. Depending on the job you are recruiting to you must select the correct template.

**Appendix B1:** Use for staff with no supervisory responsibilities

**Appendix B2:** Use for staff up to Principle Officer level who manage staff

**Appendix B3:** Use for Assistant Director Posts

There are separate inserts for the Assistant Directors with specific responsibilities for safeguarding, the Deputy Chief Executive and the Chief Executive's posts. HR will advise on these posts.

*Special Conditions:* examples of these could be – this post is politically restricted, must be prepared to be on a standby rota, required to apply for disclosure of information through the Disclosure and Barring Service (DBS), required to be on call etc.

*Scope and Responsibilities:* This will include the overall purpose of the job.

*Key Tasks:* All of the main areas of work and responsibilities.

*Always include:* additional tasks/other duties commensurate with the grade of the job and relevant to the post.

- 1.5.3 A good person specification will significantly help to eliminate poor, unfair or unlawful recruitment practices. It will also be a positive way of advancing the Council's Equality Policy.

- 1.5.4 The person specification has a number of purposes:

It helps to focus and structure thinking on the type of person required to fulfil the job. It sets targets that will help with subsequent stages in the process. It gives

information to include in the advert; a framework for short-listing; helps to identify interview questions; and gives criteria for assessing candidates. It provides a reference point for all those involved in the procedure, giving common agreement about the person sought. It helps applicants decide their suitability. It provides useful information to referees.

- 1.5.5 Not all selection criteria are of equal importance and selectors may agree at short-listing stage to weight this as an additional filter. Care must be taken to ensure that the person specification does not directly or indirectly discriminate against any group, for example women, men or people of a particular religion or from ethnic minority groups. For example, you are advised to put requirements for qualifications in general terms to avoid potentially discriminating on the grounds of age.
- 1.5.6 Remember that if there is a complaint to Employment Tribunal alleging discrimination, the Person Specification will be an important part of documentary evidence, as the Tribunal will have to satisfy itself that the selection decisions were made on the basis of lawful, fair and relevant criteria.
- 1.5.7 The Council's person specification divides criteria into two distinct sections: Essential and Desirable and how they are to be identified:

Essential - These are attributes which set the minimum standards, which are expected of an applicant who can fully satisfy the job requirements. Essential requirements should always reflect the job description and a simple rule of thumb is to be able to answer the question: *Why does this post require this criterion/factor?* In other words, it must be job relevant and justifiable. Applicants who do not match these requirements cannot be short-listed, or appointed.

Desirable - These are attributes which enable the applicant to perform the job more effectively. In listing desirable qualities, guidance should be provided for the selector, such as by indicating the amount of latitude which can be exercised in various directions, by defining alternative types of experience which could be considered in addition to, or as an extension of, the minimum (essential) requirements.

- 1.5.8 At short-listing, desirable elements can be used as additional screening mechanisms. This does not mean they now become essential criteria for the post; they merely serve as an aid to the recruitment process. Desirable factors that are used in this way, however, should usually be mentioned in the job advertisement and, therefore, be identified as important to job success and performance.
- 1.5.9 All the attributes specified should be capable of being measured and assessed and there is a column on the specification to identify this. Selectors have to consider how this can be achieved. For example, can it be done during the selection, from the application form, or by other means, such as by verification of qualifications? Although the candidate may give examples of some factors on their application form, these may require further assessment at interview, for example, motivation.



1.5.10 The person specification must have equality of opportunity and managers must ensure that the criteria do not lead to direct or indirect discrimination. Criteria which inhibit applications from specific groups must only be included if they are legal and justifiable in terms of the job to be undertaken.

1.5.11 *Note:*

Please remember that when you are completing this pro-forma you are setting the standard for the person needed for this job on this occasion. You are also suggesting the question that will be asked at short-listing and interview stages. You must therefore describe the characteristics in ways that are both accurate and, as far as possible, capable of being measured. The requirements must be job-related and described using appropriate words and marked E (essential) and D (desirable) as appropriate.

1.5.12 It is important that the person specification is as relevant and as realistic as possible. Overstating requirements, or listing too many, can lead to the situation where it is impossible to find the perfect candidate and the recruiting process has to begin again, wasting time, effort and money. Remember that selectors must be clear how they will identify whether candidates have the specified attributes outlined in the specification.

1.5.13 Set out clearly and precisely the characteristics, qualities and competencies that are required to do the job. Any requirements should not be discriminatory.

## SECTION 2

### ADVERTISING THE POST

#### 2.1 Advertising the Post

2.1.1 The aim of recruitment advertising is to attract suitable candidates from as wide a pool as possible. The advertisement should be worded so as to encourage applications from only those people who possess the necessary qualifications, experience and skills to meet the criteria for the job. Advertisements should be eye catching, informative (without being overly wordy), easy to understand and clear about how and by when applications should be made. They should promote the Council as an interesting and attractive place to work, and project a public image of efficiency and effectiveness. Wherever possible they should contain the dates for short-listing and interview.

2.1.2 Advertisements should be non-discriminatory and should follow good practice by not being placed in a way that has the effect of limiting the range of potential applicants and should be constructed in a way that encourages equality of opportunity. All vacancies advertised externally should be advertised internally.

2.1.3 Management Team authorises all vacancies, internal and external except for vacancies in leisure, which are authorised by the Assistant Director. This includes when it is decided to ring fence to a particular department or section.

2.1.4 Remember, an effective advertisement draws a response from suitable candidates for the job and affords respondents the opportunity to decide if they have the necessary skills, experience, potential etc.

2.1.5 Assistant Directors/Line Managers need to bear these aims in mind when preparing advertisements for agreement with the HR section. Each time an advertisement is drafted, consider the impact of your advertisement on the would-be applicant. Ideally, it should be drafted in a way that helps the reader decide whether they can or cannot do the job.

#### 2.1.6 *Copywriting - Key Points:*

There are five key pieces of information to include: the organisation, the job, the selection criteria, the salary (and benefits) and the application/response details.

Advertising copy should be written to: draw attention, develop interest, stimulate a desire and finally, explain the action required to pursue the interest.

#### 2.1.7 *Media Choice*

There is a centralised process for advertising using the Council's advertising agency. All advertising requirements should be agreed with the HR section who will also advise on media and will place the advertisement. The preferred choice of media would be web sites.

## SECTION 3

### THE SHORTLISTING PROCESS

#### 3.1 Short-listing

- 3.1.1 When there are many returned application forms, use a long list system – short-listing those who appear appointable on paper and pre-screen candidates in person in order to invite a final (smaller) shortlist of preferred candidates.
- 3.1.2 Beware of short-listing *known* candidates - especially those within the section/workplace - for the sake of interview experience or to meet their heightened expectations. Only ever short-list candidates who fully meet essential person specification requirements and from the application form at least appear to be appointable.
- 3.1.3 Never take account of pressure to shortlist a particular candidate. This can be a discriminatory action. It is good practice to read all material presented by candidates, to privately work through your assessment and to then share your views with other selectors in a group session. However, be prepared to be flexible. A full participating selector has equal status to others and must always contribute the reasons for their recommendations about each candidate to co-selectors.
- 3.1.4 Anyone participating in the process is required to declare any interests in appointments.

#### 3.2 The Process

##### *Application Forms*

- 3.2.1 For all posts, our own specially designed application forms must be used (see Appendix D). In doing so you ensure that all candidates are asked to provide information and data about themselves in one standard format. They also make it easier to address equal opportunity and administrative uniformity.
- 3.2.2 Read all application forms at least once, assessing not just for content but also for relevance to the Person Specification.
- 3.2.3 Check off the essential criteria first (eg qualifications, work experience, special knowledge / skills).
- 3.2.4 Remember the importance of adopting the same criteria for both internal and external applicants. Application forms must be processed in exactly the same way and not separated into groupings.
- 3.2.5 Selection criteria must be applied consistently to all candidates. At the short-listing stage you should not make assumptions about the quality of a candidate's

knowledge, experience etc, without factual information as evidence. Test out only those criteria assessable from a screening of the forms at this stage.

#### *Assessment*

3.2.6 All members of the selection panel should be involved and contribute in equal measure to the process.

- a Short-listing must be carried out by at least two officers (this can include a member of the HR section) who should also participate in the interview. This is particularly important where Member Panels are involved. Member panels are involved in the recruitment of all Chief Officers
- b Short-listing must be based on assessing the information contained within the application form against the knowledge and skills listed in the person specification. This process must be applied to all applicants, including those in a pre-screening process.

*Note:* The job requirements must not be modified during or after the short-listing process. Short-listing must not proceed on criteria not contained in the person specification.

- c A shortlist should comprise of those candidates who on the application form demonstrate that they best meet the job requirements.
- d All applicants declaring a disability who meet the minimum requirements (essential criteria) must be short-listed and interviewed.
- e An unmanageable shortlist is considered to be one where more than eight candidates are short-listed for any one post. This can be managed to a smaller size by holding long list interviews.
- f For guidance on unmanageable or inadequate short-lists, please consult the HR section.

3.2.7 Everyone involved should independently assess the application forms before meeting as a short-listing panel. When drawing up a shortlist, selectors must assess applicants solely against criteria listed in the person specification. Other factors, such as new standards, qualifications, experiences or personal acquaintance must not be introduced. It is the chairperson's responsibility to ensure that one composite short-listing form is produced to record the final decision made by the group. Any disagreement to the final choice should be recorded in a note attached to this form.

3.2.8 The use of a form for short-listing will help recruiters to be systematic when short-listing for vacant posts. It is a relatively simple and objective technique and a copy of the shortlisting matrix and summary is attached at Appendix E.

3.2.9 It is possible to identify some of the essential and desirable criteria, which can be assessed from the factual information contained within the applicant's form and submission.

- 3.2.10 It is not usually possible to assess criteria listed under *Motivation / attitude* from the application form alone. This will require further assessment at interview.
- 3.2.11 The form will act as a guide to differentiating candidates and determining their merits. One final form should be created when the selection group meets as a short-listing panel. Individual selectors notes should not form part of the file for the appointment. The form can also aid feedback to unsuccessful candidates.
- 3.2.12 Draw up your shortlist systematically. Measure each candidate's abilities and qualities methodically, working through each application form in turn. Avoid making snap or gut-reaction decisions based on a casual or superficial examination. Search for key selection criteria. Examine each applicant's present role for the range of responsibilities, achievements and challenges it offers. Look closely at each applicant's previous career and the personal skills they possess. Relevant skills needed for the post may not necessarily have been acquired in paid employment.
- 3.2.13 Evaluate each candidate's level of expertise in the occupational area and the relevance of any qualifications they hold or training they have undertaken previously. Search through the application form for evidence of their ability to generate ideas or show creativity relevant to the type of post on offer. Does the application form place emphasis on a particular skill or occupational specialism, or is the applicant more of an all rounder? In either case, ask yourself which approach is more appropriate to the demands of the post.
- 3.2.14 The candidate's experience, qualities, qualifications etc. must be carefully assessed against the person specification and copies of the selectors assessment placed on file using the final form completed by the panel.
- 3.2.15 Candidates who wholly meet all of the essential criteria must be short-listed. Candidates short-listed must always meet the essential requirements. However, desirable criteria may be used as an additional filter to reach the final shortlist (see Appendices C & D), if this is needed to ensure a practical shortlist.
- 3.2.16 Where there are still more than is practicable to interview in this category, in conjunction with HR use a pre-screening process to reach a shortlist. Note: any candidates with a disability and meet the essential criteria are exempt from any sifting and must be interviewed.
- 3.2.17 Selectors **must not exclude** candidates from the shortlist on the grounds of any of the protected characteristics eg:
- AGE – except in the rare cases where the job may call for a specific age group eg for night duties the minimum age is eighteen years. The minimum age for employment is sixteen years. The age of candidates should not be an issue. Younger candidates with the required skills should not be disregarded. Older candidates should be valued for their experience and potential contribution. Neither group should be rejected arbitrarily.

**GENDER** – unless it is a genuine occupational qualification attached to the post, as defined in the SEX Discrimination Act. Unproven assumptions and / or stereotypes about the physical or mental qualities of men and women (eg this is not a job for a woman) should be avoided.

**MARITAL STATUS** – is rarely, if ever, a job-relevant requirement. Candidates should never be assessed on their intentions or previous marital history.

**ETHNIC OR NATIONAL ORIGIN** – Unless it is a genuine occupational qualification attached to the post, as defined in the Race Relations Act (unless the post has ethnic background as a Genuine Occupational Qualification in accordance with the RRA).

**RELIGION or BELIEF** – except in limited cases, where a certain religion is a preferred requirement (eg denominational schools), this information must be discounted as a selection factor

**DISABILITY** – Unproven assumptions about how an applicant's disability or health record will affect their work. Disability can only disqualify in the rare case where it will create unreasonable demands for physical access in the workplace which cannot be met by aids / adaptations.

**SEXUAL ORIENTATION or GENDER REASSIGNMENT** – If this information is known and / or made available by an applicant, it should not be used to screen out that candidate.

In addition must not be excluded for:

**UNION MEMBERSHIP OR NON-UNION MEMBERSHIP** – The Council recognises trade unions and values the work of their officials.

**PERSONAL INFORMATION** – volunteered by an applicant about family / domestic circumstances but not relevant to the job must be ignored for the purpose of short-listing, which should focus on job suitability. Any health / absence data given by candidates must be ignored.

**CRIMINAL CONVICTION** - Knowledge about a candidate's previous convictions or involvement is not a reason to reject the person without other substantial reasons (see next section).

**REHABILITATION OF OFFENDERS ACT 1974** – Individuals do not have to reveal the convictions if they have become spent after a set rehabilitation period (other than for exempt posts), provided the individual has not been convicted of another serious offence during this time.

**PRESENT CONTRACT / STATUS** – Current unemployment, recent redundancy, fixed term contract or existing temporary status should not be used as reasons to reject candidates.

**WORK FLEXIBILITY** – The wish to work as a job sharer or on a more flexible basis should not be used as a reason for rejection. Consideration should be given to the request.

**HOME LOCATION** – Unless it is a criterion specifically indicated in the Person Specification, home location, domestic tenure, or travel to work distance, should never be used as reasons for disbaring candidates from selection. Unless it is a requirement for the job, unproven assumptions about how an applicant's home and / or family life will affect their work (eg this person lives too far away or this person will get married and leave or how will this person look after the children) should be ignored.

**HANDWRITING** – Some candidates use typescript whilst others prefer hand written format. Both are acceptable unless the job requires handwriting of a particular quality and this has been specifically included as a selection criteria.

Whilst poor handwriting may be a negative indicator, it does not necessarily mean a poor candidate. A poorly presented application form could be a valid reason for rejection in certain cases. Jobs involving technology, or those with a low written content, may not require high-calibre handwriting.

**POLITICAL RESTRICTIONS** – Provided the candidate has had the rules about the specific post and political activity (eg canvassing, office-holder, candidate or elected member) drawn to his / her attention, an indication of political activity should not be a factor which is taken into account at all if it is mentioned on the application form. If the post is politically restricted, this will be stated in the *special conditions* section of the job description. All posts that are politically restricted will receive the document on politically restricted posts with their application pack. (see Appendix G)

### 3.2.19 Acceptable Reasons for Rejection (not job-vacancy related) at Shortlist:

The following are acceptable reasons for rejecting candidates, even though they may not appear in the person specification.

**PREVIOUS DISMISSAL** – It is a policy of the Council not to re-employ employees previously dismissed for misconduct or poor performance. So check work-experience history with HR.

**LATE APPLICATION** – Provided the selection panel agrees not to proceed further. This is usually when the process has already commenced.

**CRIMINAL CONVICTIONS** – Where these are declared and would exclude candidates from being appointed to the post.

#### *Common Problems*

- 3.2.20 If there are no suitable candidates, it will be necessary to re-advertise the post. Selectors should review the quality of the whole process, especially the person specification and potential sources of applicants.

- 3.2.21 If there is only one applicant who measures up to the necessary criteria, it is acceptable to shortlist that candidate and make an appointment if suitable after interview.
- 3.2.22 Applicants who continually apply for posts, or who have complained about previous selection decisions or alleged discrimination, should be treated on merit against job criteria. Under no circumstances should they be treated less (or more) favourably.
- 3.2.23 Where the response to an advertisement has produced a high volume of candidates with variable quality and backgrounds, selectors should review the advertisement, media and the person specification.
- 3.2.24 Where the response is high in both quantity and quality, pre-screening is particularly useful. A long list of candidates are assessed by the selection panel (or delegates thereof) prior to the selection process proper. This can be done using techniques such as: structured interviews; written work; presentations; technical interview assessment; and aptitude or practical tests.
- 3.2.25 There is a danger in raising expectations and interest from a general advertisement containing too few job-related screening requirements. Specifications must be job-related, and you must establish the same criteria for a temporary post as for a permanent post, and apply the same standards equally to both during the selection/appointment process.

*Administration procedures following short-listing*

- 3.2.26 All written material used in creating shortlists must be retained for at least six months after the date of offer of appointment on a file maintained in the HR section.
- 3.2.27 Reasons for rejecting a candidate must be recorded and relate directly to the person specification (either specific characteristics or general headings, eg lacks qualification required).
- 3.2.28 Information obtained during the short-listing process and within the context of the shortlist itself must be treated as confidential. Comments as to why candidates were or were not included must not be disclosed outside the selection group.
- 3.2.29 You should tell candidates who request this information why they were not short-listed but not comment on why others were included.

Reserve candidates can be nominated, in case others decline the offer.



### 3.3 **Administrative Matters**

#### *Contacting Candidates*

- 3.3.1 Although this is usually done centrally, the following should be taken into account when being undertaken by a Division.
- 3.3.2 It is good practice to contact short-listed candidates by telephone where possible, to give them as much notice as possible and confirm they can attend the selection process.
- 3.3.3. Always confirm such calls in writing afterwards, listing details of the date, time, venue, contact name, names of the selectors involved and an indication of the type of selection process candidates will be asked to undertake.
- 3.3.4 Ensure candidates are informed in advance on whether they will be expected to complete a medical questionnaire, produce qualification certificates, evidence of criminal convictions or other forms of declaration.

#### *References*

- 3.3.5 Referees may be contacted prior to interview subject to the candidates approval and the removal of the health related question(s). The HR section will do this for you using the Council's reference form. (See Appendix H). This can save time and the reference is then available to either confirm or conflict with the decision(s) that the panel have reached on the day. Referees may be contacted at this point if anything on the reference needs clarifying.

## SECTION 4

### THE INTERVIEW AND APPOINTMENT

**All candidates invited to interview will be asked to bring with them a form of identification**

#### 4.1 The Interview and Appointment

4.1.1 Interviews will normally be carried out by a panel of at least two persons (it must include those who chose the shortlist) therefore there will be a need for a Chairperson.

4.1.2 At the outset of the interview the Chairperson should outline the structure of the process.

##### *During the Selection Process*

4.1.3 Encourage candidates to feel at ease. Explain the interview and selection procedure and interview plan to candidates and make sure that the candidates understand this.

4.1.4 Use open questions. Remember: how, why, what, when and where. Follow up leads with supplementary questions.

4.1.5 Ensure that questions are applied consistently to all candidates, but allow flexibility within the interview. Supplementary questions should not be leading, prompting, or helpful to certain candidates. They should be probing and searching.

4.1.6 Avoid making assumptions. Be thorough. Ask, check and clarify.

4.1.7 Ensure questions are relevant to the job description and person specification. Check responses, which may indicate weaknesses (or strengths).

4.1.8 The process must give all candidates an equal chance to show they have the relevant experience etc.

4.1.9 Selectors may ask candidates whether in general terms they can fulfil the special conditions of a job (such as working unsociable hours or being available at short notice). They must not, however, ask specific questions about home, personal and family commitments.

4.1.10 Should you need to discuss terms and conditions with candidates, it is advisable to keep these matters to the end of the interview process.

4.1.11 Keep a written record (see Appendix F, interview record form) of how the information collected relates to the requirements specified in the person specification.

### *Discrimination and the Selection Process*

- 4.1.12 The purpose of interviewing candidates is to obtain information from them, and to judge each candidate's suitability for the job, including their personality, commitment and motivation. Here, probably more than at any other stage in the recruitment process, the recruiter is vulnerable to their judgement being affected by their own personal prejudices about people.
- 4.1.13 Be objective – seek to identify each candidate's abilities and potential contribution. Set exactly the same standards for all candidates and assess against these agreed criteria / rating. Never make generalised assumptions about an individual based on your perception of their race, national origin, religion, gender, disability or age or perceived age.
- 4.1.14 An interview which is conducted in a slipshod manner, or which fails to elicit vital information from the candidate about their qualifications and experience, or to give the candidate sufficient time to respond or contribute to the discussion, may be the subject of a complaint of unlawful discrimination.
- 4.1.15 Questions to be asked at the interview, therefore, should be well thought out and agreed beforehand. Put the same question areas to all the candidates and avoid treating one candidate more or less favourably than another. It is permissible to ask different questions from those agreed previously, when following up specific points made by a candidate or to explore a candidate's experiences or personal history. Be careful, though. Some questions asked at interview can easily be construed as being discriminatory and, hence, unlawful.
- 4.1.16 If relevant, a candidate who has indicated on their application form that they have a disability would expect their disability to be discussed during the course of the interview. This provides selectors with an opportunity to identify the particular needs of that individual (eg equipment / adaptations) and offers the candidate the chance to demonstrate that they are fully capable of performing effectively in the job. Ensure this is undertaken in a positive, sensitive but open framework of questioning with the focus always on job requirements.
- 4.1.17 It is potentially unlawful to ask questions about:-

#### *Marital or domestic circumstances*

- 4.1.18 Many assumptions are made about women, and married women in particular. These include the assumption that they will not be mobile; will not stay for long if their husband's job requires mobility; will take time off to look after sick children; or will leave to have a family. Such questions should not be asked.

#### *Compatibility*

- 4.1.19 In the case of *Virdee v ECC Quarries Limited*, an ethnic minority applicant was asked whether he had worked with and would be able to supervise white colleagues. The Industrial Tribunal held that this sort of questioning was discriminatory.

#### *Ethnic or racial matters*

- 4.1.20 Asking about nationality, or ethnic or religious matters – for example, whether the applicant will need to take time off for the observance of religious holidays, or whether extended leave abroad for family reasons will be necessary – may also be discriminatory.

#### *Mobility*

- 4.1.21 Questions asked about mobility must relate to the actual requirements of the job. If you need to assess whether individual circumstances will affect the performance of the job in the light of the mobility requirements, this should be done in an objective way. Questions should not be based on assumptions about marital status, children and domestic obligations.
- 4.1.22 Interviews are not necessarily free from allegations of discrimination and should be carefully planned beforehand. It is most important that those involved in interviewing are trained in the principles of discrimination law and equal opportunities. Many complaints of discrimination have arisen because of questions asked, or an attitude taken at interview.
- 4.1.23 All interviewees will be required to bring with them their proof of identity to interview. Managers must check these, photocopy the originals, complete the form and return to HR with all the interview documents. See Appendix I

### **4.2 Decision Making**

#### *Final Assessment*

- 4.2.1 In the final selection of the successful appointee, similar considerations to those given for short-listing should apply. It should be possible to identify and list the attributes of each candidate and compare these with the person specification. Relevant and objective selection criteria should be used, and it should be clear from the data how the final decision was reached. Records will also be useful if the decision is later challenged on the grounds of discrimination.
- 4.2.2 Selectors must ensure they have sound and accountable reasons why candidates were not selected at any stage and based on all the evidence they have collected. The selection panel should ideally agree unanimously on its final selection and formally record this.
- 4.2.3 The selection panel should consider the extent to which each candidate matches the requirements of the person specification, including proof of qualifications, using the evidence it has gathered. Prompt and accurate written records of facts relating to the person specification are essential; use of the interview record form simplifies this process. (See Appendix F).
- 4.2.4 The Chairperson should ensure all panel members give an opinion. Compare individual judgements with other panel members and reach a consensus decision.

4.2.5 Reasons for rejection should be based on the person specification and may use its headings (eg experience, qualifications) or be more explanatory and specific (eg candidate failed to display relevant technical ability, not prepared to undertake qualification).

4.2.6 Decisions must be based on job description and person specification, and an objective assessment of candidates using the measurable criteria required to perform the job to acceptable standards. There must be no lowering of standards.

4.2.7 Where a unanimous decision cannot be reached, the panel should consider the following options:

Test each candidate against each requirement in the person specification. Is there a clear choice?

Re-interview those candidates who are still in contention against specific areas of concern.

Table all known information (see Appendix F) and take a recorded democratic vote (majority decision) from those who have participated as core selectors.

The final decision and the reason for it being made should be recorded.

#### *Informing Candidates*

4.2.8 Unsuccessful candidates should be informed as quickly as possible. Most selectors prefer to make a decision on the day and make an offer verbally to the chosen candidate, but do be prepared for the candidate who refuses the offer or requires further time for consideration.

#### *Reserve Choices*

4.2.9 If more than one candidate is appointable, it may be wise to designate a reserve or second choice, should the chosen candidate withdraw or refuse the offer.

#### *Job Offers*

4.2.10 The successful candidate should be offered the job, subject to the following as appropriate:

Satisfactory references have been received (remember a reference is only one aid to selection).

Satisfactory DBS check – where appropriate.

Medical screening

Information obtained within the whole selection process must be treated as confidential. Comments about specific candidates' performance must not be

revealed outside the process (except, of course, as personal feedback to individual candidates).

#### *Negotiating Terms*

- 4.2.11 As with any negotiations, there are options and choices dependent on various factors. Selectors can decide to offer only the terms originally advertised or they may appoint at different rates, eg if the post is a career grade linked to qualifications / experience.
- 4.2.12 Where there are two or more appointments and different terms are offered (eg starting salary point), managers must ensure there are sound reasons to do so, which do not leave them open to claims of discrimination.
- 4.2.13 Issues of terms and conditions should normally be raised as part of the interviewing process, eg Are you aware of the rate of pay and starting salary? Do you need further information about terms and conditions were you to be offered the post?

#### **4.3 References**

- 4.3.1 An applicant may have valid reasons for requesting that references not be sought unless he or she has been selected for the post. In these cases the applicant's wishes should be respected even though this may cause a delay in the confirmation of a job offer.
- 4.3.2 The Council's reference form should be used when requesting a reference. (See Appendix H).
- 4.3.3 Where a candidate gives as a referee the name of someone who is to be a member of the interview panel, it is desirable to offer the candidate the opportunity to nominate an alternative referee.

Note:

- 4.3.4 Under the Data Protection Act 1998, an individual has the right to request access to any personal information held about him or her in a manual or computer-based file. Thus a job applicant (whether successful or unsuccessful) may submit a request to an employer to which he or she has applied in respect of access to any file containing data about him or her, for example interview notes. Individuals who present a valid written request must be given copies of the relevant data in permanent form within 40 calendar days.

#### **4.4 Induction**

- 4.4.1 All employees starting a new job will have an induction appropriate to their needs. The details of this are in the Council's induction procedure.

## **SECTION 5**

### **5 Monitoring and Review of Policy**

- 5.1 The provisions of this policy will be subject to regular review and as required by changes in legislation and guidance. The Human Resource Section will monitor the Policy.
- 5.2 Appropriate training or briefing will be made available to all managers/interviewers.

**Vacancy Nomination**

**For existing posts that are on the establishment only**

(New posts should be agreed by Special Sub Group. New posts requiring additional funds should be agreed by Executive Board)

*To be completed by Assistant Director (or nominated officer):*

Post Title: \_\_\_\_\_

Post Hours: \_\_\_\_\_

Location: \_\_\_\_\_

Date Vacant: \_\_\_\_\_

Former Post Holder: \_\_\_\_\_

Date scheduled for reporting to Management Team: \_\_\_\_\_

Reasons for filling vacancy \_\_\_\_\_

Impact on service on not filling vacancy \_\_\_\_\_

Short-term interim arrangements (temporary cover) \_\_\_\_\_

**All Vacancies**

Management Team Rejected ☐ Accepted ☐ Date: \_\_\_\_\_

**Authorised by:**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

**Once the above form is completed please forward this form to HR with the Advert, Job Description and the Person Specification**

---

**FOR HR USE ONLY**

Date vacancy passed to HR \_\_\_\_\_

Date vacancy assessed against Redeployment List \_\_\_\_\_



**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Job Description**

Post Title:

Post No:

Grade:

Directorate:

Division:

Section:

Responsible to:

Responsible for:

Safeguarding:

All staff at North Warwickshire Borough Council are required to positively contribute to the Borough Council's responsibility to safeguard and promote the welfare of children, young people and adults with care and support needs. It is their professional duty to be aware of the signs and symptoms of abuse and, in accordance with the Child Protection Policy and the Safeguarding Policy for Adults with Care and Support Needs, to respond appropriately to any Identified concerns

Special Conditions:

Scope and Responsibilities:

Key Tasks:

Agreed by the Postholder: .....

Date:.....

Agreed by (*Assistant Director of*):.....

Date:.....

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Job Description**

Post Title:

Post No:

Grade:

Directorate:

Division:

Section:

Responsible to:

Responsible for:

Safeguarding:

Through your own actions and behaviours, and those of subordinate staff, to positively contribute to the Borough Council's responsibility to safeguard and promote the welfare of children, young people and adults with care and support needs, to be aware of the signs and symptoms of abuse and, in accordance with the Child Protection Policy and the Safeguarding Policy for Adults with Care and Support Needs, to respond appropriately to any identified concerns.

Special Conditions:

Scope and Responsibilities:

Key Tasks:

Agreed by the Postholder: .....

Date:.....

Agreed by (*Assistant Director of*):.....

Date:.....

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**Job Description**

Post Title:

Post No:

Grade:

Directorate:

Division:

Section:

Responsible to:

Responsible for:

Safeguarding:

To ensure that all Divisional/Sectional staff positively contribute to the Borough Council's responsibility to safeguard and promote the welfare of children, young people and adult with care and support needs, are aware of the signs and symptoms of abuse and, in accordance with the Child Protection Policy and the Safeguarding Policy for Adults with Care and Support Needs, respond appropriately to any identified concerns, including in respect of the need to ensure that the correct reporting procedures are followed.

Special Conditions:

Scope and Responsibilities:

Key Tasks:

Agreed by the Postholder: .....

Date:.....

Agreed by (*Assistant Director of*):.....

Date:.....

**PERSON SPECIFICATION**

Date:

Post Title:

Post No:

Division:

Section:

Salary:

Grade:

CATEGORY	E/ D	CRITERIA INDICATED E (ESSENTIAL) OR D (DESIRABLE)	MEASUREMENT (See below)
<b>SKILLS, KNOWLEDGE AND EXPERIENCE</b>  Previous experience – consider type, absolute minimum period, depth  Outside interests and voluntary work  Level and type of eg oral, written, or number of skills or other job-related skills, such as driving  What creative or original thought is necessary for the job?			

**MEASUREMENT:**

1. Test prior to shortlisting (ie all applicants). 2. From application form. 3. Test after shortlisting. 4. Probing at interview. 5. Documentary Evidence. 6. OTHER (Please specify)

CATEGORY	E/ D	CRITERIA INDICATED E (ESSENTIAL) OR D (DESIRABLE)	MEASUREMENT (See below)
SAFEGUARDING Basic requirement	E	Commitment to the protection and safeguarding of children, young people and adults with care and support needs	
EQUAL OPPORTUNITY Basic requirement  Particular E O Requirements for this post (eg specialist knowledge)	E	Must be able to recognise discrimination in its many forms and willing to put the Council's Equal Opportunities Policies into practice.	
QUALIFICATIONS  Academic Professional Job-Related Training			
ATTITUDE & MOTIVATION  In working with other people and serving member of the public, what characteristics are required? What stress or pressure will this job entail?			
OTHER  Unusual hours Travel to and from work / Uniform requirements Housing (if residential post)			

**MEASUREMENT:**

1. Test prior to shortlisting (ie all applicants). 2. Form application form. 3. Test after shortlisting. 4. Probing at interview. 5. Documentary Evidence. 6. OTHER (Please specify)

## Appendix D

**CONFIDENTIAL**

**For Office Use Only:**  
Application Number

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### **NORTH WARWICKSHIRE BOROUGH COUNCIL**

Please complete the application form and the recruitment monitoring form. Please use **black** ink, ball point or typescript, as it will be necessary to photocopy your application.



Post applied for:

---

Closing Date:

---

#### **1. Guaranteed interview for people with disabilities**

Do you have a disability that you wish to tell us about?      Yes    ☐      No    ☐

If yes, do you require any support or adjustments to enable you to take part in the selection process for this job?      Yes    ☐      No    ☐

If Yes, give details:

---

---

People with disabilities who meet the essential criteria will be guaranteed an interview

#### **2. Personal Details**

Posts which involve driving:

Do you have a current / full driving licence?      YES/NO

Do you have any endorsements?      YES/ NO

If YES please give details

If applicable please give dates on which you will NOT be available for interview. eg Holidays

If selected when could you start? Give period of notice if applicable

Are you related to any Member or Senior Officer?      YES/NO

If YES please give details

### 3. Education and Qualifications

Please put the most recent first.

Name of School/College	Dates		Subject	Qualifications Gained	Grade	Date
	From	To				

**4. Qualifications being studied for**

<b>Name of College/University</b>	<b>Subject</b>	<b>Level</b>	<b>Expected Date of Qualification</b>

**5. Professional Membership**

<b>Name of Professional Body</b>	<b>Level of Membership</b>	<b>Membership Number</b>	<b>Date</b>

**6. Employment History**

<b>Name and address of present (or most recent) employer and nature of business</b>	<b>Position Held and grade, if applicable</b>	<b>From Month/Year</b>	<b>To Month/Year</b>	<b>Salary, including all allowances</b>



Names of previous employers and nature of business (starting with most recent)	Position Held	From Month/Year	To Month/Year	Reason for Leaving



**7. Training**

Relevant Training Courses attended – please put the most recent first.

<b>Organising Body</b>	<b>Course Details</b>	<b>Date (month/year)</b> <b>Duration of Course</b>

## **8. Additional Information**

A person specification will normally be supplied and you should detail how you meet the requirements set out, giving specific examples where possible. You should also state how this post fits in with your longer term career planning. If required use additional sheets and mark each sheet with your initials.



## 9. References

Note: Referees should not be friends or relatives

REFERENCES: Please give the names and addresses of two referees. These should include your present employer (or last employer if currently unemployed). These should be your direct line manager/supervisor. Students should give the names of Head Teacher, Tutor, Professor, as appropriate.

If you do not wish your present employer to be contacted at this stage please write NO in the box.

☐

Name:

Name:

Organisation:

Organisation:

Address:

Address:

Telephone No:

Telephone No:

Email Address:

Email Address:

Relationship:

Relationship:

NB: Canvassing Members of the Council or any Officers, directly or indirectly, or providing false information with regard to this application, shall disqualify the candidate from such appointment, or if discovered after appointment, will lead to dismissal.

## DECLARATION

I hereby declare that the information given in my application is correct to the best of my knowledge.

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

## NORTH WARWICKSHIRE BOROUGH COUNCIL



### Recruitment Monitoring Form

**This section forms an integral part of the application form and must be completed accurately and in full.**

**This form is confidential and will not be seen by the selection panel.** The information provided on this will be used by the Council only to monitor the effectiveness of its equal opportunities and recruitment policies, and will be used only as part of aggregated statistics.

Please answer the following as appropriate (use black pen if completing by hand)

**For Office Use Only:**  
Application Number

--

**Post Applied for**

---

**Personal Details**

Full Name:	
Home Address in full: (Block Capitals)	
Home Telephone Number:	
Work Telephone Number:	
Mobile Telephone Number:	
Email Address:	
Do you have any unspent convictions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes, please give details	
Nationality	
Do you require a work permit to work in the UK?	Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/>
If Yes, do you currently have a work permit?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes, what is your permit number?	



### **Vacancy**

How did you become aware of this vacancy? Mark **one** box only please.

Newspaper	<input type="checkbox"/>	Job Centre	<input type="checkbox"/>
Journal	<input type="checkbox"/>	Online	<input type="checkbox"/>
Word of mouth	<input type="checkbox"/>	West Midlands Jobs online	<input type="checkbox"/>
Other	<input type="checkbox"/>		

If other please specify \_\_\_\_\_

**Sex**            MALE / FEMALE / PREFER NOT TO SAY

### **Disability**

Do you consider yourself to have a disability?

*(The Equality Act 2010 defines a person with a disability as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. If you have any questions, please do not hesitate to contact the HR department)*

YES / NO / PREFER NOT TO SAY

If yes, please describe the nature of the disability

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### **Race**

To which racial group would you say you belong? Mark **one** box only please.

<u>White</u>		<u>Mixed</u>	
British	<input type="checkbox"/>	White and Black Caribbean	<input type="checkbox"/>
Irish	<input type="checkbox"/>	White and Black African	<input type="checkbox"/>
Other	<input type="checkbox"/>	White and Asian	<input type="checkbox"/>
		Other mixed background	<input type="checkbox"/>
<u>Asian or Asian British</u>		<u>Black or Black British</u>	
Indian	<input type="checkbox"/>	Caribbean	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	African	<input type="checkbox"/>
Bangladeshi	<input type="checkbox"/>	Other Black	<input type="checkbox"/>
Other Asian	<input type="checkbox"/>		

Other

Gypsy or Traveller ☐ Prefer not to say ☐

If any other please specify \_\_\_\_\_

**Age**

Please indicate the band in which your age falls. Mark **one** box only please.

Under 25 ☐  
25 – 34 ☐  
35 – 49 ☐  
50 – 65 ☐  
Over 65 ☐  
Prefer not to say ☐

**In the following sections, please tick the option which you think best describes yourself.**

**Religion/Belief**

To which religious/belief group would you say you belong? Mark **one** box only please.

Christian ☐  
Muslim ☐  
Hindu ☐  
Buddhist ☐  
Jewish ☐  
Sikh ☐  
None ☐  
Other ☐ If other please specify \_\_\_\_\_  
  
Prefer not to say ☐

**Sexual Orientation**

What is your sexual orientation? Mark **one** box only please

Heterosexual/Straight ☐  
Gay/Lesbian ☐  
Bisexual ☐  
Other ☐ If other please specify \_\_\_\_\_  
  
Prefer not to say ☐

**Marriage & Civil Partnership**

What is your marital status? Mark **one** box only please.

- |                   |                          |
|-------------------|--------------------------|
| Single            | <input type="checkbox"/> |
| Married           | <input type="checkbox"/> |
| Civil Partnership | <input type="checkbox"/> |
| Prefer not to say | <input type="checkbox"/> |

## Appendix E

### SHORT LISTING MATRIX AND SUMMARY

Assessment (1 = poor, 5 = excellent)

		Candidate Number									
		1	2	3	4	5	6	7	8	9	10
Essential Criteria	Weighting										
For example - An ability to communicate confidently with all types of people both on the telephone and in person											
Essential Criteria Total											

Desirable Criteria											
Desirable Criteria Total											

TOTAL SCORE											

**INTERVIEW RECORD**

Department:

Section/Location:

Job Title:

Date of Interview:

Candidate:

5 - Almost identical characteristics to person specification. 4 - Meets many of the requirements. 3 - Meets some of the requirements. 2 - Little similarity. 1 - No similarity

Criteria	Evidence from Interview – in relation to person specification requirements	1	2	3	4	5
Skills, Knowledge & Experience						
Safeguarding	Commitment to the protection and safeguarding of children, young people and adults with care and support needs					
Equal Opportunity	Must be able to recognise discrimination in its many forms and willing to put the Council's Equal Opportunity policies into practice					
Qualifications						

Attitude and Motivation						
Other						
Total						

General notes or other comments

Recommendation With  
Reasons For Acceptance / Reserve / Rejection

Panel Members:

Names (in Block Capitals)

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Signatures

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### **Instructions for Use of Interview Record**

- 1 This form must be completed for all candidates by the panel. After the interviews, all completed forms must be returned with the application forms to the HR section. The application forms and notes on rejected candidates will be destroyed after six months.
- 2 Interviewers may wish to add sub-headings to the columns from the person specification as reminders of the kind of information, which should be obtained at the interview, or to remind them of points they wish to pursue. Interviewers (and hence their notes) should always be working to compare the candidates' attributes against those shown in the person specification. The job description for the post concerned will be a guide also to the skills and knowledge required. Care must be taken not to introduce irrelevant criteria.
- 3 Panels may wish to "weight" certain items by comparison with others; if this is done, an indication of the weighting used must be given on this form. This will avoid a candidate getting the highest overall score whilst scoring low for the most important criteria being appointed. Clear reasons as to why a candidate was appointed and others rejected must be kept to back up the selection decision.
- 4 A clear recommendation to accept or reject, with reasons, must be given, and the form must be signed by the members of the panel. If appointable but not the first choice and a reserve, reasons for this must be shown on this form.



## POLITICALLY RESTRICTED POSTS

### THE LAW

Section 1, 2 and 3 of the Local Government and Housing Act, 1989, have the effect of imposing restrictions on public political activity by certain employees of Local Authorities. Under the Act, the Authority is required to prepare lists of posts which are covered by the provisions of the Act. Four categories of posts are caught and employees occupying those posts have restrictions placed on the public political activity in which they can participate.

The categories are:-

#### LIST 1

Those whose posts are specified in the Act. This includes:-

The Chief Executive

All Directors

Heads of Service

Senior Assistants and Assistants

Other staff who report directly to the Chief Executive, a Director or a Head of Service (except in a secretarial or clerical role).

#### LIST 2

Any employer who occupies a post which has delegated authority to discharge a function of the Council – in effect this catches all employees who are included in the list maintained under Section 100G(2) of the Local Government Act 1972.

#### LIST 3

Those posts for which the annual rate of remuneration is at a specified limited, which is currently set at Column Point 44 or over for a full-time post or, if the post is part-time, with an annual rate of remuneration which pro rata equates to SCP 44 or above.

#### LIST 4

Politically sensitive posts are posts not covered by lists 1, 2 or 3 but where duties consist of or involve either or both of the following:

Giving advice on a regular basis to the Authority, to any Committee or Sub-Committee of the Authority or any Joint Committee on which the Authority is represented.

Speaking on behalf of the Authority on a regular basis to journalists or broadcasters.

Posts may be included in only one of the lists, and in practice, it will be necessary to test each post against the conditions for inclusion in each list on a consecutive basis. Once a post fits the criteria, it goes in that list and no further checking against other lists is necessary. However, should at any future date an individual post no longer meet the criteria for inclusion in that particular list, it will be necessary to again check it against the conditions for the other lists working through them consecutively.

None of the above provisions apply to principals, head teachers or teachers in educational establishments.

## **IMPLICATIONS OF INCLUSION**

The effect of the inclusion of a post (and consequently the post holder) in the list is that by law the officer is prevented from becoming a member of the House of Commons or of the European Parliament, and is not allowed to be a member of a Local Authority (except a Town or Parish Council). The Act also provides that the terms of appointment and conditions of employment of such post-holders will be deemed to incorporate the restrictions on public political activity. In addition, regulations have been issued which prevent the employee from:

Holding office in a political party

Canvassing at elections

Speaking or writing publicly on matters of party political controversy.

## **PARTICIPATING IN ELECTIONS**

The holder of a politically restricted post cannot announce (or authorise or permit anyone else to announce) their candidature for election to a Local Authority (other than a Town or Parish Council), to the European Parliament or to the House of Commons. This means that anyone wishing to be such a candidate would first have to resign from their employment in a politically restricted post.

In cases where “restricted” employees indicate in writing that they wish to resign because they intend to be announced as a candidate for election to the House of Commons or the European Parliament or a Local Authority at a pending election, the appointment will terminate immediately on the employee giving notice. For the purpose of this restriction an election is taken to be pending:

- for a general election, if the date proposed for the dissolution of Parliament preceding that election has been announced;
- in the case of a by-election, if the vacancy giving rise to the election has occurred.

Restricted post holders are also precluded from acting as an election agent or sub agent for a candidate for election to a Local Authority (other than a Town or Parish Council), the House of Commons or the European Parliament.

## **POLITICAL PARTY WORK**

The holders of politically restricted posts are not allowed to be officers of a political party (or of a branch of such a party) in any post which would be likely to require them to:-

participate in the general management of the party or branch;

or

act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party (ie. dealings with non-party members).

The above does not prevent them from being a member of a political party and would not seem to preclude them from, for example, serving on a 'social' committee of the political party/branch provided that this does not involve them in the general management of the party or branch.

It seems that an employee could be a member of the House of Lords and would not be politically restricted.

## **CANVASSING**

Restricted post holders are precluded from canvassing on behalf of political parties or candidates (or those who propose to be candidates) for election to the European Parliament, the House of Commons or a Local Authority. This restriction is not limited to the area of the employing Authority but will apply in any part of the country.

## **SPEAKING OR WRITING IN PUBLIC**

The regulations covering this aspect prevent restricted post-holders from speaking in public where there is an apparent intention to affect public support for a political party.

Further, individuals will not be able to publish any written or artistic work by them or which they may have edited, if the work appears to be intended to affect public support for a political party. Nor can they authorise or permit another person to publish such work. These restrictions do not prevent an employee from displaying a poster at home or in a car or on other personal possessions.

The above restrictions are to be construed so as not to preclude officers from engaging in the proper performance of their official duties.

The crucial question in this aspect will be the intention of the person concerned when speaking in public or writing. In considering intention, regard will be had to certain matters such as whether there is a reference to a political party, to persons identified with a political party and whether the speech or work promotes or opposes a point of view on a matter of political controversy which is identifiable as the view of one political party and not another. These matters are not of themselves a test of whether the speech or work infringes the rules; they are the evidence from which that intention can be deduced. The test is whether the intention is to affect public support for a political party. It seems possible that a speech or work could refer to a political party, or to a person identified with a political party without showing an intention to affect public support for the party. Everything would depend on the context and the other indications of the speaker or writer.

The above should not prevent an employee from writing 'normal' professional or technical articles for magazines, etc.

## **PROCEDURE IF AN EMPLOYEE CONTRAVENES THE STATUTORY PROVISIONS**

There is no provision in the Act, which sets out the procedure to be followed or the penalties likely to be incurred. However, as the Act deems the terms and conditions of employment to include the restriction on political activity, such matters would need to be dealt with under existing employment and other laws.

In the case of office in a political party, canvassing, speaking or writing on political issues, there is no specific existing provision for any penalty or making the action a criminal offence – but the inclusion of the restrictions in the terms of employment and conditions of service of the employee make it a disciplinary offence to be dealt with by the Council.

## **POLITICAL SENSITIVITY**

The 'rules' as to what constitutes 'political sensitivity' are still being developed. However, the Independent Adjudicator, in dealing with cases, has given views that give some indications.

Attendance and speaking at committee meetings does not necessarily involve giving advice on a regular basis. In taking a view two factors will be relevant, viz;

The job description (ie the declared intention of the employer as to what the post holder is paid to do) and

What other officers are in attendance at the meeting and their role.

### **'REGULARLY ADVISING COMMITTEES'**

#### *Professional Staff*

Whether or not posts will be caught under this provision will depend very much on job content. For example, professional people speaking to a report at a committee, even if holding themselves out as representing views of their principal, will normally be regarded as giving advice.

#### *Committee Staff*

Staff in attendance to provide a secretarial service (in its broadest sense) and speaking occasionally on procedural matters would not seem to be in attendance to advise members.

Committee Staff (even junior ones) who have a licence from their Chief to speak to reports before committee and to help members with their work, are giving advice and, therefore, will be included in the list as 'politically sensitive'.

It is quite possible for committee staff to take members through an agenda without offering advice and, if other staff are in attendance, to advise on the decision taken, the committee staff would not be taken to be advising regularly. On the other hand, committee staff who attend as the sole representatives of their department, could be employed to give advice.

Whether or not a post is politically sensitive will depend on the working practices and it will be necessary to distinguish between 'attending and speaking' and 'attending and advising'. Answering the question 'What is the postholder required to do at the meeting?' should help to provide an answer as to whether or not the post should be listed.

#### *Deputising*

Where an employee is occasionally called upon to deputise for an immediate superior in 'advising' a committee or sub-committee, this would not be regarded as giving advice on a regular basis.

#### *Temporary Postholder*

Where a post included in the list of politically sensitive posts is filled by a temporary postholder whilst a permanent appointment is made, that temporary post holder would be subject to the political restrictions whilst filling the post.

#### *More Senior Staff Present*

An officer who attends meetings on a regular basis to present a report and to speak only on the factual implications of the report will not normally be regarded as politically sensitive if there is also present at the meeting a more Senior Officer from the same department whose role is to advise members on the implications of the report.

Similarly an officer presenting an annual report on a particular area of work and required on a very occasional basis to advise, will not normally be regarded as politically restricted if they are not required to advise on every annual report (ie regular can be once annually but only if advice is given every year).

#### *'Regularly Speaking to the Media'*

Officers who are employed to speak to the media are not automatically caught by the legislation. The test of speaking on behalf of the Authority must be applied and regard had to the intentions and possible consequences of the work. The question to be asked is 'What is the purpose and practice of the post?'. If it is intended to involve a regular dialogue with the media in a speaking capacity on behalf of the Authority, then it will need to be listed.

### **ROLE OF HUMAN RESOURCES SECTION**

The Human Resources section shall issue to employees in politically restricted posts a copy of this appendix.

Appendix H

**North Warwickshire  
Borough Council**

HR Section  
The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

Tel: 01827 719347

Email:  
personnel@northwarks.gov.uk

Applicant's Name: \_\_\_\_\_

Post applied for: \_\_\_\_\_

Please complete as appropriate.

Position held: \_\_\_\_\_

Starting date: \_\_\_\_\_ Leaving Date: \_\_\_\_\_

Confirmed: Yes ☐ No ☐

For Agency / Casual Employment Only

Please confirm dates actually worked within the last 6 Months.

\_\_\_\_\_  
Please supply brief detail of duties undertaken

\_\_\_\_\_  
Your Name: \_\_\_\_\_

Organisation: \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

---

**Information for Referees**

If the applicant is successful with their application, this reference will be placed in their personal file. In terms of the Data Protection Act 1998, all employees have right of access to their personal files and therefore to this reference. If the applicant is unsuccessful, the reference will be retained with recruitment papers for 6 months. During this period if the applicant requests access this will be granted. Provision of a reference will be taken as also granting consent to access.

Please give your opinion on the following:

	Outstanding	Above Average	Average	Below Average	
<b>A Judgement</b> Makes good, sound decisions and knows when to act or advise.					Makes erratic, hasty decisions. Hesitant.
<b>B Analytical Skills</b> Has ability to analyse problems. Thinks things through logically.					Tendency to make rash decisions and not think things through.
<b>C Foresight</b> Has ability to think ahead and plan for problems before they arise.					Lacks ability for forward planning.
<b>D Written Communication</b> Written work is neat, concise, well-expressed and easy to understand.					Written work is scruffy, confusing and poorly expressed.
<b>E Oral Communication</b> Verbal expression is well mannered, clear and easily understood					Verbal expression is poor, not easily understood.
<b>F Acceptance of Responsibility</b> Willing to accept responsibility and uses initiative.					Avoids responsibility and lacks initiative.
<b>G Ability to get on with others</b> Well-liked and respected by colleagues. Works well as part of a team.  Tactful and sensitive in dealing with clients/public.					Unpopular. Lacks ability to work as part of a team.  Tackless, abrasive with clients/public.
<b>H Ability to produce constructive ideas</b> Innovative. Has the ability to think quickly on his/her feet.					Slow to grasp the point. Prefers to be told what to do.

	Outstanding	Above Average	Average	Below Average	
<b>I Drive and Determination</b> Self-motivated and persistent. Gets things done. Good timekeeper.					Unmotivated, lets things slip. Poor timekeeper.
<b>J Reliability Under Pressure</b> Resilient, works well under pressure. Level headed.  Flexible, adapts quickly to new situations.					Performance poor under pressure. Tends to panic.  Resists change, slow to adapt.
<b>K Quantitative Skills</b> Has the ability to handle, interpret and calculate figures.					Lacks the ability to handle/understand figures.

**L Management of Staff**

Was/is the candidate responsible for managing staff.

☐

Yes

☐

No

**If Yes, how many and in what capacity?**

.....

.....

.....

.....

**Any Other Comments/Observations** (Please continue on a separate sheet of paper if necessary)

.....

.....

.....

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.....

.....



**Disciplinary Record**

If Yes, please give details

☐

Yes

☐

No

.....

.....

.....

.....

**Time Keeping**

(If average or poor please give details, as appropriate)

☐

Excellent

☐

Above Average

☐

Average

☐

Poor

.....

.....

.....

.....

**Total number of days sickness taken in the last 2 years** .....

**Total number of periods of absence. Please list:** .....

.....

.....

.....

**How often do you see the applicant's work** ☐ Daily ☐ Weekly ☐ Monthly

**Are you responsible for performance appraisal / assessment?** ☐ Yes ☐ No

**Any other comments you wish to add:**

.....

.....

.....

Would you re-employ this applicant? ☐ Yes ☐ No

If no, is this because of company policy? ☐ Yes ☐ No

(Note: If the reply to any question is adverse to the applicant, it does not necessarily bar them from appointment. Every case is considered on its merits)

Signature ..... Date .....

### **List of acceptable documents to prove eligibility to work in the UK**

Employment is subject to sight of documentary evidence of eligibility to work in the UK in accordance with the Immigration, Asylum and Nationality Act 1996.

The documents that are considered acceptable for demonstrating right to work in the UK are set out in two lists – **List A** and **List B**, which are shown below.

#### **You must provide:**

**Either** one of the single documents, or two of the documents in the specified combinations given, from List A;

**Or** one of the single documents, or two of the documents in the specified combinations given, from List B.

**List A** - the range of documents which may be accepted for checking purposes for a person who has a permanent right to work in the UK.

<b>List A</b>	
<b>1.</b>	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
<b>2.</b>	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Area country or Switzerland.
<b>3.</b>	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
<b>4.</b>	A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
<b>5.</b>	A <b>current</b> Biometric immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
<b>6.</b>	A <b>current</b> passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
<b>7.</b>	A <b>current</b> Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

<b>8.</b>	A <b>full</b> birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
<b>9.</b>	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
<b>10.</b>	A certificate of registration or naturalisation as a British citizen, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**List B** - the range of documents which may be accepted for checking purposes for a person who has a temporary right to work in the UK.

<b>List B</b>	
<b>Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave</b>	
<b>1.</b>	A <b>current</b> passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
<b>2.</b>	A <b>current</b> Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
<b>3.</b>	A <b>current</b> Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
<b>4.</b>	A <b>current</b> Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
<b>Group 2 – Documents where a time-limited statutory excuse lasts for 6 months</b>	
<b>1.</b>	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006 to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is <b>less than 6 months</b> old <b>together with a Positive Verification Notice<sup>2</sup></b> from the Home Office Employer Checking Service.

<b>2.</b>	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, <b>together with a Positive Verification Notice</b> from the Home Office Employer Checking Service.
<b>3.</b>	A <b>Positive Verification Notice</b> issued by the Home Office Employer Checking Service to the employer or prospective employer which indicates that the named person may stay in the UK and is permitted to do the work in question.

Further information can be found at <https://www.gov.uk/legal-right-work-uk>

**Identity Check and Eligibility to Work in the UK**  
*(To be completed by the recruiting manager at interview)*

**Applicant's Name:**.....

**Address:**.....

.....

**Post Applied For:**.....

**List of Original Evidence Seen: Copies Attached ☐**

**1.**.....

**2.**.....

I confirm that I have seen and checked the original documents as stated above and

I am satisfied that the above named is the rightful holder of these.

Signed.....

Print Name and Job Title.....

Date.....