

# Employment Committee

Excerpt of the Minutes of the additional meeting held on Thursday 17 February 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Tracey (Chairman); Councillors; Bartlett, Day, B Gifford, Grey, Hales, Kennedy, and Mangat.

## 13. **Declarations of Interest**

There were no declarations of interest made.

## 15. **Joint Appointments Committee**

The Committee considered a report from the Chief Executives of Warwick and Stratford-on-Avon District Councils and Human Resources which brought forward interim proposals to establish a Joint Appointments Committee for Stratford-on-Avon (SDC) and Warwick District Councils (WDC).

The proposals provided an important step in bringing the Councils closer together and provided clarity on decision making relating to employee matters.

Both SDC and WDC had agreed a timetable for the review of individual services for the period up to April 2024. The report also stated that:

*"2.12 Ahead of formally scheduled service integrations, it is recommended that Heads of Service begin to prepare their teams and where possible, begin the alignment of working practices, team development, collaboration and knowledge share."*

A key part of this integration would be to ensure that consistent policies were in place at both Councils and a key area for this would be those relating to employee matters.

In September 2021 the Employment Committee at WDC and the Employment & Appointments Committee at SDC asked officers to work with the Chairmen of both Committees to bring forward proposals for a joint recruitment process for Joint Heads of Service and Joint Deputy Chief Executives to Council in October 2021 and to bring back proposals for a Joint Employment Committee (JEC).

In drafting details for a joint recruitment process it was identified that this and the proposals for a JEC were interrelated. There were also ongoing discussions in relation to the wider joint governance arrangements for decision-making, scrutiny and advisory groups with a view to bringing a separate report on those matters to Councillors in April. However, following the recent resignation of the Head of Finance it was considered urgent to bring forward interim proposals specifically for the appointment of senior roles within the Council.

The terms of reference for the Joint Appointments Committee (JAC) were set out in Appendix 1 to the report. Its sole purpose was to enable Councillors from both authorities to have full engagement in any

recruitment to Senior Management roles in either Council. The JAC, which must be politically balanced, would comprise 12 Members, with six members appointed by each Council. All 12 would be involved in recruitment to a Head of Paid Service but only six (three from each Council) would be involved in the recruitment to any other post. If Council approved the recommendations, it would also be asked to appoint its Members.

The JAC would be established pursuant to the powers contained in sections 101 and 102 of the Local Government Act 1972. In doing so consideration needed to be given to how its terms of reference would interact with the Constitutions of both Councils.

To provide clarity it was proposed to adopt the joint Constitution that both Councils endorsed in February 2021 for the Joint Cabinet Committee. That constitution needed to be modified slightly as set out in the recommendations. The safeguards within the Constitution provided checks and balances to ensure one Council could not take decisions that go against the direct wishes of the other Council.

The procedure for the appointment of recruiting Chief Officers was attached as Appendix 2 to the report. This was for the Committee to pass comment on. If there was a need to recruit to the Chief Executive/Head of Paid Service role it was envisaged that the document would need to be revised. Any such revisions would be discussed with the Leaders of the two Council's and brought to the Joint Appointments Committee for consideration.

Councillors should have noted that the appointment of the Chairman for the Joint Committee and its sub-committee would be agreed by the Members of those meetings, and that the proposed Constitution said that the Chairmanship would only last until the next meeting of that Committee/Sub Committee.

To be clear, there was no intention at present to abolish the Employment Committee (WDC), the Employment and Appointments Committee as renamed (SDC) or its sub-Committee at present. However, the scope of the general review of joint governance to be undertaken would include the arrangements for employment decision-making bodies.

In terms of alternative options, the Councils could decide not to establish a JAC and instead to remain with separate Employment Committees with their different terms of reference. However, this would mean that only the Members of the authority taking the decision to recruit could vote on the appointment.

The Members/Trade Unions Joint Consultation and Safety Panel supported the recommendations in the report.

The Democratic Services Manager and Monitoring Officer advised that following meetings with Unison/Members, a few spelling and format errors had been spotted with the appendices, and he therefore suggested that an additional recommendation should be included, to read:

"The Committee delegates authority to the Head of People & Communications, in consultation with the Chairmen of the Employment

and Appointment Committee (SDC) and Employment Committee WDC to make minor amendments and formatting changes to the documents prior to publication”.

In response to questions from the Committee, the Democratic Services Manager and Deputy Monitoring Officer advised that the Joint Appointments Committee was proposed to include six Councillors from each authority simply to maintain equality from both authorities. This could change to result in the numbers being disproportionate; officers could raise this point and ask that the two Leaders of the Council’s discuss this ahead of the Council meeting the following week. The final decision would need to be taken by both Councils.

The Leader of the Council advised that having six Councillors from each authority did focus minds on building the new Council, but he was mindful that proportionately the population of the new Council would be greater in WDC than SDC, and therefore there would be more Councillors from WDC and the balance of Council would consist with the majority being from WDC as we know it, and therefore for the appointments such as a new Chief Executive, it was important this was understood and reflected. He suggested that he could pick this point up with the Leader at SDC that if there was a Committee appointed for a new Chief Executive, that the chair of that Committee actually sits with a WDC Councillor, rather than alternating in turn who sits as Chair as a way of resolving that proportionality. It was important that residents saw we were thinking about the future of the new Council with those senior appointments.

In response to a further question, the Leader of the Council proposed that to ensure political representation of all five Groups, WDC six Councillors would be made up of the Leader, Deputy Leader and then the Leader of each of the Political Groups, which reflected fairly the way the Council had operated through the Leadership Coordinating Group.

The Democratic Services Manager and Deputy Monitoring Officer confirmed that it was possible for a political group to gift part of their seat allocation as they saw fit to another party. This approach found favour with Members of the Committee. He also advised, in response to a further question, that there was scope to enhance the Feedback to Candidates section in appendix 2 to the report, to set out more how we dealt with unsuccessful candidates, and this could be discussed in the clarification with the Chairman of both Employment Committees.

It was proposed by Councillor Hales and seconded by Councillor Bartlett, and it was

**Recommended** to Council that, subject to Stratford-on-Avon District Council resolving on the same terms as set out below:

- (1) a Joint Appointments Committee of 12 councillors (6 from each authority, which must include both Leaders) with terms of reference as set out below and detailed at Appendix 1, be established:
  - (a) to agree any revisions to the procedures for the appointment to any roles listed in

- (b);
  - (b) to appoint Chief Executive, Deputy Chief Executives, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and
  - (c) to recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.
- (2) the Constitution for this Joint Committee as previously endorsed by WDC and SDC for the Joint Cabinet Committee in February 2021, be adopted, subject to the minor amendments as set out below:
- (a) the Committee is directed to appoint a subcommittee of 6 members, in respect of all recruitment, save for the Chief Executive/Head of Paid Service role where the Joint Appointments Committee will make the appointment;
  - (b) the Chairman of the Committee (or its Sub-Committee) shall have a casting vote but they are expected to use it to align with the outcome of the overall scoring for candidates participating in the recruitment process unless they can provide good reason not to; and
  - (c) all members of the Committee must have undertaken appropriate training on recruitment and selection with the respective Council, prior to participating in a recruitment process.
- (3) 6 members from each Council be appointed to the Joint Appointments Committee in accordance with paragraph 1.5 of the report;
- (4) the terms of reference for the Employment Committee be revised so that it excludes the matters delegated to the Joint Appointments Committee; and
- (5) the Monitoring Officer be authorised to update the Constitution, including any consequential amendments required as a result of the above, accordingly.

**Resolved** that

- (1) the process for recruitment of Chief Officers, as set out at Appendix 2 to the report, be approved; and
- (2) authority be delegated to the Head of People & Communications, in consultation with the Chairmen of the Employment and Appointment Committee (SDC) and Employment Committee (WDC) to make minor amendments and formatting changes to the documents prior to publication.

(The meeting ended at 6.16pm)

**Joint Appointments Committee  
Terms of Reference**

The Joint Appointments Committee of Stratford-on-Avon and Warwick District Councils has been created under sections 101 and 102 of the Local Government Act 1972 and all other relevant legal powers, following decisions taken by the respective Council in February 2022.

The purpose of the Joint Committee at present is to enable the two Council's to undertake joint recruitment process for Chief Officers of the Council's.

The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and as defined by law.

The Constitution for the Joint Committee includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.

The purpose and functions of the Joint Appointments Committee are :

- (a) To agree the procedures for the appointment to any roles listed in (b)
- (b) To appoint Chief Executive, Deputy Chief Executive's, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and
- (c) To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.

### **Interim Process for the Recruitment of a Chief Officer**

This policy applies to JNC Heads of Service, Deputy Chief Executive and Programme Director for Climate Change and Chief Executive.

The policy refers to the Chief Executive but this role may be fulfilled by a Deputy Chief Executive.

Where the procedure below refers to the Sub-Committee this will be replaced by the whole Committee when recruiting to the position of Chief Executive/Head of Paid Service.

When recruiting to the Role of Chief Executive/Head of Paid Service no Officer from either Council will be present during interviews, by the Head of People & Communications and Monitoring Officer (or appointed deputies) will be available to Members)

Contents:

1. The decision to recruit
2. The recruitment timetable
3. Advertising and information packs
4. Longlisting
5. The first interview
6. Selection tests
7. Shortlisting
8. The final interview
9. Making the decision
10. The job offer
11. Induction
12. Feedback to Candidates
13. The legal and policy framework

#### **1. The Decision to Recruit**

As part of overall organisational development and recruitment processes all vacancies including those of Chief Officer level are reviewed to align with the needs of the organisation and the structure that support this. The Chief Executives will consider these points, in deciding whether or not to recommend to Group Leaders and the Chair of Joint Appointments Sub-Committee that a vacant senior post should be filled.

#### **2. The Recruitment Timetable**

Once the decision is taken to recruit a Head of Service the process is organised by HR. They will produce a timetable to ensure that there is sufficient time to ensure all the administration required runs smoothly.

It is vital that Members on the Sub Committee respond as soon as possible to requests for availability and consider who will be their substitute, who has to be a member of the Joint Appointment Committee from the respective Council, if they are not available for the process.

The final interviewing panel will consist of trained Members that participated in the shortlisting panel. Each stage of the selection process will be a separate meeting.

### **3. Advertising & Information Packs**

The Council seek to maximise the opportunities for alternative careers for employees facing potential job loss through redundancy. The highest priority will be given to maintaining the security of staff as it is Council policy to avoid redundancy wherever possible. Therefore, staff "at risk" are provided with the opportunity to apply for Head of Service positions prior to external advertising. If recruitment is not successful via those at risk, then wider advertising can be used. The main method of which is through the Council's web page. In addition other external methods may be used; these could include a specialised publication relevant to the service.

Advertising attracts a significant cost and it is important to monitor the response rate to different media to ensure that the right mix is being used; HR in conjunction where relevant with external support will ensure a diverse range of publications and blended approach is applied and analysed for response rates.

Members need to be aware of the dangers of canvassing from any potential applicants; this would disqualify the applicant and could be a breach of the Code of Conduct for Members.

The Portfolio Holder may attend every stage of the recruitment process to listen to the discussions and will provide their view of the candidates at the shortlisting and final interview stages. However they will not form part of the decision making Joint Appointment Sub-Committee, unless duly appointed by the relevant Committee as a member of that Committee. If they do not form part of the Joint Appointment Sub-Committee written authority must be received from the Chairman of the Joint Appointment Sub-Committee to attend.

### **4. Long Listing**

This is the first stage of the selection process where the applications that have been received are matched against the person specification for the job. The candidates who demonstrate the closest match to the person specification will be invited for a screening interview. Where more than 20 candidates match the essential criteria those matching the essential criteria will then be assessed against the desirable criteria with no more than 20 candidates progressing to the next stage.

However any applicant who has declared a disability and who meets the essential criteria will automatically be included in the longlisting process.

If four, or less, applications are received a decision may be made, by the Chief Executives, to forgo the longlisting and first interview stage and proceed directly to the shortlisting stage.

Long-listing will take place as soon as possible following the closing date for applications. This first stage of selection is carried out by a panel that consists of the Chief Executives, a Deputy Chief Executive and the Head of

People & Communications. The panel may also be joined by an independent specialist advisor.

When the recruitment to the role of the Head of Paid Service the decisions in respect of Long Listing will be taken by the Joint Appointments Sub-Committee with support from external independent advisors.

## **5. The First Interview**

This is conducted by the panel who undertook the long-listing. The purpose of this interview is to check the application and measure the candidate's qualifications, achievements and experience against the person specification.

At this stage any candidates will be assessing whether the Council offers the opportunities and challenges that they are looking for. The Longlisting process must of course remain free of bias or discrimination and the decision not to invite a candidate for interview must be objectively justified.

## **6. Selection Testing**

Selection tests may be used to support the information gained from the first interview. They are designed to further test the criteria required by the person specification and job description and to provide candidates with the opportunity to demonstrate their skills in different ways.

The types of tests that can use include: numerical and verbal reasoning, in-tray exercises, group exercises, written questions, behavioural assessments and presentations.

## **7. Short-Listing**

It is the role of the Chief Executives and Head of People & Communications to guide and advise Members in relation to the shortlisting and interview process.

A short-listing meeting will be arranged as soon as possible after the first interviews. This will be in the form of a meeting of the Joint Appointment Sub-Committee, of three members from each Council appointed by their appropriate Committee; this is a private meeting without the need for a published agenda.

The results from the first interviews will be fed back to the meeting by the long listing Panel.

At this stage the Joint Appointment Sub-Committee will receive copies of the application forms for those candidates who have been put forward from the first interview. Members will also receive the job description and the person specification. It is the role of Members to read the applications and familiarise themselves with the candidates who have applied and consider any questions they want to raise at the short-listing meeting.

The aim at this session is to decide which, if any, candidates are suitable to go forward to the final stage of the process. The decision must be made on demonstrable evidence taking all the information that has been gathered into account.

Members must only shortlist those candidates who have demonstrated the ability to meet all the requirements of the job. In senior level recruitment this often comes down to no more than three or four candidates. It is at this stage that members need to decide candidates to continue with the process.

Members will keep the copies of the applications for the shortlisted candidates to bring with them on the final interview day. Applications must be kept securely during this period as they contain personal data. The unsuccessful candidates' forms must be handed in to HR so that they can be destroyed appropriately

Following the short-listing meeting, HR will produce a timetable for the final interview day depending on the number of candidates chosen.

## **8. The Final Interview**

The final interview will be a separate meeting of the Joint Appointment Sub-Committee. This is a private meeting with a published agenda.

The membership of the Joint Appointment Sub-Committee will be those who sat on the shortlisting. The Chair appointed by the Councillors, will be responsible for ensuring that the interviews run to schedule.

The interview may include a presentation to the Joint Appointment Sub-Committee. The Chief Executive, Head of People & Communications and independent advisor will also be present to provide advice.

The Head of People & Communications with support from the independent advisor will supply a list of suggested questions that the Joint Appointment Sub-Committee can choose from and agree in advance of the interviews, who will ask which question; they will also receive a scoring sheet for summarising the assessments.

The interviews will normally start with the candidate's presentation after which the Joint Appointment Committee may ask questions on the presentation. This is followed by an interview with all Appointment Sub - Committee members asking questions. The purpose of the questions is to draw out the candidate's skills, knowledge and experience and ask them to demonstrate how they match to the requirements of the job.

The questions are deliberately the same to all candidates to ensure consistency and fairness although Members can ask supplementary questions to follow through any points which have been made by the candidate or to encourage them to expand their answer. There may also be further questions designed specifically for the candidate based on any feedback from tests completed prior to the interview

Members should have in mind the range of answers they would expect to their question and any key points they would expect the candidates to bring out.

Conducting interviews is a mentally demanding activity. You will need to concentrate throughout a series of interviews and at the same time make enough notes to be able to mark each candidate against the criteria for the position

It is strongly recommended that notes are made during the interviews and the scoring takes place at the end of each interview, time for which is allowed in the timetable. Please make sure you write the name of the candidate on any notes that you make which will form part of the final paperwork.

All paperwork must be passed back to the Head of People and Communications at the end of the final interview day for filing or shredding as necessary.

## **9. Making the Decision**

At the end of the interview the Chair will allow time for final reflection on the candidate (s) and then invite discussion from all Joint Appointment Sub-Committee members on each candidate in turn. The Chief Executive/HR or Independent advisor will remind the Committee of the results from the first interview stage so that these can be considered as part of the final decision.

The aim is to appoint the best candidate for the job. If this falls short of the expected standard, Members should decide not to make an

The selection process is designed to help members identify potential for development as well as suitability for the job.

Members can decide to have a second choice if the first candidate offered the post does not accept it. This decision will be made on the merit of the applicants.

## **10. The Job Offer**

Candidates are not expected to wait too long for the outcome of the interview.

Prior to the offer being made the Chief Executive or the Head of People and Communications will write to the Cabinet of the host authority of the proposal to appoint and give them a specified period (no more than 36 hours) in which to inform the Leader of the Council if they have any objections to the appointment. The Leader will consult the Cabinet on this and provide a response. This is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 for councils operating executive arrangements.

If no objections are made the successful candidate will be contacted , by the Chief Executive or the Head of People and Communications.. They will then inform the Joint Appointment Sub-Committee and Cabinet of the decision.

It should be noted that in respect of the appointments to one of the three statutory roles, it needs to be made clear that the offer is subject to confirmation by Council.

A written offer of employment will be prepared by HR subject to pre-employment checks (for external candidates).

## **11. Induction**

The appointment will be announced via an email from the Chief Executive & Leader and Chairman of the Joint Appointment Sub-Committee to all Councillors and the intranet. For certain positions the Council's strategic partners would also be informed.

It is quite likely that external appointees may have to give up to three months notice to their current employers, so it may be some time from the recruitment process to the start date during which Members may hear little or nothing of their new member of staff.

It is also quite common for external appointees to want to familiarise themselves with the Council before they start so they may decide to come to committee or Cabinet meetings as an observer. They may even be able to join training events or be present at significant decision making meetings during their notice period. These will all be part of the transition between one employer and another.

Once the official start date is reached a full induction programme will commence which will involve the new jobholder meeting Members at appropriate times.

## **12. Feedback to Candidates**

This will be given by the Independent Advisor on behalf of the Council's on request. Councillors will not give feedback.