

PROCESS FOR HEAD OF SERVICE RECRUITMENT BY ELECTED MEMBERS

This guide provides the procedure that builds upon the Officer Employment Procedure Rules as set out in Part 4 of the Council's Constitution.

This policy applies to JNC Heads of Service but not to Deputy Chief Executive and Chief Executive. The policy refers to the Chief Executive but this role may be fulfilled by a Deputy Chief Executive.

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1. THE DECISION TO RECRUIT

The Council's workforce plan will contain some broad strategies for senior management development and replacement should vacancies arise. As part of the workforce plan job descriptions and person specifications for senior roles are reviewed and kept up to date. The Chief Executive will consider these in deciding whether or not to recommend to Group Leaders and the Chair of Employment Committee that a vacant senior post should be filled.

2. THE RECRUITMENT TIMETABLE

Once the decision is taken to recruit a senior manager the process is organised by the HR team. They will produce a timetable to ensure that there is sufficient time to ensure all the administration required runs smoothly and creates a good first impression for the potential candidates.

It is vital that Members respond as soon as possible to requests for availability and consider who will be their substitute 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 AND INFORMATION PACKS

The Fit For Future Process and associated procedures 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" and subsequently internal staff are provided with the opportunity to apply for Senior

Manager positions prior to external advertising (subject to Leader/Deputy approval). If recruitment is not successful via this internal method, then external 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 the MJ or a specialised publication relevant to the service.

Advertising is expensive and it is important to monitor the response rate to different media to ensure that the right mix is being used; HR will monitor this after each recruitment exercise.

The Council produces a professional information pack which is available to all external enquirers. Even though many more packs will be sent out than applications returned, this is a good opportunity to advertise the Council and its achievements to a wide audience and it helps to build the Council's reputation for excellence.

The role for Members at this stage is to promote the opportunity that is available at any appropriate times and encourage people to ask for the application pack.

Members also 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 Panel. If they do not form part of the Selection Panel written authority must be received from the Chairman of the Employment 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 disabled applicant who meets the essential criteria will automatically be included in the longlisting process.

If four, or less, applications are received as decision may be made, by the Chief Executive, 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 Executive, a Deputy Chief Executive and the HR/OD Manager.

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 the Council as much as we are assessing them so it is very important to continue the impression we have tried to create with the application pack. It is also necessary to ensure that the Longlisting process is completely free of bias or discrimination and the decision not to invite a candidate for interview can be justified.

6. SELECTION TESTING

Selection tests are used to support the information gained from the first interview. They are designed to 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, personality profiles and presentations.

7. SHORT-LISTING

It is the role of the Chief Executive and HR/OD Manager 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 are complete. This will be in the form of a meeting of the Selection Panel comprising the Leader, the Chairman of Employment Committee and three other members of Employment Committee. The membership of the panel will be appointed by the Chief Executive in consultation with Group Leaders.

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

At this stage the Selection Panel 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 if they have a good enough selection of 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. The unsuccessful candidates' forms must be handed in to HR so that they can be destroyed as confidential waste.

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

HR will request references for all candidates and make these available to the Selection Committee.

8. THE FINAL INTERVIEW

The final interview will be a separate meeting of the Selection Panel.

The membership of the panel will be those who sat on the shortlisting panel. The Chair will be responsible for ensuring that the interviews run to schedule.

The interview will include a presentation to the Selection Panel. The Chief Executive/Deputy Chief Executive and the HR/OD Manager will also be present to provide advice.

The HR/OD Manager will supply a list of suggested questions that the panel 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 panel may ask questions on the presentation. This is followed by an interview with all panel 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.

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 job.

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 HR/OD Manager 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 panel members on each candidate in turn. The Chief Executive will remind the panel of the results from the first interview stage so that these can be fed into the final decision.

The aim is to appoint the best candidate for the job, not merely choose the "best of the bunch" if this falls short of the expected standard. Members can decide not to make an appointment if they feel none of the final candidates are right for the post. In making this decision it is worth remembering that whoever held the job previously had probably been with the Council for some time and had become extremely experienced in the job.

New candidates are most likely to be coming for promotion and therefore will be at the early stages of their career in a senior position. It is unlikely that any new candidate is going to meet all of the criteria for the job as well as the most recent jobholder. 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.

Once a decision has been reached the Selection Panel will make a recommendation to Employment Committee members, who will meet in private but with a published agenda. The Employment Committee will be informed of the scores for each of the candidates at each stage of the process along with a summary paragraph about each applicant. This will be presented to them by the Chairman of the Selection Panel.

10. THE JOB OFFER

Candidates are not expected to wait too long for the outcome of the interview. The successful candidate will be contacted very shortly after the day that Members make the decision, by the Chief Executive or the HR/OD Manager. It will be a verbal conditional offer of Employment, subject to the Executive not raising any objections to the appointment.

If the candidate accepts, the 'appointer' (the Chair of the panel) will ask the Chief Executive, to notify the Executive of the proposal to appoint and give them a specified period in which to inform the Leader of the Executive if they have any objections to the appointment.

A written job offer will be prepared by HR once the Leader has confirmed that there are no objections from the Executive to the appointment; or, if there are, that they are not material or not well founded. This is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 for councils operating executive arrangements.

The written offer will be made 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 Employment Committee to all Councillors , the core brief, and the intranet. For certain positions the Council's strategic partners would also be informed.

It is quite likely that external appointees will have to give 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, however, for external appointees to want to familiarise themselves with the Council before they start so they may decide to come to committee or Executive 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.

The first few months for a new jobholder are always the most tense; they have expectations and so do we as the employer. If these are not met then either side can wonder if they have made a mistake. We have a reputation of being a good employer and a friendly place to work and this is borne out by the length of time many of our employees chose to stay with us. Members have a very key role in continuing this reputation with new senior managers and for many it is the excellent relationship between Members and officers throughout the Council that makes Warwick District Council an employer of choice.

12. FEEDBACK TO CANDIDATES

This will be given by the Chief Executive or HR/OD Manager on request. Members will not give feedback.

13. THE LEGAL AND POLICY FRAMEWORK - (Advice from Employers Organisation)

Appointment on Merit

Under section 7 of the Local Government and Housing Act 1989, every appointment of a person to a paid office of employment with a local authority of any kind 'shall be made on merit'. Merit is not defined, but can be understood to mean fitness for the job. The provisions were introduced primarily to prevent politically-motivated appointments but the effect of the provision is that all irrelevant issues should be ignored.

There are a number of statutory provisions brought together under the Equality Act 2010 which affect the duty to appoint on merit as follows:

(a) Disability

An authority must assess the 'merit' of a disabled candidate by taking into account any adjustment that must be made under the duty to make reasonable adjustments under the Equality Act.

The Act does not prohibit positive discrimination in favour of people with a disability. However, because of the principle of appointment on merit, such discrimination is prohibited for local authorities. However, the requirement to appoint on merit is subject to the requirement to comply with the Act. This means that appointment on merit does not prevent the redeployment of a disabled person in circumstances where they are at risk of being dismissed on incapacity grounds.

(b) Sex / Sexual Orientation

An employer can discriminate on the grounds of sex where the sex of the employee is a genuine occupational qualification. It is also possible to discriminate against a transsexual if there is a relevant genuine occupational qualification. All other discrimination on the grounds of gender is unlawful.

(c) Race

An employer can discriminate on the grounds of race where the race of the employee is a genuine occupational qualification. Again all other discrimination on the ground of race is unlawful.

(d) Age

It is unlawful to discriminate on the basis of age unless the practice is covered by an exception from the ban or good reason can be shown for the differential treatment ('objective justification')

It is also unlawful to discriminate on any of these additional grounds:

(e) Gender Reassignment

(f) Being married or in a civil partnership

(g) Having a religion or belief or lacking a religion or belief

(h) Being pregnant or having a child

Local Government Finance Act 1988, s113 and LGHA 1989 s6

The officers responsible for administration of financial affairs of certain authorities (Section 151 Officer) must be a member of one of the professional bodies specified in the Act.

Appointment on merit does not mean that the choice must always fall upon the candidate of greatest merit. All that is required is that the criterion of merit is observed and no irrelevant consideration is allowed to override it.

There is no remedy provided in the Act for individuals who feel that an appointment was not made on merit. However, if a breach of section 7 was brought to the attention of the monitoring officer he or she could prepare a report on the alleged breach in accordance with his or her statutory duties. Also, it may be that persistent disregard of the obligation to make appointments on merit could be the subject of a judicial review.

In order to avoid an allegation that the authority had acted in breach of section 7, it should take steps to show that its procedures are as objective and fair as possible. In particular, authorities should scrupulously observe their appointments procedures and draw up and apply job descriptions and person specifications. It is also wise to record the reasons why, for each post, individual candidates were not shortlisted and why shortlisted candidates were not selected. Such a record is likely to be maintained in any case for the purposes of contesting challenge on grounds of alleged discrimination.

Appointment of Senior Officers

The Local Authorities (Standing Orders) (England) Regulations 2001 regulate the involvement of councillors in decisions relating to the appointment of staff. The Regulations apply only to England.

The officers to be appointed by members are defined within the Officer Employment Procedure Rules ((Part 4) of the Constitution) as those officers detailed within Article 12 of the Constitution. At present these officers are defined as the Chief Executive, Deputy Chief Executive and Heads of Service.

The Council's Constitution sets out the procedure for the recruitment of senior officers (Officer Employment Procedure Rules). Members will not be involved with recruitment of officers below Heads of Service level.

In addition the authority must approve the appointment of the head of paid service (Chief Executive). In this instance the Employment Committee conduct the interview process as set out above with the exception that they will recommend to Council the appointment of an individual to this post. Council must take the decision on who is appointed to this post.

Special provisions for councils operating executive arrangements

A number of special provisions apply to authorities operating leader and cabinet executive or mayor and cabinet executive constitutions.

Committees making an appointment

If a committee comprising members is making an appointment, there must be at least one member of the executive on the committee.

Opportunity for members of the executive to raise objections to a proposed appointment

The Regulations also provide that there must be an opportunity for members of the executive to raise objections to the appointment of a senior officer.

In such cases, the person or body who is 'discharging the function of' appointment (the 'appointer') must notify the proper officer (this is the person appointed to perform this function) of the person whom it is proposed to appoint and any other particulars relevant to the appointment. The proper officer then:

- Notifies every member of the executive of the proposals;
- Gives them a specified period within which the leader (in a leader and cabinet executive) may advise the proper officer of any objection on the part of the executive to the proposed appointment.

The offer of appointment can only be made if:

- The leader has informed the proper officer that neither s/he nor the members of the executive have any objection to the offer of appointment; or
- There has been objection from the leader or a member of the executive, but the appointer is satisfied that the objection is not material or is not well founded.

Regulations governing external appointments

The Local Authorities (Standing Orders) Regulations 1993 regulate the appointment of the head of paid service, chief officers (statutory and non-statutory), political assistants and mayors' assistants where a post is to be advertised externally. The Regulations require that the authority must draw up a statement specifying the duties of the post and a person specification. This should be sent to any person on request. The authority must also advertise the post in such a way that it would be brought to the attention of people qualified to apply for it. If no qualified candidates apply, the post must be re-advertised in the same way. The authority must either interview all applicants or shortlist and interview the shortlisted applicants.

The authority can delegate any of the above processes, including the actual appointment, to a committee or sub-committee. A chief officer may also be delegated to draw up the job description and person specification and to advertise and interview for the post, but cannot make an appointment.

Non-statutory chief officers, political assistants and mayor's assistants can be excluded from these provisions by the authority's standing orders.

Restrictions on the recruitment of councillors

Under section 116 of the Local Government Act 1972, a local authority cannot appoint as an employee in any capacity, any councillor who is currently a member of that authority or who had been a member in the previous 12 months.

However, in an authority operating executive arrangements under the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001, a councillor is not precluded from being appointed or elected to a position on the executive which may be described as paid office.

Politically restricted posts

Certain posts are 'politically restricted' which means that they are effectively prevented from having any active political role either in or outside the workplace. This not only debars post holders from holding political office but also restricts them from canvassing or from speaking in public or publishing a work which might give the impression that they are advocating support for a political party. An authority must hold a list of politically restricted posts.

The posts that are politically restricted fall into these categories:

- Specified posts – including head of paid service, chief officers and political assistants;

- Sensitive posts – this relates to the duties of the post that may be involved in giving advice or speaking to the media.

Apart from those in specified posts, a postholder can apply to an independent adjudicator to be exempted from the list, on the grounds, that they do not influence policy.

It is good practice to inform applicants to a post which is politically restricted that is the case. This may be a major influence on whether to apply for a job or not. For this reason it is better to include information in the applicant's pack so that a person who is not willing to give up their political activities does not waste the time of both themselves and the authority in applying for the post.

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