

Report to: Appointments and Conditions of Service Committee

Subject: Member training- recruitment and selection

Date: 15 March 2023

Author: Head of HR, Performance and Service Planning

1. PURPOSE OF REPORT

- 1.1 To offer general guidance in the form of a summary training/ briefing paper to Members in respect to recruitment and selection and to make recommendation that a more detailed training session be delivered post-election.

2. RECOMMENDATIONS

The Appointments and Conditions of Service Committee is recommended to:

- 2.1 Invite Members of the committee to review the summary training/ guidance paper at Appendix 1 at their convenience and to undertake the optional equality, diversity and inclusion training detailed within Appendix 2.
- 2.2 Ask that more detailed recruitment and selection training is delivered to the committee following the elections in May this year.

3. BACKGROUND

- 3.1 Public Sector bodies such as our Council are required in law to comply with “Public Sector Equality Duties” under the Equality Act. Part of these duties is to publish equality objectives at least every four years. The current Gedling Plan includes the objective to “ensure equality implications are considered as part of project development and decision making”.
- 3.2 In order to help comply with legislative requirements the Council produced an Equality Framework and Action Plan 2020/23 that was prepared with reference to the LGA Equality Framework for Local Government 2020 which is intended to help Councils:
- deliver accessible and responsive services to customers and residents in their communities including those from protected characteristics;
 - employ a workforce that reflects the diversity of the area they are serving;
 - provide equality of opportunity for all staff; and
 - meet the requirements of the Public Sector Equality Duty.

- 3.3 Following the production of the Council's Equality Framework and Action Plan, at the end of 2021 the Equality Working Group comprising Members and Senior Leadership Team set out a timetable for delivery of specific tasks and targets.
- 3.4 Under the "Diverse and Engaged Workforce" theme of the Framework is the action to, "Ensure that Appointments and Conditions of Service Committee are trained in recruitment and selection (including unconscious bias)". This action is to be delivered during the year 2022/23.
- 3.5 A training/ briefing paper is attached at Appendix 1 which outlines the main processes and key aspects of recruitment and selection relevant to this committee and also briefly covers the issue of unconscious bias in selection decisions.
- 3.6 Additional background training in equality, diversity and inclusion that also covers unconscious bias in more detail is already offered more generally to Members and details of how to access this are shown at Appendix 2.

4. PROPOSAL

4.1 The proposal then is to:

- 4.1.1 Offer the opportunity to Members of this committee to review the summary training/ guidance paper at Appendix 1 at their convenience and to undertake the optional equality, diversity and inclusion training detailed within Appendix 2.
- 4.1.2 Invite the committee to ask for a more detailed recruitment and selection training session to be delivered to the committee following the elections in May this year.

5. ALTERNATIVE OPTIONS

- 5.1 Members of the committee could elect to not undertake any training either through the training/ briefing note, on-line equality material or the proposed future training session although this would be counter to the recommended action detailed in the Council's Equality Framework document and would also potentially put the Members who did not attend at higher risk of breaching our internal recruitment and selection procedures and possibly legislation covered by the Equality Act.

6. LEGAL IMPLICATIONS

- 6.1 There is a legal requirement to comply with the Equality Act 2010 and although training in recruitment and selection for officers or Members is not compulsory under the Act, participating in training does reduce the likelihood that legislation might be breached.

7. FINANCIAL IMPLICATIONS

7.1 There are no direct financial implications arising from this report and the costs of any training associated with the recommendation would be met from existing budgets.

8. EQUALITIES IMPLICATIONS

8.1 An Equality Impact Assessment has been completed and is shown at Appendix 3. There is overall positive impact arising from the proposals both in terms of complying with external legislation and also ensuring the fairness in the application of internal processes.

9. CARBON REDUCTION/ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

9.1 No environmental sustainability implications are identified.

10. APPENDICES

Appendix 1: Training/ briefing paper- recruitment and selection

Appendix 2: Details of Member access to equality, diversity and inclusion training

Appendix 3: Equality Impact Assessment

11. BACKGROUND PAPERS

There are no additional background papers

Statutory Officer approval

Approved by:

Chief Financial Officer

Date:

Approved by:

Monitoring Officer

Date:

16 February 2023

Training/ briefing paper

Recruitment and Selection by the Appointments and Conditions of Service Committee (ACSC)

Recruitment “on merit” and the legal context

Under the Local Government and Housing Act 1989, s.7, local authorities are obliged to make all appointments to a paid office or employment “on merit”.

This obligation is also qualified by the provisions in the Equality Act 2010, which permit an employer to specify that a job holder must possess a particular protected characteristic (in certain limited circumstances) and which allow employers to take certain forms of positive action in order to increase the number of people with a particular protected characteristic in their employment where people with that characteristic have been under-represented, have different needs or have historically been at a disadvantage.

For us for example, we are recognised as a Disability Confident Employer and display this logo on all of our job adverts. One practical measure we take to support this recognition is to offer interviews to all candidates who meet the essential criteria of a job.



Information to be obtained from job applicants

Good practice and legal compliance issues require the Council to make a statement about potential inappropriate influence. Our statement is,

“The Council requires candidates for appointment as officers to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or senior officer of the Council, or of the partner of such persons. The authority of the Chief Executive will be required to appoint a candidate so related to a councillor or senior officer. Any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified.”

Politically restricted posts

Certain posts within local authorities are designated as “politically restricted” under the Local Government and Housing Act 1989. Employees appointed to these posts have special conditions attached to their contracts and are disqualified from being a member of any local authority (excluding a town, parish or community council), a Member of Parliament, Member of the European Parliament, Scottish Parliament or Welsh Assembly. All appointments made by this committee will be deemed as politically restricted in law as they are Chief Officer appointments.

Legislation Affecting Senior Employees

There are general rules that are reflected in our constitution

Local authority employers are required to follow specific legislation when recruiting and appointing to posts at deputy chief officer and above. These are set out in the Local Authorities (Standing Orders) (England) Regulations 2001, known as the “mandatory standing orders regulations”, which set out specific requirements in relation to the recruitment and appointment of the head of paid service (usually the chief executive), chief officers and deputy chief officers. These include a requirement to draw up job descriptions and person specifications.

Where the council proposes to appoint a head of paid service, chief officer or deputy chief officer, within the meaning of the Local Authorities (Standing Orders) Regulations 1993 (SI 1993 No. 202), and it is not proposed that the appointment be made exclusively from among their existing officers, the council must draw up a statement specifying:

- the duties of the officer concerned (at Gedling this is a job description)
- any qualifications or qualities to be sought in the person to be appointed (at Gedling this is a person specification)
- make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it (at Gedling this is the job advert)
- make arrangements for a copy of the statement to be sent to any person on request.

Where a post has been advertised as provided for in the mandatory standing orders regulations, the authority shall:

- select a shortlist of such qualified applicants and interview those included on the shortlist.
- Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order.

This statement is included in our Constitution.

Authority to appoint

The authority to appoint most Chief Officers lies with the Appointments and Conditions of Service Committee subject to there being no material objection raised by the Executive.

Appointment of the Chief executive and Head of Paid Service is approved by Full Council on recommendation by the ACSC.

Local process

A meeting of the ACSC will be called when there is a Chief Officer post that is to be filled.

At the first meeting, the committee will determine:

- Whether the current job description and person specification are fit for purpose
- An indicative timetable for the recruitment and selection exercise

- Whether the whole committee should deal with all aspects of the recruitment and selection exercise or if a sub-group should be determined as an expedient measure to progress operational issues. It is often the case that a sub-group is established by the committee. This sub-group will meet outside committee to:

- Agree advert text
- Set questions appropriate to the person specification. It is the person specification that defines the list of criteria against which candidates are assessed to determine which is the most suited (qualified and experienced) to the post.
- Shortlist for interview (often an initial suggested long and short list is suggested by a senior officer and HR to help inform the decision of the sub-group)

- Interviews will be conducted by the whole committee and a formal decision to appoint (or recommend appointment if the decision lies with Council for the Head of Paid Service) is made.

Equality issues

In many ways appointment of senior officers is no different to any other member of staff. The same general legislation applies and the requirements in law for the decision to be fair from an equalities perspective are no different.

It is important not to make a decision based on personal bias or preference. This is called unconscious bias. There can be a temptation to appoint “people like us” rather than to conduct the exercise objectively and to appoint against compliance with the person specification.

Unconscious bias might include forming an opinion about someone and their ability to do a job because of race, gender, appearance, religion, disability, sexuality, social background, their football team, friendships, current job or accent. The list goes on.

These influences can be particularly damaging when it comes to the recruitment, promotion and performance management of employees. Talented workers may be overlooked in favour of those who share their own characteristics or views. It may also be the case that decisions are made outside of internal process or legislation which may lead to challenge either through our own processes or through external bodies such as Employment Tribunals.

Unconscious bias is something that we can't simply 'switch off'. It's a natural part of the way our mind works. Instead it's up to us to acknowledge these biases and challenge them.

For more background, see Appendix 2 of this report that gives a link to our internal equality, diversity and inclusion on-line training that is designed to be enjoyable and informative.

From: Emma McGinlay
Sent: Monday, 7 November 2022 1:25 PM
To: ElectedMembers <ElectedMembers@gedling.gov.uk>
Cc: Andrea Snodin <Andrea.Snodin@gedling.gov.uk>
Subject: Message to members from Cllr Viv McCrossen - Equality & Diversity training

Dear Councillors,

Officers have been rolling out a new e-learning module “Focus on...Equality & Diversity Training” to all staff and the feedback so far has been fantastic.

At the meeting of the Strategic Equality and Diversity Group on 3 November, it was agreed that Councillors may find the training beneficial. As such, I would like to offer this module to all Councillors and I invite you all to complete the training now.

The link below will allow you to register your email and set up an account:

<https://digitallearning.meritec.co.uk/Register/gedlingboroughcouncil5687426>

If you get a “department” prompt, please ignore this as we do not restrict access to courses by department, everyone has full access to all the courses we have on the platform at the moment. You will also see other training such as Fraud Awareness and Mental Wellbeing is available on the platform, which members are also encouraged to complete.

Finally, a couple of employees have had a problem with their firewall on their laptops. At the end of the training it didn't allow them to click complete. If you encounter this problem, please let Andrea Snodin know (copied into this email) and she will talk you through the process to clear this.

Thank you for your participation!

Cllr Viv McCrossen
Portfolio holder for Young People and Equalities

Equality Impact Assessment



Name of project, policy, function, service or proposal being assessed:		Delivery of recruitment and selection training to Members of the Appointments and Conditions of Service Committee			
The main objective of (please insert the name of accessed document stated above):		To train Members to make selections decisions that are fair in law in relation to the Equality Act 2010.			
<p>What impact will this (please insert the name) have on the following groups? Please note that you should consider both external and internal impact:</p> <ul style="list-style-type: none"> • External (e.g. stakeholders, residents, local businesses etc.) • Internal (staff) 					
Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments
<u>Gender</u>	External		x		
	Internal		x		
<u>Gender Reassignment</u>	External		x		
	Internal		x		
<u>Age</u>	External		x		
	Internal		x		

<u>Marriage and civil partnership</u>	External		x		
	Internal		x		
<u>Disability</u>	External		x		
	Internal		x		
<u>Race & Ethnicity</u>	External		x		
	Internal		x		
<u>Sexual Orientation</u>	External		x		
	Internal		x		
<u>Religion or Belief (or no Belief)</u>	External		x		
	Internal		x		
<u>Pregnancy & Maternity</u>	External		x		
	Internal		x		
<u>Other Groups</u> (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.) Please state the group/s: _____ _____	External		x		
	Internal		x		

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?	Yes		Positive impact – greater compliance with internal policy and legislation (Equality Act (2010))
Is there an opportunity to mitigate or alleviate any such impacts?	Yes	No	Comment
Are there any gaps in information available (e.g.	Yes	No	Comment

evidence) so that a complete assessment of different impacts is not possible?			
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:			
Planned Actions	Timeframe	Success Measure	Responsible Officer

Authorisation and Review

Completing Officer	David Archer
Authorising Head of Service/Director	David Archer
Date	14 February 2023
Review date (if applicable)	