

EDUCATION COMMITTEE - 27 AUGUST 1996

PERSONNEL AND PROPERTY SERVICES COMMITTEE - 3 SEPTEMBER 1996

COSLA DRAFT CODE OF CONDUCT ON RECRUITMENT AND SELECTION

REPORT BY THE DIRECTOR OF PERSONNEL

ABSTRACT

This report advises the Committee of a Draft Code of Conduct on Recruitment and Selection issued by COSLA and seeks its approval of the Director of Personnel's comments on this Draft for submission to COSLA.

1 RECOMMENDATION

It is recommended that:

- i the Personnel and Property Services Committee approve the Director of Personnel's comments on COSLA's Draft Code of Conduct on Recruitment and Selection for submission to COSLA, and
- ii the Education Committee note the contents of this report for its interest.

2 INTRODUCTION

In the letter of 3 July 1996 (copy attached at Appendix 1) COSLA sought comments on a Draft Code of Conduct on Recruitment and Selection. This Code is the result of a recommendation by the Task Force on Conduct of Local Government in Scotland. The Draft Code and Director of Personnel's comments which are attached as Appendices 2 and 3 have been considered by the Council's Chief Officers Management Team which agreed the proposed comments.

The principles set out in the Code largely reflect current practice within this Council and are consistent with the principles and the general statement of recruitment policy which were approved by this Committee at its meeting of 20 March 1996.

COSLA's letter requests comments by 31 August 1996. However COSLA have indicated that they would accept the Council's comments following this meeting in order that members may have an opportunity to agree the submission.

3 CONSULTATION

The Chief Executive, Director of Law and Administration, Director of Education and Director of Finance have been consulted on the terms of this report.

Janice Torbet
Director of Personnel
August 1996
KR

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), except those contained as appendices, were relied on to any material extent in preparing this report.



3 July 1996

Your Ref:

To:

Our Ref: P/3/5-ZT/EAH

See attached list

Dear Colleague

COSLA DRAFT CODE OF CONDUCT - RECRUITMENT AND SELECTION

The report of the Task Force on Conduct of Local Government in Scotland, published in 1995, recommended that a Scottish Code for the appointment of staff be prepared. This was endorsed by COSLA who agreed to undertake the preparation of a Code.

The draft Code (copy attached) was prepared by a small working group, the membership of which is attached as Annex 1. The Code provides councils with a standard set of principles on which all recruitment and selection procedures should be based. In addition, COSLA intends to issue a guide of best practice on recruitment and selection procedures in the future which will complement the Code.

COSLA would welcome the views of your organisation on the draft Code by 31 August 1996. A list of organisations which are also being consulted is attached as Annex 2 for your interest.

Yours sincerely



Douglas Sinclair
Chief Executive

Enc

WHEN CALLING PLEASE ASK FOR: Zoe Thomson (0131-474 9273)

**Code of Conduct
Recruitment and
Selection**

CONTENTS

Introduction	3
Legislation	4
Equal Opportunities	4
The Recruitment Panel	4
Job Outline	5
Person Specification	5
Advertising	5
Application Forms	6
Communication with Applicants	6
Short Listing, Interviewing and Selection Procedures	7
References	7
Criminal Conviction Declaration	7
Medical Screening	7
Validation of Qualifications	8
Confidentiality	8
Standardised Procedures	8
Using External Recruitment Organisations/Assessors	8
Complaints Procedure	8
Post-Interview Feedback	8
Appendix	9

INTRODUCTION

Background

The public is entitled to expect the highest standards of conduct of employees who work in local government and of elected members. The report of the Task Force on Conduct of Local Government in Scotland, published in 1995, recommended that a Scottish Code for the Appointment of staff be prepared. COSLA agreed to undertake the preparation of a Code which would provide local authorities with a standard set of principles on which all recruitment and selection procedures should be based. It was further agreed to provide a Code which would be supported by the various professional personnel bodies and the Equal Opportunities and Racial Equality Commissions.

Status of Code

The Code seeks to set out the principles that should apply in promoting fairness consistency and equality of opportunity in all recruitment and selection procedures by local authorities in Scotland. It is not intended that the Code replaces local recruitment and selection policies but it is expected that these policies will be built on the principles contained within the Code. The aim of the Code is to set standards which should ensure that the utmost probity and highest professional standards are applied to the recruitment and selection of all local government employees in Scotland.

LEGISLATION

Local authorities must take account of current legislation throughout the recruitment and selection process. The main acts to which reference should be made are listed as an appendix.

EQUAL OPPORTUNITIES

Councils must have a written Equal Opportunities Policy which includes all recruitment and selection procedures and which ensures fair and equitable treatment for all applicants for employment.

Councils must have a written policy on recruitment and selection which incorporates the principles included in this Code.

Councils are strongly advised to monitor all applicants on the basis of sex, ethnic origin, marital status and disability.

All appointments made must be on the basis of merit.

THE RECRUITMENT PANEL

All participants must be trained in recruitment and selection techniques and should be aware of all the relevant employment legislation that must be complied with.

The size of the panel will be determined by the nature and grade of the post but the panel must comprise at least two people.

Elected Members generally will not be involved in the recruitment process for posts below Chief Officer/senior promoted staff in schools.

Once the panel membership has been decided, a timetable for the whole process of appointment should be agreed in order that all panel members are involved throughout the entire recruitment and selection process.

Generally it should be the rule that panel members be the same group throughout the process. Any necessary deviation from this must be carefully scrutinised by a senior

management officer or appropriate senior elected member.

JOB OUTLINE

An up to date job outline must be available before the post is advertised.

The job outline is a statement of the purpose of the job and must accurately reflect the main duties and responsibilities of the job. It must not contain unnecessary and unjustifiable conditions or requirements.

PERSON SPECIFICATION

A person specification must be drawn up for each post using the information contained within the job outline. The person specification is in essence the translation of the requirements of a post into the personal qualities and skills required to do the work of the post.

The person specification will be used to provide information for the short listing of candidates for interview and on which to base any other techniques for assessing candidates. It will also provide the criteria against which candidates must be evaluated.

Educational and training requirements must not exceed the minimum requirements for satisfactory performance of the job.

The setting of the criteria covering personal qualities and circumstances must be justifiable in terms of the requirements of the post and be applied to all applicants.

ADVERTISING

All vacancies, other than those which are to be filled by redeployment for which agreed procedures and arrangements must be in place, should be formally advertised - internally or externally.

All Chief Officer posts must be advertised nationally.

The advertisement must accurately reflect the

APPLICATION FORMS

job outline and person specification and must not contain any generalised requirements which are not contained in the specification.

The advertising process will be determined in part by the level and nature of the post however whichever method of advertisement is selected it must adhere to the principle of equality of access to all posts for all who are interested.

Authorities must use application forms to standardise the information available from all job applicants, ensure the required information is obtained and to assist in the evaluation of applicants.

Personal data including forenames and former names, sex, marital status, nationality and ethnic origin should not be sought in the application form. This type of personal data may be sought on a separate document for the purposes of equal opportunities monitoring only and this must be made clear to all applicants. The information obtained must not be made available to the recruitment panel members.

Any initial screening of applications by personnel or administration staff must be closely controlled and monitored by senior managers.

Application forms must state clearly whether references will be used, what type is required ie personal or work based, and at what stage of the recruitment process they will be taken up.

COMMUNICATION WITH APPLICANTS

Receipt of all application forms must be acknowledged.

Applicants must be informed of whether or not they have been selected for interview.

Sensible timetables must be set for the recruitment process and applicants informed of the interview process, test procedures where applicable, and the timescale of the recruitment process and appointment procedure.

**SHORT-LISTING, INTERVIEWING
& SELECTION PROCEDURES**

All applicants interviewed must be notified of the outcome as soon as possible after the interview and this must be confirmed in writing as soon as practicable.

The short listing must be carried out by the panel members who will conduct the interview.

All interviews must be conducted in a fair and consistent manner and must be structured and systematic.

The candidates must be evaluated against the criteria in the job outline and person specification and not against each other.

Where some form of selection testing is used this must be properly validated, must be appropriate to the post to be filled and must only be applied by or under the guidance of suitably trained and qualified specialists whether internally or externally employed.

REFERENCES

Where references are sought a copy of the job outline/person specification should be sent to referees in order that they may make informed comment on the appropriateness of the candidate for the job.

An indication must be sought from applicants as to whether references may be sought prior to interview.

Information obtained through references must be treated as confidential.

**CRIMINAL CONVICTION
DECLARATION**

Councils must adopt a procedure to deal with declarations of criminal convictions from candidates for selection.

MEDICAL SCREENING

Councils should adopt procedures to deal with the medical screening of successful candidates.

The requirements of the Access to Medical Reports Act 1988 must be observed at all times.

VALIDATION OF QUALIFICATIONS	Qualifications which are required for an appointment must be checked and validated.
CONFIDENTIALITY	All information on applicants must be treated in confidence and restricted to those members and officers involved directly in the recruitment process and its administration.
STANDARDISED PROCEDURES	A standardised method of recording the recruitment and selection process and decisions must be developed and the documentation should be retained for at least 6 months.
USING EXTERNAL RECRUITMENT ORGANISATIONS/ASSESSORS	Where an external recruitment organisation or external assessors are used, they must adhere to the terms of this Code and to the recruitment and selection policies of the client council.
COMPLAINTS PROCEDURE	Councils must establish and maintain procedures to deal with complaints from both internal and external applicants.
POST-INTERVIEW FEEDBACK	Councils should have a procedure for dealing with requests for feedback from unsuccessful applicants.

Legislation

The main acts to which reference should be made are:

Equal Pay Act 1970 (as amended)

Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975

Sex Discrimination Act 1975 and 1986

Race Relations Act 1976

Equal Pay (Amendment) Regulations 1983

Schools Board Act 1988

Access to Medical Report Acts 1988

Local Government and Housing Act 1989

Employment Act 1990

Trade Union and Labour Relations (Consolidation) Act 1992

Disability Discrimination Act 1995

MEMBERSHIP OF WORKING GROUP

John Baxter (former Director of Personnel, Strathclyde Regional Council)

Gerry Killin (Head of Operational Development, South Lanarkshire Council)

Janice Torbet (Director of Personnel, Angus Council)

Ted Davison (Local Government Staff Commission [Scotland]) (observer)

Zoe Thomson (Personnel Officer, COSLA)

CONSULTATIVE LIST

Chief Executives of Councils

Association of Metropolitan Authorities

Association of County Councils

Association of District Councils

Association of Local Authorities in Northern Ireland

Local Government Management Board

Society of Directors of Personnel in Scotland

Institute of Personnel and Development

Equal Opportunities Commission, Scotland

Commission for Racial Equality

STUC

UNISON

TGWU

GMBU

EIS

ANGUS COUNCIL

COMMENTS ON COSLA CODE OF CONDUCT ON RECRUITMENT AND SELECTION

Introduction

There are comments only where it is felt that the Code would benefit from clarification or amendment. Otherwise it is felt that the Code represents sound and sensible practice.

Equal Opportunities

The requirements regarding policies on Equal Opportunities and Recruitment/Selection are reasonable. Angus Council has approved statements of intent/general principles in both areas and these will be followed up by full policy statements.

Monitoring is an essential element of successful Equal Opportunities practice. However gathering data is an extremely labour intensive activity. Arguably it is equally as effective to monitor on a sampling basis rather than universally and this would be the preferred approach. It is significant that the Code "strongly advises" rather than prescribes all-inclusive monitoring.

The Recruitment Panel

It would be helpful if the Code suggested a maximum as well as a minimum panel size. Excluding Committee appointments, there is generally no merit in such a panel comprising of more than three people.

In respect of elected member involvement, the Code does not define "Chief Officers". Does it mean Heads of Department, all Officers on JNC Conditions or what?

Angus Council's standing orders require appointment by Committee for 1st and 2nd tier posts only. While it might be argued that this should be restricted to Chief Officials giving them discretion to appoint all the staff for whose actions they will be accountable, the Council's approach is reasonable.

In respect of teaching appointments the term "senior promoted staff in schools" should be more clearly specified as "Head Teachers, Depute and Assistant Head Teachers, in accordance with the requirements of the School Boards (Scotland) Act 1988".

The Code would benefit from firmer and clearer advice in respect of elected member involvement.

The requirement to set a timetable for the Recruitment and Selection process at the outset is very good practice.

The Code states that the same panel members should be involved throughout the process, which is good practice. It then suggests that there might be a deviation from this. There should be no such deviation.

Job Outlines/Person Specification

The principles regarding the use of job outlines/descriptions and person specifications are sound. However throughout these sections there is a looseness in terms. A job outline/description is a statement of a job's duties and responsibilities and a person specification is a statement of the attributes required of an individual to carry out these duties and responsibilities. This is not always clear in these sections and needs to be made so.

Advertising

The acknowledgement that jobs may be advertised internally or externally subject to local circumstances is welcomed and is one of the principles approved within this Council.

There are again in this section problems of definition regarding Chief Officers and what is meant by "nationally". It should mean Scotland.

Application Forms

The third paragraph of this section refers to initial screening of applications. This is at odds with an earlier principle that the same people should be involved throughout selection and should be removed. There should be no initial screening.

References must be called as an integral part of the assessment/selection process. At the very least they assist checking the accuracy of information given by candidates.

Communication with applicants

The principles set out represent ideal practice but have considerable cost implications. To both acknowledge every application and then inform all applicants of the outcome of that application would be prohibitively expensive.

Authorities should be required to adopt procedures which ensure that applicants are aware within a reasonable time scale of the outcome of their application. This Council has introduced such mechanisms.

The requirements set out in the Code are impracticable.

Shortlisting etc

In the third paragraph of this section there is a reference to the evaluation against the job outline. This is not correct as an evaluation is against the person specification. However it is important to stress that candidates are evaluated against that document rather than against each other.

While the Code acknowledges that some form of selection testing may be used, this seems to be a specific reference to psychometric testing. The Code would benefit from pointing up the potential weaknesses of the interview as a selection tool, even when carried out in the manner it suggests, and recommending the use of further selection methods.

The interview is and will continue to be the primary selection method. However it should be supplemented by such measures as aptitude testing, job simulation exercises, submission of reports and, where appropriate, psychometric testing.

The remainder of the Code represents good practice.

General Comments

With the provisos and reservations made above, the Code recommends the same principles which are followed by this Council and will form the basis of our Recruitment and Selection policies and procedures and the training which will be introduced for those involved in those processes.

