



MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 3 JULY, 2013
TIME : 1.00 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors M Alexander, L Haysey, A Jackson and J Thornton

Substitutes:

Conservative

J Ranger

Group of Independents:

STAFF SIDE - UNISON

Mrs B Dodkins, Mr S Ellis and Mr A Stevenson (one vacancy)

Substitutes: S Gray and J Francis

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA

1. Appointment of Chairman and Vice Chairman (Pages 5 - 8)

To appoint a Chairman and Vice Chairman. Please see the powers and duties of the LJP extracted from the Council's Constitution.

2. Apologies

To receive apologies for absence.

3. Minutes (Pages 9 - 14)

To confirm the Minutes of the meeting held on 19 February 2013.

4. Chairman's Announcements

5. Declarations of Interest

To receive any member's Declarations of Interest and Party Whip arrangements.

6. Reports by Secretary to the Employer's Side

(A) Recruitment Policy (Pages 15 - 36)

(B) Employing and Managing People with Disabilities (Pages 37 - 52)

7. Reports by Secretary to the Staff Side

8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

Extract from the Council's Constitution – Updated May 2013

LOCAL JOINT PANEL

(Comprising 4 Members of the Council and 4 representatives of employees drawn from the constituent trade union (currently UNISON), with substitutes)

CONSTITUTION, POWERS AND DUTIES

1. Title

The Committee shall be called the “Local Joint Panel”.

2. Representation

The Local Joint Panel shall comprise of the 4 Members of East Herts Council to be appointed annually by the Local Authority and an equal number of employee representatives.

Named substitute members may be appointed by the employee side, to attend meetings of the Local Joint Panel in the absence of a member thereof provided prior notice is given to the Head of Democratic and Legal Support Services.

If a member of the Local Joint Panel ceases to be a member or employee of the Local Authority he/she shall thereupon cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Local Authority, the organisation or the combination of organisations concerned.

3. Chairman

A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed be a member of the Local Authority, the Vice-Chairman shall be appointed from the employee side, and vice versa. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.

4. Officers

The Head of People and Organisational Development of the Local Authority shall act as Secretary to the Employer's Side.

5. Functions

The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the Local Authority and its employees on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise. No question of an individual's discipline, promotion, or efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a Committee of the Local Authority, or by any of the employee organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable Committee of the Local Authority as to the application of the terms and conditions of service and the education and training of employees of the Authority;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by the Employee Associations or by a Committee of the Local Authority.

6. Rules and Regulations

- (a) The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.

(b) The quorum of the Local Joint Panel shall be two representatives of each side.

(c) Either side will have the right to co-opt, in a consultative capacity, representatives of particular sections affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.

(d) Either side shall arrange for the attendance in an advisory capacity of an Officer or Trade Union Official at any Panel meeting where it would be helpful to the business under discussion.

(e) Attendances at (c) and (d) shall be notified in advance to the Head of People and Organisational Development in their capacity as Secretary to the Employer's Side.

(f) No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should either be referred:

(i) to an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or

(ii) to the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.

The decisions of the bodies referred to above will be binding on both sides.

(g) The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council Meeting, but before submission,

the Minutes shall be approved by the Head of Human Resources acting as Secretary to the Local Joint Panel and the person nominated by the staff side to act as its Secretary.

MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 19 FEBRUARY
2013, AT 2.30 PM

PRESENT: **Employer's Side**

Councillor Mike Wood (Chairman)
Councillors M Alexander and J Ranger

Staff Side (UNISON)

Mr S Ellis and Mr A Stevenson

OFFICERS IN ATTENDANCE:

Glenda Bennett	- Interim Head of People and Property
Lorraine Blackburn	- Democratic Services Officer
Adele Taylor	- Director of Finance and Support Services

11 **MATERNITY AND PATERNITY POLICY**

The Secretary to the Employer's Side submitted a report updating the Maternity, Paternity and Adoption Leave Policy to bring this in line with legislation and best practice. The Acting Head of People Services drew Members' attention to the key changes to the report in relation to Paternity Leave, Adoption Leave, Maternity timelines and "Keeping in Touch" (KIT) days, the detail of which was set out in Essential Reference Paper "B" of the report now submitted.

The Panel supported the revised Policy, as submitted.

RECOMMENDED – that the revised Maternity, Paternity and Adoption Policy, as submitted, be approved.

12 **OFFICERS' CODE OF CONDUCT**

The Secretary to the Employer's Side submitted a report outlining revisions to the Officers' Code of Conduct and standards of behaviour. The Acting Head of People Services outlined the key changes to the report, including the use, by employees, of social media, IT facilities and personal mobile phones. She referred to the use of social media sites and the need to protect the Council's reputation.

Councillor J Ranger referred to the monetary value in relation to hospitality and the receipt of gifts. He suggested that this should be brought in line with Members' allowances of £25. This was supported.

Councillor M Alexander referred to the ICE (In Case of Emergency) facility on mobile phones and suggested that all employees who worked remotely or went out on site, be encouraged to make use of this emergency contact facility. The Acting Head of People Services undertook to review this issue in relation to remote working policies.

The Panel supported the revised Policy, as amended in relation to the hospitality /gift allowance.

RECOMMENDED – that the Officers' Code of Conduct, as now amended, be approved.

13 **DISCLOSURE AND BARRING SERVICE POLICY**

The Secretary to the Employer's Side submitted a report outlining revisions to the former policy "Managing the Criminal Record Bureau Process" following the merger of the Criminal Records Bureau (CRB) Service and the Independent Safety Authority (ISA) on 1 December 2012 into the Disclosure and Barring Services (DBS).

The Acting Head of People Services outlined the key changes to the new policy, the detail of which was set out in the report now submitted and Essential Reference Paper “B”. The policy and guidelines ensured that the Council was compliant with the new process and the Disclosure and Barring Services’ Codes of Practice and also the Protection of Freedoms Act 2012. A new Recruitment of Ex-Offenders Policy had also been incorporated within the new policy.

The Acting Head of People Services summarised the introduction and application of the new Recruitment of Ex-Offenders Policy within the Council. She anticipated that there would be a need to refresh the Council’s Recruitment and Selection Policy in the light of this new arrangement and undertook to review this for consideration at the next meeting of the Local Joint Panel.

In response to a query from Councillor J Ranger the Acting Head of People Services explained how checks would be carried out from a licensing viewpoint.

The Panel supported the Disclosure and Barring Service Policy, as now submitted.

RECOMMENDED – that the Disclosure and Barring Service Policy and the Recruitment of Ex-Offenders Policy, as now submitted, be approved.

14 **SOCIAL MEDIA POLICY**

The Chief Executive and Director of Customer and Community Services submitted a report which established a policy aimed at providing guidance on the personal and business use (on behalf of the Council) of social media.

The Acting Head of People Services summarised the content of the report, the detail of which was set out in the report now submitted and Essential Reference Paper “B”. Of particular concern was the use of social media,

(which could be used unwittingly), by employees outside of work to bring the Council into disrepute and of the need to manage social media usage.

Councillor M Alexander referred to the dangers of “tweeting” and the need to think before comments were added as these could be considered as an endorsement of comments which might have been mentioned earlier in a “tweet”. In response to a query from Councillor M Alexander regarding employees who might have left the Council’s employment, the Acting Head of People Services stated that the policy only covered those individuals who were currently within the Council’s employment.

Councillor M Alexander referred to the Members’ Code of Conduct, currently under review and suggested that both the Members’ Code and Employees’ Code should be in line with one another as anything else could be considered divisive. The Director of Finance and Support Service undertook to discuss this with the Director of Neighbourhood Services charged with undertaking the review of the Members’ Code of Conduct.

The Panel supported the Social Media Use Policy, as now submitted.

RECOMMENDED – that the Social Media Use Policy, as now submitted, be approved.

15 APOLOGIES

Apologies for absence were received from Councillors L Haysey and A Jackson (Employer’s Side) and Jenny Francis and Jane Sharp (Staff Side).

16 MINUTES

RESOLVED – that the Minutes of the meeting held on 13 June 2012 be approved as a correct record and signed by the Chairman.

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Adele Taylor, Director of Finance and Support Services, Glenda Bennett, Acting Head of People Services and Steve Ellis, Interim Branch Secretary (Staff Side) to the meeting.

The meeting closed at 3.05 pm

Chairman
Date

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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 3 JULY 2013

HUMAN RESOURCES COMMITTEE - 3 JULY 2013

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE OFFICER

RECRUITMENT POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Recruitment Policy. This was approved by Corporate Management Team (CMT) on 14 May 2013.

<u>RECOMMENDATION FOR LOCAL JOINT PANEL:</u>	
That:	
(A)	The revised Recruitment Policy be recommended for approval.
<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:</u>	
That:	
(A)	The revised Recruitment Policy be approved.

1.0 Background

1.1 The Council's programme of policy review is after two years or sooner in line with legislation and best practice.

2.0 Report

2.1 **Key changes**

2.2 The policy has been updated to reflect changes to legislation, including those in the Equality Act 2010, the Disclosure and Barring Service (formally the CRB service), and the Immigration, Asylum and Nationality Act 2006.

- 2.3 The policy complies with the provisions in the NJC Green Book, the Equality Act 2010, the Protections of Freedoms Act 2012, and the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975)
- 2.4 The revised Recruitment Policy can be found attached at **Essential Reference Paper “B”** of the report now submitted.
- 3.0 Implications/Consultations
- 3.1 Consultation has taken place with UNISON and with managers. Unison have requested that we make it clear who the recruiter is: in all cases this is the manager who is recruiting.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	UNISON and Heads of Service have been consulted with and their feedback has been incorporated.
Legal:	None.
Financial:	None.
Human Resource:	As detailed in the report
Risk Management:	None.

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East Herts Council

Recruitment Policy

Policy Statement

**Policy Statement No 35 (Issue No 3)
May 2013**

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1.0 Introduction

1.1 The objective of recruitment and selection at East Herts Council is to fairly and consistently appoint the best person for the post.

1.2 Our recruitment processes are therefore:

- Based on fairness and equal opportunity to all candidates, and that East Herts Council adheres to current legislation and the Equality Act 2010 – Employment Statutory Code of Practice.
- Flexible to ensure that they can be updated
- To comply with the Equality Act 2010 East Herts Council’s recruitment process will not be discriminatory with regard to the protected characteristics of race, disability, gender, marriage and civil partnership, sexual orientation, age, gender reassignment, religion or belief.

2.0 Scope

2.1 East Herts recruitment procedures apply to all posts within the Council, excluding Chief Officers. The selection process will vary depending upon the post.

3.0 Principles

3.1 The recruitment process will be compliant with relevant recruitment legislation;

- Disclosure and Barring Service
- The Equality Act 2010
- Immigration, Asylum & Nationality Act 2006

and ensure that the Council is not put at risk.

Disclosure and Barring Service

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the

Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

Where the role is working with children or vulnerable adults an assessment will need to be carried out to determine if the role meets the definition of regulated activity as specified in the Protection of Freedoms Act 2012 and, if so, an enhanced DBS check with barred list check will need to be carried out. Further information on eligible positions is available in the Councils Disclosure and Barring Service Policy

The Equality Act, October 2010

This replaced all existing discrimination legislation and aimed to provide a simpler, more consistent and effective framework to enable employers to prevent discrimination and promote equality across ‘protected characteristics’. These are age, disability, race gender, pregnancy and maternity, religion or belief, sexual orientation, marriage and civil partnership and gender reassignment.

This applies to how the Authority;

- Advertises vacancies
- How we shortlist candidates
- How we interview candidates
- The terms and conditions of employment offered
- Offers training and development

Immigration Employers’ responsibility for avoiding illegal employment

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 which came into force on 29 February 2006. The law is in place to;

- Make it harder for people with no right to work in the UK to unlawfully gain or keep employment
- Make it easier for employers to ensure that they only employ people who are legally allowed to work for them;

- Strengthen the Government's controls on tackling illegal working by making it easier for the UK Border Agency to take action against employers who use illegal workers

Workers who can be employed without restriction

- British Citizens
- Commonwealth citizens with the right of abode
- Nationals from the Common Travel Area
- Nationals from the European Economic Area (EEA) countries (except for Romanian and Bulgarian nationals who have restrictions placed on them)
- Family members of adult nationals from EEA countries

The following are EEA countries; Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Irish Republic, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland

Employing workers from outside the European Economic Area (EEA)

If East Herts Council wishes to employ workers from outside the EEA they will need to be sponsored. The Council would need to be licensed to sponsor these types of workers. Please contact Human Resources for further information.

Points Based Immigration System

The new points system which was rolled out by the Home Office during 2008/9 has changed the way individuals from outside the EU and EEA can work, train or study in the UK. There are now five tiers. Please contact Human Resources for further information.

Recruiting managers must have sight in the first instance of the documentation at interview stage, through a passport, or residence permits, Further detail and guidance regarding combinations of accepted identification will be given by the relevant HR Officer.

Consequence

Failure to carry out checks and results in the Council knowingly employing an illegal worker. May lead to the recruiter facing up to two years imprisonment and/or an unlimited fine. In addition to this, the Council could be fined £10,000 for each illegal worker employed. The recruiter in all circumstances is the manager that is recruiting.

- 3.2 The Recruitment Policy should also be used in conjunction with other related Council Policy as appropriate;

Redeployment Policy

Disclosure and Barring Service Policy

Employing and Managing People with Disabilities

- 3.3 As part of the council’s approach to succession planning managers are requested to consider whether posts which become vacant would be suitable for trainees or apprentices recruiting. If so please contact the relevant HR officer who will assist in this process.
- 3.4 Most positions will be advertised internally first to encourage internal staff development. Any employees on the redeployment register will be notified of vacancies prior to the general advert and be given priority as set out in East Herts Council [Redeployment Policy](#). If it is identified that the necessary skills required for the role are unlikely to be met internally, the internal and external recruitment may run concurrently.
- 3.5 Non permanent vacancies, (for example maternity leave cover or back-filling of vacant hours) should be advertised internally first to give existing employees the opportunity to apply. These vacancies can be filled with fixed term contracts or secondments as applicable. For very short periods or where specific skills are needed it may be more appropriate to use temporary agency staff. See section 11 for more information.
- 3.6 Vacant posts will be advertised with a job description & person specification which have been evaluated in accordance with the Council’s job evaluation policy.

3.7 Applicants will complete application forms rather than submit CVs. Any CVs that are received will not be considered as part of the recruitment process.

4.0 Job Descriptions & Person Specifications

4.1 The line manager should consult with Human Resources when reviewing the job description and person specification to ensure consistency.

4.2 Before requesting authority to recruit, the line manager of the vacancy should review the current job description and person specification to ensure it is fit for purpose for the service now and the changing needs of the authority.

4.4 A copy of the job description and person specification should be sent to Human Resources. Human Resources should be notified if any substantial changes have been made to the Job Description. The job description may be subject to evaluation should any substantial changes be made. If this is the case the Job Evaluation must take place prior to submitting a recruitment request.

4.5 Job descriptions should be reviewed annually in line with the employee PDR process.

4.6 Should a post be graded at a higher grade the postholder will be placed at the lowest SCP of the new grade band, unless the grade overlaps then the postholder will move to the next SCP.

4.7 Selection will be measured and scored against the criteria for the person specification, it is therefore important to ensure this is suitable and up to date.

4.8 Line managers should assign ‘F(orm), I(nterview) or T(est)’ next to each criteria on the person specification; this will inform applicants how they will be assessed for each point. Managers need to split criteria into ‘essential’ and ‘desirable’ as this will support short listing.

5.0 The Recruitment Process

- 5.1 All recruitment is subject to approval by the Corporate Management Team (CMT). This includes permanent, temps, consultants, casual and secondment appointments.
- 5.2 After reviewing the job description and person specification, the recruiting manager (usually the line manager to the vacant position, or another senior manager) must complete a recruitment request form. This form details the business case to fill the vacancy, and outlines any advertising costs. Recruitment request forms must be submitted to CMT adhering to the usual timescales for CMT reports.
- 5.3 East Herts Council does not pay interview expenses unless there is a business need to attract candidates. This will need to be agreed at CMT as part of the request to recruit.
- 5.4 Following approval, the recruiting manager should send the approved recruitment request to Human Resources with the job description and person specification, vacancy details, advert Contractual hours & working arrangements, whether it is permanent, fixed term or a secondment and recruiting manager’s contact details and closing date).

6.0 Recruitment & advertising

6.1 Internal recruitment

- 6.1.1 Internal positions will be advertised on the staff intranet and via a weekly vacancy bulletin that is emailed by Human Resources.
- 6.1.2 The weekly vacancy bulletin is sent to Redeployees on Wednesday and all staff on a Thursday. Recruiting managers must send all the paperwork to HR by noon on Wednesday to ensure inclusion in the bulletin.
- 6.1.3 Positions are generally advertised internally for 2 weeks. In cases where internal recruitment is unlikely and the role needs to be filled quickly this may be reduced to one week.
- 6.1.4 Applicants will be required to complete an internal application form against the person specification and submit it to HR before the deadline. The internal application form is available on the HR pages of the intranet. Prospective applicants for secondments

should ensure they have their line manager's approval prior to submitting an application as per the Secondment Policy.

6.1.5 After the deadline, HR will email the recruiting manager with the application forms. The short listing grid, interview assessment sheets and statement of employee particulars will need to be completed by the recruiting manager, and are available to download from the Council's Intranet site. The recruiting manager should then proceed to the selection stages as detailed below.

6.1.6 Redeployees will be given priority and will be considered ahead of other internal candidates in accordance with East Herts Councils Redeployment Policy.

7.0 External recruitment

7.1. Should internal recruitment be unsuccessful the recruiting manager may proceed to external recruitment provided permission to do so was given by CMT at authorisation stage. In some cases CMT will agree to internal and external recruitment commencing simultaneously. The service will cover the cost of recruitment.

7.2 Recruiting managers must send the recruitment request form, job description and person specification and advert to HR to start the recruitment process.

7.3 Adverts must clearly state the following information;

- The grade and salary range + local weighting
- Service, team and location of the job
- Job title and reference number (usually the job number)
- Basic outline of the job role and key requirements
- Contractual hours and working arrangements
- Whether the position is permanent, fixed term, secondment etc.
- East Herts District Councils Logo/IIP Logo/ Disability two ticks symbol (all jobs)
- Contact details including email address
- Closing date

A basic advert template can be obtained from the Human Resources intranet pages.

- 7.4 HR will work with the recruiting manager to finalise the advert.
- 7.5 Applicants will be able to access information packs on the Council's website. Packs will include
- Job Description/Person Specification
 - Application Form and Guidance Notes on completing the form
 - Key terms and conditions for the post
 - Equalities Monitoring Form
- 7.6 After the deadline, HR will send the recruiting manager the application forms. Recruiting managers will also need to use shortlisting grids and interview assessments sheets. These are available on the Council's Intranet site.
- 7.7 The recruiting manager should now proceed to the selection stages detailed below.

8.0 Short listing & Interviews

- 8.1 Recruiting managers should follow the selection procedure detailed below for both internal and external recruitment.
- 8.2 Recruitment panels should be representative of gender and if possible, race, At least one member of the panel must be trained by the Council in recruitment and selection. The same panel that shortlists should be used to interview. The line manager for the vacant position should be part of the recruitment panel.
- 8.3 All stages of the selection process must be written and recorded, panel members should keep notes throughout. When the successful candidate is appointed, the panel should send their records to HR.

9.0 Equalities and Diversity

- 9.1 Under the Equality Act 2010 the Council has a duty to make reasonable changes for disabled applicants. These are known as 'reasonable adjustments'. Please see the Council's Policy on Employing and Managing People with Disabilities for further guidance.

- 9.2 East Herts Council is part of the Job Centre’s Disability Two Ticks Scheme. HR will inform recruiting managers if any applicants have indicated they wish to be considered under this scheme.
- 9.3 The Two Ticks Scheme applies to applicants that have a disability and have indicated on their monitoring form that they wish to be considered under the scheme. It guarantees that applicants will be invited to interview provided that they meet the essential criteria of the person specification.

10.0 Short listing

- 10.1 The recruitment panel will shortlist the applicants against the criteria detailed in the person specification. These will be the only criteria used in the selection process. The panel should use the short listing grid to record the scores of the applicants.
- 10.2 The panel should score applications 0-3 for each criteria of the person specification (Qualifications, Job Specific Skills, Team Working, Contacts, Service Delivery and Communication).
- 10.3 The scores equate to the following rating;
- | | | |
|---|---|---|
| 3 | = | Exceeds requirements of the person specification |
| 2 | = | Meets requirements of the person specification |
| 1 | = | Below requirements of the person specification |
| 0 | = | No evidence of requirements of the person specification |
- 10.4 After short listing, the panel should use the scores to select for interview. Recruiting managers should invite both internal and external applicants (a standard template letter is available on the Human Resources intranet pages).
- 10.5 When inviting to interview, applicants should be informed of the following details;
- Date, time, location and duration of the interview
 - Who will be on the panel
 - Arrangements for arrival at Council offices, i.e. who to ask for
 - The assessment methods, i.e. interview, tests

- To bring proof of their right to work in the UK and relevant qualifications
 - Whether they require any reasonable adjustments to be made.
- 10.6 The candidate must be asked to bring proof of their right to work in the UK and relevant qualifications (as stated on their application); copies should be taken before the interview takes place and securely retained by the recruiting manager until the appointment is made.
- 10.7 The panel should meet before the interview to discuss and finalise the questions that will be asked at interview. Questions should be designed to assess whether the candidate meets the requirements of the person specification. The panel should pay particular attention to whether the person specification identifies how criteria will be assessed using ‘F(orm), I(nterview), T(est)’.
- 10.8 The panel may wish to agree and write ‘model answers’ to their questions prior to interview, to help them to score and assess candidates.
- 10.9 If the panel are using tests to assess the candidates, it is good practice to do a ‘mock’ before the interview, ensure that the answers are written prior to marking and to decide the weighting the test will place on the overall decision to appoint.
- 10.10 HR can help panels to devise tests and assessments that are fit for purpose and will help to recruit the best candidate to the post.
- 10.11 Panels should ensure interviews and assessments run on time, and that candidates are given sufficient time to prepare, time to complete and breaks. Interviews should last between 40 minutes to an hour. It is advised that the maximum amount of interviews scheduled for one day is 6.
- 10.12 Every member of the panel should take notes during the interview and individually score the candidates to the following ratings;
- 5 = Exceeds specification
 - 4 = Fully matches specification
 - 3 = Matches specification well, with only slight discrepancies
 - 2 = Matches specification fairly well, but with weaknesses

in some aspects.

1 = Matches specification in some respects, but with important omissions.

0 = Does not match specification

10.13 An offer of appointment will be made to the candidate who scores the highest in interview and any tests if applicable. If none of the candidates meet the requirements of the role the panel is not obliged to offer the job. In this situation the recruiting manager should speak to HR to discuss the next steps for recruitment.

10.14 If the successful applicant declines the offer of appointment, the recruiting manager should consider offering the position to the person with the next highest score at interview stage. If there are no other suitable applicants the recruiting manager should seek advice from HR.

11.0 Selection & appointment process

11.1 When the panel has decided who to appoint to the post, the recruiting manager should contact the successful applicant and offer the appointment. They should inform the applicant that at this stage the offer is conditional on satisfactory reference, medical clearance and DBS check (if applicable), and that they should not hand in their notice to their current employer until HR have sent an unconditional offer of employment in writing. The recruiting manager should also discuss and agree the starting SCP and salary with the applicant.

11.2 Recruiting managers must then complete a statement of employee particulars (available on the intranet) detailing contractual entitlements and send to HR. Recruiting managers should check any details they are unsure of with HR, as this document will be used to write the appointee's terms and conditions. Recruiting managers must attach the successful candidate's application form, interview assessment sheets, copies of their right to work in the UK and qualifications to the statement of employee particulars. HR will check and send out the letter of appointment and the statement of particulars to ensure that the contract is correct.

11.3 Recruiting managers should inform both internal and external unsuccessful candidates (a standard letter is available on the Human Resources intranet pages). It is advised that unsuccessful

candidates should only be informed after the successful candidate has verbally accepted the offer of appointment. This will allow recruiting managers to offer the position to the next candidate should the first choice decline or withdraw their application.

- 11.4 The recruiting manager should retain their interview notes in order to provide feedback to any successful candidates for a few weeks. All selection paperwork must be sent to HR, including checks of the candidates' right to work in the UK and qualifications. HR will retain the paperwork for 1 year after the closing date and then destroy it as confidential waste.

12.0 Pre employment checks before making an offer

- 12.1 Offers of appointment are conditional upon receipt of two satisfactory references (one from the current employer), medical clearance and DBS clearance (if applicable), and written evidence to work in the UK,. Successful candidates must be informed by the recruiting manager and HR not to give notice to their current employer until they receive an unconditional offer of employment in writing.
- 12.2 Should the recruiting manager or HR deem the pre-employment checks unsatisfactory, the manager should liaise with HR for advice on how to proceed. It may be appropriate to seek a third reference or arrange a medical consultation with the Council's occupational health provider. Conditional offers of appointment may only be withdrawn in agreement with HR, in which circumstances an offer will be made to the next highest scoring candidate.

Transition from non-permanent to permanent

- 12.3 In some cases a non-permanent vacancy may develop into a permanent post. For example an employee may be appointed to cover maternity and then the substantive post-holder may choose not to return to work. In these situations managers must seek approval from CMT prior to making the post permanent. In requesting this, the manager must demonstrate that they are complying with the principles detailed in section 3 of this document.

12.4 The post will also be advertised internally unless the incumbent employee went through a selection procedure as outlined in this policy (or the Secondment Policy) then they may be made permanent without advertising the post again. The Council must ensure there are two references and medical clearance for the individual.

13.0 Casuals

13.1 Casual employees are those on a 'zero hours' contract who are asked to work as and when the service needs. There is no obligation on behalf of the Council to provide work and no obligation on behalf of the individual to accept work offered.

13.2 Casual employees will be subject to the same recruitment process and pre-employment checks as described above.

13.3 If casual employees wish to become a permanent member of staff they must apply for vacant positions following the recruitment processes detailed above. Casual staff may apply for vacancies at the internal vacancy stage.

14.0 Temps

14.1 A 'Temp' is defined as an agency worker supplied by an agency to fill a temporary vacancy. The individual is not an employee of East Herts Council and the agency will invoice the service for any hours worked. This is different to those individuals employed by East Herts Council on Fixed-Term or 'Temporary' Contracts.

14.2 If a recruiting manager has a short term vacancy to fill (i.e. to cover long term sick leave) it may be appropriate to use a Temp to fill the role. Managers must obtain CMT approval to fill a vacancy as described in section 5.

14.3 To hire a temp to fill a vacancy, the recruiting manager should contact and liaise with Morgan Hunt directly. See the HR pages of the intranet for the temporary recruitment process.

14.4 Temps should be used to fill short-term vacancies and in general should not be in place for longer than 12 weeks. Temporary workers who work beyond 12 weeks are entitled to the same terms and conditions as other employees, in accordance with the Agency

Workers Regulations (2010). Managers considering keeping a temp on beyond 12 weeks should contact Human Resources for advice.

- 14.5 If temps wish to become permanent members of staff they must apply for vacant positions following the internal or external recruitment as detailed above.
- 14.6 Temp positions that become permanent through EHC recruitment processes are subject to an agency placement fee.

15.0 Consultants and ‘Sole Trader’ Contractors

- 15.1 If a recruiting manager has a short term project which requires specialist skills, it may be appropriate to use a Consultant to fill the role. Managers must obtain CMT approval to engage a consultant. This is not a recruitment request but rather a report to CMT outlining the business case for hiring a consultant. Advice should be sought from Human Resources and Procurement to ensure the role is suitable for a consultant. Depending on the nature of the appointment it may be necessary to follow procurement regulations rather than follow the process outlined below. These can be found on the intranet under Procurement.
- 15.2 Morgan Hunt can assist with the hiring of consultants. This would be subject to a placement fee which should be negotiated in advance. Managers may also use other agencies for consultants.
- 15.3 To become a permanent, salaried employee, Contractors and Consultants must apply for a vacant position via internal or external recruitment.
- 15.4 Sole traders or small businesses where an individual is working as a contractor or consultant for all or most of their employment may be entitled to employment rights in the same way as temporary staff. It is the responsibility of the commissioning manager to make adequate checks. Human Resources should be consulted where this is likely to be the case.

16.0 External secondments

16.1 External secondments will be subject to the appointment procedure as described in the Secondment Policy.

16.2 If the external secondment becomes a permanent vacancy (e.g. the employee does not return from maternity leave), the post may be offered to the external secondee without advertising internally or externally provided that the secondee has already gone through a recruitment procedure and the principles detailed in section 3 are complied with.

17.0 Volunteers

17.1 If a recruiting manager would like to use volunteers in their service, they must contact HR for advice and read the Council's Volunteer Policy for further information

18.0 Work experience & Work placements

18.1 Work experience placements are dependant on the services capacity to support them. If the service would like to provide a work experience placement, they should contact HR to complete the necessary paperwork.

18.2 The Council can only support unpaid work placements where the student is undertaking work experience as part of a UK further or higher education course. Managers interested in pursuing this should contact HR for further information.

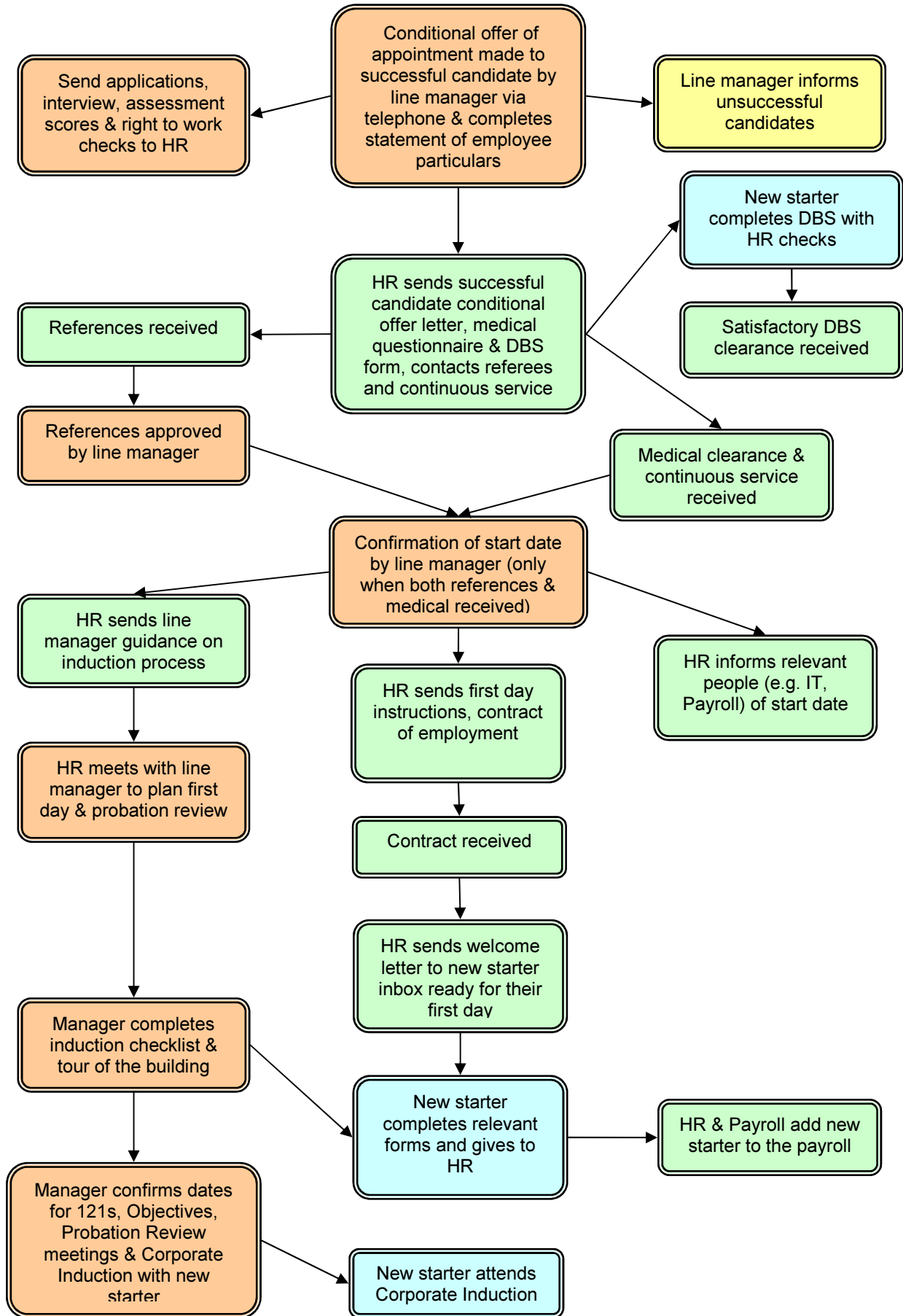
19.0 Administration

19.1 All recruitment and selection paperwork will be retained by HR for 12 months after the deadline for applications, it will then be destroyed as confidential waste.

19.2 The new starter process is outlined in Appendix 1, HR will contact the line manager directly to ensure this is followed.

20.0 Policy Review

20.1 This Policy shall be reviewed after two years or sooner in line with legislation and best practice to reflect the best possible level of support and management.



EAST HERTS COUNCIL

LOCAL JOINT PANEL 3 JULY 2013

HUMAN RESOURCES COMMITTEE 3 JULY 2013

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

EMPLOYING AND MANAGING PEOPLE WITH DISABILITIES POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Employing and Managing People with Disabilities Policy.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Employing and Managing People with Disabilities Policy be recommended for approval; and
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE: That:</u>	
(A)	The revised Employing and Managing People with Disabilities Policy is approved

1.0 Background

1.1 The Council's employing and retaining people with Disabilities Policy was last reviewed in 2006. The Council's programme of policy review is after two years or sooner in line with legislation and best practice.

2.0 Report

2.1 **Key changes**

2.2 The policy has been updated to reflect changes in legislation, especially since the Equality Act came into force in 2010. The

policy takes into account the definition of disability under the new Act.

2.3 The policy complies with the provisions in the NJC Green Book and The Equality Act 2010. This policy adheres to the Equality Code of Practice which is issued by the Equality and Human Rights Commission

2.4 The revised employing and managing people with disabilities policy can be found at Essential Reference Paper 'B'.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	UNISON to be consulted
Legal:	None
Financial:	None.
Human Resource:	As detailed in the report
Risk Management:	None.

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East Herts Council

Employing & Managing People with Disabilities

Policy Statement

Policy Statement No 28 (Issue No 2)

May 2013

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1 Purpose

- 1.1 The purpose of this policy is to ensure that East Herts Council complies with its legal obligations under the Equality Act 2010. This act replaces and harmonises previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). It provides protection from discrimination for the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
- 1.2 Many of the previous disability provisions have been retained (e.g. an employer is required to make reasonable adjustments) but the Equality Act has made it easier for a person to show that they are disabled and introduced new protection from indirect discrimination.
- 1.3 The Equality Act 2010 provides a framework for managers in their dealings either with disabled people who apply for jobs with the Council or, with people who become disabled whilst working for the Council. The policy, procedure and guidance are designed to ensure that this section of the community is not subjected to unlawful discrimination.
- 1.4 The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. For the purposes of the Act;
 - Substantial means neither minor nor trivial
 - Long term means that the effect of the impairment has lasted or is likely to last for at least 12 months
 - Normal day-to-day activities include everyday things like eating, washing, walking and going shopping
 - A mental illness does not need to be 'clinically well-recognised'

People with HIV, cancer and multiple sclerosis are covered by the DDA effectively from the point of diagnosis, rather than from the

point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

- 1.5 The Act includes protection from discrimination arising from unfavourable treatment because something is connected with an individual’s disability (e.g. tendency to make spelling mistakes due to dyslexia).
- 1.6 It also requires the Council to make reasonable adjustments to any provision, criterion or practice applied by the Council or to any physical features of premises occupied by the Council which places the disabled person at a substantial disadvantage with people who are not disabled.
- 1.7 The Council is aware that only a relatively small proportion of the disabled community is visibly disabled and has, therefore, adopted the following policy principles and procedure to support this group.

2 Principles of the policy

- 2.1 The Council is responsible for raising employees awareness of employment-related disability issues.
- 2.2 There are sound business reasons for employing disabled people which include;
 - Widening the pool of candidates from which to recruit staff
 - Improving staff moral and loyalty by being inclusive and representative
 - Providing services to those with disabilities within the community
- 2.3 The Council will seek to ensure applicants and employees with a disability/ies receive full and fair consideration for all types of vacancies, as well as for training and promotion.
- 2.4 The Council is committed to avoiding stereotypical assumptions.

- 2.5 If any member of staff with a disability considers that he or she has been treated in a way that is contrary to these principles, the issue should be raised either through informal means or formally through the Council’s grievance policy. Every effort will be made to secure a satisfactory resolution.
- 2.6 The council will ensure that people with disabilities are offered all the reasonable support and are provided with all reasonable equipment and facilities to continue their employment.
- 2.7 Costs of making a reasonable adjustment will not be regarded as a legitimate defence.
- 2.8 The Council will monitor the composition of its workforce and this policy to ensure it is being properly implemented. Employees and job applicants are requested to co-operate in the monitoring process.
- 2.9 The Council will review related policies to ensure they support the Employee Disability Policy: e.g. Recruitment & Selection, Redeployment policy, induction and training.

3 Recruitment Procedure

- 3.1 All posts will specify the job and the person specification will detail the qualification, knowledge, experience, abilities and aptitudes required.
- 3.2 Care will also be taken to ensure that any legitimate requirements are not written in such a way as to potentially discriminate against disabled people. For example a person specification may include the requirement to have a driving licence where the actual requirement of the role is the ability to travel to various locations. Specifying a driving licence could disadvantage disabled people who are unable to drive but may still be able to travel using alternative forms of transport. Advice and assistance should be sought from the appropriate Human Resources department if in doubt.
- 3.3 The Council application forms include a separate insert on disability within the monitoring from which applicants for any position in the Council will be asked to complete. The form will not be used for selection purposes but the information will be

retained by the Council in order to monitor its recruitment process, to ensure fairness.

Recruitment Advertising

- 3.4 The Council encourages job applications from disabled people. All job advertisements should include the Disability Two Ticks symbol.

Selection processes

- 3.5 All job applicants will be told clearly how the selection process will operate and be asked whether they would like any adjustments to assist them in the recruitment process.

Short-listing Process and interview arrangements

- 3.6 The Council has been awarded the disability Two Tick Symbol by the Jobcentre Plus. As a symbol user, we guarantee to interview anyone with a disability whose application meets the minimum criteria for the post and who identifies themselves as disabled during the application process.
- 3.7 All job applicants will be assessed on their suitability for a post against the criteria detailed on the person specification.
- 3.8 All interview invite letter to candidates include details of who to contact should the candidate require any reasonable adjustments for the interview process.
- 3.9 Candidates will be issued with clear information about the nature of the job and they will be asked whether any adjustments to the premises, equipment or machinery or to working arrangements will assist them to perform the duties of the job.
- 3.10 In some rare circumstances it may not be possible for the Council to make the required adjustments, for example if the cost is prohibitive. However the Council must explore all options (for example external funding for the adjustments) before the final decision is made. Care must be taken not to treat the disabled candidate less favourably and any

decisions made regarding reasonable adjustments must be capable of being objectively justified

- 3.11 A new provision in the Equality Act introduces, for the first time, a ban on employers asking questions about health or disability at the interview.
- 3.12 Any new joiner will be subjected to the relevant pre employment checks and will need to complete an Occupational Health screening form, any adjustments that may need to make will derive from the advice given from Occupational Health Service (OHS).

4 Helping Disabled People at Work

4.1 The council operate many different initiatives enables to help disabled people at work these are through the following;

- **Induction:** Our induction training is accessible for disabled people.
- **Training:** We will offer disabled people as wide a choice of training as their colleagues without disabilities. We will consider the needs of disabled people during training.
- **Disciplinary action:** If it is necessary to take disciplinary action against a disabled person we will consider any reasons related to their disability, which may have contributed to the event that prompted the disciplinary action
- **Redundancy:** We will apply the same arrangements and requirements for redundancy for disabled people as for others. We will ensure that the selection criteria are not unjustifiably discriminatory
- **Health and safety:** We will take into account the needs of disabled people when assessing risks. We will not use health and safety issues as an excuse to discriminate against disabled people

5 Employees who become disabled

- 5.1 Those employees who become disabled during the course of their employment with the Council will be referred to Occupational Health Service to obtain medical advice. This will normally be identified through the absence management procedure and will help the council make reasonable adjustments.
- 5.2 On receipt of medical advice a meeting will be convened with the individual to discuss the content and the need to make the reasonable adjustments. The individual will be given the right to bring a workplace colleague or a representative to this meeting.

Making reasonable adjustments

- 5.3 The Equality Human Rights Commission gives an example of a reasonable adjustment as
- Allowing the person to be absent during working or training hours for rehabilitation, assessment or treatment.
- 5.4 The Council will take into account making reasonable adjustments. This will depend on the circumstances of the individual case but could include one or more of the following:-
- ✓ Making adjustments to premises i.e. lowering door handles or widening doorways.
 - ✓ Reallocating some of the disabled person's duties to a colleague.
 - ✓ Transferring the disabled person to fill an existing vacancy.
 - ✓ Changing the person's hours of work or training.
 - ✓ Assigning the person to a different place of work or training.

- ✓ Allowing absence during work / training hours for rehabilitation or treatment.
- ✓ Giving or arranging for training or mentoring.
- ✓ Acquiring new or modified equipment.
- ✓ Modifying instructions or reference manuals.
- ✓ Modifying procedures for testing and assessment.
- ✓ Providing a reader or interpreter.
- ✓ Providing supervision or alternative support.
- ✓ Permitting flexible working.
- ✓ Participating in supported employment schemes such as Workstep and Access to Work.
- ✓ Recording of sickness absence related to disability can be seen as a reasonable adjustment.

5.5 Managers should liaise with HR to consider the possibility or viability of making any such adjustments in the event of the OHS recommending that they are necessary. This may include seeking financial assistance from external sources such as Access to Work.

5.6 If the adjustments are not financially or operationally viable then consideration will be given to other alternatives e.g. redeployment, part time working, light duties.

5.7 Where redeployment into another post is identified as a reasonable adjustment, the individual will be given a skills assessment and a timescale within which to identify a suitable vacancy.

5.8 Following the assessment, the employee will be placed on the East Herts Redeployment Register and will have access to all suitable job vacancies as they arise. Those that are disabled will be prioritised.

- 5.9 The disabled status of the individual will entitle them to be matched to posts identified by the HR Team. Under this arrangement the skills assessment will be used to match the individual to suitable vacant posts.
- 5.10 If redeployment has not proved successful at the end of the agreed period, the position will be reviewed to determine whether an extension of the time period can be agreed or whether there are any other alternatives. For more further information, please refer to the redeployment policy
- 5.11 The Council is committed to supporting all staff with a disability, impairment or long-term condition. If managers are unsure whether an employee would meet the threshold of disability advice should be sought from Human Resources or Occupational Health. Staff who do not reach the threshold for disability should still be supported through the relevant Council policies (absence management, flexible working)

When to make reasonable adjustments

- 5.12 Having established that the disabled individual is subsequently disadvantaged if adjustments are not made, the Council should consider the following points:-
- ✓ The effectiveness and practicality of a proposed adjustment in preventing disadvantage.
 - ✓ The financial and other costs of the adjustment and the extent of any disruption caused, which will include a consideration of the value of the individual’s experience and expertise to the Council (including a consideration of the resources invested in the individual, their length of service, their level of skills and knowledge, their level of relationships with other stakeholders of the Council and their level of pay).
 - ✓ The extent to which the individual will co-operate with any adjustments.

6 Grievance

- 6.1 If any member of staff with a disability considers that he or she has been treated in a way that is contrary to these principles, the issue should be raised either through informal means or formally through the Council’s grievance procedure. Every effort will be made to secure a satisfactory resolution.
- 6.2 If an employee believes that they have been unfairly treated by the Council, they will have recourse to the Grievance Procedure.

7 Review

- 7.1 This procedure will be reviewed every 2 years, or sooner if there are any changes in legislation requiring amendments to be made.
- 7.2 This policy and procedure reflects the Equality Code of Practice issued by the Equality and Human Rights Commission.

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