

PERSONNEL COMMITTEE – 4TH APRIL 2017

Report of the Head of Strategic Support

Part A

ITEM 6 REDEPLOYMENT POLICY AND PROCEDURE

Purpose of Report

To gain Personnel Committee approval in relation to the amendments proposed to the Redeployment Policy and Procedure.

Recommendations

1. That the Personnel Committee agree the proposed amendments to the Redeployment Policy and Procedure and the introduction of the associated Employee Assistance Toolkit as set out in Annexes A and C.
2. That the Personnel Committee agree the amendment to the Fixed Term Contract – Guidance for Managers in accordance with the proposal outlined at paragraph 3 and as set out at Annex B.
3. That the Personnel Committee agrees to the associated changes being made to the Recruitment and Selection Policy as set out in Annex D.

Reasons

- 1 & 2. To make necessary amendments in relation to the Redeployment Policy, Procedures and Guidance notes in order to bring the policy up to date with legislative requirements and recommended best practice.
3. To ensure the Recruitment and Selection Policy is consistent with the revised Redeployment Policy.

Policy Justification and Previous Decisions

The policy was created on 20th February 2012 and amended on 11th February 2014. The revisions within the policy, compliment the proposed amendments to the Organisational Change Policy.

The revisions to the policy were agreed at SMT on 30th November 2016 and JMTUM on 2nd February 2017.

Implementation Timetable including Future Decisions

The revised Redeployment Policy and Procedure will be uploaded to the intranet following the agreement of Personnel Committee.

Report Implications

The following implications have been identified for this report:

Financial Implications

There are no immediate financial implications arising from this decision.

Risk Management

While the Trade Unions have challenged the legality of withholding a redundancy payment for fixed term contracts covering the absence of permanent staff, the Council's legal advice clearly contradicts this view. In practice the Council has always advised employees that taking a fixed term contract, as described above, is likely to result in them forfeiting their right to a redundancy payment.

Background Papers: None

Annexes: Annex A – Redeployment Policy and Procedure
 Annex B – Fixed Term Contracts – Guidance for
 Managers
 Annex C – Employee Assistance Toolkit
 Annex D – Recruitment and Selection Guidance
 Annex E – Legal Advice

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Background

1. The policy was created on 20th February 2012 and amended on 11th February 2014.
2. The Redeployment Policy and Procedure has been reviewed and revised to ensure that it fits with the needs of the authority and complies with recommended best practice.

Proposals

3. The table below outlines the principles within the current redeployment policy and the proposed changes to those areas.

| | Current Redeployment Principles | Proposed Amendments to the Redeployment Policy |
|---|---|--|
| a | Employees are placed on the redeployment register for a period of 3 months. They are entitled to apply for jobs on their substantive grade or lower with preferential treatment. | The policy will be re-worded to state that where possible employees will be given a period of 3 months' on the redeployment register. This may be shorter or longer due to associated timescales relating to the nature of the restructure. |
| b | CBC currently advertises posts to redeployees one week in advance of anyone else. Redeployees are advised of posts prior to them being advertised formally, and are given one week to declare their interest. Redeployees can still be given priority even after the position has been advertised internally or externally. | Redeployee's are able to apply with other applicants and get preferential treatment. Applicants from redeployees must be considered in advance of those from other applicants who are not eligible for redeployment. Alongside the general criteria for redeployment, the manager must take into account certain circumstances where it may be appropriate to give employees preferential consideration when applying for higher graded posts (e.g. disability related redeployment, employees on maternity, adoption or shared parental leave). |
| c | It is currently a requirement that a skills audit is completed, with employees having to declare an interest once they identify a potential suitable alternative post. | Delete the requirement to complete a skills audit. Applicants will be required to complete an application form for the recruiting managers' consideration. |
| d | The trial period is currently for 4 weeks duration, and can be increased to 12 weeks. | It is proposed to retain the 4 week trial period, however greater clarity is given around when a trial period should start and end. Further clarity is outlined around increasing a trial period to 12 weeks and the reasons where this is |

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| | | appropriate. |
| e | Employees who accept a temporary post will not retain their redeployment status for the duration of the temporary contract. Redeployment status will be reinstated 3 calendar months before the temporary contract comes to an end. | <p>If an employee accepts a fixed term contract which is covering for the absence of another employee, there will be no entitlement to a redundancy payment either from their old role of when the fixed term contract comes to an end (except where the employee resigns during the statutory trial period and this is not deemed to be unreasonable.</p> <p>If, at the end of the contract, the reason for termination is redundancy in accordance with the principles of the Fixed Term Contracts Guidance for Managers, the employee will be eligible for redeployment status at the end of the fixed term contract.</p> <p>Separate provisions may apply in the case of disability or maternity, adoption of shared parental leave.</p> |
| f | Employees on maternity, adoption or shared parental leave are offered suitable alternative employment as part of a re-structuring. They are offered any other vacancy, above all other redeployees, if no suitable alternative employment identified in the re-structure. | <p>The new policy outlines a simplified paragraph for ease of understanding.</p> <p>Ordinarily where employees are to be made redundant in this situation, the employee should be offered the post without the need to undergo any formal selection process. However, it is proposed that an informal discussion is held where it is unclear as to whether the post is a suitable alternative post to ascertain suitability.</p> |
| g | The current policy refers to disturbance allowance being claimed in accordance with national conditions of service. The national conditions of service outlined that any allowance should be paid according to locally negotiated schemes establishing approved items of expenditure and periods of reimbursement. There are currently no such schemes at the Council. | <p>Employees who incur additional travelling expenses as a result of being redeployed will be reimbursed excess travel costs in accordance with the mileage in excess of normal commute journey section of the Travel, Subsistence and Other Allowances Guide. The mileage claimed will be in accordance with HMRC rates.</p> <p>Claims for disturbance mileage are capped at 30 miles per day and only applicable to employees on grade S02 or below. Further criteria are outlined in relation to timescales and conditions that may end the right to claim.</p> |

| | | |
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| h | The current policy has a section on what should happen in the event of non-appointment of a redeployee. | It is proposed to delete this section as the principles are covered elsewhere in the policy. |
| i | CBC policy currently outlines general information in relation to withholding a redundancy payment. | This information will be retained, but additional criteria have been added to the section on determining the factors to consider for suitable alternative employment. |
| j | The policy currently outlines supportive measures including the counselling service and time off to arrange training or seek alternative employment. | It is proposed to add an employee assistance toolkit to the supportive measures already stated. |

4. It is further proposed to amend the Fixed Term Contract Policy in relation to timescales for redeployment. The policy currently states that the employee will be placed on the redeployment register for 3 calendar months. The proposal is to mirror the wording of the Redeployment Policy outlined above at section 2a.
5. In addition, it is proposed that any necessary changes are made to the Recruitment and Selection Policy to ensure consistency with the revised Redeployment Policy and process.

Consultation

6. The policy was agreed at SMT on 30th November 2016 and JMTUM on 2nd February 2017. The Trade Unions subsequently sent an email on 2nd March 2017 to the effect that withholding a redundancy payment for employees who take a Fixed Term was not legal in their opinion and withdrew their support for the policy.



Redeployment Policy and Procedure

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Purpose

There will be occasions when the Council will need to redeploy employees into alternative roles. Redeployment is a positive measure which enables the Council to retain the skills and experience of valued employees, as well as meeting its legal obligations.

This policy is designed to outline the Council's approach to redeployment and the circumstances under which redeployment will be considered. It also aims to ensure that, where redeployment is appropriate, eligible employees are treated in a fair and consistent manner.

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Scope

This policy applies to all employees of Charnwood Borough Council, with the exception of:

- Employees with less than one year's continuous service (at their proposed termination date);
- Casual workers;

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Categories of Redeployment

There are two categories where redeployment may apply:

'At Risk' where the employee is given redeployment status for one of the following reasons:

- Redundancy as a result of organisational change;
- Ill health and disability related capability;
- Expiry of a fixed-term contract (where the reason for the termination is redundancy).
- End of Apprenticeship agreement.

'Other' where the employee is given redeployment status for one of the following reasons:

- Breakdown of working relationships;
- Change in domestic circumstances (once all other options have been explored);
- Other reason as advised by a Strategic Director.

Additional information with regards to each category is provided at [Appendix A](#). It is important to note that employees who fall into the 'other' category will not automatically be entitled to the conditions set out in this policy. In these situations a Strategic Director has the discretion to determine, with advice from HR Services, whether the employee is eligible for redeployment and the conditions that will apply in that instance.

Priorities for Consideration

Employees in the 'at risk' category have priority over employees in the 'other' category. This means that where an employee from each category is considered suitable at interview, the trial period will be offered to the 'at risk' employee.

Employees who are due to be made redundant whilst on maternity leave, adoption leave or shared parental leave must be offered any suitable post as an alternative to redundancy. This means that if a suitable vacancy exists (where they meet, or come close to meeting, the essential criteria of the job), they must be offered the post even if this means that they are treated more favourably than another employee who is also 'at risk'. **The employee should be offered the post without the need to undergo any formal selection process however it may be appropriate, where it is unclear as to whether the post is a suitable alternative, to undertake an informal discussion to ascertain suitability. Advice is available from HR Services.**

Managers **must** ensure that, where an employee has been granted redeployment status due to their disability, all possible reasonable adjustments have been considered. This may include:

- Providing the opportunity for retraining in order to meet the essential requirements of a post;
- Making adjustments to the selection process, including not requiring the employee to undergo a formal selection process;

- Making adjustments to the job role;
- Enabling the employee to have preferential consideration in relation to higher graded posts where they meet, or come close to meeting, the essential requirements of the job;
- Considering the employee above another employee who is also 'at risk' (except those on maternity leave, adoption leave or shared parental leave).

Each case should be considered on an individual basis and advice sought from Strategic HR.

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Entitlement to Preferential Consideration

The point at which an employee will be eligible for redeployment will vary depending on the circumstances. Please refer to [Appendix A](#) for further information. However, the underlying principle is that employees should be given the maximum period possible to seek redeployment.

Employees who are granted redeployment status are entitled to apply for certain jobs using preferential consideration. This means that, if the employee meets, or comes close to meeting, the essential requirements of the post, they must be interviewed in advance of other applicants who are not eligible for redeployment. Where an employee comes close to meeting the essential criteria, consideration should be given as to whether they would be able to meet the criteria with a reasonable amount of training.

The grade of post for which preferential consideration can be used may vary depending on the reason for the redeployment. The majority of redeployees will be eligible to use preferential consideration when applying for posts at their substantive grade or lower. However, in certain circumstances, it may be appropriate to give employees preferential consideration when applying for higher graded posts. For example:

- As a reasonable adjustment where a disabled employee needs to be redeployed because of their disability;
- To meet the Council's statutory duty to offer suitable alternative employment to an employee whose post is confirmed as redundant whilst they are on maternity leave, adoption leave or shared parental leave.

The employee will receive written confirmation from Strategic HR on the preferential consideration arrangements that apply to them.

Where a redeployee applies for a post that is above their grade for preferential consideration, their application will be considered in open competition alongside those from other applicants.

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Applying for Job Vacancies

All job vacancies are advertised via the Council's [jobsite](#) and on jobs go public. Redeployees are responsible for reviewing vacancy details and submitting an application form for any post they are interested in applying for.

In circumstances where employees do not have access to the internet or a computer, managers **must** take an active role in providing the employee with any necessary assistance they may need to access and apply for any relevant vacancies.

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Considering a Redeployee's Application

Applications from redeployees must be considered in advance of those from other applicants who are not eligible for redeployment. The recruiting manager should assess each application to confirm:

- The grade of post up to which preferential consideration will apply. If the post is of a higher grade, the employee should be advised that their application will be considered alongside applications from those without redeployment status;
- Whether the redeployee is due to be made redundant whilst on [maternity leave, adoption leave or shared parental leave](#). If required, confirmation can be sought from Strategic HR;
- If the redeployee is disabled (as consideration may need to be given to possible reasonable adjustments). Advice is available from HR Services on appropriate adjustments;
- Whether the redeployee meets, or comes close to meeting, the essential requirements of the post.

If preferential consideration applies and the redeployee meets or comes close to meeting the essential requirements of the post, the recruiting manager should contact the redeployee as soon as possible to invite them to attend an interview and if applicable, undertake a practical test (with the exception of redeployees at risk of redundancy who are on [maternity leave, adoption leave or shared parental leave](#) or, in certain circumstances, a disabled employee being [redeployed due to their disability](#)). If a number of applications are received from redeployees, all those who meet, or come close to meeting, the essential requirements must be interviewed.

If the redeployee does not meet the essential requirements, the recruiting manager should advise the employee which criteria they did not meet. This should also be confirmed in writing to the employee. A template letter is available by clicking [here](#).

Interviewing a Redeployee

The interview and, if appropriate, a practical test will be used to determine whether the employee has the necessary skills and experience to undertake the role. Whilst redeployment interviews should be less formal than standard interviews, recruiting managers may still wish to follow the interview guidance set out in the Council's [Recruitment and Selection Guidance](#). A detailed record of the candidates' responses and the panel's scores should be kept.

If following interviews, there are a number of suitable candidates, the post should be offered to the one who scores highest, subject to any [priority requirements](#).

The recruiting manager should advise the employee after their interview if they have been successful in being appointed to the role on a [trial basis](#). The offer should then be confirmed in writing. A template letter is available by clicking [here](#). The recruiting manager will need to agree the trial's start date with the employee and their manager. Any offer of alternative employment must be received, in writing, by the employee prior to their last day of employment.

Where the post is for a fixed-term period covering for the absence of another employee, the recruiting manager must ensure that the employee is aware that they **will not be eligible to receive a redundancy payment either from their old role or when the fixed-term contract ends**. A template letter is available by clicking [here](#).

Where an employee is successfully redeployed into a fixed-term post which may result in redundancy, the managers of the employee's substantive and new post should agree from the outset who will cover the employee's redundancy costs.

If it is decided not to offer the post following the interview, the recruiting manager should provide the employee with feedback on why they were unsuccessful. This should also be confirmed in writing to the employee. A template letter is available by clicking [here](#).

References are not required for redeployees unless they are applying for a safeguarding post. For these posts, at least two **relevant** written references must be held on the employee's personal file. Where suitable references are not already on file, additional references must be obtained.

Appointment on a Trial Period

Offers of alternative employment are subject to a statutory 4 week trial period. The purpose of the trial is to enable the recruiting manager to decide on the employee's suitability for the job and vice versa.

Trial periods must begin no later than the day following the employee's last day of employment and cannot commence after a date when they would no longer be entitled

to redeployment status. However, trial periods can run beyond a notice period if a trial has already commenced or retraining is required.

The duration of the trial period can be increased at the outset from the statutory 4 week period to a period not exceeding 12 weeks for the purpose of retraining the employee for the new role. Any decision to offer an extended trial period must be discussed with HR Services.

Once started, a trial period may also be extended beyond the 4 week period (or the original agreed duration) for the following reasons:

- Retraining;
- Prolonged absence (whereby the trial period may be extended for a period equivalent to the period of absence).

In either situation the entire trial period must not exceed 12 weeks in total. Any extension must be confirmed, in writing, to the employee before the original trial period has expired. The letter must confirm the reason for the extension and the date on which the trial period will now end. A template letter is available by clicking [here](#).

The recruiting manager must meet with the employee on a weekly basis to discuss their progress. This will enable the recruiting manager to make the employee aware of how they are performing, to deal with any queries or issues, and to help them make an informed decision about the success of the trial. If necessary, the employee should be provided with any relevant support to help them reach the required standard of performance. Notes of the meetings should be made using the [Trial Period Record](#).

The employee may terminate the trial at any time. However, if in the view of the Strategic Director, the employee has unreasonably terminated the trial period, they may not be eligible to receive a redundancy payment (see [withholding a redundancy payment](#) below).

If an employee resigns following successful appointment to an alternative job, then their employment will be considered to have been terminated by reason of voluntary resignation rather than redundancy and no payments will be made.

If the employee works beyond the end of the trial period, they will be deemed to have accepted the new employment and any redundancy entitlement will be lost (unless agreed otherwise).

If the Trial Period is Successful

If the employee successfully completes their trial period, the recruiting manager should complete the [New Starter Notification E-Form](#) including details of any pay protection, disturbance allowance and any other relevant details applicable to the offer. HR Services will then issue the employee with a new contract of employment and make the necessary i-Trent changes.

If the Trial Period is Unsuccessful

If it is decided the employee has not successfully completed their trial period, the recruiting manager should provide the employee with feedback on why they have been unsuccessful. This should also be confirmed in writing to the employee. A template letter is available by clicking [here](#). Managers must ensure that all issues raised at this point have been previously discussed with the employee during progress meetings.

Employees who are under notice of redundancy can appeal against the decision not to appoint them following a trial period in accordance with the Appeals Policy and Procedure.

If a trial period is unsuccessful or the employee decides to terminate it early, they will either:

- Return to their substantive post and continue to be eligible to seek other redeployment opportunities (providing they are still within their notice period or the maximum period of redeployment has not been exceeded); or
- Their original contract will be terminated in accordance with their redundancy notice¹. Any redundancy payment (if entitled to one) will be based on the date that their original contract came to an end.

Salary Costs

During the trial period, the employee's salary will continue to be paid, by the original employing Department/Service, at the rate of their substantive post. However, where the employee's notice period has expired, but the trial period is continuing, the salary costs will transfer to the Department/Service providing the trial. This will be for the remainder of the trial period and the salary will continue to be paid at the rate of the employee's substantive post, even though the post may no longer exist, and this may be higher than the trial post.

If the trial is unsuccessful the cost of redundancy will be met by the original employing Department/Service. Where an employee is successfully redeployed into a fixed-term post which may result in redundancy, the managers of the employee's substantive and new posts should agree from the outset who will cover the redundancy costs.

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Acceptance of a Fixed-Term Post

Employees are no longer eligible for redeployment status once they have secured an alternative position with the Council and successfully completed the trial period for the post, irrespective of whether the post is offered on a permanent or fixed-term basis.

If an employee accepts a fixed-term contract which is covering for the absence of another employee, there will be no entitlement to a redundancy payment either from

¹ This part of the process would be completed by the employee's original line manager.

their old role or when the fixed-term contract ends (except where the employee resigns during the statutory trial period and this is not deemed to be unreasonable).

If, at the end of the contract, the reason for termination is redundancy they will be eligible for redeployment status at the end of the fixed-term contract (please see the [Fixed-Term Contracts Guidance for Managers](#) for more information). In that instance the employee will be placed back onto the redeployment register for approximately 3 months'. This may be shorter or longer due to associated timescales relating to the nature of the restructure (e.g. duration of notice period). Employees will be eligible to apply for posts at the substantive grade of the fixed-term post or lower and not at the level of any pay protection which may be in place. Separate arrangements may apply where the employee is on maternity leave, adoption leave or shared parental leave, or where the employee is being redeployed due to their disability.

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Pay Protection (Redundancies Only)

If an employee is redeployed into a job with lower earnings *potential than the job previously occupied, their actual earnings * will be protected on a red-circled basis (i.e. frozen – no incremental progression or pay awards) for 3 years from the date of redeployment or until the new earnings overtake the frozen salary, whichever is the earlier.

There will be no protection of any other payments (e.g. allowances, enhancements, shift payments, weekend working, market supplements or car allowance) and all other conditions of service will be those pertaining to the new job.

Employees who have been granted flexible retirement under the terms of the Local Government Pension Scheme in relation to the reduction of their grade will not also be eligible to receive pay protection for the reduction of grade.

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Excess Travelling Expenses

Employees who incur additional travelling expenses as a result of being redeployed will be reimbursed excess travel costs in accordance with the mileage in excess of normal commute journey section of the Travel, Subsistence and Other Allowances Guide. The mileage claimed will be in accordance with HMRC rates.

Claims for disturbance mileage are capped at 30 miles per day and only applicable to employees on grade S02 or below.

The policy is only applicable where the Council has instigated the relocation, not where the employee:

- moves of his/her own volition by applying for a different job;

- obtains a promotion in conjunction with an organisational change restructure and relocation;
- accepts redeployment for any other reason, e.g. disciplinary, ill health (unless specifically agreed as a reasonable adjustment for an employee with a disability).

Organisational Change/redeployment

Employees who are subject to an action plan under the Organisational Change Policy that directly affects their substantive job, team or section, which specifies a change of work location, and who obtain a post (on the same or a lower grade) within the revised structure for that team or section, and are required to move work location as a result, will be eligible for the disturbance allowance subject to the criteria outlined above. Employees who obtain a promotion as a result of a restructuring will not be eligible.

Employees who are subject to an action plan under the Organisational Change Policy who do not obtain a post within the revised structure for their substantive team or section, but who apply for and obtain an alternative post elsewhere in the Council outside the scope of the action plan will not be eligible for disturbance allowance, regardless of their grade.

Employees who are placed on the Redeployment Register for ill health or other reasons defined within the Redeployment Policy and Procedure and who relocate as a result will not be eligible for disturbance allowance unless payment is specifically agreed as a reasonable adjustment for an employee with a disability.

Timescale

Employees authorised to claim disturbance allowance may do so for a maximum of one year unless their circumstances change.

If the employee:

- obtains another job, either at an alternative location or within the base to which they have been relocated, or a promotion within their existing team, the disturbance allowance will cease;
- changes their home address nearer to their place of work, the disturbance allowance will end or reduce accordingly;
- moves further away from their relocated work place, any additional mileage cannot be claimed.

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Flexible Retirement

A member of the Local Government Pension Scheme aged 55 and over who is appointed to a lower graded job may request release of their pension through flexible retirement. Acceptance of such a request is at the discretion of the Council. In such circumstances, the employee will not also be eligible to receive pay protection for the reduction in grade.

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Withholding a Redundancy Payment

No redundancy payment will be made if an employee unreasonably refuses an offer of suitable alternative employment, including declining confirmation in post or unreasonably terminating a trial period.

When determining “suitable alternative employment” the following factors should be considered:

- Whether the employee can reasonably be expected to do the work, taking into account their level of seniority, aptitude, experience and skills;
- Whether the terms and conditions are substantially less favourable;
- The rate of pay and value of any contractual benefits;
- The duties, level of responsibility and status;
- The place of work and its proximity to the employee's current workplace (and whether there is a mobility clause in the employee's contract);
- The number of hours and working pattern;
- The working environment (e.g. working conditions);
- The employee's personal situation;
- The duration;
- Increased time/cost to the employee;
- Impact on career path;
- The timing of any offer of alternative employment.

The employee must be advised in writing of a decision to withhold a redundancy payment, which should include the reasons for this decision. Managers should seek advice from HR Services when considering withholding a redundancy payment.

There is no entitlement to a redundancy payment if an employee accepts an offer of a new contract of employment with the Council, or another employer covered by the Redundancy Payments Modification Order, where the offer is made before the employee's redundancy notice expires **and** the new contract is to commence either before or within four weeks of their termination date. In these circumstances the employee's continuous service will be maintained. Written confirmation will be obtained from an employee made redundant that these circumstances do not apply.

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Support for Redeployees

Employees will be supported by their manager throughout the redeployment process. This may include reviewing job profiles with the employee to assess whether they meet the essential requirements, encouraging applications, offering advice and guidance, and allowing reasonable paid time off work for the employee to prepare for, and attend, interviews.

The following support is also available:

Employee Assistance Toolkit

Redeployees will be given an [Employee Assistance Toolkit](#) which provides hints and tips to maximise the chances of them obtaining suitable alternative employment with the Council.

Mock Interview Training (volunteers)

There are opportunities throughout the year for redeployees to undertake interview training as part of managers' recruitment and selection training. Redeployees can act as candidates to gain some interview practice in a less pressured environment.

AMICA Service

Employees are able to contact the AMICA Service if they require confidential advice and support during the redeployment process.

Time Off to Arrange Training or Seek Alternative Employment

Redeployees who are being made redundant will be granted reasonable paid time off work during their notice period to look for new employment or to arrange training for future employment. This will include time off to attend job interviews and visit employment agencies or Jobcentre Plus in connection with new employment. Managers should discuss with employees what training and development opportunities are available and appropriate to them and endeavour to meet reasonable training and development requests.

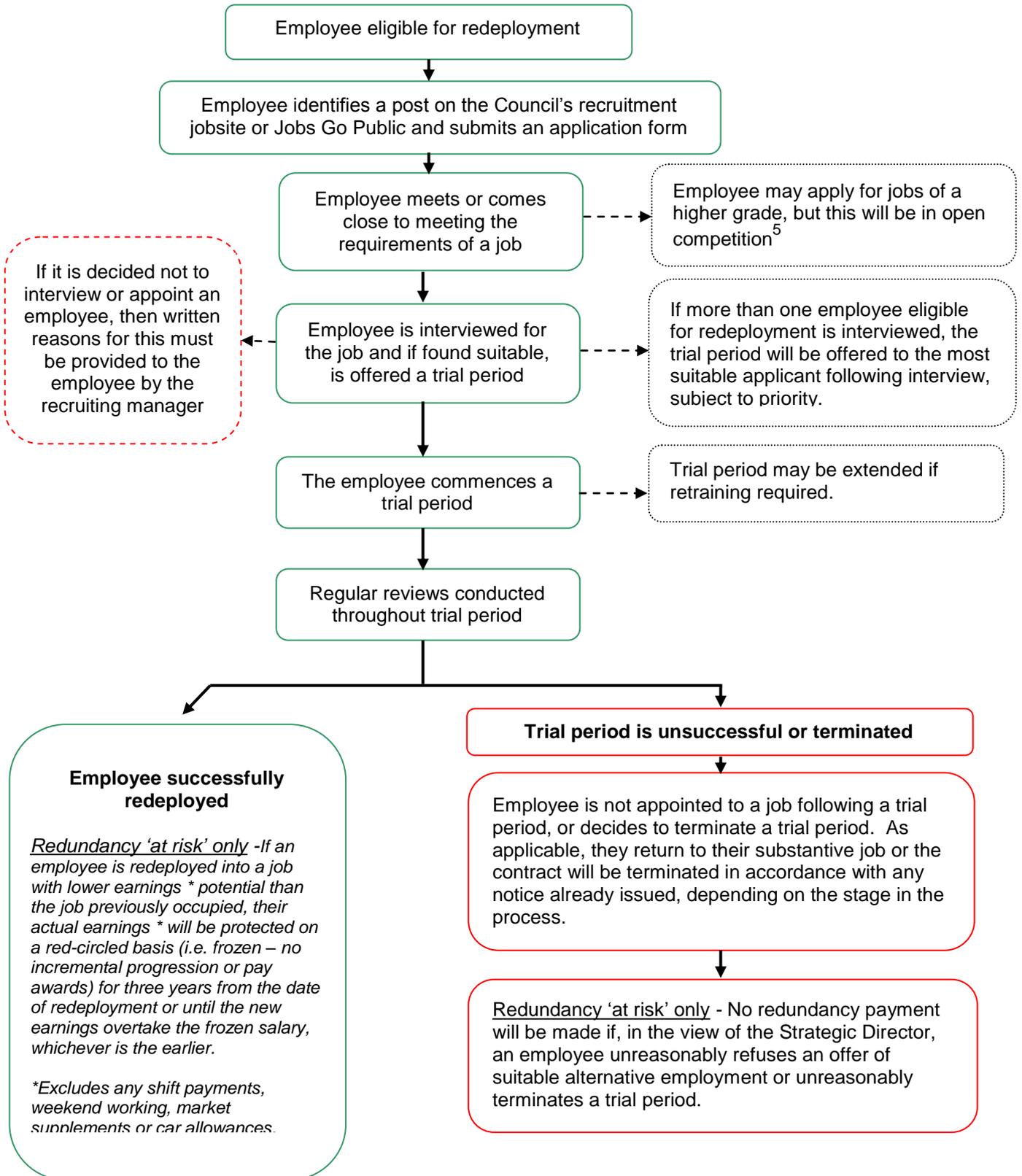
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Appendix A - Table of Redeployment Eligibility

| Reason | Category | Point at which eligible | Pay Protection | Excess Travelling Expenses | Maximum period with redeployment status | Comments |
|--|----------|---|--------------------------|----------------------------|---|---|
| Redundancy | At Risk | Please refer to the Organisational Change Policy | Yes | Yes | Approximately 3 months', may be shorter or longer due to associated timescales relating to the nature of the restructure. | |
| Ill Health or Disability Related Capability | At Risk | Following notification from an Occupational Health Assessment | No | No | Approximately 3 months', may be shorter or longer due to associated timescales relating to the nature of the restructure. | |
| Expiry of fixed-term contract (where the reason for the termination is redundancy) | At Risk | At commencement of notice period | Yes | No | Approximately 3 months', may be shorter or longer due to associated timescales relating to the nature of the restructure. | |
| End of Apprenticeship Agreement | At Risk | At commencement of notice period | No | No | Approximately 3 months', may be shorter or longer due to associated timescales relating to the nature of the restructure. | |
| Other Category | Other | To be agreed by Director | To be agreed by Director | To be agreed by Director | To be agreed by Director | Strategic Director to make decision on eligibility for redeployment where employee does not meet pre-defined requirements, and to agree |

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| | | | | | | conditions of redeployment. |
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Appendix B - Redeployment Process Flowchart



5 Except where the employee has been granted preferential consideration for a higher graded post



Fixed-Term Contracts - Guidance for Managers

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Purpose

The purpose of this guidance is to provide advice to line managers on the management of fixed-term contracts. It should be noted that there is no difference between a fixed-term and a temporary contract and since the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 came into force, it is more usual to describe such a contract as “fixed-term” rather than “temporary”.

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Scope

This guidance applies to employees of Charnwood Borough Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services
- Joint Negotiating Committee for Chief Officers of Local Authorities

This guidance is not applicable to:

- agency staff
- individuals who are self-employed
- apprentices
- casual workers.

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Principles

- The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy and procedure. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.
- Employees will have the right to be accompanied by a Trade Union Representative or a work colleague during any meetings connected with terminating a fixed term contract.

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Roles and Responsibilities

| | |
|------------------------|--|
| Head of Service | To monitor the management of fixed-term contracts |
| Line managers | To complete the necessary form notifying HR of the appointment of a fixed-term employee. To manage fixed-term contracts in line with this guidance and relevant legislation. |
| HR Services | To be the first point of contact for managers seeking advice on fixed-term contracts and to issue appropriate contract documentation to fixed-term employees. To provide advice on more complex queries regarding fixed-term contracts. |

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What is a fixed-term contract?

A fixed-term contract is a contract of employment that will terminate either:

- on a specified date; or
- on completion of a specific task or project; or
- when a specific event has occurred e.g. an employee returns from maternity leave or a secondment or a new organisational structure has been implemented; or
- When a specific event has occurred or not occurred e.g. funding not being renewed.

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Using a fixed-term contract – when and why?

It is essential to demonstrate that there are transparent, necessary and objective reasons for using a fixed-term contract and the reason must be clearly stated in the employee's contract of employment. Failing to state a detailed and clear reason could have implications for ending the contract and on future restructuring and redundancy situations.

Necessary and objective reasons could include the following:

- absence cover e.g. for long- term sickness, maternity leave, secondment;
- externally funded posts, where funding is only available for a set period of time;
- a specific, finite project;
- when additional staffing is needed for a specified period e.g. to manage a temporary increase in workload;
- vacancy cover pending a restructuring i.e. where a restructuring is pending and a permanent employee leaves and has to be replaced on a temporary basis. (In these circumstances the contract should state “the reason for your fixed term appointment is to cover a vacancy pending a restructuring which is due to be implemented by xxx”.)

This is not an exhaustive list and managers should seek advice by contacting HR if they are considering a fixed-term contract for any other reason.

Managers must make clear to prospective employees the expected duration of the contract in the job advertisement and recruitment literature, when interviewing and in the resulting contract of employment.

If the fixed term contract is covering the absence of another employee, this is not a redundancy situation on the termination of the contract. The manager should send a letter to confirm this to the successful applicant (see [template letter](#)).

Managers must provide the reason for the fixed-term contract, the duration and the expected end date to HR to ensure that this information is then clearly stated in the employee's contract.

Where employees on fixed-term contracts fall within a restructure or review, the provisions outlined below will apply.

Managers should check the contract of employment of individuals on fixed-term contracts to determine the reason why the contract was issued.

Fixed-term employees will be entitled to equal consideration for posts and given the opportunity to apply for new or vacant posts in the new structure alongside permanent staff where their fixed-term contract states that it is to cover a short term need and the contract was issued before the Directorate was aware of the impending restructuring. The principles outlined within the comparability section of the organisational change policy and procedure will apply.

Fixed-term employees will not be entitled to equal consideration for posts and given the opportunity to apply for new or vacant posts in the new structure alongside permanent staff involved in the restructure where:

- their fixed-term contract states that it is to cover an absent employee e.g. maternity cover, secondment, etc. This type of contract will end when the employee for whom the cover is provided returns to their substantive post;
- their fixed-term contract specifically states that it is for additional work or a project which is a temporary addition to the establishment and there are no permanent staff carrying out the same role. This type of contract will end when the work is completed or funding for the work finishes;
- their fixed-term contract states that it is to cover a short term need and/or to provide cover during the period of the restructuring and the contract was issued after the Directorate was aware of the impending restructuring.

If a fixed term employee has at least one years' continuous service, and the reason for termination is redundancy they are entitled to the provisions of the redeployment policy and procedure. Where an employee falls outside of this criteria they should have the same access and opportunity to apply for permanent employment with the Council as permanent employees outside of the restructure. Fixed term employees should be notified at the same time and in the same way as permanent employees of vacancies and given the same opportunity to apply.

To exclude a fixed-term employee from consideration for posts in the new structure, the Directorate must have communicated with employees and the trade unions to inform them of the impending restructuring within a reasonable timescale.

If, as a result of organisational change, an employee is appointed to a fixed-term contract where there is no break in continuous service and where they are covering for the absence of another employee, they will not be eligible to receive a redundancy payment when the fixed-term contract ends and the manager must

ensure that the employee is advised of this in writing when they are considering the post. This should be before the fixed-term contract is offered to them.

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When not to use a fixed-term contract

It is not appropriate to use a fixed-term contract to create an artificial trial period to assess someone's suitability for a job. Employees who have been issued with a fixed term contract before an impending restructuring would be treated the same as permanent employees. In addition, it is not normally best practice to cover a vacancy with a fixed-term contract whilst working through the recruitment process to fill the post permanently. Overall fixed term employees should be treated no less favourably than comparable permanent employees due to their fixed terms status without objective justification. Fixed term contracts should only be used for transparent and objective reasons where there is a genuine need for a fixed term post.

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Probation

Employees on fixed-term contracts will be subject to the Council's [Probation Procedure](#) during their first 6 months of employment (or up to the point of termination if the contract is for less than 6 months).

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Fixed-Term contracts Employees' Rights

The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 give fixed-term employees the right to be treated no less favourably than permanent employees doing the same or broadly similar work with regard to their terms and conditions or in being subjected to any other detriment, unless such treatment can be justified on objective grounds. Employers must not discriminate against employees because of their fixed-term status.

Fixed-term employees therefore have the right to the same pay and contractual entitlements overall as permanent employees, unless it can be objectively justified that a particular term or condition should not be applied (in which case advice should be sought by contacting HR).

Fixed-term employees who believe they are receiving less favourable treatment have the right to request a written statement from their employer explaining the reasons for such treatment and the employer must respond in writing within 21 calendar days of the request. In these circumstances managers should seek advice by contacting HR, particularly as the statement can be used at any subsequent Employment Tribunal hearing.

Continuous service

It is essential that managers are aware of an employee's continuous service because, depending on the circumstances, an employee on a fixed-term contract may be entitled to a redundancy payment on the termination of their contract or their contract could become permanent under the "statutory fallback scheme".

For more details about continuous service please refer to Appendix A.

Eligibility for permanent status (the "statutory fallback scheme")

Where an employee has continuous employment under a fixed-term contract that has previously been renewed for 4 or more years or has continuous employment under a contract, when taken with a previous fixed-term contract, for 4 or more years, the employee will by law become permanent unless their continuing employment under a fixed-term contract can be objectively justified.

To become eligible for permanent status all the service has to be with the same employer.

Although there is no legal requirement to write to the employee, it is recommended that the manager should do so, in order to confirm the employee's permanent status. If continuing employment under a fixed term contract can be objectively justified the manager should write to the employee to confirm this with reasons.

Once 4 years' continuous employment has been completed under 2 or more successive contracts, the employee can write to the employer and request written confirmation that the contract is to be regarded as permanent.

There is no limit on the length of a first fixed-term contract, but any duration must be justifiable. If a fixed-term contract is renewed after the 4 year period, it will be treated as a permanent contract unless the use of a fixed-term contract can be objectively justified. Advice regarding this should be sought by contacting HR.

Access to permanent posts

Fixed-term employees should have the same access and opportunity to apply for permanent employment with the Council as permanent employees. Fixed term employees should be notified at the same time and in the same way as permanent employees of vacancies and given the same opportunity to apply.

An employee on a fixed-term contract does not have an automatic right to the post they have been occupying except under the "statutory fallback scheme" above.

If it is decided that a permanent appointment is to be made, for example, if an absent employee does not return from maternity leave or a secondment, the post should be subject to the usual recruitment process. The postholder would have the opportunity to apply for the post and the normal recruitment and selection procedure would apply.

However, there is provision within the [Appointments and Promotions Policy – The Appointment of Temporary Staff](#), that when a fixed term vacancy becomes available on a permanent basis, without a change in grade or duties, the fixed term post holder can be appointed to that post on a permanent basis subject to the following.

1. The temporary post must have originally been advertised internally and externally.
2. There must be no substantial differences between the person specifications for the temporary and permanent posts.
3. The employee must have successfully completed six months service in the post and if applicable have successfully completed their probationary period.
4. There are no suitably experienced and/or qualified redeployees or employees at risk of redundancy.

Access to learning and development opportunities

Fixed-term employees should have equal access to learning and development opportunities as permanent employees.

Pregnancy, maternity and adoption rights

It is unlawful to reject an applicant for fixed-term employment, to withdraw an offer of employment, to terminate or not renew a fixed-term contract on the grounds that the employee/prospective employee is pregnant (or may become pregnant).

Employees on fixed-term contracts who are pregnant or on maternity or adoption leave have protection under legislation relating to fixed-term contracts including the Equality Act 2010.

Fixed-term employees have the same entitlement to statutory maternity and adoption leave and pay as permanent employees (subject to meeting the relevant qualification criteria). Although statutory maternity or adoption **leave** may come to an end at the conclusion of a fixed-term contract, statutory maternity or adoption **pay** will continue if the employee already qualifies for it.

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Managing fixed-term contracts

HR will advise line managers in advance of employees whose fixed-term contracts are due to come to an end, according to the termination date stated in their contract.

In adequate time towards the end of the fixed-term contract, taking into account the notice period that the employee is entitled to and the consultation required where there is a redundancy situation, the manager should review the contract and consider whether:

- there is a continuing need for the post;
- any extension of employment will be on the same basis as before, or different;
- whether the employee has attained permanent employment status.

Renewal/extension of fixed-term contracts

Managers wishing to extend fixed-term contracts must first obtain permission through a Delegated Decision, prior to any discussion with the employee(s). Formal permission must be obtained on each occasion that an extension to employment is proposed. Any extensions to fixed term contracts should be discussed with the employee to establish if they wish to continue in the post for the period of extension. If the employee declines an extension, the post will be advertised in accordance with the normal recruitment and selection procedures.

If there is a need for the post to continue on a fixed-term basis, the manager should notify HR, using the [Variation to Contract Form](#), asking for a further contract or letter of variation to be issued and specifying clearly the revised end date and the reason for continuation.

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Ending fixed-term contracts

Where employees on fixed-term contracts fall within a restructuring or review, or where it is proposed to make a group of employees on both permanent and fixed-term contracts redundant, the provisions outlined above for organisational change will apply. However where the termination or non-renewal of a fixed-term contract is being considered on its own, the guidance below will apply. Managers should contact HR for advice if they are unclear which policy, procedure or guidance should apply.

Fixed-term contracts by their nature are expected to end at some point. However, the termination of a fixed-term contract is still a dismissal and therefore a fair dismissal procedure should be followed when a fixed-term contract is coming to an end or is being terminated before the stated end date.

Some fixed-term contracts will be in place to cover the absence of another employee e.g. on maternity leave or on secondment and will end because the substantive post holder returns to work. In these cases the termination of the fixed-term contract is not a redundancy situation and the employee will not be eligible to receive a redundancy payment when their contract ends (subject to their fixed-term contract having clearly stated the reason for it), even if they have more than 2 years' continuous service. The process for terminating a fixed term contract in a non redundancy situation should be followed in this circumstance.

In other cases where a fixed-term contract is terminated early or not renewed, this is usually a redundancy situation. Where the employee has at least 2 years continuous service, this will mean they are entitled to receive a redundancy

payment. Managers should seek advice by contacting HR if they are unclear as to whether the termination of a fixed-term contract ending is a redundancy or not.

To terminate a fixed-term contract before its end date, the contract must state that it may be terminated early; otherwise payment could be due to the employee until the stated end date. The employee is entitled to the requisite notice period.

Termination of a fixed-term contract – a single redundancy situation

Where the termination of a fixed-term contract is by reason of redundancy, the line manager should seek HR advice. A single redundancy situation is where there is only one employee involved. Where this is the case, this process should be followed for each individual. The following steps should then be carried out:

1. The manager should determine the timescale required to follow the process below. It is necessary to allow sufficient time for consultation to be carried out, a decision to be finalised and the employer to then serve statutory or contractual notice period, whichever is the greater, up to the date on which their fixed-term contract is due to end. Where the employee has at least one year's continuous service and the reason for termination is redundancy, the principles of the redeployment policy should apply. This includes the requirement to place the employee on the redeployment register for 3 calendar months. The consultation period should be not less than one week, and may need to be longer depending on the circumstances – advice regarding this may be obtained from HR Services.
2. The manager should arrange a meeting with the employee to start formal consultation on the proposal. At the meeting, the manager should give the employee a [letter](#) proposing to terminate their fixed-term contract which provides details of the business reason(s) why it is proposed to terminate the contract and sets out the arrangements for consultation, whereby the employee will have the opportunity to ask questions and put forward suggestions about the proposal. The employee may be accompanied at the meeting by a trade union representative or work colleague. A copy of the letter to the employee should also be sent to the recognised trade unions.
3. When the consultation period has ended and any comments received have been considered, the manager should arrange a meeting with the employee to advise them of the outcome. The employee may be accompanied by a trade union representative or a work colleague. If the manager decides that the contract should still be terminated, this must be confirmed to the employee.
4. HR Services should then send a letter to the employee giving notice of the termination of their employment, setting out their entitlement to redundancy pay (where applicable) and confirming the date of

redundancy, in accordance with the employee's statutory or contractual notice period, whichever is the greater.

5. The manager should submit the Leavers Notification to HR.

The employee has the right of appeal against their dismissal on the grounds of redundancy in accordance with the appeal policy and procedure.

Fixed-term employees on maternity leave, adoption leave or maternity/adoption support leave in a redundancy situation

Managers are strongly advised to seek advice from HR Services if any affected employees are in this position. Employers have a statutory duty to offer employees who, during their maternity leave, adoption leave or the additional paternity leave element of their maternity/adoption support leave find that their post is confirmed as or selected for redundancy, any suitable vacancy as an alternative to redundancy prior to the termination of their employment.

Therefore such an employee should be given redeployment status regardless of their length of service and offered any suitable alternative post over other employees with redeployment status.

To be a suitable alternative for these purposes, the work should be suitable and appropriate for the employee in the circumstances and should be on terms and conditions and in a capacity and location which are not substantially less favourable than their previous post. Advice should be sought on what might amount to suitable alternative employment from HR Services.

An employee who is on maternity leave, adoption leave or maternity/adoption support leave during the formal consultation period, but has returned to work prior to selection for redundancy (stage 3 above), is not entitled to this preferential treatment, but managers must ensure that such an employee is fully engaged with during the consultation period.

Termination of a fixed-term contract – not a redundancy situation

Where the termination of a fixed-term contract is not a redundancy situation, the line manager should carry out the following steps:

1. Before the employee's statutory or contractual notice period, whichever is the greater, is due to start, the manager should issue the employee with a letter proposing to terminate their fixed-term contract together with the reason for this ([a template letter is available](#)). The letter should offer the employee the opportunity to attend a meeting to discuss the termination or non-renewal of their contract.
2. If the employee does not wish to meet, the manager should then submit the Leavers Notification to HR and send the employee a letter confirming termination of their employment and advising them of their right of appeal ([a template letter is available](#)).

3. If the employee would like to have a meeting, the manager should arrange this as soon as possible. At the meeting the manager should explain the reason for the need to terminate or not renew the fixed-term contract and the employee should be given the opportunity to put forward alternative proposals which should be considered by the manager. The employee may be accompanied by a trade union representative or work colleague.
4. If, following the meeting, the manager decides that the contract should still be terminated, the manager should confirm their decision to the employee verbally, and submit the Leavers Notification to HR and send the employee a letter confirming termination of their employment and advising them of their right of appeal ([a template letter is available](#)).

The employee has the right of appeal against the termination of their contract, as set out in the [Appeal Policy and Procedure](#).

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Appendix A – Continuous service

Continuous service refers to a single period of unbroken service. Service is usually broken if one contract of employment follows another with a gap of more than a week and two weekends.

Successive contracts with Charnwood Borough Council

Charnwood Borough Council counts as one employer so a series of contracts in one or more sections or directorates can therefore provide an employee with continuity of service and attendant employment rights, including the right to receive a redundancy payment (if applicable).

Successive contracts with local authorities and other public service bodies

Under the Redundancy Payments (Continuity of Employment in Local Government etc.) Modification Order 1999 (as amended) (the RPMO), a series of unbroken contracts with local authorities and certain other specified public service bodies gives an employee continuity of service in respect of certain specified employment rights, including the right to a redundancy payment based on all their continuous service.

For further information about the bodies covered by the RPMO or details of the continuous service of an individual employee, please contact HR.

Continuous employment

Continuous employment refers to a continuous period of employment with the same employer. The continuous period may be the result of a single contract or a succession of fixed-term contracts.

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REDEPLOYMENT EMPLOYEE ASSISTANCE TOOLKIT

This toolkit should be read in conjunction with the [Redeployment Policy and Procedure](#).



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Dear Colleague,

As an employee who has recently become eligible for redeployment, you may have a number of questions about what happens next and how you need to go about things. We appreciate that this can be a very anxious time and we aim to give you as much help and support as possible.

The information, hints and tips in this toolkit aim to help you maximise your chances of obtaining suitable alternative employment with the Council and also provide some signposting to jobs externally. Getting another job will require significant effort on your part as you might expect, but we try to make the process a little bit easier by offering 'preferential consideration' in certain circumstances.

Please take the time to read the information on the following pages and try to use it to your advantage. We hope you will find it helpful and we wish you every success in your search for alternative employment.

HR Services

SECTION ONE

Redeployment

You may have heard the terms 'at risk' or 'eligible for redeployment'. Both mean the same thing and the processes that are followed in terms of finding suitable alternative employment with the Council are the same.

Eligibility

If you have been told that you are 'at risk' it will be for one of a number of reasons:

- Your post is potentially redundant as the result of an action plan under the Council's Organisational Change Policy;
- For ill health or disability related reasons (i.e. your condition prevents you from carrying out significant parts of, or possibly all of, the duties of your current substantive post); or
- Your fixed-term contract is due to come to an end and you have not secured a permanent contract. The reason for the termination of the fixed-term contract must be redundancy.

Alternatively you may be eligible for redeployment for one of a number of 'other' reasons which would be specific to your own circumstances.

What does this entitle you to?

You are entitled to apply for jobs on your substantive grade¹ or jobs on a lower grade, with preferential consideration as long as you meet or come close to meeting the essential requirements of the job.

'Preferential consideration' means that if you meet, or come close to meeting, the essential requirements of the job, you are entitled to be interviewed before any other applicants who are not eligible for redeployment². If you demonstrate at interview that you can do the job, you will be offered a trial period. The trial period is for a statutory minimum period of 4 weeks although this could be longer for retraining purposes. In certain circumstances you may be eligible for pay protection. Please refer to the [Redeployment Policy and Procedure](#) for further information regarding trial periods and the circumstances in which pay protection may apply.

If there is more than one applicant who is eligible for redeployment, all those who meet, or come close to meeting, the essential requirements will be interviewed and a trial period will be offered to the person who demonstrates that they are most suitable for the job. However 'at risk' candidates would take preference over redeployees who are in the 'other' category.

It must be stressed that not applying for or endeavouring to secure suitable alternative employment could affect any entitlement you may have to a redundancy payment.

Who can I contact for assistance?

You will be offered assistance by your manager. Please contact them if:

- You need advice about applying for a job;

¹ Substantive means your permanent or original contractual grade; not any acting-up or secondment post you may be in.

² Employees on maternity leave, adoption leave or shared parental leave, who are under notice of redundancy, will be offered any suitable vacancy in preference to **any** other employee.

- You want to discuss whether you come close to meeting the essential requirements for a post;
- You are not offered an interview or trial period but feel you meet the essential requirements of the job;
- You have any queries about the redeployment process.

You may also find it helpful to speak to:

- Your Trade Union representative, if you are a member of a recognised Trade Union;
- The AMICA Service if you are finding it difficult to cope as a result of being given redeployment status;
- The Pensions Section, if you are a member of the Local Government Pension Scheme;
- The Learning and Development Service, who will be able to advise you of any training which might be available to help you to develop new skills (e.g. computer skills).

Applying for Jobs

How do I apply for jobs?

All vacancies will be advertised on the [Charnwood Internet](#) or [Jobs go Public](#) and the jobsite is updated on a daily basis. If you do not have access to the internet at work or home, access is available in your local library or through your manager.

If you wish to apply for a post, please click 'Apply Online' and complete the application form.

Please ensure that you indicate on your application form that you have redeployment status and the grade of your substantive post (i.e. the grade up to which you can receive preferential consideration). If you meet, or come close to meeting, the essential requirements of the job, the recruiting manager will arrange to interview you in advance of applicants without redeployment status.

Can I apply for jobs on a higher grade?

You can apply for higher graded posts but this will be in open competition with other applicants. Your application will therefore be considered alongside all other applications for the post.

However, there may be some circumstances where it is appropriate to give an employee preferential consideration when applying for higher graded posts. Please refer to the Redeployment Policy and Procedure.

Jobs with other organisations

You only have preferential consideration for suitable jobs with Charnwood Borough Council; this does not extend to jobs with other organisations. However, in order to help you widen your search you will find hyperlinks at the end of this toolkit, to the websites of other local councils. You may also want to keep an eye on vacancies in other public sector organisations such as the [Probation Service](#), [NHS](#), [Leicestershire Fire and Rescue Service](#) and [Magistrates Service](#) by visiting their websites.

You might also find it helpful to consider:

- Local press (e.g. Leicester Mercury, Coalville Times, Melton Times, Loughborough Echo, Nottingham Evening Post, Coventry Evening Telegraph, etc.);

- National press and professional journals appropriate to your work field;
- Internet job sites;
- Jobcentre Plus;
- Recruitment agencies.

If you are at risk of redundancy under the Council's Organisational Change Policy you are entitled to reasonable paid time off during your notice period to look for alternative employment or make arrangements for training for future employment.

Getting Some Practical Interview Practice

An invitation to volunteer

One to one support can be made available to an employee on redeployment who would like alternative support. If you think you might find this beneficial please contact Kevin Brewin, Learning and Development Co-Ordinator or Lyn Smith Learning and Development, Support Officer. Please liaise with your manager about your attendance.

In the meantime the information on the following pages may help you to frame any job applications you may make. It should also help you to identify your skills, strengths and weaknesses and prepare for that all important interview.

Completing an Application Form - General Hints and Tips

First of all, remember that your application form may be the first ever contact the prospective manager will have had with you. Present it well - first impressions count.

Completing an application form, will require a considerable investment of your time. Don't rush it. Plan how you are going to complete the form. Read the instructions carefully. Always check your application forms for spelling mistakes, punctuation and grammar.

Check carefully what information the form is asking for. For example, it may ask for a **summary** of your **relevant** experience. Make sure therefore that your response is concise (i.e. a summary, and that it is focussed. Mention only your relevant experience). In other words don't include things that will be of no interest to the recruiting manager.

Relate your qualifications, experience and skills to the post you are applying for, illustrating your capabilities by giving brief examples of where, what, when and how you gained the experience or skill and instances where you have used them successfully. **It is important that you consider any skills and experience that you may have obtained outside the workplace, as quite often these attributes are transferable.**

Were you solely responsible for a particular task or did you assist someone with it?

Read your application through a few times to check for spelling mistakes and any other errors. Ask someone else to read through it - they may spot something you've missed.

Make sure you have filled in all the relevant parts of the form. If any parts do not apply to you, mark them 'not applicable' or 'N/A' so that the recruiting manager can be sure your form is complete. When you are happy with your application, submit it. Make sure you keep a copy so that you can refer back to it before the interview.

Identifying a suitable post with the Council and submitting your application form

Identify a suitable vacancy on the Council's recruitment website. The advert may identify an informal contact from whom you can get further information about the job / team / section / department. Take advantage of the opportunity to do so - do your homework - get as much information as you can. This will help you formulate your application and shows interest and enthusiasm, not to mention potentially impressing the panel at interview.

Where preferential consideration applies

Examine the essential requirements of the job in the person specification - do you meet them or come close to meeting them? Be realistic - do you come close *enough*? If not, you will not get an interview.

If you meet the essential requirements or, come close to meeting them, decide whether you want to apply for the job. If you do, complete and submit an application form.

If you meet or come close to meeting the requirements you should be offered an interview, providing the grade of the post is the same or lower than your substantive grade.

If the interview panel is satisfied that you are capable of doing the job, you should be offered a trial period - a minimum of 4 weeks. Within this period both you and your prospective 'new' manager can assess whether you are indeed suited to the post. It's a two way exchange.

Please note if you withdraw from a trial period, or decline confirmation into post, where the Director considers the post to be suitable alternative employment, you may disqualify yourself from a redundancy payment (if applicable).

If you are applying for a higher graded post

Your application will not get preferential consideration and will be considered alongside all other applications that have been received for the post, unless certain circumstances apply where it may be appropriate to give employees preferential consideration as outlined in the Redeployment Policy and Procedure.

If you are shortlisted - what's your next move?

Whether you are applying for a job with the Council or elsewhere, if you are shortlisted for interview there are some things you can do to prepare. The following sections highlight a few points for you to think about and some useful exercises to help you.

The interview - top tips

The Do's

It's easy to say, but try not to get too nervous about the interview. An interview is really just a two way discussion to see how well you may be suited to the job. However, we all know that, when you're already in a job and have that one to go back to there's less at stake if you're not successful at interview. If you are 'at risk' there's a lot more riding on it.

Take time to think about how you will approach the interview. Try and find out what kind of interview it will be - will it be a panel, will there be a selection test or even a series of tests, will

you need to submit a report or other piece of work in advance or will you have to do a presentation?

Find out where the interview is taking place; make sure you know where the location is and that you can get there - not just on time, but in plenty of time to compose yourself beforehand.

Dress smartly and appropriately, first impressions are important.

You've done your homework and found out all you can about the job/team/section/department. Now start planning how you will tackle the interview. Re-examine the person specification, job description and your completed application form. Think about what type of questions the panel might ask you, your strengths and weaknesses, your experience and skills in relation to the main duties of the job and the essential requirements of the person specification. Think about how you will respond. Give some actual examples that demonstrate a particular skill or experience. You might find it helpful to jot these down on the job description as a reminder - then practise describing them.

In the interview, take your time when answering the questions. Make sure you answer the question that is asked. If you are unsure, ask for the question to be repeated. That's quite okay - the last thing you want to do is ramble about irrelevant things.

You need to impress, sell yourself. No one else can do it for you once you're in the interview. It doesn't come naturally to most people to boast, but just be positive, look alert and attentive and speak clearly and confidently.

The panel is not there to trip you up; they want the best person for the job. They've all been interviewed at some time and will make allowances for a few nerves. They need to be convinced that you have the capabilities and attitude to do a good job for them. They are looking for the positives you can bring to the role.

If you feel you are becoming over anxious - take a moment to breathe more slowly and deeply to calm yourself.

Try and think of a few questions to ask the panel at the end of the interview - it will show you've given thought to the job. Don't panic if you can't - they may all have been covered during the interview.

Prepare and rehearse as much as you can.

The Definite Interview “No-Nos”

Don't be late.

Don't use slang or bad language - it may sound obvious but it does happen.

You need to sell yourself, but don't lie or go over the top about yourself; you can be dismissed if you falsify information.

Don't read from the notes you have made. If you've prepared and rehearsed properly in advance, you shouldn't need to.

Remember preparation, preparation, preparation

Further advice regarding preparation for the interview is available from the [National Careers Service](#).

SECTION TWO

Self Help Exercises

The following pages contain some exercises that give you a framework for identifying your strengths and helping you formulate your application form. You probably feel it's been a marathon to get this far. However, remember, no one else can get that all important job for you. It's down to you, so the more you do to help yourself, the better your chances of success. We hope therefore you'll take the time to work through the following exercises. You may only need to do them once. You may also be surprised what you find out about yourself.

Marketing Yourself

It is obvious that **effective** job applications and interview performance require a positive approach to marketing yourself. It is also obvious that this is not easy when:

- You may be feeling devalued and de-skilled;
- It doesn't come naturally to boast;
- You lack confidence or practice in the job market.

What is needed is:

- A means of identifying the **real skills** and **achievements** that **everyone** has in some measure and combination;
- A way of expressing these skills and achievements in a **comfortable** and **convincing** way; and
- A degree of certainty as to what to expect and the opportunity to **prepare/rehearse/practice**.

Job attractors - what are they?

These describe the sort of capabilities that employers in general are looking for when recruiting. The following 'job attractors' represent abilities that are valued in the jobs market. These abilities are a mixture of values, attitudes, personal qualities and skills. More importantly, they can be applied to **any job context** and at any level.

Exercise

1. Identify those job attractors that you can relate to.
2. Think of examples that illustrate them.
3. Ensure that the most relevant are emphasised when completing applications.

| | |
|---|---|
| <p>Key skills e.g.</p> <ul style="list-style-type: none"> • Able to communicate clearly, both verbally and in writing. • Numerate. • Computer literate. | <p>Team worker e.g.</p> <ul style="list-style-type: none"> • Able to energise and motivate others. • Able to work effectively in a team. |
| <p>Adaptability e.g.</p> <ul style="list-style-type: none"> • Adapts to change. • Moves competently and smoothly between tasks and/or environments. • Quickly learns - new concepts, ideas and practices. | <p>Pro-activity e.g.</p> <ul style="list-style-type: none"> • Utilises opportunities effectively. • Identifies and resolves problems. • Thinks globally but acts locally. |
| <p>Quality Assurance e.g.</p> <ul style="list-style-type: none"> • Sensitive to customer needs. • Concerned about the quality of work. • Understands costs (and profits). | |

Skills and achievements

Below are some structured exercises for identifying your particular strengths.

Exercises

1. Consider your current job (your job description is a helpful starting point with this exercise).
2. List the most important roles, functions or duties that you perform.
3. Identify and list the skills and qualities necessary to perform that duty effectively.
4. List any achievements in these areas of which you feel particularly proud.

| Key Roles | Skills/Qualities | Achievements |
|---|---|--|
| For example: Receive visitors and handle enquiries. | Good interpersonal skills. Deal with difficult customers and complaints. Maintain accurate records. | Improved layout of reception area. Introduced new logging system. |

5. Having done this for each of the key roles within your current job, repeat the procedure for any of the following:

- Other recent/significant posts
- Part-time work or voluntary positions
- Leisure activities e.g. drama group, sports club secretary, etc.

Identifying your experience and skills

Here are some more ideas to help you build a list of marketable abilities. It is not uncommon for people to feel that they have little to offer an employer in the way of skills. However, if you take a little time to think about what you actually **can do**, it is likely that you will find you have more to offer than you realised. The following is designed to help you identify the skills that you possess and to show how they might be useful to you in getting a job.

Exercise 1

Recognise the skills you have by considering:

- The various jobs that you have done;
- The tasks and responsibilities involved in running your own home; and
- Any activities you may do in your spare time, e.g. clubs, voluntary work, committees, play groups, etc.

Think of all the tasks you do in these activities and then list them. The following skills checklists may give you some ideas. The skills have been grouped into different categories. Look at the lists and then tick those skills which you feel you have.

| Practical skills | Tick |
|---|--------------------------|
| Keyboard skills | <input type="checkbox"/> |
| Using hand tools to cut/shape/make things | <input type="checkbox"/> |
| Operating powered equipment | <input type="checkbox"/> |
| Maintaining equipment and machinery | <input type="checkbox"/> |

| | |
|--|--|
| Mending and repairing equipment | |
| Diagnosing faults and testing equipment | |
| Using physical strength | |
| Handling materials or equipment with precision or speed. | |

| Skills dealing with ideas | Tick |
|--|------|
| Creating new ideas or solutions to problems | |
| Thinking of improvements or alternatives | |
| Evaluating different ideas | |
| Planning ahead and setting goals | |
| Developing other people's ideas | |
| Sizing up a situation quickly and accurately | |
| Deciding between alternative courses of action | |
| Dealing with things that have gone wrong | |

| Skills dealing with information and data | Tick |
|---|------|
| Keeping accurate records | |
| Making accurate measurement and calculations | |
| Following written instructions or diagrams | |
| Working out costs and budgeting | |
| Checking information for accuracy | |
| Writing letters, memos, reports etc | |
| Extracting information from reports/books/manuals | |
| Organising or classifying information | |
| Providing information verbally or in writing to enquirers | |
| Dealing with things that have gone wrong | |

Exercise 2

Key attributes

Think of an example where you showed these skills and complete the boxes.

| Attributes | This was shown when I.... |
|---------------|---------------------------|
| Co-operative | |
| Creative | |
| Determined | |
| Enthusiastic | |
| Flexible | |
| Trustworthy | |
| Motivated | |
| Patient | |
| Understanding | |

Now look back at the skills that you have ticked and the examples that you have listed. Which of these skills do you think are your strengths?

| Strengths | Reasons why I think this |
|-----------|--------------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |

What skills do you particularly enjoy using?

| Skills | Examples and reasons why? |
|--------|---------------------------|
| | |
| | |
| | |
| | |
| | |

Are there any skills that you have currently that you would like to develop further?

| Skills | How would you like to develop these skills and give your reasons? |
|--------|---|
| | |
| | |
| | |
| | |
| | |

Are there any new skills that you would like to learn for the future?

| Skill | Reasons why? |
|-------|--------------|
| | |
| | |
| | |
| | |
| | |

Exercise 3

Recognise your “transferable skills”

If you want to apply for jobs that are different from what you have done in the past, you might be put off applying because you feel that you don't have the relevant experience and would therefore not stand a chance of being considered for the job.

While it may be true that you have little or no experience in that particular kind of work, it does not mean that you do not possess the necessary skills to be able to do the job. If you stop and think about it, there are probably tasks and skills involved in the jobs that you have done in the past that could be used in a different type of job. Skills that you have learned and developed in one situation that you could use in a different situation are referred to as “**transferable skills**”.

Look at the skills you have. Many of them would be useful in a variety of different jobs and settings. Using the box below, take one or two of your skills and try to think of as many jobs as possible that might use those skills. You will be surprised at how many jobs you come up with. So by now, you should be realising that you **do** have more relevant experience and skills than you first thought.

| Skills | Jobs |
|--------|------|
| | |
| | |
| | |
| | |

If you do have a particular kind of work in mind for the future, consider that kind of work carefully. What skills are necessary to do the job? If you are not sure, look at careers information to help identify the skills that are needed and then compare them with your skills. Consider if it would be useful to access any additional training to assist you in obtaining new skills.

Always send off for the job details, i.e. job description and person specification. Match the skills you possess against the skills that are required to do the job. Make sure that you bring these out in your application. Don't assume that employers will read between the lines - tell them.

If you have no specific job ideas in mind, look back at the skills that you feel you possess and at those tasks you enjoy. Do these suggest any particular kind of work that might be suitable to you? Many of the skills you possess may be useful and transferable.

SECTION THREE

Termination of Employment

It won't be possible in all cases to achieve a successful redeployment and it may mean that your employment with the Council comes to an end.

It's easy to say, but if you are made redundant try not to take it personally - it is the post that is redundant, not you.

Losing your job under any circumstances will represent a big change in your life, but try to remain as positive as you can and focus your energy on moving forward, not looking back.

It's natural to feel upset, particularly if you have financial worries. Think about contacting AMICA for further support.

Make sure you get information about your potential redundancy payment and when it will be paid. Remember it may have to cover you for quite a few months so use it wisely.

If you are unemployed, you may be eligible for state benefits so think about contacting the following organisations, as appropriate, to find out what you can claim:

- Jobcentre Plus;
- Citizens Advice Bureau;
- Department of Work and Pensions.

In order to continue to receive National Insurance contributions you will need to 'sign on'. Periods of missed contributions could result in a reduced pension.

If you sign on for Job Seekers Allowance you will have to keep yourself available to start work promptly.

You might wish to develop some of the skills you enjoy by looking at further education or training courses. The Jobcentre Plus may be able to advise you about any training or funding for training that may be available for those out of work.

And finally...

As mentioned at the beginning, finding another job, whether within the Council or with another employer, will take considerable time and effort on your part.

We hope that you find the information in this toolkit useful and we wish you every success with your applications.

Contacts & Benefits Signposting

Useful Contacts

| | |
|---------------------------|--|
| Local Government Jobs | lgjobs.com |
| Directgov | direct.gov.uk |
| National Careers Service | nationalcareersservice.direct.gov.uk |
| Citizens Advice Bureau | citizensadvice.org.uk |
| Job Hunting tips | nationalcareersservice.direct.gov.uk monster.co.uk |
| Interview Tips/Techniques | nationalcareersservice.direct.gov.uk |

District Councils, Leicester City Council website and some of our neighbouring authorities

| | | | |
|--|--|---|---|
|  DERBYSHIRE County Council Improving life for local people | Derbyshire County Council |  Nottinghamshire County Council making Nottinghamshire a better place | Nottinghamshire County Council |
|  Staffordshire County Council | Staffordshire County Council |  Northamptonshire County Council | Northamptonshire County Council |
|  Leicester City Council | Leicester City Council |  Rutland County Council | Rutland County Council |
|  HARBOROUGH DISTRICT OF HARBOROUGH | Harborough District Council | Hinckley & Bosworth Borough Council A Borough to be proud of  | Hinckley & Bosworth Borough Council |
|  North West LEICESTERSHIRE DISTRICT COUNCIL | North West Leicestershire District Council |  | Oadby & Wigston Borough Council |
|  Lincolnshire COUNTY COUNCIL | Lincolnshire County Council |  Warwickshire County Council | Warwickshire County Council |
|  Blaby District Council the heart of Leicestershire | Blaby District Council |  Charnwood Leading in Leicestershire | Charnwood Borough Council |

Benefits and Grants - For further information on the types of benefits and grants you may be able to access such as income support and job seeker's allowance please visit direct.gov.uk.



Manager's Guidance on the Recruitment and Selection of Charnwood Borough Council Employees

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Guidance on the Recruitment and Selection of Council Employees

Version: 2017 v 1

Agreed at: Personnel Committee

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Review date:20/01/18

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Purpose

Charnwood Borough Council is committed to investing in its employees and seeks to recruit people who meet its requirements. The purpose of this guidance is to support recruiting managers to adopt a thorough and fair approach throughout the recruitment and selection process and to set out best practice, taking account of relevant legislation and the Council's commitment to [Equality and Diversity](#) and safer recruitment.

As all organisations employing adults to work with children, young people and vulnerable adults should have a consistent and thorough process of safer recruitment to ensure those recruited to undertake this work are suitable. It is the responsibility of the Council to have a range of safer recruitment and selection practices in place.

Safer recruitment is about recruiter managers properly examining the competency, experience, qualifications and attitudes of potential employees in relation to work with vulnerable groups.

This guidance is based on good practice and seeks to enable the recruitment of suitable employees to work with children, young people and vulnerable adults

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Scope

This guidance applies to the recruitment and appointment of all employees of the Council, except the appointment to the posts of Chief Executive, Chief Officers and Statutory Officers for which there is a separate procedure contained within the Council's Constitution.

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Equalities

Through its Equality & Diversity Strategy the Council has set out to promote equality and eliminate discrimination. All members, managers and employees have a part to play in achieving this.

The Council is committed to the principle of equal opportunity in employment and seeks the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with [criminal records](#).

A key aspect of the Council's commitment to equality and diversity is to seek to develop a work force that reflects the diversity of the Borough by taking steps to:

- Promote a working environment that values and respects the identity and culture of each individual by not tolerating any acts of discrimination or harassment, and by introducing standards of behaviour contained within the Code of Conduct for all our employees;
- Ensure that people from groups currently under represented in the work force are encouraged to seek employment with the Council;
- Guarantee that all applicants with a disability, recognised by the Equality Act 2010, receive an interview if they meet or come close to meeting the essential requirements of the job;

- Provision of reasonable adjustments to ensure that those with a disability are not disadvantaged during the recruitment process;
- Develop and promote work life balance policies and procedures for employees;
- Use of the “tie-break” provision under the Equality Act 2010, where following a competitive selection process, two or more candidates score equally by an objective and auditable scoring criteria (see Appendix E).

All recruiter managers should be aware of the requirement not to discriminate during the recruitment and selection process and mindful that an applicant can lodge a claim to an Employment Tribunal at any stage in relation to any aspect of the process. To minimize risk, recruiting managers should ensure all elements of the recruitment process are suitable for and accessible to all sectors of society. Consideration should be given to the following:

Language

The language used, orally or in writing, should:

- Be clear and unambiguous;
- Not contain any acronyms, abbreviations, etc.;
- Not single out or be perceived to single out specific groups e.g. specifying an advertisement that the candidate must be "mature";
- Not make reference to an individual's personal circumstances e.g. child care, family structure, as this could be discriminatory.

Reasonable adjustments

Reasonable adjustments should be put in place at all stages of the recruitment process for a candidate who has identified that they have a disability. Such adjustments may include ensuring the interviewing room has a wheelchair ramp or providing a skills test in large font.

When considering making reasonable adjustments, the candidate should be consulted and then advised well in advance of any adjustments made e.g. if additional time for test or the preparation of a presentation is to be provided, the candidate may be required to attend at an earlier time.

A candidate's disability **should not** be discussed as part of the formal interview but at the point where the job offer has been made and that the applicant has accepted the job offer. **This should be done sensitively, indicating a willingness to make adjustments to the job as long as they are “reasonable”.**

Detailed guidance is available on the intranet for managers on supporting disabled employees.

Exceptions

It is not illegal to discriminate positively in favour of a particular group where there is a "genuine occupational requirement" (GOR) i.e. the nature of the post requires an applicant from a particular gender, racial group, religion or belief or sexual orientation. If in exceptional circumstances a manager has an operational requirement to recruit from a particular group advice must be sought from HR Services.

Criminal convictions

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Having a criminal record does not automatically bar a person from employment with the Council, and the Council undertakes not to treat any applicant unfairly on the basis of previous convictions. Whilst a criminal record cannot be disregarded, the Council seeks to ensure a fair and consistent approach to the recruitment process. Further advice is available in the [Criminal Convictions Section](#) of this guidance.

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Preparing to Advertise a Vacancy

- It is important at the start of the recruitment process that a realistic timetable is prepared; a [Recruitment Planner/Checklist](#) (with links to the relevant sections of this Guidance) is available to assist recruiters to plan and follow the process.
- Consider whether the post is still required and if the working hours, etc. are still appropriate.
- Consider what type of appointment is required (e.g. casual, fixed term, secondment, permanent, etc.). Further information is available by clicking [here](#).
- Recruiting managers should establish whether a post is politically restricted prior to advertising. ([Local Government \(Political Restrictions\) Regulations 1990.](#)). Posts that are politically restricted must be identified as such in the job advertisement;
- Recruiting managers **must** establish whether the post requires a Disclosure and Barring Service (DBS) check as this will need to be identified in the job description and advert. The Council currently has a list of posts designated by the Senior Management Team as a '[regulated activity](#)'? (A list of these posts is available on the intranet by following this [link](#).) If it is a new post, the manager must determine if it requires a DBS check. Recruiting managers **must** only request a DBS check where it is a requirement of the post. Further advice can be sought from Human Resources.
- Prepare a job description and person specification using the standard template. Guidance on what this should include is available by clicking [here](#).
- If the job details relate to a new post or the original profile for the post has been amended (unless the changes are of a very superficial nature), it must be submitted to Human Resources for evaluation. The Council uses the Hay job evaluation scheme to determine the grading of posts. Recruiters must send the revised documentation to Corporate HR Services (email hrcorporate-support@leics.gov.uk). This link will take you to the [Job Evaluation pages on the intranet](#).
- Consider where the post will be advertised. Advice is available from Human Resources on placing adverts in external media if required.
- Prepare the job advert and agree the publication/closing date.
- Agree the interview date(s).
- Select the [interview panel](#) (including, if necessary, training the interview panel);

- Agree the [short-listing criteria](#) and selection method(s) based on the person specification, including the [weighting](#) of the person specification;
- Choose the interview venue ensuring that it has the appropriate facilities to accommodate disabled applicants.

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The Advertising Process

- Before recruiting to a post, managers must first seek permission from the Head of Service to recruit by completing and submitting the [Recruitment Approval Request Form](#).
- Managers must complete and submit the [Request to Recruit/Advertise E-Form](#) attaching the job description and person specification and the authorised [Recruitment Approval Request Form](#) to Human Resources.
- The [Request to Recruit/Advertise E-Form](#) is received by HR in a generic email box which generates a unique reference number. This number must be quoted in all subsequent enquiries to HR as to the progress of the vacancy.
- The advert request will be processed by Human Resources. The recruiting manager must allow at least 48 hours (working days) from receipt of the e-form for the advert to be processed.
- Once HR has processed the advert, applications can be viewed through self serve web recruitment via i-Trent.
- All vacancies will be advertised internally and on the Council's recruitment website for a period of two or three weeks (as specified by the recruiting manager on the e-form). It is normal practice to advertise on jobs go public and the Council's internet page. Adverts are not routinely placed in newspapers or journals, however, if any other media is required, Head of Service/Budget Holder approval is needed and the costs must be met by the relevant department. HR will require proof of approval.
- Recruiting managers are able to view all applications submitted for the post, including those from redeployees, via i-Trent.
- If an application is received from an eligible redeployee, the recruitment manager must consider this application in advance of those from other applicants without redeployment status. Further information regarding the process that the recruiting manager should follow is available in the [Redeployment Policy and Guidance](#).

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Planning the Selection Process

The Interview Panel

It is the responsibility of the recruiter to identify a suitable panel. The panel should be well-briefed on the post in question and the recruitment and selection process. All members of the panel must participate in every stage of the recruitment process.

The panel should comprise of at least two people, all of whom should have undertaken the Council's recruitment and selection training (it is recommended that the equalities aspect of the training must be refreshed every two years), which would normally include the line manager and, for technical posts, someone with the requisite technical knowledge for the job. For posts designated as a '[regulated activity](#)', panel members should also have received Safeguarding training.

Head of Service appointments must include the Chief Executive on the interview panel and may include a member of the Cabinet. Strategic Director and above are appointed by a Member Panel.

Determining the Selection Process

Although the interview is normally the main focus of the selection process, it will not normally provide all the information required in making an informed decision; alternative methods should also be considered to enable applicants to demonstrate their competencies fully.

The method used to test candidates suitability should be appropriate to the duties of the job and designed in such a way that the opportunity is available for the candidate to demonstrate the suitability of their knowledge, skills and ability to do the job (e.g. if an essential criteria of the post is "word processing skills", the most appropriate means of checking these is a practical test).

Where a candidate has requested a reasonable adjustment(s) the adjustments made must be relative to the applicant's disability e.g. it may be appropriate to allow a candidate with dyslexia additional time to complete a test, but this would not be appropriate adjustment for someone with mobility problems.

Examples of selection methods include:

- **Ability Tests** - These tests measure practical skills such as word processing or arithmetical skills. If a particular skill is required, the most accurate means to assess this would be through a test.
- **Knowledge Tests** - Selection methods such as presentations and writing reports are a way of identifying a candidate's knowledge base. However, the method used should be appropriate to the post (e.g. a candidate should not be asked to give a presentation if giving presentations is not a requirement of the job);
- **Group Exercises** - This type of exercise is relevant for roles which depend on team working and is intended to show what role an individual may assume in a group, measure their ability to express themselves and indicate their ability to lead and influence.

The selection method that will be used to assess the essential and desirable criteria for the post should be identified in the person specification. The recruiting manager should also establish how each element of the selection process will be scored. Scoring must be applied consistently to all candidates and the results carefully recorded to ensure that all candidates are assessed fairly and treated equally. Advice is available from Human Resources on designing an appropriate selection process.

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The Shortlisting Process

Shortlisting Candidates

Shortlisting a candidate is a key part of the recruitment process, ensuring that the most suitable people are interviewed for the vacancy. Prior to the shortlisting process the recruiter should have identified the [weightings](#) values of the desirable, and if necessary, the essential criteria for the post as detailed in the person specification.

After the application closing date, the recruiting manager will need to print off the [shortlisting grid](#), which will enable them to carry out the shortlisting exercise. Use of a [shortlisting grid](#) promotes fairness and consistency and provides an audit trail. All members of the interview panel must participate in the shortlisting process.

The Council has made a commitment that all applicants with a disability, recognised by the Equality Act 2010, will be guaranteed an interview if they meet or come close to meeting the essential requirements of the job

When shortlisting, panel members must:

- Ensure that any [weightings](#) decided upon are applied consistently to every application;
- Check that all applications have been fully and properly completed, in accordance with safer recruitment requirements;
- Ensure consistency by not considering any CVs that may have been sent with the application.
- Ensure that internal candidates are considered on the same basis as an external candidate.

Gaps in employment history or other issues/concerns

At this stage the panel may identify gaps in employment history and/or issues that may be cause for concern. If any gaps or issues of concern are highlighted, these should be noted and taken up with the candidate - normally, this would be during the interview if the candidate is shortlisted, but in some cases, it may be necessary to contact the candidate prior to interview.

Alongside obvious gaps, such as omissions or incomplete details on the application, recruiters should be alert to other signs that may cause for concern (e.g. frequent changes of employment that do not show any clear career progression or a move from high paid permanent employment to temporary or casual work) and explore these with the candidate during their interview.

It is good practice to compare the information provided by the applicant with the information contained in the references. Any inconsistencies should be explored with the candidate at interview. A written record of these discussions should be attached to the application form.

The [shortlisting grid](#) should be completed and retained by the Chair of the panel. As the grid records the decisions made on each application, it will enable a clear explanation to be given if feedback is required.

Declaration of Criminal Conviction(s) at application stage

If an applicant declares at the application stage that they have a conviction, HR will retain this declaration until the end of the shortlisting process. If the applicant is shortlisted HR will then send the declaration to the recruiting manager. If the applicant is not shortlisted, HR will destroy the declaration.

Upon receipt of a declaration, the recruiter should inform the other panel members of the content. If the panel decide that the conviction(s) is relevant further information should be sought from the candidate as described below at the end of the interview.

If the Panel decides to offer the post to an applicant who has declared a relevant conviction, approval must be obtained from the appropriate Strategic Director before an offer of appointment is made.

Political Restrictions on Employment

Recruiters need to be mindful that they cannot appoint, as an employee, a Councillor who currently is or has been in the last 12 months a Member of the Authority. (Section 116 LGA 1972).

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Preparing for the interview

The panel needs to be fully prepared prior to the interviews commencing. It is also important to remember that the candidate will be assessing the Council and whether it is an organisation they wish to work for.

It is good practice for the panel to meet prior to the interviews to agree the format of interview process. The panel should also discuss how it will explore any gaps in employment history and any other concerns identified on the application form during the shortlisting process or from references.

Each panel member should have copies of the:

- Application forms;
- Job description and person specification;
- Scoring matrix.

Panel members should also have a copy of the interview questions which they should familiarise themselves with prior to the interview. The Chair should also have information about the terms and conditions of the job (e.g. salary details) in order to answer candidates' questions.

The Chair is responsible for ensuring that arrangements are made for the smooth running of the interview process:

- All the relevant documentation is prepared and distributed to panel members prior to interview;
- Suitability of the venue - taking into consideration any additional or special requirements such as access;
- Refreshments, car parking spaces, etc. are arranged.
- The interview timetable allows sufficient time between interviews for overruns, breaks and panel discussion.

Reasonable Adjustment

Applicants are asked to indicate on their application if they require any reasonable adjustments to be made for the selection process. If a need for an adjustment has been identified, the manager should contact the applicant in advance of the interview in order to ensure that appropriate adjustments are in place.

Where a candidate has requested a reasonable adjustment, the adjustment made must be relative to the applicant's disability (e.g. it may be appropriate to allow a candidate with dyslexia additional time to complete a test, but this would not be an appropriate adjustment for someone with mobility problems).

Further guidance about supporting disabled employees is available on the intranet by following this link [click here](#). Additionally further advice is available from Human Resources.

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Interview questions

Interviews are a particularly helpful way of gaining information about a candidate's knowledge, skills, experience and abilities to ascertain their relevance, and how they can be transferred to the post in question. In addition, they can help identify whether the candidate meets the required weighting of a particular element which may not have been clear from their application or reference.

Interview questions should be agreed in advance by all the panel members and a decision made as to who will ask each question. Questions should focus on the candidate's actual experience and how it relates to the role applied for, with the answers being assessed against the criteria for the post. It may be necessary for the panel to have scenario questions available in case a candidate hasn't had previous experience.

The [interview question grid](#) can be used to act as a template to allow the recruiter to draft the interview questions and outline standard answers. Without preparing standard answers it will be difficult for panel members to evidence what criteria they have judged applicants against.

Whilst it is important that all candidates are asked the same questions around the criteria on the person specification, it is equally important that the panel is satisfied that it has gained enough information to assess how well the candidate meets the criteria and to reach an objective decision about the candidate's suitability to do the job. If the panel is not satisfied that the question has been answered or thinks that the candidate has misunderstood the question, it is acceptable to probe further by asking supplementary questions. A detailed record of the candidate's responses should be kept.

Panel members must not lead candidates to give the correct answer or ask questions regarding the individual's personal circumstances (e.g. child care, family structure) as this could be discriminatory.

For posts designated as a '**regulated activity**'

At an interview for a post designated as a '[regulated activity](#)' whilst questions should be structured against the criteria for the post (as above), they should also include questions about a person's safeguarding knowledge, understanding, attitudes to and motives for working with children/vulnerable adults. The [Sample interview questions](#) also suggest positive and negative indicators. Recruiting managers may also find it useful to ask these questions for any post that involves working with children and/or adults, irrespective of whether the post requires a criminal records check.

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Invitation to Interview

Once shortlisting is completed the recruiting manager must confirm those applicants due for shortlisting and those who have not been shortlisted on i-Trent. Following this the recruiter must complete the [Interview Selection E-Form](#). The [Interview Selection E-Form](#) will need to be completed and submitted to notify HR of who has been shortlisted, giving a minimum of 10 days for posts designated as regulated activity, and 7 days for all other posts. The E-Form will ask managers to provide details of the interview arrangements, such as date, times of interviews, location and any other information or documentation that candidates will require for the interview (i.e. presentation, test, etc.).

Managers must note that requests for HR assistance to conduct attitude and psychometric tests will incur an additional charge.

If a candidate is unable to attend for interview on the date specified, the recruiter has discretion as to whether to reschedule the interview, if it is agreed that the candidate can attend at a later date, the interview panel should remain the same.

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References

References are an important part of any recruitment and selection process and even more so for posts designated as '[regulated activity](#)'. References should always be sought and obtained directly from the referee for the successful candidate. Recruiting managers must not rely on references or testimonials provided by the candidate or on open references and testimonials (e.g. addressed "To Whom it May Concern").

The purpose of a reference is to obtain objective factual information about a candidate and an informed opinion of their suitability for the job measured against the person specification. References should be treated with caution and read very carefully. The following good practice principles should be followed:

- References should not be accepted from family member, relatives, close friends or colleagues;
- For applicants who have not worked in paid employment or on a voluntary basis, a character reference should be sought from someone who is able to confirm (as well as possible) the applicant's suitability. This may be someone in authority (e.g. Head Teacher, Lecturer, Community Leader). In the case of a school/college leaver, one of the referees must be the Head Teacher/Principal of the last educational establishment they attended;
- For applicants who have previously worked in paid employment or on a voluntary basis, character references should only be accepted as a supplement to an employer's reference.

All reference requests should include a copy of the job description, person specification and [standard reference request form](#) or [Reference request form for a Regulated Activity post](#).

References should be scrutinised against the information provided on the application form and any discrepancies checked. Any concerns about a reference should be taken up directly with the referee. It is the recruiting manager's responsibility to ensure that satisfactory written references have been received prior to the candidate commencing employment.

References for Posts Designated as a '[regulated activity](#)'

Written references must be obtained for the successful candidate. Human Resources will request references for '[regulated activity](#)' posts using the [Reference request form for a Regulated Activity post](#) and including a copy of the job description and person specification. **The recruiting manager must also have contacted the referees to verify that the references received originated from them.**

A provisional offer of appointment letter will be issued by Human Resources following the manager submitting the [Selection Outcome E-Form](#). The provisional offer of employment letter confirms that satisfactory pre-employment checks must be received, including written references. The need to obtain a full written reference from the referee remains as verbal references are not acceptable.

The following requirements must be followed for posts designated as a '[regulated activity](#)':

- The individual's personal file should contain two relevant written references. For applicants who have never been in paid employment but have undertaken voluntary work, a reference should be sought from the voluntary organisation concerned;
- Where the applicant is not currently working with children and/or vulnerable adults but has provided details of previous work in this field, in either a paid or voluntary capacity, a reference must be sought from that employer/organisation, even if the applicant has not listed them as a referee;
- Any information about past disciplinary action or allegations must be considered, taking account of all the circumstances of the case. Cases are not likely to cause concern where an issue was resolved satisfactorily some time ago; an allegation was determined to be unfounded' no formal disciplinary sanctions were imposed and no further issues have been

raised. More serious or recent concerns/issues that were not resolved satisfactorily, a history of repeated concerns or allegations are more likely to cause concern.

If an applicant refuses to give permission for contact to be made with a previous employer/organisation where they have worked with children or vulnerable adults, or is reluctant to do so, this should be cause for concern and must be investigated further.

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References for Non Regulated Activity Posts

The recruiting manager will obtain references for the successful candidate for non-regulated activity posts. A provisional offer of appointment letter will be issued by Human Resources following the manager submitting the [Selection Outcome E-Form](#). The provisional offer of employment letter confirms that satisfactory pre-employment checks must be received, including written references.

It is the responsibility of the recruiter to ensure that satisfactory written references have been received prior to the candidate commencing employment, as verbal references are not acceptable.

This link will take you to the [Reference request form non-Regulated Activity post](#) on the intranet.

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Requirements for References

For all new employees (including those from other Local Authorities) - two references should be taken, and one of these must be from the current or most recent employer.

For existing CBC employees voluntarily applying for a post, one reference should be obtained from the applicant's current line manager for both regulated and not regulated activity posts. If a current CBC employee is applying for a post designated as a '[regulated activity](#)', at least two **relevant** written references should be held on their personal file. Human Resources can confirm details of previous references. Where suitable references (i.e. which comment on their suitability for working with children/vulnerable adults and any issues around safeguarding/child protection) are not already on file, additional references must be obtained.

For CBC employees subject to redeployment - no references are required unless they are applying for a post designated as a '[regulated activity](#)', in which case at least two **relevant** written references should be held on their personal file, as outlined above.

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Redeployment

For employees subject to redeployment - no references are required unless they are applying for a post requiring a '[regulated activity](#)', in which case at least two **relevant** written references must be held on their personal file. Human Resources can confirm details of previous references. Where suitable references are not already on file, additional references must be obtained.

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The interview

The Chair of the panel, usually the recruiter, is responsible for ensuring that the interview is conducted fairly and all candidates are treated equally. They should also ensure that all panel members participate fully and their views are considered. Panel members should independently score each candidate and agree panel scores after each interview.

At the start of the interview, the Chair should:

- Welcome each candidate;
- Introduce the other panel members by name and job role;
- Give an overview of the interview process and questions that will be asked. For post designated as a '[regulated activity](#)' explain that the panel will explore their attitude towards children and/or adults). The panel may also find it useful to ask these questions for any post that involves working with children and/or adults, irrespective of whether the post requires a criminal records check;
- explain that notes will be taken during the interview;
- Advise the candidate of any relevant information on terms and conditions of employment (e.g. working hours, salary, etc.);

At the end of the interview, the Chair should:

- Give an opportunity for candidates to ask questions;
- Give an indication of timescales for decision and feedback;

A candidate's disability should not be discussed until a provisional job offer has been made and accepted.

Following the formal part of the interview:

- If a candidate has declared that they have a relevant criminal conviction or caution, they must be asked for further information, including details of the offence and when it was committed. To assess fairly how any declared conviction impacts on the individual's suitability to do the job, the Chair should complete a [Criminal Record Impact Assessment](#). The Criminal Record Impact Assessment Forms ([Part 1](#) and [Part 2](#)) must be retained on the successful candidate's personal file or for unsuccessful candidates, for a period of 6 months.

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Appointment Process

Decision to appoint

This guidance applies to the recruitment and appointment of all employees of the Council, except the appointment to the posts of Chief Executive, Chief Officers and Statutory Officers for which there is a separate procedure contained within the Council's Constitution.

When making the decision to appoint, all aspects of the selection process should be considered. As all candidates should have met the essential criteria, the successful candidate will be the person receiving the highest aggregated score.

Interview Panels should always appoint the best person for the position. If one candidate has clearly scored higher than others **they must be selected**. Where more than one candidate achieves the same score, the panel may select in favour of one of the candidates if they are from a group that is under-represented within the service area being recruited to. This is known as the “tie-break” rule which is a positive action provision under the Equality Act 2010. It should only be used where it is considered that such action is the only way to address such under-representation.

Recruiters need to be mindful that they cannot appoint, as an employee, a Councillor who currently is or has been in the last 12 months a Member of the Authority (Section 116 LGA 1972).

Provisional Job Offer

Once the panel has come to a decision of who to appoint, the recruiting manager should contact the successful candidate as soon as possible to advise them of the outcome. The recruiting manager must make it clear to the successful candidate that the offer of appointment is subject to:

1. Confirmation of their right to work in the UK. The individual should be asked to provide original documents to evidence this entitlement. Further information regarding acceptable documents is available in the [Prevention of Illegal Working Guidance](#);
2. Receipt of a satisfactory medical report;
3. Confirmation of essential qualifications and/or professional registrations;
4. Receipt of satisfactory references;
5. Confirmation of receipt of a satisfactory DBS Disclosure Certificate (if applicable).

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A provisional offer should be made to the successful candidate and not confirmed until all of the pre-employment checks are satisfactory completed.

Where the preferred candidate has identified that they have a disability, the recruiting manager should only discuss this with the individual after they have accepted the job offer. This should be done sensitively, indicating a willingness to make adjustments to the job as long as they are “reasonable”.

Once the successful candidate has confirmed that they wish to accept the post as offered, all the other candidates should be informed they have been unsuccessful and offered the opportunity of feedback. HR will write to unsuccessful candidates.

The recruiter is required to complete the [Selection Outcome E-Form](#) for the successful candidate so that HR can issue a provisional offer letter and arrange the pre-employment medical questionnaire (and a DBS check if required) to the preferred candidate.

The recruiter must ensure that the [New Appointees Checklist](#) is completed and that all the documentation required is sent to HR. Failure to do this will result in the successful candidate’s

contract and payment of salary being withheld. The recruiting manager must complete the [New Starter Form](#) in order for HR to issue a contract of employment.

If an additional vacancy occurs and/or the preferred candidate withdraws from the post, the recruiter may appoint another individual who was interviewed for that post, provided this is within three months of the interview taking place. In this instance, it will be necessary for a [New Starter Form](#), the interview notes and a copy of the [New Appointees Checklist](#) and the required documentation is provided to HR.

The recruiter must retain the interview notes for all unsuccessful candidates for a period of 6 months, in case they are required in connection with an Employment Tribunal claim or requested by a candidate under the Data Protection Act.

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Pre-employment Checks

Pre-employment checks should be conducted on all newly appointed employees prior to commencement in post. As a minimum the following checks must be undertaken for all employees:

Personal File - Appointees Checklist

The [New Appointees Checklist](#) must be printed and completed prior to any documentation being sent to Human Resources.

Right to Work in the UK

It is a criminal offence to employ someone who does not have the right to work in the UK. Successful candidates cannot commence employment until satisfactory documentary evidence has been provided and photocopies taken. **If the successful candidate cannot fully demonstrate their right to work in the UK their appointment to the post cannot be continued.**

Once a provisional offer of employment has been made, the recruiting manager should make arrangements to check the successful candidate's right to work documents. The documents required depend on the nationality of the individual. Guidance on acceptable documents and the checks that the recruiting manager must undertake on them is available in the [Prevention of Illegal Working Guidance](#). The photocopied documents should be signed, verified and dated by the recruiting manager and forward to Human Resources along with the completed Personal File - Appointees Checklist.

Medical clearance

All appointments are subject to satisfactory medical clearance. Following completion of the [Selection Outcome E-Form](#), a provisional offer letter will be issued by Human Resources. All appointments are subject to satisfactory medical clearance. Where the successful candidate has access to email, HR will arrange for a link to be sent to the individual asking them to complete the pre-employment medical questionnaire online. Otherwise, a paper copy will be provided to the

individual. The completed questionnaire is submitted directly to the Council's Occupational Health provider for clearance. In some instances the candidate may be required to attend Occupational Health for a medical examination. The recruiting manager will be advised by HR once satisfactory medical clearance has been obtained.

Qualifications/Professional Registration

Where a post requires essential qualifications and/or licence to practice (e.g. Solicitor, HGV licence), the original documentation must be seen and copied. This documentation should have been seen and copied at interview. If it was not obtained at that stage, it is the responsibility of the recruiting manager to obtain any outstanding documentation.

References

For posts that do not require a DBS check, it is the recruiting manager's responsibility to obtain references. Reference requests should include a copy of the job description, person specification and [standard reference request form](#).

Where a post does not require a criminal records check, recruiting managers are able to make a provisional offer of appointment subject to satisfactory references being received. It is the recruiting manager's responsibility to ensure that satisfactory written references have been received prior to the candidate commencing employment as verbal references are not acceptable.

DBS Checks

The Council is registered with the Disclosure and Barring Service (DBS) for the purposes of conducting checks regarding criminal records for posts [exempt from the provisions of the Rehabilitation of Offenders Act 1974](#) and complies fully with the [DBS Code of Practice](#) and undertakes to treat all applicants for positions fairly. The Council will not discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed. It also abides by the Code of Practice issued by the DBS concerning checking, handling and storage of the results of any criminal record checks that are made as part of its recruitment, selection and other processes.

As a "registered body", the Council has an obligation to only request DBS checks that are relevant. A criminal records check should only be undertaken if the post is identified, on the list of posts designated by the Senior Management Team as a '[regulated activity](#)'. This list is available on the intranet by following this [link](#). It is unlawful to seek a criminal records check for a post that does not meet the regulatory requirements. If the post you are recruiting to does not appear on the list you should contact Human Resources to seek clarification. The advert and job profile should clearly identify that a post is subject to a criminal records check.

It is the Council's duty to utilise robust procedures to prevent and deter people deemed unsuitable to provide personal/social care to adults or work with children from accessing the workforce providing services to these groups. Safer recruitment requires strict [pre-employment vetting](#) checks to assess the suitability of an individual.

The recruiting manager must ensure that the Personal File - Appointees Checklist is completed and that all the documentation required is sent to Human Resources. Failure to

do this will result in the successful candidate's contract and payment of salary being withheld.

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Criminal Convictions

Criminal Convictions

Some posts within the Council are exempt from the provisions of the Rehabilitation of Offenders Act 1974. The Council's [policy on the recruitment of ex-offenders](#) is made available at the outset of the recruitment process to all individuals applying for posts where a DBS Disclosure is required. Questions can only be asked about ['unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.](#)

In order to fairly assess how any declared convictions impact on the individual's ability to undertake the job, it is necessary for the recruiting manager to complete a [Criminal Record Impact Assessment](#). The Criminal Record Impact Assessment Forms ([Part 1](#) and [Part 2](#)) must be retained on the personal file for the successful candidate and for unsuccessful candidates, for a period of 6 months.

The Council must abide by relevant legislation including The Safeguarding of Vulnerable Groups Act 2006, The Protection of Children Act 1999, The Education Act 2002, The Criminal Justice and Court Services Act 2000 (amended 2003), The Care Standards Act 2000 and The Protection of Vulnerable Adults Act (July 2004), in respect of those it employs in areas where they have contact with or access to children and/or vulnerable adults. It is an offence for the Council to employ anyone who has been barred by the Independent Safeguarding Authority in posts classified as ['regulated activity'](#) in relation to working with children and/or vulnerable adults.

DBS Checks

East Midlands Shared Services, as a registered body with the Disclosure and Barring Service (DBS), previously the Criminal Records Bureau and the Independent Safeguarding Authority, acts as an Umbrella Body of the Disclosure and Barring Service (DBS) undertaking DBS Disclosure checks on behalf of the Borough Council.

The Council will not discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed. It also abides by the Code of Practice issued by the DBS concerning checking, handling and storage of the results of any criminal record checks that are made as part of its recruitment, selection and other processes.

The Council has an obligation to only request DBS checks that are relevant. A criminal records check should only be undertaken if the post is identified, on the list of DBS Posts. This list is available on the intranet by following this [link](#). It is unlawful to seek a criminal records check for a post that does not meet the regulatory requirements. If the post you are recruiting to does not appear on the list you should contact Human Resources to seek clarification. The advert and job profile should clearly identify that a post is subject to a criminal records check.

It is the Council's duty to utilise robust procedures to prevent and deter people deemed unsuitable to provide personal/social care to adults or work with children from accessing the workforce

providing services to these groups. Safer recruitment requires strict [pre-employment vetting](#) checks to assess the suitability of an individual.

For further information please refer to the [Guidance for Managers on the DBS Process](#).

The recruiting manager must ensure that the New Starters Appointees Checklist is completed and that all the documentation required is sent to Human Resources. Failure to do this will result in the successful candidate's contract and payment of salary being withheld.

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DBS checks on individuals who have lived outside of the UK

Please refer to the Guidance for Managers on the DBS Process.

DBS Application Process

Please refer to the section on How to Make an Application for an Online DBS Application within the [Guidance for Managers on the DBS Process](#).

Starting an employee prior to them receiving their DBS Disclosure Certificate

It is advised that employees do not commence in the post until a satisfactory DBS Disclosure Certificate has been obtained. In exceptional circumstances, a Strategic Director can be asked to give authorisation for an employee to commence work prior to a satisfactory DBS Disclosure Certificate being obtained. In these circumstances, a risk assessment must be undertaken to assess the risk of placing the person in the job prior to them receiving their DBS Disclosure Certificate and consideration must be given to putting additional safeguarding measures in place.

As a prerequisite to these additional measures:

- The application must have been completed and submitted to the DBS; and
- All other pre-employment checks must have been undertaken.

The following additional safeguarding measures must be undertaken:

- If the employee is required to work in a position delivering personal care to adults and they need to start immediately, a [DBS Adult First check](#) can be undertaken where appropriate (see below);
- Restricting the employee's access to or involvement with children and/or adults and occupying their time with training/induction and other job-related activities;
- Ensuring that the employee does not have unsupervised access to children and/or adults during the period preceding receipt of the DBS Disclosure Certificate. Supervision arrangements should be clearly documented in the risk assessment and the arrangements reviewed on a fortnightly basis. Employees subject to additional supervision arrangements must be informed that they will be under supervision and the reason and nature of the supervision should be specified;
- The role of the supervisor must be clearly spelt out and that individual must understand what is required of them.

When the risk assessment has been completed, permission must be obtained from the appropriate Strategic Director before the employee can start work.

What is DBS Adult First?

Requests for a DBS Adult First check carries strict criteria and are permissible only where it is necessary to take such action because of a real danger that staffing levels will fall below statutory obligations. Further information is available by following this [link](#).

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| | TARGET DATE | COMPLETED DATE |
|--|-------------|----------------|
| <u>PLANNING THE RECRUITMENT PROCESS</u> | | |
| Identify funding for the post and consider the type of appointment needed. | | |
| Establish whether the post is Politically Restricted . | | |
| Establish whether the post requires a criminal records check . | | |
| Prepare / review the job description and person specification including the weightings of the person specification criteria. | | |
| If required, arrange for the job profile to be evaluated / re-evaluated . | | |
| Gain authorisation from the Head of Service or Strategic Director to recruit by completing and submitting the Recruitment Approval Request Form . | | |
| <u>PREPARING A RECRUITMENT PLAN</u> | | |
| Complete the Request to Recruit/Advertise E-Form . | | |
| Review the job description and person specification including the weightings of the person specification and to ensure that it meets the future demands of the organisation. Review the wording and remove requirements that are no longer appropriate i.e. Good attendance record, smart appearance, a specified number of years' experience. | | |
| Ensure the job description and person specification is in the current CBC format. | | |
| Prepare the job advert and agree the publication/closing date. | | |
| Agree interview dates | | |
| <u>PLANNING THE SELECTION PROCESS</u> | | |
| Select Interview Panel and ensure their availability for the proposed interview dates. | | |
| Agree the shortlisting criteria and selection methods based on the person specification. | | |
| Make arrangements for interview – <i>consider appropriate access for disabled applicants.</i> | | |
| Compile the Interview Questions. | | |
| <u>THE SHORTLISTING PROCESS</u> | | |
| Meet with panel members to undertake the Shortlisting Process and complete the shortlisting grid. | | |

| | | |
|--|--|--|
| Inviting candidates to interview (ask about special arrangements/notify applicants of tests or presentations if relevant/include recruitment pack). | | |
| INTERVIEW PREPARATION | | |
| Meet with panel members in advance of the interview date to formulate the interview questions and other arrangements for the Interview. | | |
| Ensure that all documents are made available to Panel Members prior to the interview. | | |
| THE INTERVIEW | | |
| Question the candidate on any gaps in employment history, declared criminal convictions, or any other issues/concerns. | | |
| THE APPOINTMENT PROCESS | | |
| Ensure that references have been requested | | |
| Take the decision to appoint and make a provisional offer of appointment to the successful candidate. | | |
| Make arrangements for the successful candidate's documents to be checked and photocopied (i.e. proof of identity, qualification and registration certificates, documents required for DBS checks). | | |
| If the candidate is disabled, discuss any reasonable adjustments that may be required. | | |
| Complete the Selection Outcome E-Form for the successful candidate so that HR can issue a provisional offer letter and pre-employment medical questionnaire, and also a DBS Disclosure Application form if required) to the preferred candidate. | | |
| The recruiter must complete the Personal File – Appointees Checklist. | | |
| The recruiting manager must complete the New Starter Form in order for HR to issue a contract of employment. | | |

Appendix B - Types of Appointment

Consideration should be given to the type of appointment that is required.

Additional options to consider include:

Permanent

This type of contract should be used where there is no end date as to when the work will cease.

Casual Work

Guidance on the Recruitment and Selection of Council Employees

Version: 2017 v 1

Agreed at: Personnel Committee

Date agreed: 20/01/15

Amended : 31/01/17

Review date:20/01/18

Casual workers should only be used when there is a need to cover ad hoc periods or a one-off absence/event of up to one month. If it is necessary for the post to continue after one month, this should be on a temporary basis. Guidance on filling a temporary vacancy is available on the intranet by [following this link](#).

Further guidance on the use and appointment of casual workers is available on the intranet [by following this link](#).

Secondment

Comprehensive guidance on the use of secondments is available on the intranet under [Secondment Policy and Procedure](#).

Fixed Term

Comprehensive guidance on the use of fixed term contracts is available on the intranet by [following this link](#).

Agency Workers

The Council has appointed Commensura to act as a Neutral Vendor Managed Service for the provision of all temporary agency workers and interim staff. Commensura should be used when engaging an agency worker.

Recruitment of any agency worker must take place in accordance with the good practice requirements set out in this guidance, and all necessary legal obligations must be observed.

Detailed guidance on the rights of Agency Workers is available on the intranet [by following this link](#).

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Appendix C - Job Description and Person Specification

A well-constructed job profile forms the basis for the whole recruitment and selection process and is the key to ensuring that the right person with the right mix of skills is appointed. It is used to determine the selection criteria, help formulate interview questions, assist in devising selection techniques (e.g. designing assessment activities) and enables decisions to be made about competing candidates. Its use also minimises the extent to which subjective judgements can creep into the selection process. Following appointment, it can also be used to communicate expectations about performance to the new job holder.

The Council's standard [CBC job description and person specification template](#) consists of a job description and person specification. Before recruiting to a new or existing position, it is important to invest time in gathering information about the nature of the job. The role should be reviewed and analysed to see whether changes are needed to the job description and/or person specification to meet both the current and future demands of the role and the organisation.

Before recruiting to a new or existing position, it is important to invest time in gathering information about the nature of the job and establish whether the post is designated as a '[regulated activity](#)' or on the list of posts [exempt from the provisions of the Rehabilitation of Offenders Act 1974](#). If the post requires a DBS Disclosure, this must be identified in the job description.

Job descriptions and person specifications must be submitted for all vacancies in the standard Council template.

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Job Description

The job description sets out the purpose of the job and the key responsibilities of the job holder.

Person Specification

The person specification is the key document for use in the shortlisting and selection process. Recruiting managers should avoid overstating requirements or including unnecessary ones, as this can unreasonably exclude some sectors of the population from applying and make it more difficult to recruit to the post by excluding potentially suitable applicants.

In general, person specifications should include details of:

- Qualifications, skills, abilities/competencies, knowledge and experience required;
- Personal qualities relevant to the job, such as the ability to work as part of a team.

The "How Identified" column explains how each of the criteria will be assessed (e.g. from the application form, sight of certificates, a practical test, assessment centre, or the interview itself). **Person specifications must not include any reference to years of experience, attendance record and appearance or any other requirement that could be perceived as discriminatory.**

Weighting, essential and desirable criteria

The use of essential and desirable criteria in the person specification is a form of weighting system. All of the criteria must be measurable as they will play a key role in the interview process.

Essential criteria are attributes which set the minimum standards expected for satisfactory performance in the job. These must be relevant to the post and justifiable. The list of essential

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criteria should be realistic (it is recommended that no more than 3 in each section, or approximately 12 items in total within the person specification are deemed essential) as all candidates selected for interview must (with the exception of a candidate with a disability) meet them all. If there are too many essential criteria, there is a risk that too few, if any, candidates will be able to be interviewed.

Desirable criteria are attributes which would enable the applicant to perform the job more effectively. If a candidate meets the desirable criteria it may be more likely that they will “hit the ground running” and have a less steep learning curve.

Desirable criteria can be used to distinguish between candidates at the shortlisting stage and during the selection process. Assigning weightings from 5 (most important) to 1 (least important) to the desirable criteria can help panels judge applicants in an objective manner.

The recruiting manager should identify the importance rating for desirable criteria at this stage as it will be used during shortlisting. Care must be taken to apply the weightings in relation to the needs of the job; they should not be influenced by the recruiting manager’s view of different applicants.

If the profile relates to a new post or the original profile for the post has been amended, it must be submitted to Human Resources for evaluation before being advertised.

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Appendix D - Job Adverts

The advertisement should be drafted using the job description and person specification; the advert should enable potential applicants to decide whether they are interested in the job and whether they could do it successfully. Where possible, adverts should include key information about the job however they must also be cost effective so it may be that adverts refer to another source where further information can be found e.g. the Council's website.

There are number of key pieces of information which should be included in your advert (listed below). However where this is prohibitive in terms of the cost of advertising, you may choose to include just the vital information or that which may not be obvious to potential candidates.

- The job title
- Any key essential requirements of the job
- Any particular person requirement (as taken from the person specification)
- The salary scale/grade of the post.
- The application/response details, including the closing date for applications, the telephone and email contact details.
- The Equal Opportunities statement.
- Advertisements must relate clearly to the person specification and not ask for requirements that are not included in the person specification.

However, where this is prohibitive in terms of the cost of advertising, you may choose to include just the vital information or that which may not be obvious to potential candidates. Adverts must relate clearly to the person specification and not ask for requirements that are not included in it.

The following information should be included in the advert, where applicable:

- The post is Politically Restricted;
- The post requires a criminal records check. Depending on the type of check required the following wording must be included in the advert, either:
 - This post is the subject of a DBS enhanced check for a regulated activity; or
 - This post is the subject of an enhanced DBS check.

A Politically Restricted Post ;

Designated as a '[regulated activity](#)', in which case, the following wording must be included in the advertisement – 'As a 'Regulated Activity' an Enhanced DBS Disclosure is essential.' In addition within the recruitment material it must be made clear that reference will be sought prior to interview.

Closing Date

The advertising process is undertaken in 2 stages, as set out below. The first stage is to advertise to redeployees. For internal and external advertising, the recommended closing date is a minimum of two weeks from the first appearance of the advertisement.

Job Information

It is good practice when recruiting to provide prospective applicants with relevant information about the Team, the Service and the Council as this helps them to gain a better understanding of the aims and ethos of the organisation and the service they are being recruited into.

The job information should also give guidance for the completion of the application form, application form guidance, the job description and person specification.

The information gathered by the application form is crucial to safer recruitment procedures and it is also the basis for short-listing. The application form gives the applicant an opportunity to provide in a sealed envelope (which should remain sealed until after the shortlisting process) any information on previous criminal convictions, cautions and reprimands. This does not remove the need to conduct robust pre-employment checks including, if required, a DBS Disclosure.

Finally, if the job is designated as a '[regulated activity](#)' and the [references](#) are required prior to interview it is essential that the information sent to candidates makes it clear that they will be sought in advance of the interview.

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LEGAL ADVICE

Legal advice in relation to fixed term contracts and employees' entitlement to a redundancy payment.

Background Information

The previous redeployment policy did not specifically outline that employees who decide to take up a fixed term contract, to cover for the absence of the permanent post holder, will not be entitled to a redundancy payment. When these situations have arisen, in the past, employees have been advised of the risk by a member of HR or a manager.

The Trade Unions originally agreed the updated policy at a formal consultation meeting on 2nd February 2017. However, the email copied below, was subsequently received from Unison:

*I am writing to inform you that UNISON withdraws its approval of the above policy tabled at the last JMTUM.
I have been advised that the loss of entitlement to redundancy for staff accepting a Fixed-Term post is not legal.*

The draft policy had previously been checked by a Leicestershire County Council solicitor and further legal advice was taken, following receipt of the email above.

The legal issue is essentially based upon the fact that an employer cannot legally make someone redundant if the post still exists to the same extent (redundancy payments are tax free up to £30,000). The advice received from LCC's Employment Law Solicitor is as follows:

If they take up alternative employment (regardless of what that contract is) then the person's employment is not being terminated by reason of redundancy. This is consistent with the fact that staff will lose their right to redundancy pay if they are due to take up alternative employment with another organisation listed on the modification order within the 4 weeks after termination – there is nothing specified as to the type of contract (or hours of work) secured in applying that. All continuity of service etc. is maintained.

If the employee chooses to enter into a fixed term contract, and that contract is to cover a secondment/maternity etc., then the termination of that contract when it happens will not be by reason of redundancy. There is no reduced requirement for someone to carry out the work and it will be an SOSR (Some Other Substantial Reason) dismissal.

I struggle to see how it is not correct in law or the basis on which Unison might be suggesting it is unlawful and so they will certainly need to provide more information as to their position.

We have subsequently emailed the Trade Unions to ask them for more details of why they feel that the policy updates do not in any way comply with current employment legislation. We have not received a response to date.