

Recruitment Policy and Procedure

Introduction

This Forest of Dean District Council (FODDC) policy sets out our approach and the framework for consistent and fair practice covering all recruitment activities by ensuring that the most suitable individuals are appointed to any vacant positions in whatever capacity. In addition, it aims to facilitate professional, consistent and effective recruitment practice, ensuring equality of opportunity and aims to balance the need to attract candidates from outside of the organisation as well as providing opportunities for existing employees to develop their potential within the organisation.

We always aim to recruit the person who is most suited to each particular job. Qualifications, experience and skills are assessed at the level that is relevant to the job. We recruit solely on the basis of the applicant's abilities and individual merit as measured against the predetermined criteria for the job.

Scope

This Policy applies to all employees who are involved in the recruitment and selection process (recruitment to roles based on the district/general elections are however not within this scope) and sets the standards required for both internal and external recruitment. Although not employees of FODDC, this policy will also apply where relevant to Independent Persons (incl. co-optive members) appointed under the Localism Act and Independent members appointed to Audit & Governance Committee.

Equality, Diversity and Inclusion

We are committed to applying our Equality, Diversity and Inclusion policy at all stages of recruitment and selection. We always carry out shortlisting, interviewing and selection without regard to an applicant's sex, gender identity, sexual orientation, marital or civil partnership status, skin colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.

We will never exclude any candidate with a disability unless it is clear that having taken into account reasonable adjustments the candidate is unable to perform a duty that is intrinsic to the role. Line managers must only ask a candidate questions about their health where this is directly necessary for a particular role and, in any event, only once they have been shortlisted.

To prevent any candidate from being disadvantaged because of a disability, the individual responsible for communicating with applicants should ask each candidate whether they require reasonable adjustments to be made. These may include ensuring easy access to the premises for an interview/adapting psychometric tests/replacing psychometric tests with an alternative option/providing an alternative to a telephone interview for a deaf candidate/providing a suitable chair for an interview with a candidate suffering from back problems/list other relevant examples.

The Recruitment Team or your HRBP are always available to provide guidance on reasonable adjustments.

Disability Confident

FODDC is a Disability Confident Employer and you will see this demonstrated on all of our adverts by way of the Disability Symbol.



The Disability Confident scheme supports us to make the most of the talents disabled people can bring to our workplace. Being Disability Confident is an opportunity for us to lead the way in our community and to discover skills and talents we cannot do without. It can help all our people fulfil their potential and contribute fully to our organisation's success.

If an applicant declares a disability on their Application Form and they meet the minimum essential criteria specified in the Job Specification, they will be guaranteed an interview.

Line Manager Responsibilities

Line managers are responsible for recruitment in conjunction with the Recruitment Team and their HR Business Partner. A line manager who wishes to recruit must first obtain finance approval from their Accountancy Business Partner then place a request on the Applicant Tracking System (ATS) with a justification, identifying the Recruitment Team as the only approver as they will then cascade to the relevant approval panel.

As part of the approval process, you will need to attach a Job Description/Person Specification to the ATS, however the Recruitment Team will assist in writing the job advert.

Your HRBP can help you with the production of the Job Description specifically in relation to Job Groups and using the correct template.

Review of the Post

It is important when an individual leaves a post, that the Line Manager questions whether it is essential to replace the vacancy. Consideration should be given as to whether or not the work can be redistributed elsewhere and think about any potential long term restructuring plans.

In addition, for short term recruitment requirements, where applicable, a suitably qualified employee may Act-up on a temporary basis. Alternatively, where a suitably qualified employee assumes specific additional responsibilities, an honorarium payment may be applicable in the circumstances. This will be calculated based on the difference in salary between their substantive and acting up role and how much time these duties will be based on. This Acting up payment will be on a monthly basis or paid in a lump sum (pro rata).

Job Descriptions and Employee Specifications

Before initiating the recruitment process, the responsible Line Manager must ensure that there is an up-to-date Job Description for the role and a clear Employee Specification which has been approved by their HR Business Partner.

The Job Description will describe the duties, responsibilities, level of seniority associated with the role and pay and benefit, while the Employee Specification will describe the type of qualifications, training, knowledge, experience, skills, aptitudes, competencies and personal qualities required for effective performance of the job.

Job Evaluation

Job Evaluation is a systematic process of assessing the value of jobs in an organisation in order to determine the worth of individual jobs and the compensation to be paid to employees who hold those jobs. The purpose of job evaluation is to ensure that employees are paid fairly for the work they do.

All our roles (below the level of Chief Executive and Statutory Officers for which a different scheme is applied), new and revised will be put through a job evaluation process using the Evaluate scheme.

Pay Scales

All vacancies will be evaluated by your HRBP and given a job group and peer group based on the responsibilities and specialism of the role. Every vacancy will be advertised within the peer group minimum to average range. Where possible hiring managers should appoint at the minimum point of the peer group.

If an offer is above minimum point, this must be agreed in writing by the Chief Executive and a copy sent to the Recruitment Team.

Advertisement of vacancies

To ensure a fair process is carried out we ask that all internal only vacancies are advertised for a minimum of 7 days.

It is our policy that all vacancies will be placed internally and within Partner Councils and Publica Group (Support) Ltd. For clarity this will run in conjunction with the external advert (if applicable).

Line Managers should encourage existing employees to apply for vacant posts if they have the appropriate qualifications, experience and skills.

Line managers should consider and discuss with the Recruitment Team whether it is appropriate to advertise the vacancy with the Government's [Find a job service](#)/through an approved employment agency/on LinkedIn/on Twitter.

The use of social media in decision making

Avoid using information that's on someone's personal social media profile, for example Facebook, Twitter or Instagram, to decide whether you interview or hire them.

You might be breaking the law, particularly if either of the following points apply:

- they did not agree to you using the information in this way
- you looked at some applicants' social media profiles, but not others

Using information on jobs and business networking sites

When recruiting, you can usually use information that someone puts on a jobs website, or a business and employment social networking site such as LinkedIn.

When posting information on these sites, users will be aware that the purpose is to show their work experience and professionalism. You must still make sure that you use this information in a way that does not discriminate. This means ensuring that all applicants are treated in the same way.

Internal Recruitment

To encourage an 'open' recruitment process all vacancies will normally be advertised internally and externally. However, there may be certain circumstances where it is felt that advertising internally only would be more appropriate. This may be where it is felt that there are appropriate skill levels already within the organisation, for succession planning reasons or for general career development opportunities.

All permanent and temporary employees who have passed a probation period will be eligible to apply for internally advertised vacancies and secondments (see below). This requirement may be waived in the event that the organisation experiences extreme skill shortages in specific areas and will be at the discretion of the Chief Executive in consultation with an HR Business Partner.

We ask that internal candidates inform their Line Managers as a matter of courtesy that they are applying for an internal role.

Secondments

Where the business area can support this, the organisation actively encourages temporary short and long term staffing needs to be advertised internally by way of an internal secondment. An internal secondment is the temporary deployment of an employee to another role for a specific purpose and period of time. Upon completion of the secondment the employee will return back to their substantive role.

A secondment allows employees to temporarily work with a different department, usually to complete a project while gaining experience. The employee benefits because they learn new skills, become familiar with a new area and expand their career options.

Ring Fencing within a Specific Service

It may be appropriate in some circumstances to ring fence a vacant post within a specific service. The decision and reasoning to ring fence will be agreed by the HRBP. In these circumstances the Job Description will be emailed by the Line Manager to the ring-fenced team with an expression of interest closing date.

Please note that although this is a ring-fenced role and therefore would not be advertised in the normal way, the full approval process including ATS must be sought.

Talent Pool

It may be that whilst shortlisting you come across an application that would be a good fit for a different position within either your team or for any other area? Shortlisting decisions must be based on the information contained in the application form. The criteria for initial selection must be consistently applied to all candidates.

Talent pooling is now being undertaken with certain candidates so we can reach out to them when a more suitable job becomes available.

For example; one or more candidates that applied to your position may be suitable for an administration role or customer service rather than the previous role they had applied for.

As long as a recent campaign has been undertaken within the last 3 months you can reach previous candidates that had applied without the need to re-advertise the role. Please speak to the Recruitment Team in this instance.

Fixed Term Contract

A Fixed Term Contract is a Contract which specifies the commencement and end of the employee's work with the organisation. In line with the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 an employee who has completed four years' continuous service under one or more successive Fixed Term Contracts will automatically acquire permanent employee status, unless the fixed term status can be objectively justified e.g. it is reliant on external funding. Your HRBP will give guidance to Line Managers on usage of Fixed Term Contracts and their conclusion.

Casual Letter of Engagement (as and when Contracts)

Casual workers are distinguished from temporary employees by the fact that they have a much looser relationship with the employer where there is often no fixed working pattern and hours are considered ad hoc.

Where work is of a truly casual nature there is no mutuality of obligation meaning that the workers are free to turn work down if they choose to do so and equally the organisation is under no obligation to offer work. This absence of mutual obligation means that the Casual Letter of Engagement offered to a casual worker will be a Contract for Services rather than a Contract of Employment.

Senior Appointments

Statutory roles i.e. Chief Executive, Section 151, Monitoring Officer, will continue to be managed by the Recruitment Team and Line Manager however, approval will need to be sought by Full Council.

Appointment of Relatives/Partners

In order to avoid any possible accusation of bias, employees should not be involved in an appointment nor have access to any candidate information where they are related to an applicant or have a close personal relationship outside work. If an employee is likely to become involved in appointing a relative or partner, even on a temporary Contract, the Recruitment Team should be notified immediately. In addition, applicants cannot be appointed in a post where they will be directly reporting to a relative or partner.

Candidates must declare on their application if they have any friends or relatives employed by the organisation.

Approaching any councillor or employee of the organisation directly or indirectly, in connection with a selection decision will lead to your disqualification. Discovery after the appointment may lead to dismissal.

Applications from Councillors

Under Section 116 of the Local Government Act 1972, a Councillor for this District who is currently elected cannot take up an offer of employment with the Council or Publica Group (Support) Ltd (via an Agency or directly) until one year after he/she has ceased to be a Councillor. In the event that a Councillor applies for a post, the HR Business Partner/Recruitment will contact the Councillor and explain the regulations.

Rehabilitation of Offenders Act (1974)

The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the right not to disclose them when applying for most jobs.

There are specific convictions that will never become spent. These can include murder, terrorism or sexual offences, and will always remain unspent convictions.

Interviews

Line Managers conducting recruitment interviews will ensure that the questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the role and the skills needed to perform it effectively.

Line Managers must make a record of every recruitment interview and send a copy to the Recruitment Team via the ATS to be retained for a suitable period of time (9 months). To ensure fairness the Line Manager should ensure that the interview panel consists of both male and female (where possible) and that the questions asked are consistent in all interviews for a particular job. On no account should any job offer be made during or at the end of an interview.

All selection assessment techniques must relate to the job requirements and be free from any bias. Assessments may include In-tray exercises, presentations, Psychometric tests, group exercises, written exercises etc. Testing is not appropriate for all vacancies regardless of grade as it may be deemed sufficient, by the panel, to establish and substantiate the candidates' suitability for a post by interview alone.

In some cases, we will hold interviews remotely. Video interviews are carried out using Zoom/Skype for Business/Microsoft Teams/other video conferencing platform. The responsible Line Manager or Recruitment should in advance provide the interviewee with details of how the interview will be conducted. They should also give the interviewee the opportunity to provide details of any reasonable adjustments that should be made or technological difficulties that they may encounter.

Offer of Employment

Once a verbal offer has been made and accepted, the Line Manager should complete an External/Internal Job Offer form which can be found on the Support pages of the Portal. This document needs to be uploaded with the ID documents and the interview notes onto the ATS before any pre-employment checks can commence.

The Line Manager is responsible for completing an ICT New User Account/User Account Amendment Form under ICT Support on the portal to arrange all necessary ICT requirements for their new starter/internal new job, such as ICT equipment and line manager self-service approval permissions.

Pre-employment Health Questions

It is potentially discriminatory, on the grounds of disability, for the selection panel to ask a job applicant health or disability-related questions before a job offer has been made with the exception of the following:

- To establish whether any reasonable adjustment needs to be made for applicants during the selection process;
- Decide whether an applicant can carry out a function essential to the job e.g. if the job entails heavy manual handling, the organisation can ask applicants whether they could manage this. Questions regarding how an impairment would affect the applicant getting into the workplace are prohibited.
- Establish whether the candidate would be able to comply with a requirement to undergo an assessment such as a selection test i.e. dyslexia or establish whether a duty to make reasonable adjustments would arise in respect of the recruitment process
- Take positive action to assist disabled people.
- Enable the organisation to take positive action
- Monitor diversity

Medicals, References, Baseline Personnel Security Standard (BPSS) and Disclosure Baring Service (DBS)

All external appointments will be subject to the organisation receiving two satisfactory references, medical clearance and where appropriate a BPSS and/or DBS clearance. Please note that references must be from current or past employers unless agreement has been given from Human Resources to the contrary.

In exceptional circumstances it may be possible to obtain only one satisfactory reference due to the difficulty of securing a second reference. The acceptance of this must be agreed by Recruitment/HRBP and will only be acceptable when all attempts have been exhausted to secure two satisfactory ones.

Medical clearance for internal appointments will normally be required where the duties of the new post are substantially different to the Applicant's previous job. The Equality Act 2010 prohibits the use of pre-employment health questionnaires prior to a job offer being made.

Right to Work

We only recruit individuals with a legal right to work in the UK. All offers of employment will be subject to the candidate providing the required original documents or our organisation being able to carry out a check on the Home Office online [right to work checking service](#) confirming their right to do the work in question. To enable us to conduct an online check, the candidate must have shared their right to work details using the Home Office [prove your right to work to an employer](#) online service.

The requirement to provide evidence of the right to work in the UK applies to all new recruits, regardless of their race, nationality or ethnic or national origins.

At interview the Line Manager is responsible for ensuring that any original documents are checked, verified (true likeness), copied, signed and dated and all copies be sent to the Recruitment Team. [Guidance for recruiting managers](#)

Continuous Service

Employees joining FODDC having been employed by a partner Council, Publica or have previously worked for, another local authority or other government body are entitled to retain their previous service for the purpose of continuity of relevant contractual entitlements.

This will apply where the previous organisation is included within The Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, generally referred to as the [Modification Order](#).

Resignations

The Employment Rights Act (1996) (ERA) states that a week, Sunday to Saturday, in which a person has been under a contract of employment, counts as a week of work. To break continuous service there must be a gap of one complete week, Sunday to Saturday, in which the person was not employed.

Redundancy

The Modification Order also sets out how redundancy payments and continuous service should be treated when someone is made redundant. Where a person who is being made redundant and is offered a job with another Modification Order body before their last day of service AND they start that new job within four weeks (Sunday to Saturday), the redundancy effectively disappears.

This means that the person is no longer entitled to the redundancy payment (it has to be repaid) but their continuous service is retained. However, if they start the new job AFTER the four weeks (Sunday to

Saturday) OR the job offer is received AFTER the last day of service, the redundancy dismissal stands, and they can keep their redundancy payment, but they lose their continuous service.

Transfer of Undertaking (Protection of Employment) TUPE

The Green Book provides that where a person is transferred out of Local Government under TUPE (and is subsequently TUPE'd following a retender exercise) and voluntarily returns to Local Government i.e. resigns to take up a job at a council, continuous service is broken.

However, if they voluntarily return to local government from the transferee (or subsequent transferees) within 5 years of the original transfer date, their service with the intervening employer(s) does count towards the calculation of holiday, occupational maternity/paternity/shared parental leave and pay and occupational sick leave and pay. For this provision there must be less than one clear week (Sunday to Saturday) between employment with the private company ending and starting at the council.

Breaks for Caring Responsibility

If they have taken a break from work to care for someone, while continuous service is broken, previous Local Government service will be aggregated if you are returning to work within eight years.

Casual Letters of Engagement

Should an employee work for FODDC on a Casual Letter of Engagement and subsequently take up a permanent role, continuous service will have deemed to commence from the start date of the permanent Contract of Employment.

If you need help determining the relevant continuous service dates for a new employee, please contact HR.

Continuous service will be subject to written confirmation from previous employer/s.

Probationary Period

A probationary period of six months will apply to all new members of staff irrespective of whether they have continuous service with another Authority.

Please see the Probationary Policy and Procedure for more information.

Politically Restricted Posts

Certain posts are 'politically restricted' which means that the post holder is effectively prevented from having an active political role either inside or outside the workplace. This not only debars post holders from holding political office but also restricts them from canvassing or from speaking in public or publishing work which might give the impression that they are advocating support from a political party. The Local Government and Housing Act 1989 introduced the principle of politically restricted posts and restricting the political activities of Local Authority employees. Politically restricted posts will include Chief Executive Officers, Statutory Officers and other Chief Officers employed by the Council.

Please contact Human Resources for further information and a comprehensive list of all politically restricted roles.

Scheme of Delegation (Joint Contract)

A Scheme of Delegation creates the authority to carry out a statutory duty, task or to make a decision on behalf of another organisation.

Please speak to Human Resources if you are unsure whether this applies.

Redeployment

Re-deployment Register

The Recruitment Team will ensure that any new vacancies are brought to the attention of members of staff who are registered on the Re-deployment Register. This will include vacancies of a temporary nature including internal secondments. Any individuals who are nearing the end of a Fixed Term Contract will also be advised. In the event that employees on the re-deployment register meet the minimum essential criteria for a particular post, the applicant will be guaranteed an interview.

Alternative Work

If you are selected for redundancy, we will continue to explore suitable alternative employment and other internal vacancies that may arise within the organisation up to your termination date. The selection of candidates for alternative work will be conducted in a fair way. If a suitable alternative role arises during your notice period, you will be informed and provided with details relating to the application process.

If you unreasonably refuse an offer of suitable alternative employment, you will lose your right to statutory redundancy pay.

If you have been given notice of redundancy during maternity leave, adoption leave or shared parental leave, we are under a statutory obligation to offer you suitable alternative work, where it exists, in preference to your colleagues who have also been selected for redundancy.

Trial Period

If an employee who is under notice of redundancy, is redeployed into another post, they will be given a trial period of four weeks. This trial period determines the employee's suitability for the job without necessarily losing the right to a redundancy payment. This period can be extended by up to 12 weeks by mutual written agreement to provide for any necessary training.

Please see the policy on Redeployment for further information.

Data Protection

We process all personal data collected during the recruitment process in accordance with our Data Protection Policy / Processing Special Category Personal Data and Criminal Records Data Policy.

We do not collect unnecessary personal data from applicants during the recruitment process. For example, we will only request bank account details and next-of-kin contact details from successful applicants. Data collected as part of the recruitment process is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the recruitment exercise effectively to decide to whom to offer the job.

For more information please see the Privacy Notice <https://www.fdean.gov.uk/support/privacy-and-data/>

Hiring Agency Workers

We will use temporary agency workers only to provide additional resources and allow for flexibility on a short-term basis from time to time. This may for example be to assist with occasional work such as one-off projects or the absence of employees due to sickness.

Where additional resources are required, the manager should submit a request to recruit via the Applicant Tracking System (ATS) for approval following input from Finance and HR. No agency worker will be hired without the appropriate written approval.

Once approval has been given to proceed, the manager must liaise and negotiate with the relevant agency to secure the best commercial rate.

We are working towards a preferred agency supplier list. Agencies on the PSL have agreed terms with us. Non-compliance by hiring managers may result in the agencies requesting penalty clauses be enacted against us if they were not made aware of roles. The agencies on the PSL are the only ones to be utilised.

Agency workers must complete and submit for approval a weekly timesheet as a record of the working hours they have undertaken. The manager has responsibility for ensuring the timesheets are accurate and completed.

Consideration needs to be given to the Agency Workers Regulations, legislation providing protection to agency workers. Please see the Agency Workers Policy and Procedure for more information.

Self-employed Contractors

Sometimes there is a business need to recruit self-employed individuals who are specialists in their field to lead or conduct one-off projects within the business. To initiate recruitment of a consultant the line manager must complete a business case to be approved by the Executive Leadership Team. Where an individual's services are provided via a personal services company (PSC), certain tax-related obligations will be triggered under IR35.

HMRC has a Check Employment Status Tool (CEST) at www.gov.uk/guidance/check-employment-status-for-tax to help businesses make the IR35 determination. This must be completed after the business case has been approved and the outcome emailed to HR for their records.

It is imperative that we have a sound business case for appointing consultants or using agencies as this will enable us to better manage our costs and ensuring value for money is achieved. We must be mindful that using contractors and agencies can be time consuming, expensive and put us at risk of legal challenge from non-compliance of employment law and HMRC regulations, so it is important that the above process is followed.

Employment with an associated employer

It is important to note that if an employee accepts a redundancy payment and leaves the Council, he or she will have to wait for at least four weeks and one day before returning to another job within local government or an associated employer as defined by The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999. An earlier return to a local government employer will mean that he or she will have to pay back any redundancy compensation received or lose their continuous service.

Vacancy Management / Vacancy Freeze

The Executive Leadership Team has the authority to put in place an immediate recruitment freeze on “non-critical” roles and agency staff.

Complaints and Disputes

Please email the Business Manager (People) for any complaints or disputes relating to any areas mentioned within this policy.

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