



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

WEDNESDAY, 8 MARCH 2023

Report of the Interim Director of Organisation, Development & Policy

Approve revisions to the existing Recruitment and Selection Policy, approve the adoption of the Probation Policy and Reference Policy

1. Purpose

1.1 For the Committee to approve revisions to the existing Recruitment and Selection Policy, the adoption of a new Probation Policy and the adoption of a new Reference Policy.

1.2 The purpose of these changes is as follows:

1.2.1 Recruitment and Selection Policy - to modernise recruitment practices to allow the council to better compete in the current employment market.

1.2.2 Probation Policy - to facilitate early performance management interventions for new employees of the Council.

1.2.3 Reference Policy – to make the reference process more efficient by moving the responsibility for completing reference from management to Human Resources Services

2 Recruitment and Selection Policy (Appendix 2)

2.1 Following the restructure of the Council's recruitment function in November 2021, a review of the Recruitment and Selection Policy has been undertaken, in order to ensure that the Council is able to attract the highest number of quality candidates to vacant roles.

2.2 The proposed changes to the Policy, include:

- a. Section 4 Highlighting the Recruitment Team's responsibility to uphold and improve the Council's external image and reputation through high-quality, well-informed marketing content. This is to emphasise the central role of promoting the Council's overall employer brand in social media eg LinkedIn, Facebook etc, in print media and in person at recruitment events etc
- b. Section 4 Hiring Manager responsibility to work with Recruitment Campaign Leads to build effective campaigns and promote equality, diversity, and equality throughout the Council. This is to promote the need for proactive recruitment campaigns and activities, not just relying on a 'one size fit all' approach.
- c. Section 6 Flexibility in the advertising and selection process for vacancies. Emphasise that the Council can decide to accept CVs for certain roles. Create a wider route to market and introduce more options than the classic competency questioning for interviews such as in-tray exercises, assessment centres etc. The use of CVs will allow the Council to attract a wider pool of candidates, particularly in some sectors where use of CVs may be more commonplace eg IT.
- d. Section 7.3 Flexibility to move employees into secondments without the need of a formal recruitment process, aligned to the use of succession planning. Where a formal succession plan is in place
- e. Section 9 Pre-emptive interviewing. The option to interview prior to the advert close date will enable quicker action on candidate selection and advantage over other employers. This could mean that by closing date of the recruitment campaign all suitable candidates have been interviewed already and that an offer can be made much sooner than holding an interview process a week or so after the closing date. No employment offers will be made prior to closing date to ensure that all candidates who wish to apply can do so.
- f. Section 10 To recognise that the interview process may now have include online selection processes such as interviews, in-line with a hybrid way of working – video interviews and assessments now in policy as acceptable where appropriate.
- g. Section 10 Introduction of interview scoring template and values-based questioning. This is to standardise the Council's corporate approach to selection processes rather than relying on a variety of local approaches, in order to ensure candidates are selected through a robust process.
- h. Section 11 Stronger, data driven approach to Equality, Diversity, and Inclusion. The use of data to be used in informing campaigns and selection activities.
- i. Section 13 Customer Service Advisors to consider references as acceptable if no adverse comment is given on reference response,

without seeking hiring manager approval. Most employers now provide job title and dates worked to and from. This is to reduce the delay in getting a response back from the manager and help reduce time to hire ie the time from offer to start date.

- j. Section 14 Pre-employment checks – Amending the need for a Certificate of Good Conduct required if applicant has lived or worked outside of the UK to any period of 6 months or more in the past 5 years, in line with other local authorities. This is being introduced as obtaining a Certificate of Good Conduct for periods over 5 years ago can be onerous and, in many cases, can be impossible.

3 Probation Policy (Appendix 3)

- 3.1 Currently the council has no probation period for new employees, which means that any serious conduct or performance issues would need to be addressed through use of the Council's Disciplinary Procedure and Performance Capability Procedure.

It is proposed that the Probation Policy commences on 1 April 2023 and applies to all new employees to the Council from 1 April 2023 going forward. It would not retrospectively apply to appointments made before 1 April 2023.

The probation policy sets out how the Council would address performance, conduct and attendance issues in the initial period of employment and would allow for shorter process leading to dismissal, if considered appropriate for example, if performance, capability or attendance was not at the required level. The policy sets out that:

- New employees would have an initial probationary meeting where managers set objectives on the expected level of performance and behaviours expected.
- Managers would hold monthly meetings with new employees to support and monitor performance, conduct, timekeeping and attendance
- Managers would deal with concerns as they arise
- Managers would seek feedback from supervisors, colleagues and other managers in respect of the new employee
- Managers would provide feedback to new employees about their performance.
- Probation periods may be extended beyond six months if performance or conduct has not been able to be established eg for sickness reasons or if there are concerns regarding performance, conduct or attendance.

- Towards the end of the probationary period the manager would hold a final probationary meeting with the employee with one of three potential outcomes, which are:
 - confirm the appointment, or;
 - extend the probationary period, or;
 - invite the employee to a probation hearing with the possibility of dismissal.
- The probation hearing would then be heard by a manager authorised to consider dismissal of the employee. If dismissal was to occur the employee would have the right to appeal against dismissal.

4 Employment Reference Policy (Appendix 4)

4.1 Currently there is no policy in place regarding managers providing employment references in respect of current or past colleagues to potential new employers. In practice, this means that managers provide references in a number of ways including completing the potential new employers pro forma or writing out a bespoke reference providing a mixture of employment details such as start date and job title, in addition to opinions on performance and conduct.

While there is no absolute duty for an employer to provide a reference, any reference supplied should be based on fact and not provide a misleading impression to a prospective employer.

Furthermore, many employers now only provide basic factual details in references rather than provide commentary on performance and conduct, as any such opinions could subsequently be challenged by the colleague (who has a right to see any reference).

The key points of the policy include:

- Making the Human Resources function responsible for providing employment references for current or previous colleagues
- That general employment references supplied in respect of current to previous colleagues will be factual references as set out in Appendix 1 of the policy.
- That employment references in respect of safeguarding roles supplied in respect of current to previous colleagues will be factual references as set out in Appendix 2 of the policy.

- That managers will only be able to supply references in a personal capacity and not use the Council's headed paper or email address.

Introduction of the policy would remove the task of producing references from managers to complete references, In addition, the Audit department in a recent audit report have recommended that a Reference Policy is put in place to reduce the risk of any claims for misrepresentation being made by employers or colleagues, through the use of subjective or unsubstantiated opinions in references.

5 Consultation

- 5.1 Consultation has taken place with Joint Trade Union representatives through two meetings on the three policies.
- 5.2 Joint Trade Union representatives, while appreciating the need to attract candidates and act swiftly in a highly competitive employment market:
 - expressed opposition to the use of CVs and interviewing prior to closing date and such feedback has been considered.
 - Considered the introduction of a probation policy unnecessary with their view being that if managers follow the induction processes correctly then a) there would be fewer issues in the initial employment period, and b) if there were issues, the existing Disciplinary and Performance Capability procedures can be utilised.
- 5.2 Officers, having consulted with trade union representatives, consider the revisions to the Recruitment and Selection Policy, the Probation Policy and Reference Policy are consistent with the development of the Council's People Strategy.

6 Alternative Options Considered

- 6.1 An alternative consideration could be not to adopt the revisions to the Recruitment and Selection Policy. However, it is considered that this would hinder the development of the Council's recruitment effectiveness in a competitive employment market.
- 6.2 An alternative consideration to not adopting the Probation Policy would be to continue to use the Council's existing Performance Capability Procedure and Disciplinary Procedures. However, these policies generally require more time to use than a probation policy and can mean that new colleagues who may not be a good fit for the Council, remain in employment with underperformance or conduct issues not

being fully tackled at the early stage that a probation policy easily allows.

- 6.3 An alternative option to not adopting the Reference Policy would be to continue in the current state, ie managers providing references in varying formats. However, a more consistent approach, which saves management time and meets the audit recommendation is considered appropriate.

7 Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8 Background Papers

- 8.1 None

9 Appendices

- 9.1 Appendix 1 – Implications
9.2 Appendix 2 –Recruitment and Selection Policy
9.3 Appendix 3 –Probation Policy
9.4 Appendix 3 –Employment Reference Policy

10 Recommendation(s)

That the Committee:

- a) approve the adoption of the revised Recruitment and Selection Policy
- b) approve the adoption of the new Probation Policy
- c) approve the adoption of the new Employment Reference Policy

11 Reasons for Recommendation(s)

- 9.1 The adoption of the revised Recruitment and Selection Policy will support the Council in recruiting new employees in a highly competitive employment market.
- 9.2 The adoption of the new Probation Policy will support the Council in ensuring that new employees perform well and adopt behaviours consistent with the Council's values and Code of Conduct within their initial employment period.

9.3 The adoption of the new Employment Reference Policy will both reduce risk of claims of misrepresentation in an employment reference and make the process of supplying references more consistent and efficient.

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Implications

Financial

- 1.1 The proposals in this report do not give rise to any significant financial implications. There may be additional costs associated with recruitment activities, however, these are not expected to be material and will be funded through existing budgets.

Legal

- 2.1 The Appointments and Conditions of Service Committee approve corporate employment policies which form the terms and conditions of council employees, other than minor or technical changes to existing policies.
- 2.2 By virtue of Section 7 of the Local Government and Housing Act 1989 every appointment of a person to a paid office or employment must be made on merit.

Human Resources

- 3.1 The Council has consulted with the recognised trade unions on the revisions to the Recruitment and Selection Policy, new Probation Policy and new Employment Reference Policy. If approved, communication to managers and colleagues will take place through the HR Managers Bulletin, Our Derbyshire and manager briefing sessions.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 The revisions to the Recruitment and Selection Policy will be applied consistently across the Council with all recruitment activity being subject to equality and diversity monitoring.
- 5.2 The new Probation Policy will be operated on the basis of objective performance and conduct monitoring, with outcomes being subject to equality and diversity monitoring.
- 5.3 The new Employment Reference Policy will be operated on the basis of factual employment information.

Corporate objectives and priorities for change

- 6.1 The proposals in relation to the revised Recruitment and Selection Policy and new Probation Policy align with the people priorities outlined within the Council's People Strategy and in particular to 'Attract and retain the best people in the most effective way possible'.

The proposal in relation to the relation to the new Employment Reference Policy aligns with the Audit recommendation.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None