

NORTH WINGFIELD PARISH COUNCIL RECRUITMENT POLICY

1. GENERAL

1.1 The Parish Council's Recruitment and Selection Policy will :

- be fair and consistent;
- be non-discriminatory on the grounds of sex, race, age, religion or disability;
- conform to statutory regulations and agreed best practice.

1.2 This Recruitment Policy follows guidelines suggested by the relevant Codes of Practice from the Equal Opportunities Commission, Commission for Racial Equality and the Advisory, Conciliation and Arbitration Service (ACAS). The codes do not impose any legal obligations themselves, nor are they authoritative statements of law. However, the provisions of the codes are admissible in evidence and can be taken into account in court or in Employment Tribunal proceedings.

1.3 The legal issues concerned with aspects of a recruitment/selection process are numerous and include the following:

- Unfair discrimination:
- The Sex Discrimination Act 1975;
- The Race Relations Act 1976, The
- Disability Discrimination Act 1995;
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003.

1.4 Many of these Acts have been amended since their introduction and make it unlawful to discriminate against a person, either directly or indirectly in employment on the grounds of colour, race, gender, marital status, creed, nationality, religion, sexual orientation, ethnic or national origins, or disability.

1.5 Direct discrimination occurs when an individual(s) is treated less favourably, i.e. choosing not to employ a candidate because of his/her ethnic origin.

1.6 Indirect discrimination occurs when a requirement or condition has the effect of discriminating unfairly and unjustifiably between one group or individual and another, i.e. insisting upon a higher language standard than is necessary for effective performance of the job could disqualify candidates for whom English is not their first language. Similarly, insisting upon an unnecessary physical requirement could discriminate against one sex in favour of the other.

2. Data Protection Act 1998

2.1 In accordance with the Data Protection Act, data such as selection records, personal details and references should only be requested and stored when this is objectively justified and relevant to the position: further information can be found in the Data Protection Policy.

3. The Asylum and Immigration Act 1996

3.1 This Act obliges employers to ensure that they do not employ anyone who is not legally entitled to work in the UK.

4. THE RECRUITMENT PROCESS

The following procedure should be used when a post is to be filled.

4.1 The job will be defined.

4.2 Consideration must be given to:

- a. the type of position being recruited for;
- b. the details of the duties to be undertaken by the post-holder;
- c. whether the position is for a fixed period of time or is an established post and whether it is full or part time;

4.3 For all new or replacement posts a job description and person specification must be provided. These documents set out the duties of the job and the skills needed to fill it. The objective criteria contained within these documents must consist of minimum standards considered to be essential for the effective performance of the job. Desirable criteria may be included, but these must be referred to only if candidates have met the essential criteria

4.3 The Parish Council will take advice on this issue from relevant bodies such as North East Derbyshire District Council as necessary.

4.4 The salary and grade for the position will be determined in accordance with the National Agreement on Salaries and Conditions of Service of Local Council Clerks in England and Wales. The Parish Council will take advice on this issue from relevant bodies such as North East Derbyshire District Council as necessary.

4.5 The position will be advertised in the Parish Council notice board, on the council website.

4.6 According to sex discrimination and race relations legislation, it is generally unlawful to publish or cause to be published any advert that indicates, or might reasonably be understood to indicate, an intention to discriminate against applicants from a particular racial group or sex.

4.7 Gender neutral language will be used. If a job title denotes a specific gender, then it should state that applications will be welcome from either sex.

4.8 Nothing within an advert – graphics, style or expression – should indicate a predisposition to employ a specific gender or race.

4.9 An equal opportunities statement will be included within a job advert encouraging applications from all sections of the community.

4.10 Records will be kept of the geographical scope of distribution of the advert and responses received. It is prudent to try to reach as broad an audience as possible to avoid complaints of indirect discrimination.

4.11 Sex and race are not the only areas of discrimination – disability, religion and belief, sexual orientation and marital status are all grounds on which a person may not be discriminated against during the recruitment process.

4.12 The advert will include a closing date.

4.13 Applicants will be asked to complete an application form.

4.14 A selection panel comprising the Parish Council chairman and two councillors will be convened. The Parish Council may request assistance from North East Derbyshire District Council as necessary.

4.15 The applicants will be short listed. Selection criteria will be carefully drawn up at the outset and consistently applied to all candidates. These should directly relate to the requirements of the job, be clear, precise and objective.

4.16 When considering applicants with disabilities, the Council should note the positive obligation to make reasonable adjustments to ensure that a disabled employee is not disadvantaged in the recruitment process because of their disability. This could be by, for example, ensuring that arrangements are made to facilitate attendance at interview.

4.17 The short listed applicants will be invited for an interview. Interview questions will be confined to the broad requirements of the job and should relate to the criteria set out in the Person Specification.

4.18 Immediately after the interview, the Panel Chair must complete the Interview Record.

4.18 As a matter of courtesy and good practice, any unsuccessful internal candidates should be informed of the outcome of their interview, as soon as possible in person, or by telephone if this is not possible

4.19 Once the appointment panel has made a decision, the chair of the panel (or nominee) may telephone the successful candidate and offer them the post 'subject to the terms of employment'. Once accepted, however, this offer is legally binding. All such offers must therefore contain the following statement: "This offer is subject to confirmation of, documentary evidence of your right to work in the UK, references which are satisfactory to us, and where relevant, pre-employment medical reports which are also satisfactory to us, having been received."

4.20 Temporary employees covering the work of employees on Ordinary or Additional Maternity or Adoption Leave must be informed that they are "temporary replacements and that their employment will end when the established employee returns". They may be employed on a fixed term contract or via an agency or other local authority.

4.21 It is a legal requirement that details of every application - whether made verbally (face to face or on the telephone) or in writing, must be retained for a period of 12 months. Notes detailing the recruitment decision, both of the successful candidate and those who were not selected must be kept in written form and retained.

4.22 All candidates will be asked indicate their right to work in the UK; this will be checked at the stage of inviting candidates in for interviews. The successful candidate will be asked to provide evidence of their right to work in the UK on appointment. A copy of the documentation that is provided will be retained. This can be in the form of:

- A passport describing the holder as a British citizen or as having the right of abode in (or an entitlement to re-admission to) the United Kingdom, or the right to work here.
- A certificate of registration or naturalisation as a British Citizen.
- A birth certificate evidencing birth in the United Kingdom or in the Republic of Ireland.
- A European Economic Area (EEA) passport or national identity card or a Passport.
- A passport or travel document endorsed to show that the person is exempt from immigration control or a letter issued by the Home Office confirming that the person named has such status (IND stamp/entry clearance certificate).
- A United Kingdom residence permit.
- A letter issued by the Immigration and Nationality Department confirming the individual's status.

4.23 A conditional written offer letter, the Statement of Terms and Conditions of Employment and other information applicable to the position will be sent to the successful applicant. However, starting details will only be issued to the applicant once references, and where appropriate, a medical report, which are satisfactory to the Council, have been returned. Should these appear to be unsatisfactory, the job offer will be reconsidered.

4.34 Once satisfactory references have been received a formal job offer will be issued.