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## Recruitment Manual

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## 1. Introduction

The way in which a Council manages the recruitment and selection process of their staff indicates to prospective candidates how they are valued and will be treated as an employee. This is as much of a selling process 'to' candidates as it is them selling 'to' you. A good candidate can be lost if the process does not demonstrate the right values.

This Guide is in place to assist your Council and those responsible for the recruitment process from identifying a 'need', through to the induction of your successful new employee. Whilst the examples used are in relation to the post of Clerk to the Council and/or the Responsible Financial Officer they can of course be adapted and customised as necessary. A sample **Recruitment Action Plan** is provided in **Section 1** of the **Recruitment Manual Support pack**.

When looking to recruit a new member of staff it is important for everyone responsible for, or involved in, the recruitment and selection at any level to read and understand the contents of this guide. This will ensure consistency of approach and will assist your Council in preparing a defence should you receive a claim for discrimination.

It is important to understand the law and the challenges you may face when recruiting for a new staff member and Councils should be aware of their responsibilities in terms of good practice, current legislation and their commitment to equal opportunities. Please ensure you are familiar with the following: [Equality Act 2010](#) and the [Data Protection Act 2018](#) and the [Modern Slavery Act](#).

*A one/ two-day training course is also available for those who have no recruitment experience or wish to refresh their knowledge and practical skills.*

We would be pleased to hear how you find this Guide in meeting your needs and welcome any suggestions you may have to enhance the contents.

If you require further advice or assistance with your recruitment and selection processes or have any questions on the Guide or need further support, please call the office (01452) 883388 or email [info@gaptc.org.uk](mailto:info@gaptc.org.uk)

## 2. Avoiding discrimination in the recruitment and selection process

Documents should be kept for an agreed period in line with Data Protection legislation and maintained by the Council. Candidates have the right to feedback from the process and to access any documentation held on them in accordance with the [Data Protection Act](#). All candidates should be treated with respect and be provided with the same information throughout the process to ensure a fair and equal process.

When hiring, you are looking to find the best candidate for the job, however you should also ensure you are following the law on discrimination. There are **four** types of **discrimination**:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

**Direct discrimination** occurs when someone is treated less favourably in the workplace because of one of the following protected characteristics:

- age
- disability
- race
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- religion or belief
- sex
- sexual orientation

**Indirect discrimination** can be less obvious and occurs when a workplace policy or procedure applies to everybody, but which in practice could be less fair to someone because of their sex, race or other protected characteristic.

**Example 1** - an organisation is recruiting for a head of sales. You only advertise the job internally. The potential applicants in the business are all men. You could therefore be discriminating indirectly against women.

**Example 2** - a job specification states applicants must have spent a specific amount of time doing something (e.g., 10 years working in a Council environment). By doing this, you could be discriminating indirectly against younger applicants. You should instead state the specific level of competence or knowledge to be met that would come with that experience. (See job description and job specification in section 4 and 5 below)

**Harassment** – this is behaviour that is deemed offensive by the recipient. Employees can complain of the behaviour they find offensive even if it is not directed at them.

**Victimisation** – this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

## 2.1 Asking about protected characteristics

In some cases, you can ask questions about disability, race or other protected characteristics, but if you do this you must follow the law.

Common examples include asking a job applicant:

- if you need to make **'reasonable adjustments'** for them, for example making sure that a disabled person coming for interview can access your office
- to complete an equality and diversity monitoring form, to help check your business follows the law

If you ask applicants to complete an equality monitoring form:

- anyone involved in interviewing or deciding to hire them must not have access to the information
- you should not ask applicants to enter their name or any other information that identifies who they are

Apart from these forms of discrimination there are numerous types of personal prejudice that have no place in a fair selection process such as those associated with education, class, dress and appearance etc. which, unless they are genuinely relevant and justifiable in respect of the job and role concerned, should be eliminated from any decision-making process.

Apart from the legal implications, any discrimination and prejudice have no place in the selection process or employment in general and:

- are a bad use of potential resources
- limit the range of potentially suitable candidates available to the Council
- can cause resentment and low morale
- are bad for the Council's image

## **2.2 When a requirement is crucial or helps a disadvantaged group**

You can ask that job applicants have a certain protected characteristic (for example, sex or race), but only if:

- it's crucial for the job (an 'occupational requirement')
- it helps a disadvantaged or under-represented group

Think carefully whether this is necessary. If you believe it is then it is advisable to get legal advice first.

## **2.3 Trade union membership**

It's against the law to treat someone unfavourably based on whether they are, or are not, a trade union member.

If not already in place your Council should consider having a comprehensive equal opportunities and equality policy in place.

## **3. Staffing Committees, why have one?**

Although there is no specific requirement for the Council to establish a Committee or Sub-Committee to deal with human resources and staffing issues, it is good practice to do so.

This provides a suitable forum to:

- develop general human resources policy matters (for recommendation and approval by the full Council)
- handle individual staffing issues which are beyond the normal delegated management responsibility of the Clerk to the Council
- set-up of a sub committees in relation to discipline or grievance issues
- manage the Council's recruitment and selection policy and processes for new staff

Please see Staffing Committee or Sub-committee Terms of Reference in **Support Pack Section 3** for a sample that can be amended to suit your Councils structure and circumstance.

## 4. Justifying the recruitment of Council Staff

When looking to recruit a Clerk to the Council or other staff member, the Council needs to decide what work needs to be done and what skills are required to undertake that work. This role(s) will be key to the operation of the Council without which the Council will find it difficult, if not impossible, to meet its legal obligations and to manage and deliver services effectively.

The primary role of the Clerk is to manage the day-to-day operation of the Council's services and staff to ensure that the Council as a whole conduct its business lawfully and effectively. They provide independent, objective and professional advice and support as the Clerk is essentially at the centre of all that goes on.

In contrast, the Councillor's main role is to determine the facilities and services for local people, set policy and provide a budget whilst monitoring the effective implementation of those services and policies by the Clerk and other staff.

It is not always necessary to invest in a full-time post as this will depend on the Council needs and the services provided. The required skills and hours of work are best judged locally in light of what is actually done by the Council and what skills are required to undertake that work.

**Note:** Before you look at replacing a member of staff, look at the structure of your team and the work that is required. Do you need to review your staffing structure or do you need a direct replacement?

It may be appropriate to request a **formal review** of your staffing structure in the first instance. Please contact the office on (01452) 883388 or email [info@gaptc.org.uk](mailto:info@gaptc.org.uk) for more information on staff reviews.

## 5. Preparing the job description

The purpose of the job description is to describe the main duties and responsibilities of the role together with how this role fits into the overall structure of the Council. The Clerk may be the only role or one of several staff employed. Over time, requirements of a role can change so it is always good practice to review your job descriptions when a job becomes vacant.

A role cannot be filled successfully unless it has been accurately defined and is required by the candidates as much as it is for the Council. As well as the recruitment process this will help monitor performance when an appointment has been made and they are in post.

Although not a legal requirement, it is necessary for successful recruitment. This is the starting point in defining the scope of the work and enables a person specification (**section 6**), the advert (**section 7**), a short-listing matrix and selection assessment criteria (**section 10 and 11**) to be drawn up. It reduces the possibility of a dispute arising later during employment about what is expected of the postholder and is also a key document in the recruitment process forming part of any subsequent contract of employment.

### 5.1 What to include in the job description?

When revising or drawing up a new job description the Council should remember that it is **not** a description of the person performing the role but an outline summary of the job and a list of the main duties and responsibilities you require as a Council.

The following operational and legal considerations should be taken into account when preparing or reviewing a job description: -

- are any changes required to the current job description? Has the role increased or decreased in size?
- Do not necessarily draft it to recruit an identical replacement to the person leaving or with a certain person in mind
- it is not intended to be an exhaustive list of tasks but be sufficiently comprehensive to describe the key job duties and responsibilities
- ensure the wording is accurate and the duties reasonable in relation to the intended status, rate of pay etc.
- do not use jargon, abbreviations or technical data unless necessary and above all make it understandable and achievable
- build in flexibility with a “such other duties etc.” clause
- ensure that the job description does not discriminate directly or indirectly or unnecessarily restrict suitable candidates applying unless there is a justifiable reason for this (**see section 2 above**).

In addition to when a change or vacancy occurs, job descriptions of existing staff should be reviewed periodically with the post holder and updated in agreement with them particularly as part of a performance management or appraisal scheme.

Job descriptions, once agreed, become part of the offer of employment and can then be included as an Appendix to the Statement of Main Terms and Conditions of Employment or at least referred to it within that document.

Specimen Job Descriptions for the post of Clerk to the Council and Responsible Financial Officer together with a blank pro forma can be found in the **Support Pack Section 5** and may be customised and adapted to suit your Council's circumstances.

**Appendix 5(a)** - Sample job description

**Appendix 5(b)** - Alternative sample job descriptions for the post of Clerk to the Council

**Appendix 5(c)** - Sample job description for Responsible Financial Officer which may be customised and adapted to suit your Council's circumstances

**Appendix 5(d)** - A blank pro forma job description as the same principles apply to any job.

## 6. The Person Specification

This describes what is required of the role holder and should be designed to help you prepare a picture of the right candidate you are seeking to appoint.

It ensures a consistent approach for all applicant's and should evidence that recruitment and selection decisions have been based on non-discriminatory factors. The Person Specification should be compiled **before** drafting a job advert.

We have listed seven sections below and although content can be interchangeable, the key is to list the human requirements of the role and where you feel they best fit. These should be specific and measurable through the application/CV details and interview questioning.

The person specification is a key document from which to prepare your initial short-listing matrix and your interview questions, so be careful not to make the requirements too basic (you could receive an excessive number of applications and find it difficult to differentiate between

them) or too restrictive (where you will limit the number of applications). Think about what kind of Council you are? What skills might you need for **your** Council.

**Qualifications:** these should be appropriate to the level of expertise required by the role.

What specific full or part professional or technical qualifications are necessary? Is there a statutory qualification requirement or any particular occupational/job-related training need?

**Knowledge** - refers to a theoretical or practical understanding of a specific task or industry related knowledge required to carry out the tasks listed in the job description.

What does the job-holder need to know to do the job in terms of work processes, procedures, systems, legislation, regulations, equipment etc.

**Skills, & competencies** - Skills are quantifiable and are measured as having been performed i.e., handling accounts, computer proficiency, writing tenders, presentation skills, numeracy and/or verbal and written skills, interpersonal, social, management etc.

**Ability** - having the capacity to perform these skills and sit alongside competencies.

**Competencies** - describe the knowledge and behaviours that lead to success in a job such as analytical ability, ability to work independently, problem solving, strategic planning.

**Experience** - The role holder should be able to demonstrate the key aspects of the role, as described in the job description: i.e., line managing employees; using specific applications/tools; relevant work environment; training others; working with specific systems.

**Personal attributes** - What kind of person are you looking for and what type of approach required? Examples of special behaviours or personal characteristics might include: punctual; good team worker; proactive; flexible approach to change; customer-focused; attention to detail; professional approach; enthusiasm for [aspects of role]; creative; self-motivation; self-reliance

**Note:** to avoid age discrimination do not specify the number of years of experience you are looking for.

**Essential and desirable criteria** - To assist you with selection you should make a distinction between essential and desirable criteria. A candidate **must** meet the essential requirements in order to be appointed, whereas desirable requirements should be beneficial for a candidate to possess, and can be used to distinguish between applicants i.e., if a candidate could gain the attribute 'on the job' or with training, it should be considered to be desirable.

**Special conditions** - Does the job involve any special working conditions e.g., unsocial hours of work, working weekends/bank holidays, possession of driving licence?

**Note:** Always ask yourself why you are including the factor or attribute in the specification in order to ensure that you are not directly or indirectly discriminating and/or stereotyping.

Summary:

- use criteria which are performance based, realistic, measurable and understandable (avoid technical jargon)
- ensure any factors are appropriate to the job
- if you include restrictions, also consider if with training, adjustments, aids or adaptations the job could be performed.
- do not specify years of experience as this may discriminate on the grounds of age



- do not simply model the person specification on the previous job-holder as this may not reflect the true requirements of the job as requirements may have changed
- do not use a qualification level in order to control the number of applications – only require a qualification if it really is a genuine requirement
- do not specify any physical requirements that cannot be truly justified to ensure the successful performance of the job
- consider which factors can be used for short-listing i.e., those which can be assessed primarily from the application form (see **section 10**)
- consider how each part of the Person Specification may be tested and assessed during the selection process for example: -

qualifications and attainments	verification of certificates, application form, interview, work examples, references
knowledge	application form, interview, tests, work examples, references
skills and abilities	interview, tests, practical exercises, work examples, references
qualities and attitudes	interview, references, personality profiling
special conditions	interview

A specimen Person Specification for the post of Clerk to the Council and Responsible Financial Officer is enclosed in **Section 5 of the Support Pack**. If your post of Clerk to the Council is also the Responsible Financial Officer then a combined person specification can be created.

**Appendix 6(a)** - sample Person Specification for the post of Clerk to the Council

**Appendix 6(b)** – sample Person Specification for the post of Responsible Financial Officer

## 7. Advertising and Media guidance

Once the Council has determined the job description and person specification for the post you need to consider how to attract candidates for the vacancy and this can be done in a number of ways. Some will attract a fee so always check this as part of any arrangement: -

- GAPTC – we will advertise for you on their website free of charge and in our email-newsletter sent to all member Councils
- NALC – Advertise on a National basis with a fee. National adverts may attract relocation expenses which can also be tax free to a limit set by HMRC.
- SLCC – “The Clerk” journal (published monthly) and/or website.
- your County and/or District Council internal vacancy list, website or jobs bulletin as available.
- Local, regional or national media or trade/professional magazines) or use internet sites which can reach a wide audience quickly or have a database of candidates that you can search.
- Local recruitment companies who offer a fixed fee (at the time of writing can be £75 + VAT) and will enable reach to a wider non-Council audience.

- Your local newsletters or you may have free local publication.
- Local newspaper advert. With a decreasing number of local newspapers and less readership this may not be cost effective.
- Social media such as your Council FB page.
- Your Council website “vacancy” page with online application form.
- Head hunter - an organisation actively looks for suitable candidates for you to consider – usually very expensive.
- Your existing employees may “introduce” friends/family (an Introduction Scheme operates in some Councils) - but ensure you follow the full process and don’t rely on this alone as it can be discriminatory.

The key decision is therefore to decide which of the above suits your budget and is most likely to generate suitable candidates. Remember it is not a competition to get the most applications - it is about getting the right ones! If you only get one application and it is from the right candidate your advertising has been a success!

### **7.1 Creating your advert - What should the Council include in the advertisement?**

The suggested advertising paths above will reach the general community attracting young, old and gender related audiences. Be careful if you wish to advertise to a specific group and if so, ensure you can prove there is a gender/ethnic minority imbalance that you are trying to address. You could restrict applications to those groups but only where legally justified. Think about whether you want to recruit someone from your Parish.

A good job advertisement should: -

- be concise but give enough information so candidates can decide whether to apply
- be attractively designed – include your Council name and Logo and ensure good spacing so information is clear and not bunched up too much
- provide location and pay scales (ensure the pay is in line with the current pay scales)
- brief description of job
- state the key skills and experience needed based on your person specification and job description
- brief description of the Councils ideal candidate
- be non-discriminatory
- any unique features of job
- reflect the style and culture of the Council
- explain how the candidates should respond to the advertisement i.e., by completing an application form
- include a deadline for applications and who to send to
- make sure you also include:
  - job Title

- whether working from home is an option or necessity
- hours of work - 37 hours per week is the normal full-time role in local councils or part time based on your assessment of the work
- useful information to include is Budget/precept details, population of your Parish/Town and number of staff and assets and any services provided
- Person Specification e.g., skills, experience, knowledge of ideal candidate
- Qualifications e.g., CILCA or indication whether the council would support study towards this qualification
- Benefits e.g., Local Govt Pension, relocation

It is good practice to respond to all applicants whether successful or not, so also include your process timeline.

**Note:** Be sure of the content of your advertisement as in certain circumstances details can constitute a contractual offer so any mistakes could be difficult to overturn once the job offer has been accepted.

A further consideration is your responsibility to have a diverse workforce, reflecting the community you serve. There are two aspects to this:

- to ensure your advertising and other recruitment methods reach the right communities (e.g., ethnic groups, those with disabilities, across age ranges etc.)
- you do not inadvertently target your recruitment methods only on one group at the exclusion of others - thereby creating a potential discriminatory situation.

Specimen advertisements for the post of Clerk and Responsible Financial Officer are enclosed in **Section 7** of the **Support Pack**.

**Appendix 7(a)** Sample advertisement for the post of Clerk and Responsible Financial Officer

**Appendix 7(b)** Responsible Financial Officer (or other suitable title if you prefer).

## 7.2 Handling of personal data

Ensure that all documentation and information relating to candidates is treated as confidential and in accordance with Data Protection legislation. Interview documents should be kept and stored in line with Data Protection legislation.

## 8. Application forms

Application forms can provide more thorough information rather than a CV for the purpose of screening by asking questions as part of the application. Be careful to avoid possible discriminatory questions in the form or later at interview.

The form should contain a requirement to certify the truth and accuracy of the details submitted as it will be enforceable if the job has been obtained on false pretenses.

The application form process requires more time than simply requesting a CV with some advantages of an application being:

- it is easy to compare the skills and experience of different candidates as part of the short-listing process if they all follow your application form

- it is more difficult for candidates to hide gaps in their employment
- it should encourage candidates to relate their skills and experience specifically to your job
- it helps you meet your equal opportunity obligations
- you can use the same format for future vacancies.

### 8.1 What should be included in an application form?

It is recommended that you do use an application form which should ensure that you obtain information consistently from all candidates as suggested below:

- personal details such as their name, address, telephone numbers and email address
- relevant educational and/or professional qualifications (how relevant is knowing about their GCSE/CSE results to the current job role if 30 years ago)
- employment history - suggest the last 10 years to get a good idea re breadth of role undertaken
- relevant knowledge, skills and work experience linked to the person specification
- job training undertaken relevant to role applied for
- right to reside and work in the UK - you need to forewarn applicants that the Council has a legal duty to ask for evidence of the successful candidate's right to reside and work in the UK
- include the need for a DBS check if clearance is required for this job role e.g., if working with children or vulnerable people or whose duties will be covered by the Financial Services Authority
- a section on declaring offences within the Rehabilitation of Offenders Act. This is separate from a requirement for a DBS check
- any specific job requirements e.g., languages or possession of a driving license etc., if they are relevant for the job
- a requirement for the candidate to make and sign certain legal or technical declarations
- two referees related to current and/or past employment.

You may wish to ask for additional information such as leisure interests.

### 8.2 Applicants Pack checklist

This should contain:

- Application Form
- Job description
- Person Specification
- Any further information about the Council and services, terms and conditions of employment. Recruitment Information pack **See section 9.**
- Equality & Diversity Monitoring Form.

When issuing a separate equality monitoring form with the application form, applicants have the option of providing details of their ethnicity, gender, disability, age etc.

Remember, if you ask applicants to complete an equality monitoring form:

- anyone involved in interviewing or decision-making process must not have access to the information
- you should not ask applicants to enter their name or any other information that identifies who they are

Please see **Support Pack section 7** for guidance and template documents

**Appendix 8(a)** - application form

**Appendix 8(b)** - request for recruitment pack and application form response

**Appendix 8(c)** – application record form

**Appendix 8(d)** - application acknowledgement

**Appendix 8(e)** - equality and diversity monitoring form.

## 9. Recruitment information pack

### 9.1 Why provide information for candidates?

The recruitment application pack is an information pack that is provided in order to assist the candidate to complete the application and more fully understand the role. The pack will:

- provide a strong flavour of the style and professionalism of the Council and critically it may even help encourage the right candidates to apply for the job!
- enhance the initial impression and image of the Council as a future employer and ensure that every candidate is given the same information in a consistent and thorough way
- cut down the valuable interview time otherwise needed to answer basic questions about the Council, job and terms of employment.

### 9.2 Providing Council Information

Share the information pack with the application form, along with any other relevant Council publications so the candidate has all relevant details prior to making an application.

The following is recommended as part of your Recruitment Information Pack:

- A welcoming introduction
- the role of the Clerk
- a brief history and profile of the Council
  - Council area and environment
  - Council history and background details
  - Council structure
  - staffing information
  - key challenges for the Council

- the job advertisement
- key terms and conditions of employment
- the intended application and selection process and timetable
- Job description and person specification

In order to ensure that all potential candidates are able to apply, if information is requested in an alternative format e.g., in large print then this should be provided.

Please see **Support Pack section 9** for an example Recruitment Information Pack for the post of Clerk to the Council

All of these documents (if possible) could be made available to candidates by downloading from the Council's website along with an application form. However, it is useful to have a record of who has expressed an interest in the job so you can track progress.

## 10. Short listing

The short-listing of applications should follow a process that is clearly open and fair and ensures that only candidates who have the necessary skills set out in the Job Specification are selected for interview. It is a waste of the candidate's and your time and effort to interview anyone who does not meet this minimum requirement.

Everyone involved in the selection process, from shortlisting stage onwards, must understand not only the need to avoid unfair discrimination and the potential risk to the Council's reputation should a candidate make a tribunal claim, but the benefits a diverse workforce can bring to an organisation. **See also Section 2.**

Using your matrix to analyse the applications received, focusing attention on the key requirements. This will ensure consistency in your assessments and help eliminate any prejudice or possible discrimination. This also ensures you only interview good candidates and enables you to justify your reasons for short listing one candidate against another if challenged.

### 10.1 Short-listing candidates for interview

- Agree your selection panel. Include 2 or 3 Councilors from your Staffing Committee, if in place and if appropriate the Council's Clerk and/or their professional adviser.
- Agree composition of the short-listing matrix based on your Person Specification.
- Assess candidates against the criteria and reject those who do not show the essential attributes required.
- Consider all candidates in exactly the same fair and transparent way, basing your scoring solely on the information contained in the application form. On no account should any prejudices, prior knowledge of a candidate or assumptions influence the short-listing exercise.
- Do not discriminate against applicants on the grounds of any of the protected characteristics under the Equality Act 2010. E.g., if the candidate discloses a disability or a medical condition, this should be excluded from the selection decision but questions may need to be asked at or after the interview (if the person is to be appointed) about any necessary adaptations/reasonable adjustments. Refer to the

Equality Act to ensure there is a justifiable reason. See also **Section 8 – Application forms**.

- Consider removing names and personal details from all applications to avoid some of the discriminatory pitfalls.
- Ensure that ethnicity or other monitoring data requested, as discussed in **Section 7**, is removed and kept well away from the shortlisting process. For this reason, a Councilor unrelated to the selection process can manage the collation of applications and associated forms.

The following process to screen applications and short-list candidates for interview is recommended:

- number and record applications on your record form to enable tracking of every application form as they are received and processed
- enter the **essential** and **desirable** criteria into a short-listing application analysis matrix from the Person Specification
- if you apply a weighting, allocate a value to each criterion e.g., 10 points for the critical criteria, 5 for the rest. Do not complicate by adding too many different scoring options
- determine the minimum points total from the essential criteria to allow a candidate to proceed to interview
- analyse each application against the short-listing criteria in the matrix
- look for evidence of the **essential** qualifications, training, skills and experience required which can be further tested as part of the selection process
- do not make assumptions – if something is not stated assume it does NOT exist and score the candidate as nil
- determine the candidates to proceed to interview that meet the **essential** criteria minimum total and eliminate candidates who do not have the basic requirements for the job
- if there are too many potential candidates for interview at this stage, then you could assess against the **desirable** qualities you are also looking for
- notify candidates who are not being invited for interview quickly after completing the short-listing.

Where academic qualifications are one of the criteria for short-listing it must not be assumed that qualifications obtained overseas are of a lesser standard than comparable qualifications from the UK.

The Council should now have a short list with clear reasons for progressing or rejecting candidates for interview based on essential criteria. Importantly, in case of challenge the Short-Listing Application Analysis Matrix will assist in justifying your decision and the Council should be able to demonstrate sound reasons for rejection.

The completed matrix form should be retained for future reference in line with Data Protection legislation in case the Council is challenged within the period allowed by law.

Contact those who have met the short-listing criteria or target score total for interview and/or selection assessment. Should you have an unmanageable shortlist, consider holding initial interviews and/or tests/assessments to examine a key area of the role to finalise a reduced shortlist for full assessment. If only one candidate meets the minimum criteria level, the interview process should still proceed.

Candidates who are not successful at this stage should be informed as soon as possible.

In making the arrangements consider the number of applicants you will realistically have time to interview during the day. Ensure you allow time for preparation and discussion before and after each interview.

Please see **Support Pack section 10** for guidance and template documents.

**Appendix 10(a)** – Short listing template

**Appendix 10(b)** - Rejection letter following short listing and no interview

## 11. Selection interviewing guidance

### 11.1 The purpose of the interview?

An interview is a two-way process to enable the candidate to decide if they want to work for the Council and for you to decide if they are right for the job. The more planning and preparation you do the easier it will be for you and the candidate.

The objective is for the Council to be clear on who is the right candidate for appointment and that the preferred candidate **also** wants to work for you!

The Council will have a clear picture of the job and the person required. The Application form will have provided some evidence so the purpose of the interview and other parts of the selection process is to fill in the gaps.

The interview is also about enthusing a candidate to join the Council so a poorly structured interview can produce poor appointments. Remember that during the interview the candidate is forming an opinion about the role and the Council as their future employer which in turn will inform their decision about whether or not to accept the post if offered.

A key skill for interviewers is to be able to build rapport swiftly and help the candidate to feel relaxed. Your job as interviewer is not to trip up candidates. You are there to find out if they can do the job or not, ensure they understand the job and its responsibilities in more detail and answer their questions.

A good interview is one that gathers enough relevant information against each of the key attributes set out in the Person Specification to make a reasoned, fair decision with any potential discriminatory issues avoided.

### 11.2 Interview planning

The interview is generally the main basis for deciding on which candidate best meets the Person Specification so planning and preparing an effective structured interview is key. To avoid instinctive or hasty judgements Interviewers should pre-commit to a set of interview questions that are directly related to performance on the job.

A structured interview means that:

- questions are planned carefully before the interview



- all candidates are asked the same core questions
- answers are scored using a rating system on the interview assessment sheet
- questions focus on the attributes and behaviours needed in the job

Think about the following when preparing your questions.

- use information from the candidate's application form or CV
- look for gaps in education/employment or areas that are not clear
- be aware of possible discrimination in the questions you ask
- ensure the panel understands the job description and person specification so that questions are relevant and can help compare candidates
- decide who will deal with what topics
- think about what information the candidates may want from the Council.

The questions should be structured to relate to the various sections of the Person Specification.

Before the interview consider the following:

- the selection panel should typically be comprised of 2 or 3 people
- hold a pre-interview meeting for the panel to plan the structure and questions of the interview. i.e., who will introduce, who will ask which questions
- ensure everyone involved in the interviews is properly briefed and any necessary training is provided, particularly considering provisions of the Equality Act 2010
- give candidates adequate notice and provide clear interview details i.e., who to report to on arrival, the structure of the interview process (if more than one stage, which bit are they coming to), presentation topic etc., together with location (map), date, whether or not you are paying travelling expenses and anything you wish the candidate to bring with them
- confirm whether candidates have any special requirements in advance of the interview date regarding any specialist equipment or appropriate adjustments with regard to any disability
- ensure time for interviews are sufficient and consistent for all candidates for the same job and to ensure that you do not have to rush
- having undertaken the shortlisting, the selection panel should be fully conversant with the job description, person specification and all other relevant information about the job
- interviews are confidential and no interruptions should be allowed so ensure a quiet and private interview room with no distractions. Facilities must be suitable for all applicants
- think about the layout with seating around a table rather than across a desk, lighting of the interview room should provide a comfortable environment (offer drink on arrival)
- treat internal and external candidates identically throughout the process
- come to each interview with an open mind!

To ensure fair and successful selection, it is best to use more than one method in the decision-making process (see later in this section). Insights from the interview may be supported by other data where possible, for example task simulation activities or a presentation on a pre-determined topic, which could be conducted at interview stage or with technology beforehand.

### **11.3 Structuring an interview**

To ensure that there is consistency in both the approach and fairness, the interview should follow a number of recognised stages.

#### **11.3.1 Greeting**

- introduce yourself and the others present and show interest from the start. Establish a calm and informal atmosphere by setting the candidate at ease and establish common ground
- establish rapport and credibility early
- recap on the interview format and structure
- advise the candidate that the Panel will take notes
- check that candidates have sufficient information about the job and how it fits into the Council
- check that any adjustments are appropriate based on previous information given by the candidate

#### **11.3.2 Acquiring information**

- start your interview with easy questions such as biographical information
- ask the same core questions to all candidates and encourage candidates to talk about their skills and experience and how they apply to the job
- use techniques to increase the candidate's contribution with open-ended and follow-up questions with careful use of silence to allow candidates time to think and speak.
- candidates should be encouraged to do the talking for about **80 percent** of the time.
- use reinforcements such as nods, smiles, eye contact
- assess attributes and traits – focusing on both strengths as well as weaknesses
- record information on your individual interview assessment sheets
- keeping control of the interview and don't be afraid to turn the conversation back to the information you need if the candidate is going off track.

#### **11.3.3 Giving information**

- provide any further information about the job and the Council
- invite questions from the candidate and avoid interrupting them giving them enough time to have their own questions or concerns addressed
- explain what happens next.

#### **11.3.4 Parting**

- confirm next steps in the process e.g., appointment, second interview, tests and timescales as appropriate
- explain when they will hear from you
- thank the candidate for their time coming to see you.

Each member of the panel should independently record their assessment of each candidate's interview any other parts of the selection process on the Interview Assessment Sheet. Comparisons can then be made jointly to help reach your collective decision.

If notes have not been made during the interview, leave some time afterwards to write these up on your individual interview scoring sheets. It is possible that any such notes may have to be produced at an Employment Tribunal if the selection is subsequently challenged.

#### 11.4 Questioning Techniques and Types

The aim of the interview is to obtain as much relevant information about the candidate as possible. To achieve this there are questioning and listening techniques that will improve both the rapport with the candidate and look to elicit more relevant information or opinions. Understanding and using the following questioning techniques will help secure a successful conclusion.

You would look to use three types of selection questions.

- core questions – questions asked of all candidates
- specific questions – used to focus on issues raised by the candidate and may be based on an answer to a core question
- confirmation questions – used to confirm information already gained.

**Core questions** must be the **same** for everyone in order to provide a consistent measure at each interview with the questions themselves based on the needs of the job. Specific questions may need to be different based on how the candidate answers.

The following are examples of the types of questioning available and when and when not to use them.

**Open-ended questions** often start with “*Why....*”, “*How....*”, “*What.....*”, “*Tell me about....*” etc. Use to invite candidates to express opinions or give more information in a straightforward way. Good for fact finding, exploring reasons and their ability to think.

**Competency based questions** are asking candidates how they have handled a situation.

A typical competency-based questions would be “Tell me about a situation when you had to deal with conflict.” “Tell us about the most difficult change you have had to deal with in your professional life.”

You are encouraging the candidate to recall specific incidents that highlight the competency in question. They may not be familiar with the format of a competency interview, so it is up to you to get the candidate to open up. Gently prod and prompt them to recall relevant incidents that showcase their skills and abilities. It may then be appropriate to build on the answer i.e., “How did you do it?”, “How did you react?”, “What was the outcome?” This will give a clearer view of their skill and/or experience in that area.

**Probing questions** often start with “Why do you think .....? Tell me more about...” etc. “That is interesting - give me some examples so that I can understand fully what you mean.”

Use to pursue a line of questioning or thought often leading on naturally from open questions to dig for more information.

**Clarifying questions** are used to check what the candidate said and can start with “I’m not quite clear about ..... would you explain it a bit more?” “When you say that.....what exactly do you mean?”

**Linking questions** are used to link to a previous answer e.g., “*you said earlier that ..... How does that fit in with .....?*”

**Summarising and Feeding Back** are used to clarify, correct, explain, bring together responses to give more significance e.g. “*You said that ....., is that correct?*” “*Let me see if I understand that .....?*”

**Closed or Direct Questions** are used to force a brief, often one word answer. They can be effectively used early in an interview to encourage participation as they are easy to answer. However, when over used they provide little real information and can halt discussion and the flow of the interview. They often begin with “*What*”, “*Would*”, “*Where*”, “*Did you*”.

Think about how you can ask these questions in a more open or challenging way.

## 11.5 Questioning techniques to avoid

**Hypothetical** questions will provide often just get hypothetical answers that may not be a factor in the job role.

**Multiple questions** with two or more issues in one question can get candidates confused and may only answer one of the questions – generally the one they prefer. Simply ask the questions separately.

**Leading questions** prompt the answer you want to hear giving no useful information with the candidate’s ideas not being discovered. e.g., “*You do agree that ..... don’t you?*” “*I take it you welcome the chance to take on more responsibility?*”

**Value-Laden questions** are leading questions that give away your own feelings especially negative ones therefore potentially influencing the reply and can sometimes imply criticism of the candidate and destroy rapport e.g., “*Surely you do not mean that .....?*”

**Vague or Redundant questions** achieve little reliable or meaningful information e.g. “*So, you are pretty keen on sport?*”

## 11.6 Common Interviewing Mistakes

There are some common mistakes that you should be aware of and good preparation will help avoid them.

- **Already decided who you want** – be careful not to show disinterest because you already prefer another
- **Snap decisions** - be cautious of first impressions and avoid making snap decisions. Selection decisions must not be influenced either by stereotypical racial or sexual profiles or prejudices generally

- **Don't dominate the discussion** – It's a good thing that you want to break the ice, sell the job and answer their questions. But when all these result in an endless monologue, it can be one of the most harmful interviewer mistakes and detrimental to the hiring process.
- **like me** – you may feel an affinity for the candidate as they remind you of you! So, look to only focus on the needs of the job

## 11.7 Other Selection Methods

**Use of Tests** - Tests can be done before or at the time of the interview but should not be used as the sole method of candidate selection. Be mindful that any test is not unlawful and does not discriminate against candidates i.e., particular race, sex or age or who have a disability.

Some examples might be:

- 10-minute presentation to the panel about a Council related subject. i.e., What would you do to improve your local council? They will have information on the Council already in the recruitment pack (**see Section 9**). You can then ask further questions around the presentation and their reasoning as part of the interview
- Hand written page about a simple subject (½ hour) i.e., last holiday or social activity. This shows grammar and written ability
- Test to ascertain computer skills such as excel, PowerPoint etc.

Other ways of helping to select the right candidate and some options might include: -

- psychometric tests e.g., ability tests, aptitude tests, personality profiling
- assessment centre
- other practical tests

Only use such tests if they have been validated and are relevant to the job. There are companies that will set these up for you so when thinking about using any kind of test, also weigh up the benefits against the costs of organising them.

This should be based on the requirements of your chosen job description and person specification which will ensure that you can justify the reasons for rejecting candidates if challenged.

for guidance and template documents.

To help with the interview arrangements, a selection of sample forms and letters for the post of Clerk to the Council are in the **Support Pack section 11**. These may also be adapted for other roles.

**Appendix 11(a)** - interview schedule

**Appendix 11(b)** - initial interview invitation

**Appendix 11(c)** - rejection letter after initial interview

**Appendix 11(d)** - final interview invitation

**Appendix 11(e)** - rejection letter after final interview

**Appendix 11(f)** - reference request and letter.

**Appendix 11(g)** - interview prompt sheet

**Appendix 11(h)** - sample interview questions for the post of Clerk and Responsible Financial Officer

## 12 Selection Process

### 12.3 Recording Information and Data Protection

Once you have completed the interview process you now need to decide based on information provided by the candidates, who to appoint to the job. Ensure you keep records of the whole process in case of challenge by an unsuccessful candidate. This should include:

- a detailed track of the process for each candidate
- a completed Interview Selection Matrix completed during or as soon as possible after the interviews. Only record what has been said in the interview and how the selection decision was made and not your beliefs or thoughts about the candidate
- the forms provided as part of this selection manual
- the final marking leading to the Selection Panels decision
- any video or aural recordings. Remember to **always** tell candidates you are using them.

Be aware that candidates who later make a complaint to an Employment Tribunal have the right to ask for copies of **any** notes made during the interview process.

Only record or keep personal data after an interview in line with the data protection legislation; this includes the right of a person to access to any information kept on them (Subject Access Request). Any data that is kept should be securely stored.

Finally, you should inform candidates of the time period their records will be kept if unsuccessful.

### 12.4 Making your Decision

The use of the Selection Interview Assessment Matrix will assist in ensuring a fair approach. In making your decision all interviewers must: -

- ensure they have completed a Matrix form for each interviewed candidate during or as soon as possible after the interviews
- keep any additional notes from the interviews to support their views and ensure that a fair comparison can be made between candidates with reasons to justify the decision
- once all candidates have been interviewed, compare and discuss the scores with the rest of the Selection Panel's assessments and any test results to reach a decision on the appointment

Remember you are looking to appoint the right candidate for the job and appointing someone who is over qualified or too experienced is not necessarily always a good thing. They may soon become disillusioned with the job and may leave giving you the effort and cost all over again of finding a replacement.

When making your decision you will generally look to appoint the highest scoring candidate. However, always try to appoint a candidate who, importantly, has space to grow and develop in the job in terms of experience, knowledge and understanding. Appointing someone with say 75-80% of what you need of the essential attributes, may well be the best approach.

Where a candidate with a disability is identified as best meeting the person specification, it is the Council's responsibility to ensure that the needs of the employee and, where possible and practicable, any aids or adaptations are agreed and provided to allow them to carry out the duties of the job.

**Providing feedback** - Although it is not a legal requirement to provide feedback, those that do enhance their reputation as an employer who take candidates seriously. It makes people feel their time and effort was valued and makes it likelier they will reapply for roles in the future or recommend the company to others.

All candidates interviewed should be notified as quickly as possible of the decision either verbally and/or in writing and the Council should be prepared to offer and give feedback, if requested, for the unsuccessful candidates.

### **12.5 Situations where there is no clear choice**

There could be a situation where you end up with two equally qualified skilled candidates. You need to have agreed a process for dealing with this situation.

- call each candidate in again and re-interview with a different panel
- set a new task or mini-project related to the job role
- ask the candidates to consider one or more case studies and how they would deal with the scenarios
- use a technical test if not already used.

### **12.6 Positive Action Provision**

Where you have previously determined you are under-represented in certain categories such as sex or race you will need to consider the following when making a final selection decision.

In order to use positive action provisions in a tiebreaker situation, you must first establish that the candidates are of equal merit. If this is the case, then you may offer the appointment to the person representing the under-represented group.

However, you should ensure that any criteria do not indirectly discriminate against people who share a protected characteristic – for example, a requirement that staff must work shift patterns that mean they have to be on-call at certain fixed times might put women, who are more likely to be responsible for childcare issues, at a disproportionate disadvantage.

This would be unlawful indirect discrimination unless it could be shown that the need for these work patterns could be objectively justified.

Employers must consider whether candidates are of equal merit in relation to the specific job or position they are applying for. While two candidates may be considered to be of equal merit for one particular post, the same two candidates might not be equally suitable for another job.

To assist with the interview assessments **the Support Pack section 12** provides a selection of sample forms.

**Appendix 12(a)** - Selection Interview Assessment Matrix for the post of Clerk to be completed for each candidate interviewed.

**Appendix 12(b)** - Selection Interview Assessment Matrix for the post of Responsible Financial Officer.

**Appendix 12(c)** - sets out examples of how you can take the key factors in the job description and person specification and identify the appropriate methods of assessment.

## **13 Appointment process**

### **13.1 How should the Council make the appointment?**

Once the Council has made the decision on who to appoint the post should be offered as soon as possible verbally to the successful candidate but ensuring that this is made subject to any conditions such as a Disclosure and Barring Service (CRB) check, vetting processes, legal working in UK or satisfactory references being obtained.

When an indication of their acceptance has been received there are a number of options follow up with formal documentation:

- to issue a letter of offer (again with any conditions) and once accepted issue the full contract of employment
- to issue a letter of offer (again with any conditions) along with the full contract of employment/statement of terms and conditions of employment.

### **13.2 Does the Council need to issue a contract of employment?**

There is no legal requirement for an employer to provide a written contract of employment. However, there is a requirement upon an employer to provide a Statement of Main Terms and Conditions of Employment (Section 1 Employment Rights Act 1996) which is in effect the contract of employment. Note that the job advert, job description and person specification are also evidence of a contractual relationship together with a staff handbook.

This statement of employment terms and conditions must be provided to the employee within **two months** of the employee starting their employment with the new employer.

### **13.3 What to include in the statement of main terms and conditions of employment**

Under the legislation, the written statement of main terms and conditions of employment must include the following:

- name of the employer and employee
- date when the employment began
- date on which the employee's period of continuous employment began (if any)
- title of job which the employee is employed to do
- period for which the employee is employed if the contract is not permanent
- place of work
- scale or rate of remuneration or how remuneration will be calculated
- intervals at which remuneration is paid, be it weekly, monthly etc.



- hours of work
- terms and conditions relating to: -
  - holiday entitlement and pay
  - incapacity for work due to sickness or injury, including provisions for sick pay; and
  - pensions and pension scheme and whether a contracting-out certificate is in place.
  - the notice the employee is obliged to give and entitled to receive to terminate the employment
  - any collective agreements which affect the terms and conditions of the employment e.g., National Agreement on Pay and Conditions of Service
  - the Council's disciplinary and grievance procedures (not the detailed procedures just where they are located e.g., a staff handbook or a policy manual).

There are various template statements used by different Councils but whichever approach is used it is important that you: -

- always make offers conditional on satisfactory references, DBS clearance (where relevant) right to work and reside in UK requirements, validation of qualifications where essential
- consider what you are prepared to negotiate within reason, when offering the job to the successful candidate. Be careful that where you have other roles with more than one job holder that you don't create an equal pay issue.
- put a time frame of receipt of the successful candidate's response to the written offer or acceptance of the contract of employment

#### **13.4 Use of Medical Questionnaires**

Section 60(1) of the Equality Act 2010 provides that an employer must not ask a job candidate questions about their health before offering them employment. This includes conditional job offers. Employers can make a conditional job offer that is subject to the potential recruit satisfactorily completing a health questionnaire or undergoing a medical check. However, if it transpires that the individual has an underlying health condition that may amount to a disability under the Equality Act 2010, the Council should be cautious about withdrawing the offer. You should seek further information about the nature of the health condition and the impact that it is likely to have on the individual's ability to do the job. The Council should also consider whether or not it can make reasonable adjustments to enable the individual to take up the post. If the Council fails to make reasonable adjustments it may be liable for a successful claim of disability discrimination.

GAPTC can discuss the model statement/contract of employment with you to ensure it meets your needs.

Although all the appendices enclosed are job specific the principles are the same for all posts on the Council's establishment.

Example of an employment offer and contract of employment/statement of main terms and conditions of employment can be found in **Support pack section 13**. This may also be adapted for other jobs.

**Appendix 13(a)** - Example offer of employment for the post of Clerk to the Council

## 14 Induction

### 14.1 Why is the induction process important?

The purpose of the workplace induction is to make the transition into a new job as smooth as possible. This has benefits for the employee as well as the Council. The new Clerk will gain more information about your Council and how they and they fit in to the structure and culture as well as understanding your values.

A well-planned and executed induction will make your new Clerk feel more at ease on arrival, provide an introduction to the Council and essential background information to help them with their job.

An induction also gives the chance to ask questions and go over any aspects of employment that need confirming and be conducted step by step with new the Clerk over the first few weeks.

By not introducing your new employee in the right way, vital information can be lost as they won't fully understand the Council itself or their role within it. This can lead to:

- poor integration into the team
- low morale, particularly for the new person
- loss of productivity
- failure to work to their highest potential
- making expensive or dangerous mistakes.

Occasionally the new person can leave early which results in:

- additional cost for recruiting a replacement
- wasted time with you having to repeat the unproductive learning curve of the leaver
- lowering of morale for the remaining staff
- detriment to the leaver's employment record
- damage to the Council's reputation
- claims for wrongful dismissal or discrimination.

A well-considered and structured induction programme can improve the likelihood that a new employee will stay with the Council as initial impressions made when someone commences work with you can have a lasting impact.

Depending on your Council systems, some induction content may also be given as part of an online course such as Health and Safety information. Mini assessments of understanding are also popular with multi choice answers.

Consider whether your previous Clerk to the Council can remain in post for a hand over period, support for a set time per week for a month or two to work alongside the new appointee or use the GAPTC for guidance and assistance.

An alternative could be a workbook approach, where information is given with the new member of staff completing specific activities both written and participatory tasks, before their responses are signed off as satisfactory.

Ensure the handling of the induction period and the probation process (**see section 15**) are not seen as a 'tick box' exercise but as a vital opportunity to introduce the new Clerk to the Council culture and embedding them into the Council.

Plan and invest time in these activities to help the new Clerk become productive more quickly and believe they made the right decision!

## **14.2 What to include in the induction programme?**

What will your new employee need? Ensure the induction is appropriate to the job whilst not overwhelming or diverting them from integrating into a team and actually starting work!

The length and nature of the induction process will depend on the complexity of the job as one size does not fit all. In summary, induction is critical to enable staff to fit in and be effective as quickly as possible and time spent on an induction programme will produce a good return.

The induction programme can be spread over a reasonable period of time with a timetable containing the following elements:

- orientation (physical) – touring the work locations and facilities
- orientation (organisational) - showing how the role fits into the team and the Council's strategy and goals
- introductions with the Councilors and staff and an awareness of other functions within the Council and how the role fits with them
- mandatory training courses such as health and safety and equality and diversity
- explanation of the key terms and conditions of employment, policies and procedures
- detail of the Council's history, services, culture and values
- a clear outline of the job/role requirements
- systems and procedures including the IT packages.

## **14.3 Induction Checklist**

Whilst the induction should be thorough be careful not to overload your new employee, providing too much, too soon may cause them to feel overwhelmed by a mass of information in the first few days. An induction checklist and timetable will ensure the information is well paced in an easy-to-follow format. Depending on the size of the team or Council consider sharing the load with more than one person.

The sample checklist is for adaptation and use in connection with the completion of the induction process of a new Clerk or other staff member. This can be found in the Support pack **section 14**

## 15 Probation

### 15.1 What is a probation period?

The probationary period exists to allow both the new employee and the Council to decide if the right person is in the right job and capable of carrying out the role they have been employed to do and in turn the post holder feels that the Council is right for them. It is normal practice for staff to have a probation period and for there to be systems in place to review progress in the new job until the Council is satisfied that the appointment can be confirmed. Until this has happened the appointment is not formally on the establishment.

### 15.2 The Probationary process

The probationary period will normally last for three to six months and it should be included in the contract of employment and/or in your Principal Statement of Particulars of Employment. The Council should conduct monthly review meetings with formal probation reviews after two, four and six months employment. These meetings will consist of a review of performance so far, as well as any necessary improvements required. Appropriate training and support is provided to assist in attaining the required standard. At the six-month final review, the employment is then confirmed, unless the required performance has not been reached.

As part of the regular performance monitoring mentioned above or as soon as concerns arise, the Council should discuss them with the post holder and look to achieve the improvement or change in behaviour required. The key advice is that the Council must not wait to the end of the probationary period before considering whether the Clerk to the Council's performance is adequate or not – it is unprofessional and unfair and may even result in a breach of contract.

Similarly, the employee is expected to raise any concerns on their part during the probationary period. Ensure any concerns raised with the employee can be evidenced based on your review of performance throughout the process.

If serious performance concerns or potential misconduct arise, the employee should be informed as soon as those problems arise and addressed if relevant through the disciplinary procedure rather than waiting to rely on the probationary review process.

The Council must make it clear to the new member of staff that a decision will be made about confirming or not the appointment and by the stated end date. During the probationary period appropriate or contractual notice rules will apply.

The responsibility of the Council therefore is:

- to provide guidance and support ensuring the newly appointed member of staff receives an effective induction with any appropriate development and training opportunities being provided
- to define clearly the set of performance standards and the required procedures to ensure the newly appointed Clerk understands what is required of them
- to monitor and assess the performance and competence during the probation period to ensure the member of staff meets the required standards.

Before the end of the probationary period, the Council must consider the employee's progress and make a decision: -

- to confirm the appointment on a permanent basis

- to agree an extension of the probationary period in the event of uncertainty
- to terminate the employment on notice.

### **15.3 Successful completion of the probationary period**

This will result in confirmation in the post in writing at the end of the probationary period or this may come into force automatically depending on how the employment contract is written.

### **15.4 Extending Probation period**

The probationary period may be extended if the work, attendance or other relevant performance criteria are deemed unsatisfactory. This is usually only where progress has been made but there are still a couple of improvement areas that need to be made to reach satisfactory with a bit more time. If there are significant improvements still to be made then an extension is not appropriate.

It is usual practice to extend a probationary period only for as long as the required improvements can reasonably take place so consider whether by extending the probationary period and taking account of the notice period it may take the employee beyond the service criteria for making an unfair dismissal claim. Employees currently require two years' service (there is no service criteria in a case involving any form of discrimination) before they have a right to make a claim of unfair dismissal to an Employment Tribunal, but this can change.

The decision to extend should not be a surprise to your new staff member as discussions around required improvements will have taken place during your formal review meetings. Having provided the appropriate guidance and support to assist the new Clerk to achieve the necessary standard, a meeting should be held in good time prior to the end of the probation period to inform them that an extension is being applied. This should then be followed up with a letter to confirm the new probation end date together with the action plan to achieve the required standard.

### **15.5 Terminating a contract after probation**

In the rare case where there have been significant performance issues that have not been improved with relevant support and training, it may be appropriate to terminate the contract during or at the conclusion of the probationary period. This can be done in writing by either side if suitability for the post is not established. There is no specific notice period for such termination if the Clerk to the Council has worked for less than one month but during the remainder of the probationary service period one week's notice in writing is usually required by either side unless your contract states otherwise.

If appropriate the employment may be terminated by the Council by summary dismissal on grounds of gross misconduct. No decision to dismiss should be taken until a formal review meeting has taken place at which time the postholder can have an opportunity to respond.

**Note:** The service qualification period may not be circumvented by issuing short-term contracts of a few months. Even if these are separated by short periods the 'employment' may be held to be continuous after for example two years' service.

### **15.6 Who is responsible for monitoring performance during the probationary period?**

It is critical that the Council decides clearly who will be responsible for monitoring the performance of the Clerk to the Council during the probation period and in particular who will

have authority to take the final decision to confirm or otherwise the appointment at the end of or during the probation period.

With other staff this is likely to be the Clerk to the Council but in the latter case the Council needs to determine formally where this responsibility will rest. The Council may determine for example that it will rest with the full Council, the HR Committee or any other Committee with responsibility for human Resources and/or staffing matters and if so, this will need to be made clear in their terms of reference. Additionally, depending on the normal manner in which such decisions are made by a Council, provision may also need to be made for the Chair of the relevant HR or Committee to call an Extraordinary General Meeting of the Council to make or endorse the decision. This will need to be covered in the Council's Standing Orders.

Whichever approach is preferred the Council must make sure that responsibility and authority to act in the probation process is clear and lawful and the Council needs to bear in mind that, if the contract of employment allows for an appeal right if termination is determined, persons other than those involved in the initial decision should hear the appeal.

The sample probation documents are for adaptation and use in connection with the completion of the probation period of a new Clerk or other staff member. These can be found in the Support pack **section 15**

**Appendix 15(a)** – letter confirming successful completion of probation period

**Appendix 15(b)** - probation period extension letter

**Appendix 15(c)** - termination letter after unsuccessful probationary period.

## **16 Further Help**

It is important that the Council considers the experiences their staff have at all stages of the employment lifecycle as job applicants, as new joiners and right through to when they leave. The impressions made when someone starts work for the Council will have a lasting impact on how they see their employer and it is important therefore that the handling of the probation period and the induction process are not just treated as a 'tick box' exercises but are seen as a vital opportunity to introduce the new Clerk fully to your culture and ways of working and embed them into the organisation. The Council needs therefore to plan and invest time in these activities to help the new Clerk to the Council become productive more quickly and be pleased that they have been appointed!

If you require such further help or assistance with the induction process or have any questions on this pack, please call Gloucestershire Association of Parish and Town Councils on 01452 883388 or email [info@gaptc.org.uk](mailto:info@gaptc.org.uk).