

Attached are 3 key HR procedures (disciplinary, staff complaints and recruitment) which were in use prior to 2003. There was no specific anti-discriminatory policy or procedure for people management at that time until the Harassment procedure was adopted early 2003; the contemporary view was that mainstreaming policy and procedure was the best approach. Each procedure has specified statements about how racial discrimination should be avoided / dealt with – these parts are marked.

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Head of HR

Discipline

This file has been superseded November 2002

Introduction

The Council's procedure on discipline provides a structured yet flexible process for managers to ensure that employees are treated in a fair, reasonable and consistent manner. It has been written in the context of employment legislation and incorporates the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

The procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct.

The Procedure is accompanied and supported by a series of guidance notes. Further guidance notes will be issued as and when required.

What will be done for you

Personnel Management Services (PMS) will:-

- Periodically review the guidance notes and produce additional or updated guidance as appropriate and in the light of changes in employment law.
- Provide general advice on the application of the procedure.
- Ensure that appropriate training is available for managers and supervisors to properly equip them to manage the procedure.

What you must do

- Ensure that all employees in your unit are aware of the disciplinary procedure and the rights and responsibilities contained therein.
- Ensure that the procedure is followed and that any management action fully accords with the principles of natural justice.
- Remember that in reaching a decision on management action there is an important distinction between discipline and capability, i.e. disciplinary action should be decided on the basis of "the balance of probability" rather than "beyond reasonable doubt", whereas capability action relies on "matters of fact" (e.g. the employee did or did not reach specific attendance targets).
- Ensure that your departmental scheme of administration (formerly scheme of delegation) specifies the level of manager who is authorised to undertake disciplinary action beyond guidance and ensure that the scheme of administration is complied with.
- Ensure that managers hearing disciplinary cases are competent through appropriate training or experience.
- Ensure that the employee is made aware of his/her rights to trade union representation and ensure that such representation, if requested, is facilitated,

including compliance with the statutory requirement to consider a postponement of the hearings in certain circumstances (see guidance notes).

- Ensure that wherever possible you comply with the recommended timescales contained in the procedure and guidance notes and that where delays are inevitable all parties are kept fully informed.
- Structure and conduct all interviews and hearings to ensure that all relevant information is obtained, the facts are established and all parties are afforded an opportunity to state their case, present any relevant evidence and cross-examine witnesses before any decision is reached.
- Ensure that complete, accurate and contemporaneous records are maintained on disciplinary matters in a manner that is secure, confidential and accessible for monitoring purposes.
- Ensure that no disciplinary action is taken against the employee unless and until the issue has been carefully and fully investigated.
- Consider whether it is necessary to suspend the employee during an investigation, taking into account the nature of the complaint. Where appropriate, suspension of part of the employee's duties and temporary relocation should be considered in the first instance (see guidance notes).
- Where an investigation concludes that the employee has a disciplinary charge to answer, confirm the charge(s), what they constitute and the maximum sanction that could be applied if they are proved to the employee in writing.
- Ensure that sufficient notice of disciplinary hearings or interviews is given to the employee and that the notification letter encloses copies of all relevant documents upon which the management case intends to rely.
- Only consider evidence presented at the hearing when reaching a decision on disciplinary action and ensure that your decision is made objectively, is non-discriminatory, is taken on the merits of the case heard and can be objectively justified.
- Ensure that the employee is advised in writing of his/her appeal rights.
- In all but exceptional circumstances (see guidance notes), ensure that disciplinary warnings are disregarded for disciplinary purposes once the relevant timescale has elapsed. (Expired warnings do not have to be removed from the employee's personal file).

What you must not do

- Dismiss an employee for a first breach of discipline, except for gross misconduct.
- Advise or sit as a panel member in any disciplinary case if you have been involved in the investigatory process, including the decision to proceed to formal action.
- Determine any sanction arising out of disciplinary cases without first affording the employee an opportunity to raise any matters of mitigation.

What you can do

- Commence disciplinary proceedings against an employee where his/her conduct outside work seriously impairs his/her ability to undertake his/her duties or calls into question his/her integrity or suitability to carry out those duties or where the Council is likely to be brought into disrepute as a result of that conduct.

Key information

- Advice on managing the disciplinary procedure can be sought from departmental/divisional HR managers employed within your department/division.

Southwark Council

DISCIPLINARY PROCEDURE

[1] INTRODUCTION:

Southwark Council recognises that discipline is necessary for the efficient delivery of services and for the health and safety at work of all its employees. This procedure is based on the ACAS Code of Practice on Disciplinary and Grievance Procedures and is to be used for dealing with issues of conduct, whether arising in the context of work performance or otherwise. The procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. Business Managers have discretion to decide whether an issue touching upon work performance should be more properly dealt with under the Capability Procedure.

This procedure applies to all Council employees, with the exception of those employed at schools with delegated budgets. In the absence of any formal probationary procedure, this disciplinary procedure should be used to manage misconduct concerns about or complaints against new employees.

Normal standards of conduct and discipline apply to trade union officials but where an accredited trade union official is subject to investigation or disciplinary action, the appropriate full time trade union official and the relevant Branch Secretary should normally be notified before any action is taken.

The purpose of a disciplinary hearing is to:

- consider fairly allegations against an employee;
- decide whether or not the allegations have been proven; and
- decide what sanction should be applied if the allegations have been proven.

The fundamental principles of good management practice must apply in all cases and it must be remembered that an employer's failure to follow a fair procedure is likely to result in an employment tribunal finding the outcome of the disciplinary process unfair.

If the outcome of a disciplinary hearing is dismissal and the matter is put before an employment tribunal, the Employment Rights Act 1996 requires employers to show:

- the reason, or principal reason, for dismissing the employee;
- that the reason for dismissal is a potentially fair reason (misconduct of an employee is a potentially fair reason); and
- that they have acted reasonably and consistently in treating the reason as a fair reason to dismiss.

This procedure provides a structured yet flexible process for managers to ensure that employees are treated in a fair, reasonable and consistent manner.

[2] PROCEDURE:

(Note: This procedure is supported by a series of short guidance notes. Text printed in ***bold and italics*** within the procedure indicates that a guidance note is available on that topic.)

[a] Preliminary procedure –

When a complaint is received, or matters come to light that require investigation, a manager will be nominated by the Business Manager to conduct an ***investigation***. The employee must be advised that an investigation is to take place and must be told what is to be investigated. At this point the Business Manager should consider whether either ***suspension*** from all or part of the employee's duties or temporary relocation is appropriate.

Where a Business Manager becomes aware of an alleged problem relating to ***conduct outside employment***, disciplinary proceedings may be invoked if that conduct impairs upon an employee's ability to carry out his/her duties or if the Council is likely to be brought into disrepute as a result.

Information gathered during the investigation, including ***witness statements***, may form part of the evidence to support management's case if formal disciplinary action is taken.

If the investigating manager finds that the complaint is false or trivial, s/he may recommend that the complaint be dismissed and no further action taken. Where an investigation reveals that there is a substantiated complaint but the Business Manager is satisfied that the complaint is of a minor nature, the matter will be dealt with by way of a ***guidance interview***. Guidance interviews do not constitute formal disciplinary action. Where the Business Manager is satisfied that more than a guidance interview is required, appropriate formal disciplinary action will commence.

[b] Formal procedure –

Departmental schemes of administration (formerly, schemes of delegation) specify the levels of management that have the authority to take the various forms of action provided for in this procedure. Managers who have been directly involved in the investigative process (including taking the decision whether or not to proceed with formal disciplinary action) may not sit on nor advise disciplinary or appeal panels, although they may present a case or appear as a witness.

The employee will be notified in writing of the disciplinary charge s/he is required to answer. The letter will advise the employee what the charge constitutes (e.g. misconduct or gross misconduct) and what the possible consequences might be if the charge is proven. The letter will include details of the arrangements for the disciplinary hearing (date, time and location) and contain an instruction for the employee to attend. The letter will also advise the employee about his/her rights to ***representation***. Finally, the letter will advise the employee that failure to attend the hearing without providing a reason acceptable to the panel Chair may result in the hearing proceeding in his/her absence. Copies of all documents and other information upon which management intend to rely as evidence at the disciplinary hearing must accompany the charge letter.

The **disciplinary hearing** will comprise two distinct parts:

- part 1 – the **panel** hears evidence and decides whether the charge is proven; and
- part 2 – the panel considers mitigation and decides on the appropriate sanction (if the charge is proven).

The panel Chair will ensure that the employee receives a fair and impartial hearing, is encouraged to be represented or accompanied at the hearing, is allowed to present his/her case (or have it presented), is allowed to call witnesses and to question the management presenter and any management witnesses and is allowed to submit documents in support of his/her case.

The panel may adjourn the hearing in order to seek further information (including requesting the attendance of additional witnesses), but once they are satisfied that they have heard all the relevant evidence the panel must **reach a decision** at the end of part 1 of the hearing and convey that decision to the employee and/or his/her representative.

Before deciding what **disciplinary sanction** to impose, if appropriate, the panel must allow the employee or his/her representative to make a statement of mitigation. The management presenter will also be invited to comment on the mitigation offered by or on behalf of the employee.

The possible actions arising from a disciplinary hearing are:

- no further action;
- **guidance** and/or training;
- **written warning**;
- **final written warning**; and
- **dismissal**.

In addition, a number of supplementary sanctions (e.g. demotion, transfer, recovery of monies) may be applied.

Having decided upon the appropriate sanction to be applied, the panel will inform the employee or his/her representative and confirm their decision in writing. This letter will include:

- the precise nature of the misconduct proven;
- the period of time given for improvement, if appropriate, and the standard of improvement expected;
- the sanction being applied;
- the basis of the panel's decision;
- where appropriate, how long the sanction will last;
- an indication of the likely consequences of any further proven misconduct; and
- information about the employee's right of **appeal**, including how an appeal should be made, by when and to whom.

For posts at Deputy Chief Officer level and above, confirmation of dismissal can only given where no well founded and material objection has been received from any Member of the Executive. Where this is a potential outcome for disciplinary action for posts at this level advice must be sought from Departmental HR staff.

[c] Appeals -

Employees may appeal against a panel's decision and/or sanction as follows:

- (a) written warnings;
- (b) dismissal; and
- (c) supplementary sanctions.

Appeals against dismissal will be heard by Members sitting as a Disciplinary Appeals Sub-Committee; appeals against other sanctions will be heard by a panel of independent senior managers chaired by a Head of Service.

In cases where an employee has been dismissed, the dismissal will stand (i.e. the employee will remain off the payroll) pending an appeal. If the appeal is successful and the employee is re-instated, full reimbursement of lost remuneration will be made.

[3] GUIDANCE NOTES:

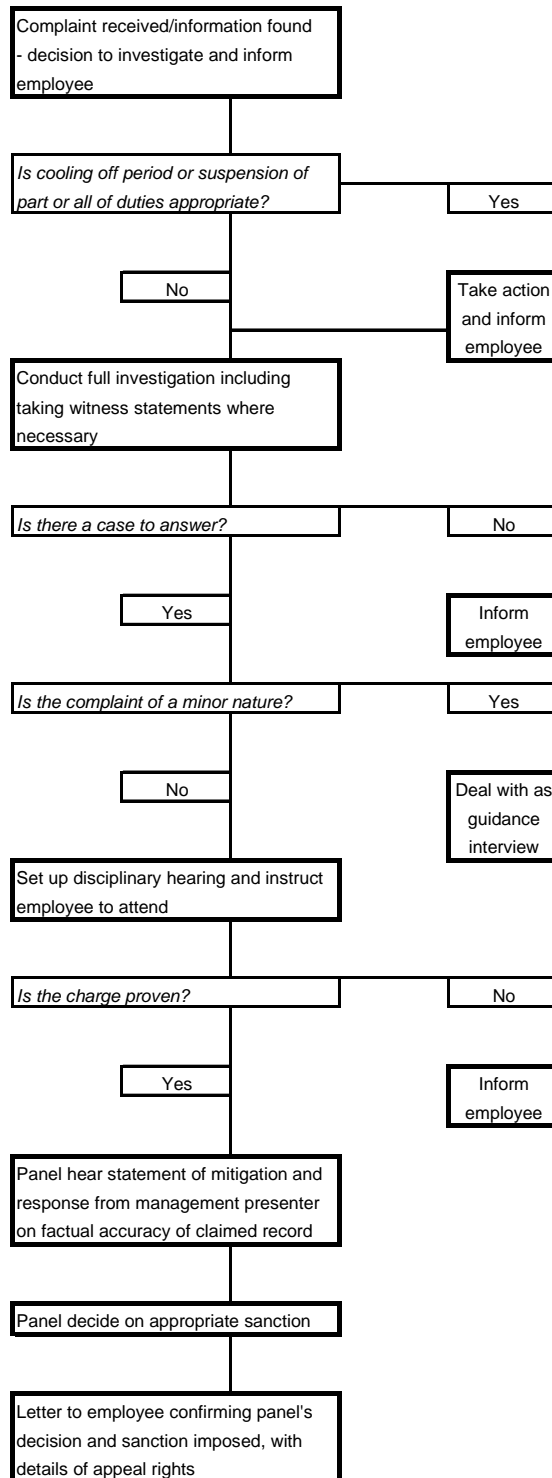
The following guidance notes have been prepared to accompany and support the Disciplinary Procedure:

- 01 Principles of disciplinary procedure
- 02 General approach to conducting a disciplinary investigation
- 03 Cooling off period and suspension
- 04 Dealing with anonymous information
- 05 Legal implications of disciplinary investigation and action
- 06 Representation
- 07 Conduct outside employment
- 08 Timescales
- 09 Disciplinary hearings
- 10 Disciplinary panels
- 11 Employee's absence at disciplinary hearings
- 12 Witness statements
- 13 Confidential evidence
- 14 Presentation of evidence to disciplinary hearings
- 15 Reaching a decision
- 16 Disciplinary sanctions
- 17 Guidance interviews
- 18 Records
- 19 Disciplinary appeals
- 20 Disciplinary rules

[4] FLOWCHART:

See next page

[4] FLOWCHART



Disciplinary Procedure – Guidance Notes

1: PRINCIPLES OF THE DISCIPLINARY PROCEDURE

The following principles underpin the Council's disciplinary procedure and accord with the ACAS Code of Practice on Disciplinary and Grievance Procedures, relevant case law and best practice.

- no disciplinary action will be taken against an employee unless and until the issue has been carefully investigated.
- the employee will be advised of the nature of the complaint and given the opportunity to state his/her case and present any relevant evidence before any disciplinary decision is reached.
- at all stages, the employee will have the right to be represented by a trade union official or a work colleague.
- managers will ensure that decisions are taken objectively, are non-discriminatory and taken on the merits of the case.
- matters will be dealt with quickly, accord with the principles of natural justice and the need to act reasonably.
- no employee will be dismissed for a first breach of standards except in the case of gross misconduct.
- the employee will be given an explanation for and have the right to appeal against any disciplinary action imposed above a guidance interview.

Disciplinary Procedure – Guidance Notes

2: GENERAL APPROACH TO CONDUCTING A DISCIPLINARY INVESTIGATION

Where a matter arises which is suspected or believed to contravene a disciplinary standard or may otherwise be a disciplinary matter, a relevant manager identified in accordance with the departmental scheme of administration will:

- investigate it promptly;
- ascertain the facts and assemble evidence to support them;
- take notes of all interviews or meetings, ensure that all witness statements are agreed and signed by the person concerned and maintain a comprehensive case file;
- ensure that all witnesses who are Council employees are advised of their right to have trade union representation or be accompanied by a work colleague;
- maintain confidentiality and carry out the investigation as discreetly and sensitively as possible;
- be clear as to what the allegation or concern is;
- gather all the relevant facts and background, including, where appropriate, witness statements;
- decide the level of information appropriate to be shared with the employee;
- decide whether it is appropriate for the employee to be sent home for a cooling off period;
- advise the Business Manager if in the interests of the service the employee should be suspended from all or part of their substantive duties or relocated temporarily to another workplace or to other suitable duties; and
- make a recommendation to the Business Manager whether a full and formal inquiry is required.

The purpose of an investigation is not to build a case against an employee, but to search for evidence which supports or rebuts the allegations or concerns raised. The investigation should be adapted to the circumstances of the misconduct. If it is something that the employee admits to, the extent of the investigation may well be confined to that admission statement, an explanation of the employee's action/inaction, the details of the breach of standards and an indication of the potential seriousness of the indiscipline. If the facts are disputed, a more detailed process will be needed to establish all the relevant facts and circumstances.

From an organisational point of view it may be helpful for the investigation to be carried out by a manager who has no involvement in the day-to-day operation of the work area being investigated. This may ensure greater objectivity and be less likely to damage working relationships within the team. Consideration should also be given to whether it is appropriate for the investigation to be conducted by more than one manager, as this may give a broader perspective and increased objectivity to the information gained.

During an investigation it may be necessary to obtain witness evidence from service users or other non-employees of the Council. Care should be taken when doing so and the advice of experienced managers and/or the local personnel practitioner

should be sought where it is thought that such evidence may have some bearing on disciplinary charges and supporting evidence.

The investigating manager will usually be required to produce a report which should contain all the relevant information, including a chronology of events, records of interviews, signed witness statements and any other documentary evidence. The report should also identify the methodology used and include a summary of the evidence as it relates to the proposed charge (which should be identified). Prior to making his/her recommendations the investigating manager is advised to reflect back on the investigation as objectively as possible and consider the following:

- Have the facts of the concern or complaint been established (i.e. dates, time, place, events)?
- Have all relevant parties been questioned?
- Did witnesses have the opportunity and ability to observe/hear clearly and with accuracy?
- Is there any circumstantial evidence such as knowledge of a system or arrangement or the reason for the presence of witnesses and why small details are remembered?
- Has anyone involved any reason to fabricate a complaint or concern?
- What is the credibility of the potential witnesses?
- Could the employee reasonably be expected to know if s/he was committing an act of misconduct?
- Was the misconduct committed with intent and were there mitigating circumstances?
- Am I confident that all reasonable areas that would repay investigation to support the allegations being made have been covered?

Disciplinary Procedure – Guidance Notes

3: COOLING OFF PERIOD AND SUSPENSION

In the first instance, the Business Manager should consider whether it is appropriate to:

- allow the employee to continue working as normal;
- send the employee home for a cooling off period not exceeding three days on full pay. (Clear instructions must be given to the employee regarding arrangements for their return to work.) This period should also be used by the Business Manager to determine whether further action (e.g. suspension) is necessary and advise the employee accordingly;
- suspend part of the employee's normal duties or temporarily relocate the employee to other work or another location; or
- suspend the employee from work on full pay. Precautionary suspensions should only be made in cases where the proper function and/or reputation of the Council is at risk, e.g. where serious misconduct is being investigated, or where the disciplinary or investigatory process might be prejudiced.

Departmental schemes of administration should identify those managers who are authorised to suspend employees or send them home for a cooling off period.

Sometimes, suspension will be applied immediately but as an investigation proceeds it may become apparent that it is inappropriate for the employee to remain at work.

When considering suspension, managers should ensure that the SAP HR/Payroll system is inspected to check whether the employee holds multiple contracts with the Council. In certain circumstances, it may be appropriate for the suspension to apply to both posts. Advice should be sought from the local personnel practitioner before considering such action.

Any action taken should not be seen as a sanction against the employee, but rather as a precautionary measure. It should be used to provide a "breathing space" only and should not imply that the employee is blameworthy.

If an employee is to be suspended, they must be informed in writing (preceded by an interview if possible). Employees have the right to be accompanied at the interview by an accredited official of a trade union or a work colleague. The interview and written confirmation should include:

- the reason for the suspension;
- the fact that the suspension will be on full pay;
- confirmation that the suspension does not in itself infer blameworthiness;
- the expected duration of the suspension;
- the course of action to be undertaken, e.g. investigation;
- conditions of the suspension, e.g. not entering the workplace without prior permission from a named manager, no professional contact with colleagues or clients, etc; and
- confirmation that the employee will be expected to be available during normal working hours to be interviewed as part of the investigation or to meet with their line manager and that if the employee wishes to be excused from this requirement at certain times, annual leave must be agreed and booked or the

sickness absence management procedure must be followed in the normal way.

When suspending an employee it may become necessary to require him/her to return keys, diaries, records or other Council property. Managers must also allow an opportunity for the employee to collect personal property from the office before the suspended employee is required to leave the premises.

Suspension will normally be on full pay. In very limited specific circumstances, however, this might not be appropriate, e.g. where the actions of an employee are delaying the carrying out of an investigation or the holding of a disciplinary hearing. In such circumstances, the decision to substitute suspension on nil pay will be made by the Business Manager following discussion with the Head of Human Resources.

Throughout the period of suspension the Business Manager should monitor the situation to maximise the chances that investigations and/or disciplinary proceedings will be completed within the suggested timescale and regular contact with the employee must be maintained by the appropriate manager. Any reasons for delays should be recorded and notified to the employee and/or his/her representative.

If during the investigation, or at its conclusion, it becomes clear that the suspension should be lifted, the employee's return to work must be managed in such a way as to ensure proper re-induction into the workplace. Notification of the lifting of suspension and the outcome of the investigation should be in writing to the employee and/or his/her representative.

Disciplinary Procedure – Guidance Notes

4: DEALING WITH ANONYMOUS INFORMATION

All allegations of dishonesty or some other act of impropriety made against an employee must be investigated carefully to find out whether or not that employee has a case to answer through the Council's disciplinary procedure. Where the information is received from an anonymous source, or where the informant is known but wants his/her identity kept secret, this presents particular problems for the Business Manager dealing with the issue.

It is not uncommon for managers to receive letters or telephone calls making allegations against employees. Where there is no obvious way of determining the source of such communications, they should be treated with caution, if not suspicion. It is not the case, however, that all information received from an anonymous source will be unreliable.

Managers receiving information in this way by telephone must record all details of the call, including the gender of the caller, approximate age and accent if these are able to be identified, the time of the call and any background noise. The manager must record precisely what is said and s/he should be inquisitive, asking for details, encouraging the caller to put the complaint in writing and seeking an explanation if they decline. The caller should be asked how they know the information, whether it is direct knowledge or hearsay, whether they know the employee personally and whether anyone else knows about the information. There are many questions that can be asked to assist in the verification or otherwise of the information, depending upon the circumstances. As much detail as possible should be sought and passed to the Business Manager to determine the next steps (if any) to be taken.

Employees working nearby or those concerned with the same type of work sometimes observe or discover a colleague's wrongdoing and they may feel obliged to pass this information on to their manager. In doing so, however, they may fear reprisals or intimidation from the employee they have identified and in some cases disapproval from their peers and colleagues. The Council has a Whistleblowing Policy that can be used and the Public Interest Disclosure Act may also offer some protection in certain circumstances. Employees should be encouraged to come forward in an open way without fear of reprisal or victimisation.

Where a manager receives an anonymous letter and is unaware of the informant's identity, even more care is necessary before relying on it in disciplinary proceedings. Such letters are best treated as a springboard from which to launch an investigation, during the course of which firm evidence may be unearthed about the allegation. The instigation of formal disciplinary proceedings would then be justified.

Efforts should always be made to try to establish the identity of anonymous correspondence. Apart from obvious clues, such as postmark, handwriting, style and spelling in the letter, a check should be made to establish whether anyone has recently been disciplined or dismissed by or has any type of complaint against the person named in the letter.

It is possible that the letter has been written by somebody from within the business unit who has some reason for wanting to "get back at" the person against whom the allegations are made. This could arise because of an employee's good or poor

performance management review, failure to gain promotion or other advancement within the organisation, professional jealousy, a personality clash or the aftermath of a breakdown in relationship between two colleagues. In these circumstances, the allegations may well be false and made simply out of spite. Employees must be made fully aware that the making of malicious allegations against colleagues is a very serious matter and can constitute gross misconduct.

Where the allegations involve criminal activity, subject to the Business Manager's agreement the police may need to become involved at an early stage. This does not preclude management continuing with its own internal investigation into the matter and possibly suspending individuals in the meantime.

Although managers should properly investigate anonymous tip-offs, they should not be allowed to disrupt the service delivery of the Council, nor should they be allowed to undermine overall team spirit, confidence or motivation.

Disciplinary Procedure – Guidance Notes

5: LEGAL IMPLICATIONS OF DISCIPLINARY INVESTIGATION AND ACTION

Section 1 of the Employment Rights Act 1996 requires that all employees are notified of the statement of terms and conditions relating to them, including disciplinary rules and procedures, within two months of joining an organisation.

The Council's disciplinary procedure has been drafted in consultation with the constituent trade unions and is incorporated into the contracts of employment of individual employees.

The ACAS Code of Practice on Disciplinary and Grievance Procedures provides practical guidance on the operation of disciplinary procedures. It states:

“When a disciplinary matter arises, the relevant supervisor or manager should first establish the facts promptly before recollections fade, and where appropriate obtain statements from any available witnesses.”

The Code of Practice goes on to state that disciplinary action should not be taken until the case has been carefully investigated.

Case law has identified the importance of an employer generally satisfying the test of reasonableness and fairness in handling matters of misconduct, particularly in terms of adherence to procedures, of investigation and of natural justice and the provision of a fair hearing.

A disciplinary investigation may result in a variety of outcomes, including a finding that there is no substance to the concern. Where there is substance to the concern and the matter progresses to a disciplinary hearing, various sanctions may be imposed. There will be situations where dismissal will be appropriate and the Business Manager may as a result be faced with an unfair dismissal claim at the employment tribunal. It is important, therefore, that all those involved in managing the disciplinary process are aware of the scrutiny under which their actions may be placed if the matter does go to an employment tribunal.

If the claim is simply one of unfair dismissal, the Council needs to show that the reason for the dismissal was one of the five potentially fair reasons (misconduct is one of those reasons). The tribunal's determination as to whether the dismissal is fair or unfair

“depends on whether in the circumstances (including the size and administrative resources of the employer's undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee; and shall be determined in accordance with equity and the substantial merits of the case”. (Employment Rights Act, section 98[4])

Where there is a factual issue to be determined, the employer will not normally act reasonably unless and until a complaint is fully and fairly investigated and the employee's defence, explanation or mitigation is heard. The Council's disciplinary procedure should therefore be followed in all cases of misconduct.

In terms of dismissal for misconduct, the employment tribunal would be looking to see whether or not the employer established:

- that there was a genuine belief in the employee's blameworthiness of the misconduct at the time;
- that there were reasonable grounds upon which to sustain that belief; and
- that the employer, at the final stage at which s/he formed that belief on those grounds, had carried out as much investigation into the matter as was reasonable in all the circumstances of the case.

A tribunal may not rigidly nor slavishly apply these tests, but asks itself whether, in the true circumstances of the case, dismissal fell within the band of reasonable responses available to a reasonable employer in all the circumstances, having specific regard to the words of section 94[4] of the Employment Rights Act (above).

Even where there is no real dispute as to the facts of a case and an employee is admitting the misconduct, there still needs to be reasonable investigation and the importance of following the Council's disciplinary procedure cannot be overstated.

Disciplinary Procedure – Guidance Notes

6: REPRESENTATION

At all stages of the disciplinary process employees have the right to be represented or accompanied by an accredited official of a trade union or a work colleague, and should be so advised. The representative or work colleague may address the meeting and/or hearing and confer with the employee but may not answer questions on their behalf.

The Employment Relations Act 1999 contains a statutory right for workers to be accompanied specifically at hearings which could result in the administration of a formal warning, the taking of some other action or the confirmation of a warning or some other action taken.

Employees are free to choose an official from any trade union regardless of whether the union is recognised by the Council or not, so long as they have been reasonably certified in writing by their union as having experience of, or as having received training in, acting as a worker's companion at disciplinary hearings. It is good practice, however, where a trade union is recognised by the Council, for an official from that union to accompany or represent the employee at a disciplinary hearing.

Every endeavour should be made to release representatives and work colleagues to enable them to attend meetings and/or hearings but securing a representative or work colleague and informing them of the time and place of the meeting and/or hearing remains the responsibility of the employee concerned.

Where the employee's chosen work colleague or trade union representative is not available at the time proposed by the manager or panel Chair, the employee may propose an alternative time. If the alternative time is reasonable (to management) and falls within five working days after the original date proposed, the manager or panel Chair must postpone the meeting or hearing to that time. This is an employee's statutory right.

Although every endeavour will be made to facilitate the attendance of the representative or work colleague, including if appropriate rearranging the meeting or hearing date, the manager or panel Chair has the ultimate right to commence and continue with a meeting or hearing, even when a particular representative or work colleague is not available, so long as the employee's statutory right (above) has been complied with.

The employee is also entitled to have another trade union official or work colleague attend the meeting or hearing for the purpose of taking notes only.

Employees are entitled to reasonable time off work to consult their trade union representative or work colleague about the disciplinary meeting or hearing. Prior permission must be sought and obtained from their line manager, however, before they absent themselves from the workplace.

It is important that the status of all representatives or work colleagues is confirmed at the start of meetings or hearings and any request by an employee to have external legal representation or accompaniment must be refused by the manager or panel Chair.

Where an accredited trade union official is subject to disciplinary action, the appropriate full time trade union official and the relevant Branch Secretary should be notified before any action is taken.

Disciplinary Procedure – Guidance Notes

7: CONDUCT OUTSIDE EMPLOYMENT

Disciplinary proceedings may be invoked where:

- conduct outside employment seriously impairs an employee's ability to undertake his/her duties;
- the conduct of an employee calls into question his/her integrity or suitability to carry out his/her duties; or
- the Council is likely to be brought into disrepute as a result.

In all cases where an employee is charged with a criminal or other offence by the police outside employment it will be necessary for the Business Manager to be satisfied that there are reasonable grounds for believing that the employee has committed the offence. The fact that an employee is charged with an offence should not be regarded as an indication of guilt merely because s/he is charged. Conviction of an offence, however, is proof that the offence was committed. An interim option available to the Business Manager is suspension on full pay until such time as a full decision can be taken.

Where there are reasonable grounds for believing that the employee has committed the offence and where it is relevant to the performance of the contract of employment, disciplinary action may result. The manager does not have to wait until the matter has been brought before the courts before proceeding with a disciplinary hearing.

Where, as a result of legal proceedings, whether or not brought by the Council, an employee is convicted but not sentenced to a custodial sentence (or otherwise detained so as to frustrate the contract of employment), the Business Manager will consider the situation and will hold an investigation where it appears that the facts or circumstances of the conviction affect the individual's position as an employee of the Council. Any action taken as a result must be in accordance with the Council's disciplinary procedure.

The test to be used in determining whether disciplinary action is appropriate in employment terms is the "balance of probability" and not "beyond all reasonable doubt". It is accordingly possible (although unusual) to charge an employee with breaches under their contract of employment and find these proven before a court has decided on the "same" offence, or even if a court has delivered a "not guilty" verdict.

Disciplinary Procedure – Guidance Notes

8: TIMESCALES

Managers should make every effort to conclude their investigations and inform the employee of the outcome within 30 working days of notification of the allegation or concern.

A cooling off period may be used in order that as much about the circumstances of the alleged misconduct is known prior to interviewing an employee who may need to be suspended. A cooling off period should not exceed three days.

The Business Manager must monitor the progress of investigations, particularly where an employee is suspended from duty. Investigating managers should plan their activities to ensure a speedy and efficient gathering of information while the facts are easier to recall and establish.

Disciplinary hearings will normally be held within 30 working days of the employee being informed in writing of the charge s/he is required to answer.

The employee must be given at least 10 working days' written notice of when and where the disciplinary hearing is to be held. (See also Guidance Note on "Representation" for details of the statutory right and time limits of an employee to postpone disciplinary meetings and/or hearings).

Managers must make every effort to comply with these timescales and to keep the employee informed of any likely delay.

Disciplinary Procedure – Guidance Notes

9: DISCIPLINARY HEARINGS

Disciplinary hearings comprise two distinct parts:

- part 1: during which the panel hears evidence to enable a decision to be reached as to whether the charge is proven; and
- part 2: during which the panel comes to a decision on the appropriate disciplinary sanction to be applied, if the charge is proven.

If the employee attends the hearing without a trade union representative or work colleague, the panel Chair should confirm his/her entitlement to such representation and enquire why that right has not been taken up. Depending upon the employee's answer, especially in cases of gross misconduct or "serious" misconduct, the Panel Chair should consider advising the employee to seek representation. It may therefore be appropriate for the hearing to be adjourned or even rearranged to a later date to enable this to be done. Advice is available from the local personnel practitioner.

At the start of a hearing the panel Chair should ask those present to introduce themselves, establish the status of anyone wishing to represent or accompany the employee (see separate Guidance Note on "Representation") and advise how s/he intends to structure the hearing. An opportunity should then be given to both parties for questions or further clarification on the procedure prior to the process commencing. The Chair should then read out the charge and ask the employee whether s/he admits the charge.

The Chair should advise the employee or his/her representative that notes of the hearing will be taken for the panel and that these notes will not be made available to the employee and/or his/her representative, unless the Council is formally required to do so by, for example, an employment tribunal, or unless the matter subsequently progresses to appeal. The employee has the facility to have a note-taker present for the purpose of taking notes of the hearing.

The Chair should maintain a structure to the hearing but should avoid unnecessary formality.

The Chair must ensure that the hearing follows a fair and reasonable structure and must allow both parties (i.e. the employee and the management presenter) to:

- attend and present their case fully;
- call witnesses and submit relevant documentation and supporting evidence; and
- put questions to the other party and to any witnesses called to the hearing.

Panel members may ask questions of both parties and any witnesses called to the hearing and the Chair may also require additional witnesses to be called to the hearing if this appears necessary or desirable. If the witnesses are Council employees, the Chair may instruct them to attend.

The Chair may adjourn the hearing at any stage if this appears necessary or desirable. If adjourning for the purposes of enabling further information or

clarification to be obtained, the Chair will specify the nature of that information and the expected duration of the adjournment.

The panel must only consider written or oral evidence presented at the hearing and are required to reach a decision on blameworthiness on the balance of probabilities, i.e. based on what the evidence showed probably happened, taking account of all the available evidence. The charge does not have to be proved beyond all reasonable doubt.

The normal structure of a disciplinary hearing is as follows:

- introductions, procedure and questions/clarification;
- charge read out and employee asked whether charge is admitted or not;
- presentation of management case, including witnesses;
- employee or representative questions presenting manager (and any witnesses called by management);
- panel question presenting manager (and any witnesses called by management);
- presentation of employee case, including witnesses;
- management presenter questions employee (and any witnesses called by employee);
- panel question employee (and any witnesses called by employee);
- management presenter sums up;
- employee or representative sums up;
- final questions from panel to either party;
- adjournment to consider whether charge is proven;
- reconvene to announce panel's decision;
- employee or representative statement in mitigation (if required);
- management presenter comments on mitigation statement;
- adjournment to consider sanction;
- reconvene to announce sanction and to advise that decisions will be confirmed in writing, including any appeal rights, normally within five working days.

Disciplinary Procedure – Guidance Notes

19: DISCIPLINARY APPEALS

Employees may appeal against panel decisions and disciplinary sanctions arising from disciplinary hearings where the sanction is:

- written warnings;
- dismissal; and
- supplementary sanctions.

Employees' rights of appeal, including to whom the appeal must be addressed and by when, must be included in the letter advising them of the outcome of a disciplinary hearing.

Notice of appeal against written warnings or supplementary sanctions must be received by the Chief Officer of the employing department within ten working days of receipt of the decision letter.

Notice of appeal against dismissal must be received by the Head of Human Resources within ten working days of receipt of the decision letter.

Appeals against dismissal will be heard by Members sitting as a Disciplinary Appeals Sub-Committee. Special arrangements exist to hear appeals from staff who have been dismissed as a result of disciplinary or capability action brought on the basis of abuse, neglect, incapability, or professional conduct, where such actions relate to either a child(ren), or a vulnerable adult(s). In these cases appeals are heard by the Disciplinary Appeals Committee (*Safeguarding Children & Vulnerable Adults*). Disciplinary/ capability panels will set out in the letter of termination to the employee if any future appeal falls under the remit of the DAC (*Safeguarding Children & Vulnerable Adults*). In these cases a copy of the letter will be sent to Central Personnel so those appropriate steps can be put in place if an appeal is received from the dismissed employee.

Appeals against other sanctions, other than dismissal, will be heard by a panel of independent senior managers, chaired by a Head of Service.

In cases where dismissal is the sanction applied, that sanction will be implemented and the employee will be removed from the payroll pending any appeal. If the appeal is successful and the employee is reinstated, full reimbursement of remuneration will be made, i.e. a return to the financial position as if the dismissal never happened.

Appeals heard by Disciplinary Appeals Sub-Committee –

The Head of Human Resources will acknowledge receipt of the employee's notice of appeal and provide a further ten working days for the appellant to submit a written statement. This statement must detail the grounds for the appeal and the names of any witnesses to be called by the appellant.

If there are exceptional reasons why this timescale cannot be complied with, the employee or his/her representative must notify the Head of Human Resources of the fact as soon as it is known, detail the reasons and offer a date by which the written statement will be submitted. Consideration will then be given to whether it is reasonable to grant an extension of time and the employee or his/her representative will be advised of the Head of Human Resources' decision in writing.

Since the decision to dismiss the employee will have been made using the “balance of probabilities” level of proof, under the grounds for appeal s/he can challenge either the finding of the charges proven by the disciplinary panel or the severity of the sanction, or both.

The Head of Human Resources will forward a copy of the appellant’s statement to the Business Manager, who will be given ten working days in which to submit a written response. The Business Manager will also send copies of relevant documents to the Head of Human Resources, including the charge letter, the suspension letter (if applicable), the dismissal letter, the notes of the disciplinary hearing and investigation and any witness statements.

These documents, together with the two statements will be included in the agenda papers for the Disciplinary Appeals Sub-Committee.

Special arrangements for Disciplinary Appeals Committee (*Safeguarding Children & Vulnerable Adults*).

The process of appeal is unchanged from the standard DAC process, see above.

The DAC (*Safeguarding Children & Vulnerable Adults*) will however be chaired by an Independent Person who is a recognised expert in the field of **childcare** or the care of dependent adults, and a management advisers will be drawn from a pool of senior officers (Chief Officer or specific Heads of Service) selected to act as an internal expert on **childcare** or adult care issues.

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Deleted: child care

The nature of the charges against an employee may mean that the DAC (*Safeguarding Children & Vulnerable Adults*) are asked to consider highly sensitive and personal information to clients. Appeal packs will therefore be cleared by Central Personnel with Director of Social Services to deal with any issues over client confidentiality. _____ Disciplinary material may include **previous** complaints, which are relevant, **against an employee of abuse, wilful neglect, or professional misconduct, even if on investigation these did not lead to proven disciplinary action.** Where necessary Central Personnel will gain a legal view on the submission of data and how this may be handled by the Committee. In certain circumstances material may be withdrawn from appeals packs, but made available to the appellant prior to the Committee through supervised access.

Appeals heard by management panel –

It is recommended that the same procedure and format that operates for the Disciplinary Appeals Sub-Committee is adopted, with the substitution of the relevant Chief Officer for the Head of Human Resources.

Chief Officers will be responsible for setting up management panels to hear appeals from employees in their departments, ensuring that the principles outlined in the separate Guidance Note on “Disciplinary Panels” are followed, and that appeals are heard promptly. If it is likely that a delay will occur before the appeal can be heard, the employee and his/her representative must be kept informed. This should only be necessary in exceptional circumstances, for example, where a key witness is not available due to extended sickness absence or prolonged annual leave.

Disciplinary Procedure – Guidance Notes

11: EMPLOYEE'S ABSENCE AT DISCIPLINARY HEARINGS

Should an employee fail to attend a disciplinary hearing, the panel will have to consider whether or not to proceed in his/her absence. In doing so, the panel should take into account:

- any reasons given by the employee or his/her representative for non-attendance;
- whether the employee had received sufficient and adequate notice of the hearing; and
- whether the employee had been informed that the hearing may proceed in his/her absence.

In most cases, particularly when the individual has not attended due to sickness, it is advisable to allow at least one postponement. The length of the postponement may need to take account of the need for the employee to arrange representation, prepare his/her case and the general circumstances surrounding the case. The individual should be informed in writing that the hearing will proceed on the new date and advised that if unable to attend in person, s/he should brief a representative or submit written representations.

In cases where there are grounds for believing that the employee is deliberately and unreasonably delaying the disciplinary process by refusing to attend a hearing, personnel advice should be sought.

(See also the Guidance Note on "Representation" for details of the statutory right and time limits of an employee to postpone disciplinary meetings and/or hearings).

When neither the employee nor their representative attends and the proceedings continue, it is recommended that the process be adjourned after the management case is completed. The employee should then be sent a copy of the notes of the hearing thus far and any new documentary evidence presented, and offered the opportunity to submit a statement in defence or mitigation. This statement can be given in person at the reconvened hearing or in writing if the employee remains unable or unwilling to attend.

Where an employee is represented in his/her absence, it is recommended that the representative is asked to obtain a note signed by the employee authorising him/her to speak and act on his/her behalf.

Disciplinary Procedure – Guidance Notes

12: WITNESS STATEMENTS

The value of evidence presented in person and open to cross-examination is always likely to be stronger than that given on paper. Clearly, therefore, it is preferable for all witnesses to present their evidence in person to a disciplinary hearing and the panel Chair is responsible for ensuring that all reasonable steps are taken to facilitate this. On occasion, however, it will not be possible for a witness to attend a disciplinary hearing and in such circumstances a signed and dated written statement should be obtained and made available to the panel. Generally, employees should be required to give evidence in person with witness statements only being used where the witness has no direct link with the Council and cannot as a consequence be instructed to attend (e.g. a member of the public or an ex-employee) or where their attendance will be difficult to arrange (e.g. in cases where the witness is hospitalised or abroad and to delay the hearing would be unreasonable). Employees of the Council will, if necessary, be instructed to attend and provide evidence and be available for questioning and cross questioning.

Caution should be exercised in affording too much weight or credence to unsupported witness statements.

Occasionally, anonymous information is submitted as evidence (see separate Guidance Note on “Dealing with Anonymous Information”). Great care needs to be exercised in considering this type of information.

As with other evidence considered by a panel, the employee charged with misconduct must always be aware of what is being said and must have the opportunity to question it. Not to do so, if the witness statements are to be relied on by the panel in reaching their decision, may lead to the dismissal being unfair on the basis of procedural irregularity.

Disciplinary Procedure – Guidance Notes

13: CONFIDENTIAL EVIDENCE

Occasionally, “confidential” evidence from third parties may be presented and it may be argued that the nature of the information is such that it should not be disclosed to the employee, e.g. statements from work colleagues, child protection reports, etc. Great caution needs to be exercised in considering such evidence. Case law has shown that employment tribunals will expect even the most sensitive of information to be disclosed if it is to be relied on by the panel. Failure to do so is highly likely, therefore, to result in the dismissal subsequently being found to be unfair.

Sometimes individuals and organisations provide evidence on condition that it is not to be disclosed. Under such circumstances, if the originator cannot be persuaded to change his/her mind, the panel should disregard the evidence.

Disciplinary Procedure – Guidance Notes

14: PRESENTATION OF EVIDENCE TO DISCIPLINARY HEARINGS

Evidence presented during a disciplinary hearing is likely to consist of written material and evidence given in person by witnesses (including the employee charged with misconduct). The panel Chair is responsible for ensuring that:

- the panel is adequately informed about the circumstances surrounding the evidence;
- the employee or his/her representative has the opportunity to challenge what is presented about the alleged misconduct. (This includes the opportunity to question any witnesses presenting evidence in person); and
- the employee has the opportunity to put his/her own side of the story, submit documentary evidence and call witnesses in support of his/her case.

Clearly, it is preferable for all witnesses to present their evidence in person to a disciplinary hearing and the panel Chair is responsible for ensuring that all reasonable steps are taken to facilitate this. Employees of the Council will, if necessary, be instructed to attend and provide evidence and be available for questioning and cross questioning.

In all but exceptional circumstances, the employee should be provided with copies of written material in advance. If not provided in advance, the employee or his/her representative should be allowed sufficient opportunity to read and consider the material. If appropriate, an adjournment for this purpose should be offered before the employee or his/her representative is required to respond to the material.

Service users should not normally be called upon to give evidence in disciplinary hearings, except in very limited circumstances. Where relevant and considered absolutely appropriate by the panel Chair, witness evidence from service users may be given by Key Workers or other suitably qualified professionals.

Disciplinary Procedure – Guidance Notes

15: REACHING A DECISION

Part one of the disciplinary hearing -

At the end of the first part of a disciplinary hearing the panel must decide what took place (on the balance of probabilities) and whether this proves the stated charge.

Before announcing their decision, the panel are strongly advised to adjourn for a while to consider their position, even in apparently clear cut cases. This will ensure fairness by allowing suitable time for consideration and reflection on all the evidence presented and the process by which a decision is reached.

The panel will determine whether or not the disciplinary charge should be upheld. This decision will be taken based solely on the evidence presented at the hearing. A charge will be upheld where the panel has established a reasonable belief that the employee committed the alleged misconduct, based on the balance of probabilities, i.e. that the evidence shows that the misconduct was more likely to have happened than not. In employment cases, it is not necessary for a charge to be proven beyond reasonable doubt (as is the case in criminal law).

The Chair will advise both parties of the panel's decision. If the charge is not proven, the disciplinary process is concluded and the employee will be notified accordingly, followed up by written confirmation. If the charge (or at least one charge, where there are more than one) is upheld, the hearing shall proceed to the second part of the disciplinary hearing.

If the panel believe that they have not received sufficient information to allow them to reach a decision, or that further matters have come to light during the hearing that require further investigation, it is appropriate for an adjournment to be called.

In reaching their decision, a disciplinary panel must act with objectivity and fairness. The interests of fairness to the employee must be balanced with the interests of the Council and service users. The following questions are suggested to assist a disciplinary panel to reach its decision:

- Has there been as much investigation as is reasonable in the circumstances?
- Has the disciplinary procedure been properly complied with?
- Has the panel paid sufficient regard to the explanations put forward by or on behalf of the employee?
- Does the panel genuinely believe that the employee has committed the alleged misconduct?
- Does the panel have reasonable grounds to sustain that belief on the grounds of the balance of probability?

A “yes” response to each of these questions will mean finding that the employee has committed the act of misconduct.

Part two of the disciplinary hearing –

If the panel reaches a decision that the charge is proven, the employee or his/her representative will be given an opportunity to make a statement in mitigation and the

management presenter will be invited to comment on the mitigation statement to challenge any false claims of, for example, an unblemished disciplinary record. After the statement of mitigation and the management presenter's comments, it is again recommended that the panel adjourns to consider all the issues raised before a decision regarding a disciplinary sanction is made.

Before deciding on what sanction is appropriate, the panel should consider:

- the employee's disciplinary record and whether s/he was aware of the standards required (e.g. any relevant warnings given);
- the employee's age, position, length of service and general performance;
- any circumstances which make it appropriate to lessen the severity of the sanction (e.g. domestic problems);
- whether there are any codes of conduct that indicate the likely action which employees could expect to result from particular misconduct;
- sanctions applied by management in similar cases elsewhere in the Council in the past to maintain consistency; and
- whether the proposed sanction is reasonable in all the circumstances.

Four additional questions may assist the panel in considering what sanction to apply:

- Is the misconduct sufficiently serious to justify the sanction being considered?
- Have the mitigating circumstances presented by or on behalf of the employee been properly considered?
- Has the management response and any previous disciplinary record been properly considered?
- Is the sanction being considered within the band of reasonable responses of a reasonable employer?

In addition to providing focus to the decision making process, the consideration and documentation of these four questions, together with the five questions posed by the panel at the end of part one of the disciplinary hearing, will provide strong evidence to an appeal panel or an employment tribunal (if necessary) that the panel has acted fairly and reasonably in reaching its decision and will enable the Chair of the panel to undertake his/her potential ongoing responsibilities in those forums by being better able to justify and stand by the panel's decisions.

For posts at Deputy Chief Officer level and above, confirmation of dismissal can only be given where no well founded and material objection has been received from any Member of the Executive. Where this is a potential outcome for disciplinary action for posts at this level advice must be sought from Departmental HR staff.

Disciplinary Procedure – Guidance Notes

16: DISCIPLINARY SANCTIONS

The level of disciplinary sanction imposed is determined by the seriousness of the proven misconduct, taking into account any mitigating circumstances. (See also separate Guidance Note on “Reaching a Decision”).

There is a range of sanctions that a disciplinary panel may impose:

- *no further action*;
- *guidance and/or training* – appropriate for more minor breaches of conduct. The panel must set timescales and review periods;
- *written warning* – appropriate for more serious cases of misconduct, where there is an accumulation of minor offences or the commission of a minor offence for which an oral warning or guidance has already been given. Written warnings will remain live for nine months;
- *final written warning* – appropriate where the misconduct is considered to be insufficiently serious to justify dismissal but sufficiently serious to warrant only one warning, or where the misconduct is considered to be serious enough to justify dismissal but where a lesser sanction is appropriate in the particular circumstances (e.g. where there are exceptional mitigating circumstances). A final written warning may be the first and last warning, even if there is no previous record of disciplinary action against the employee and it must draw the employee’s attention to the fact that his/her job is at risk if s/he does not improve. Final written warnings will remain live for nine months; and
- *summary dismissal* – appropriate in cases of gross misconduct (see below) where the breach is considered to be sufficiently serious to warrant dismissal for a first offence, or in other cases where there have been earlier warnings to which the employee has not made an adequate or appropriate response.

In addition, where appropriate, there are a number of supplementary sanctions that a panel may consider to accompany a written warning, a final written warning or dismissal, including demotion, transfer, recovery of monies. Generally, the sanctions of demotion or transfer will be applied as an alternative to dismissal where the circumstances warrant this and where an alternative post has been identified and is available. Generally, transfers and demotion should only be considered with the agreement of the employee. Advice should be sought from the local personnel practitioner if any supplementary sanctions are being considered.

Disciplinary warnings

The objective of a warning is to give the employee a chance to make amends and to put him/her on notice that further misconduct may eventually lead to dismissal.

Any warning given should be specific and leave the employee in no doubt about:

- what behaviour has been found to be unacceptable;
- what the employee must do in the future;
- the consequences of not heeding the warning; and
- the length of time the warning is to be regarded as “live”.

Disciplinary panels may take into account unexpired warnings which have been given for different types of misconduct to that currently being considered because, taken together, they add up to an overall (negative) profile of the employee.

In all but exceptional circumstances, disciplinary warnings will not count against an employee indefinitely and will be disregarded for disciplinary purposes once the relevant timescale has elapsed (nine months for a written warning or final written warning). Although disregarded for disciplinary purposes, expired warnings do not have to be removed from personal files.

Employment tribunals have established that there may be exceptional circumstances where it is not appropriate for disciplinary warnings to be disregarded, even though they have expired. Examples of where expired warnings may still have some relevance in future disciplinary action and should therefore remain live would be:

- where an employee's disciplinary record shows that the employee maintains a satisfactory level of behaviour only for as long as warnings are active and a definite pattern can be shown to have built up; and
- where an employee is claiming to have an exemplary disciplinary record since his/her first day of employment.

In those rare circumstances where it is considered that an expired warning may have some relevance, it is suggested that this is best dealt with by the management presenter when responding to the employee's statement of mitigation.

The ACAS advisory handbook "Discipline at Work" envisages some very limited situations where a warning is given in response to misconduct that is so serious that it should remain live indefinitely. It is anticipated that there will be very few situations where this would apply since such serious misconduct would effectively repudiate the contract of employment, be regarded as gross misconduct and warrant summary dismissal. If a disciplinary panel was minded to use this provision, it must satisfy the test of reasonableness and advice from the local personnel practitioner should be sought.

Oral warnings do not constitute formal disciplinary action and may be given by a manager to an employee whom they manage without reference to the disciplinary procedure. Employees are not entitled to be represented or accompanied by a work colleague or trade union representative when receiving an oral warning, although managers may choose to allow this. Oral warnings cannot be considered in any subsequent disciplinary action.

Misconduct

Misconduct is conduct which breaches the Council's rules but does not normally warrant dismissal, unless repeated after due warning. The Council does not have a formal comprehensive publicised set of "company rules", although the Council's Code of Conduct for Employees includes certain standards with which all staff are expected to comply. Additionally, individuals' contracts of employment stipulate terms that, if breached, could constitute misconduct. Examples of misconduct could include insubordination, poor time-keeping, unauthorised absence and misuse of Council facilities. (This is not an exhaustive list – see also Guidance Note on "Disciplinary Rules"). Dependent upon the degree and circumstances of any of these examples, they might constitute gross misconduct.

Gross misconduct

Gross misconduct is misconduct of such a serious nature that it fundamentally breaches and destroys the contractual relationship between an employer and an employee. It is an act (or an omission) which makes any further working relationship and mutual trust impossible. If, on completion of an investigation and a disciplinary hearing, the Council is satisfied that gross misconduct has taken place, the result will normally be summary dismissal (i.e. dismissal without notice). [Examples of gross misconduct include theft of Council property, racial harassment, abuse of clients or colleagues, assault, fighting, falsification of time-sheets, malicious damage to Council property and serious breaches of health and safety procedures. \(This is not an exhaustive list – see also Guidance Note on “Disciplinary Rules”\).](#)

Disciplinary Procedure – Guidance Notes

17: GUIDANCE INTERVIEWS

Although not part of the disciplinary process, a guidance interview is nevertheless a formal interview held with an employee. One manager would normally undertake the interview and can be accompanied, if required, by a personnel practitioner. The employee must be advised that either an official of a trade union or a work colleague may accompany him/her at a guidance interview.

The guidance interview should follow the following format:

- [1] outline the areas of concern or complaint to the employee and explain why their conduct is not acceptable;
- [2] ask the employee for an explanation for the area of concern or complaint;
- [3] discuss ways of resolving or overcoming the concern, e.g. guidance or training, and consider if other assistance is required;
- [4] confirm the standards of behaviour required and/or any targets to be reached; and
- [5] review any arrangements made at a further interview, if necessary.

The manager must keep a detailed written record of the guidance interview and any agreed outcomes.

Disciplinary Procedure – Guidance Notes

18: RECORDS

Every stage of the disciplinary process should be recorded and the file kept securely and confidentially for a period of not less than two years. This period may be extended if an employment tribunal or other legal claim arises within the two-year period.

Detailed notes should be kept on the file, including:

- all correspondence to and from the employee and his/her representative;
- notes of meetings;
- notes of hearings;
- witness statements;
- requests for postponements and responses to such requests;
- reasons for lateness and/or non-attendance;
- problems with representatives' availability; and
- employee requests for information and witnesses.

An accurate record of all matters considered by the panel in reaching their decisions should also be retained on the file.

It should be noted that all records of disciplinary hearings should be retained after the proceedings have been concluded internally in case the matter is referred to an employment tribunal where the records may be required to be produced.

Adequate records must be maintained to enable the Council to monitor the frequency and outcome of disciplinary action against employees, the profile of those subjected to the action and the profile of the panels that considered the cases.

Disciplinary sanctions expire and should normally be disregarded for disciplinary purposes after specified periods, nine months for written and final written warnings, but see also the separate Guidance Note on "Disciplinary Sanctions".

Business Managers must take appropriate steps to ensure that any papers in the employee's personal file relating to expired disciplinary sanctions are filed in such a way as to remain secure and confidential, e.g. enclosed in a sealed envelope marked "To be opened only by the Business Manager". Papers relating to expired disciplinary sanctions must not be kept anywhere other than in the employee's personal file.

Disciplinary Procedure – Guidance Notes

19: DISCIPLINARY APPEALS

Employees may appeal against panel decisions and disciplinary sanctions arising from disciplinary hearings where the sanction is:

- written warnings;
- dismissal; and
- supplementary sanctions.

Employees' rights of appeal, including to whom the appeal must be addressed and by when, must be included in the letter advising them of the outcome of a disciplinary hearing.

Notice of appeal against written warnings or supplementary sanctions must be received by the Chief Officer of the employing department within ten working days of receipt of the decision letter.

Notice of appeal against dismissal must be received by the Head of Human Resources within ten working days of receipt of the decision letter.

Appeals against termination will be heard by Members sitting as a Disciplinary Appeals Sub-Committee. Special arrangements exist to hear appeals from staff who have been dismissed as a result of disciplinary or capability action brought on the basis of abuse, neglect, incapability, or professional conduct, where such actions relate to either a child(ren), or a vulnerable adult(s). In these cases appeals are heard by the Disciplinary Appeals Committee (*Safeguarding Children & Vulnerable Adults*). Disciplinary/ capability panels will set out in the letter of termination to the employee if any future appeal falls under the remit of the DAC (*Safeguarding Children & Vulnerable Adults*). In these cases a copy of the letter will be sent to Central Personnel so those appropriate steps can be put in place if an appeal is received from the dismissed employee.

Appeals against other sanctions will be heard by a panel of independent senior managers, chaired by a Head of Service.

In cases where dismissal is the sanction applied, that sanction will be implemented and the employee will be removed from the payroll pending any appeal. If the appeal is successful and the employee is reinstated, full reimbursement of remuneration will be made, i.e. a return to the financial position as if the dismissal never happened.

Appeals heard by Disciplinary Appeals Sub-Committee –

The Head of Human Resources will acknowledge receipt of the employee's notice of appeal and provide a further ten working days for the appellant to submit a written statement. This statement must detail the grounds for the appeal and the names of any witnesses to be called by the appellant.

If there are exceptional reasons why this timescale cannot be complied with, the employee or his/her representative must notify the Head of Human Resources of the fact as soon as it is known, detail the reasons and offer a date by which the written statement will be submitted. Consideration will then be given to whether it is

reasonable to grant an extension of time and the employee or his/her representative will be advised of the Head of Human Resources' decision in writing.

Since the decision to dismiss the employee will have been made using the "balance of probabilities" level of proof, under the grounds for appeal s/he can challenge either the finding of the charges proven by the disciplinary panel or the severity of the sanction, or both.

The Head of Human Resources will forward a copy of the appellant's statement to the Business Manager, who will be given ten working days in which to submit a written response. The Business Manager will also send copies of relevant documents to the Head of Human Resources, including the charge letter, the suspension letter (if applicable), the dismissal letter, the notes of the disciplinary hearing and investigation and any witness statements.

These documents, together with the two statements will be included in the agenda papers for the Disciplinary Appeals Sub-Committee.

Special arrangements for Disciplinary Appeals Committee (*Safeguarding Children & Vulnerable Adults*).

The process of appeal is unchanged from the standard DAC process, see above.

The DAC (*Safeguarding Children & Vulnerable Adults*) will however be chaired by an Independent Person who is a recognised expert in the field of childcare or the care of dependent adults, and a management advisers will be drawn from a pool of senior officers (Chief Officer or specific Heads of Service) selected to act as an internal expert on childcare or adult care issues.

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The nature of the charges against an employee may mean that the DAC (*Safeguarding Children & Vulnerable Adults*) are asked to consider highly sensitive and personal information to clients. Appeal packs will therefore be cleared by Central Personnel with Director of Social Services to deal with any issues over client confidentiality. Disciplinary material may include previous complaints, which are relevant, against an employee of abuse, wilful neglect, or professional misconduct, even if on investigation these did not lead to proven disciplinary action.

Where necessary Central Personnel will gain a legal view on the submission of data and how this may be handled by the Committee. In certain circumstances material may be withdrawn from appeals packs, but made available to the appellant prior to the Committee through supervised access.

Appeals heard by management panel –

It is recommended that the same procedure and format that operates for the Disciplinary Appeals Sub-Committee is adopted, with the substitution of the relevant Chief Officer for the Head of Human Resources.

Chief Officers will be responsible for setting up management panels to hear appeals from employees in their departments, ensuring that the principles outlined in the separate Guidance Note on "Disciplinary Panels" are followed, and that appeals are heard promptly. If it is likely that a delay will occur before the appeal can be heard, the employee and his/her representative must be kept informed. This should only be necessary in exceptional circumstances, for example, where a key witness is not available due to extended sickness absence or prolonged annual leave.

Disciplinary Procedure – Guidance Notes

20: DISCIPLINARY RULES

The ACAS Code of Practice on Disciplinary and Grievance Procedures advises employers to draw up rules with which employees must comply. When drawing up such a list, the aim should be “to specify clearly and concisely those that are necessary for the efficient and safe performance of work and for the maintenance of satisfactory relations within the workforce and between workers and management”.

The Code of Practice acknowledges that it is impossible for an employer to prescribe a common and comprehensive set of disciplinary rules covering all aspects of employment within their organisation since much depends upon local working circumstances. Disciplinary rules are therefore by necessity likely to vary across the Council according to particular circumstances, such as the type of work and working conditions.

The following are some examples of acts that are likely to be considered as breaches of the Council's disciplinary rules that will be dealt with under the disciplinary procedure. It is stressed that this list is neither exclusive nor exhaustive.

- theft;
- fraud;
- falsification of records;
- corrupt or improper practice;
- sleeping on duty;
- physical assault and fighting;
- [bullying, harassment and victimisation](#);
- abuse of authority;
- deliberate damage to Council property;
- insubordination;
- disobedience to reasonable management instructions;
- sexual misconduct at work;
- abuse of clients;
- conduct at work likely to offend decency;
- misuse of Council's property or name;
- improper use of the Council's electronic mail or Internet facilities (e.g. storing or sending electronic material that uses unauthorised encryption, contains programme files, is obscene, indecent, sexist, racist, defamatory, abusive, in breach of copyright or is otherwise inappropriate);
- unauthorised removal of Council property;
- bringing the Council into disrepute;
- incapacity whilst at work brought on by alcohol or illegal drugs;
- negligence which causes or might cause unacceptable loss, damage or injury;
- serious infringement of health and safety regulations endangering others;
- making false and malicious accusations against colleagues;
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998 and the Council's Whistleblowing policy);
- falsification of qualifications which are a stated requirement of employment or which result in financial gain;
- poor time-keeping;

- engaging in unauthorised employment during hours when contracted to work for the Council; and
- unauthorised absence.

Individual Employee Complaints

This file was superseded November 2002

Introduction

The Council's procedure on individual employee complaints provides a structured mechanism for employees to raise concerns related to their employment. It aims to maintain good working relations between managers and employees and to resolve individual grievances as quickly and as close to the point of origin as possible in an equitable way which does not hinder the provision of effective and efficient service delivery.

It is essential that both managers and employees approach the process as an objective method of resolving differences and avoiding conflict rather than as a concept of "winning or losing". Effective communication is therefore key to the success of the process.

The Procedure is accompanied and supported by a series of guidance notes. Further guidance notes will be issued as and when required.

What will be done for you

Personnel Management Services (PMS) will:-

- Periodically review the guidance notes and produce additional or updated guidance as appropriate and in the light of changes in employment law.
- Provide general advice on the application of the procedure.
- Ensure that appropriate training is available for managers and supervisors to properly equip them to manage the procedure.

What you must do

- Ensure that all employees in your unit are aware of the individual employee complaints procedure and the rights and responsibilities contained therein.
- Consider whether you can resolve the underlying cause of the complaint informally and outside the procedure in the first instance as part of normal good management practice, including exploring the use of appropriate third parties (mediation or conciliation), with the agreement of the employee.
- Ensure that the employee is made aware of his/her rights to trade union representation and ensure that such representation, if requested, is facilitated, including compliance with the statutory requirement to consider a postponement of the hearings in certain circumstances (see guidance notes).
- Ensure that wherever possible you comply with the recommended timescales contained in the procedure and guidance notes and that where delays are inevitable all parties are kept fully informed.
- Be aware that a complaint alleging racial or sexual harassment could be a potential disciplinary matter and consider whether a full investigation under the Council's disciplinary procedure is required.
- Structure and conduct all formal interviews and hearings to ensure that all relevant information is obtained, the facts established and all parties are afforded an opportunity to state their views.

- Ensure that complete, accurate and contemporaneous records are maintained on employee complaints in a manner that is secure, confidential and accessible for monitoring purposes.

What you must not do

- Allow complaints to be heard under the individual employee complaints procedure where they can be more appropriately dealt with under separate procedures set up for that purpose, e.g. collective bargaining, job evaluation/grading issues and appeals arising from the performance management scheme.
- Allow employees to use the individual employee complaints procedure to simply complain against the Council's policies or procedures.

What you can do

- Seek additional information from third parties to enable all the pertinent facts relating to a complaint are obtained.

Key information

- Advice on managing the individual employee complaints procedure can be sought from departmental/divisional HR managers employed within your department/division.

Southwark Council

INDIVIDUAL EMPLOYEE COMPLAINTS PROCEDURE

(Note: This Procedure is accompanied by a series of short Guidance Notes. Text printed in ***bold and italics*** within the Procedure indicates that a Guidance Note is available on that topic.)

[1] INTRODUCTION:

Southwark Council is committed to establishing and maintaining good working relations with its employees. This procedure is designed to ensure that employees' complaints arising out of their employment can be resolved in a fast, fair and consistent manner.

This procedure should be seen in relation to and is supportive of Southwark's wider commitment to diversity management/equal opportunities. In certain circumstances this procedure can amount to a disciplinary investigation, especially where a complaint of Discrimination, Harassment, Victimisation or Bullying is upheld.

This procedure applies to all Council employees, with the exception of those employed at schools with delegated budgets.

Southwark recognises that employee complaints can cover a variety of issues and circumstances and that as a result there are a variety of possible methods of resolving them. Some complaints are more appropriately dealt with under separate procedures set up for that particular purpose, e.g. collective bargaining, job evaluation/grading issues and appeals arising from the performance management scheme. In addition, employees may not simply complain against the Council's policies or procedures, although a complaint about the way those policies and procedures have been applied should be allowed to proceed.

As well as these ***specific exclusions*** and notwithstanding the fact that a complaint might have initially been raised formally under this procedure, there may be more appropriate methods of addressing an employee complaint. For this reason, a preliminary informal process has been provided within this procedure to afford both employees and managers an opportunity to explore whether the matter can be addressed via a different route, e.g. mediation or conciliation.

Except when it can be established that an employee complaint is either deliberately false or malicious, there can be no recriminatory action taken against any employee for raising a complaint under this procedure. Any employee who feels unfairly treated as a result of raising a complaint should raise it as part of the original complaint and not as a new complaint, if possible.

[2] PRELIMINARY INFORMAL PROCESS:

Even if an employee submits a complaint under the formal complaint procedure or if the matter is specifically excluded because appeals are contained within other procedures, managers should try to resolve the underlying cause as part of normal good management practice and not by merely taking a strictly procedural approach.

Many complaints can be resolved informally or by using third parties and managers should be aware of, and be prepared to explore, these alternative methods of resolving the complaint with the employee, including re-setting standards of behaviour, considering transfers, conciliation and mediation. In some cases involving a potential serious breach of the Council's disciplinary rules (for example, race or sex harassment, bullying, etc), conciliation and mediation may not be appropriate.

[3] FORMAL PROCEDURE:

This procedure is intended to provide a structured mechanism to deal with individual employee complaints relating to their employment that require a formal process to resolve and where no other appropriate formal or informal mechanism for doing so has been identified. Where employee complaints meet the above criteria (as determined by the relevant Head of Service, having received advice from the local personnel practitioner) the following two-stage process will apply.

[a] Stage 1 (Meeting with line manager) –

Stage 1 of the procedure is designed to resolve individual employee complaints quickly and as close to the point of origin as possible. If the **immediate line manager is the specific subject of the complaint** it will be appropriate for another manager to undertake the stage 1 role. The line manager's immediate manager will decide this.

[A complaint raised by a Chief Officer, or a Head of Service within Strategic Services Department, will be heard at stage 1 by the Chief Executive and Director of Finance unless this can be demonstrated as being inappropriate, in which case alternative arrangements will be made. Where such complaints proceed to stage 2 or should the Chief Executive and Director of Finance raise a complaint, suitable arrangements will be made to ensure that the principles of the procedure, e.g. independence and appropriate authority, are maintained.]

A complaint alleging race or sex harassment should be treated as a potential disciplinary matter and a full investigation under the disciplinary procedure should be instigated. Please see Guidance Note No 6 (Interface between the employee complaints procedure and specific employment situations).

A complaint must be submitted no later than one calendar month after the act or omission complained of or no later than one calendar month after the last act or omission if the complaint relates to a series of linked events, although there may be some circumstances in which adherence to this time limit may not be applicable (e.g. sickness, late discovery).

To register a complaint an employee must submit the appropriate pro-forma to their line manager. As much detail as possible must be given on the pro-forma. It will not be sufficient just to put generalisations such as "I wish to complain against victimisation" or "I wish to complain against the treatment received from my manager". The pro-forma should contain information which explains the nature of the grievance, what is alleged to have occurred, by whom and when and what outcome the employee is seeking by pursuing a formal complaint.

If it has not already taken place, the line manager will discuss with the employee whether it is appropriate to pursue any of the options in the **informal process** and try to seek agreement to a suitable way forward (but see above re race or sex discrimination). If agreement cannot be reached, the line manager will immediately send a copy of the pro-forma to the local personnel practitioner. The local personnel

practitioner will advise whether it is appropriate to use the formal procedure (i.e. that it is not simply a complaint against Council policy or procedure or that no other formal mechanism exists to resolve it) and whether the line manager should arrange to meet the employee formally. This meeting should normally take place within five working days of receiving the complaint.

The meeting will comprise the line manager, the employee and if appropriate a management note-taker. The employee will be encouraged to be **represented** or accompanied by a work colleague or an accredited trade union representative, who is recognised by the Council. A trade union note-taker will also be entitled to attend, subject to release under the TOFTUDs arrangements.

The employee should make their own arrangements to be represented or accompanied by a recognised trade union official or work colleague, including notifying them of the time and venue for the meeting. Managers should always endeavour, within reason, to reach a mutually agreed date for the meeting with the employee and his/her representative. However, where the employee's chosen work colleague or trade union representative is not available at the time proposed by the line manager, the employee may propose an alternative time. If the alternative time is reasonable to management and falls within five working days after the original date proposed, the line manager must postpone the hearing to that time. Postponements need not be agreed where the trade union note-taker is unavailable.

The line manager will try to establish all the facts in connection with the complaint. This may involve interviewing or taking statements from third parties. It is not necessary to do this in the presence of the employee. This investigation will normally be concluded within ten working days. At the end of the investigation the employee will be informed of the outcome in writing, normally within five working days. If the complaint is not upheld the employee will be informed of their right to take the complaint to stage two of the procedure.

All reasonable efforts should be made to meet the timescales set out in this procedure, but where there are valid reasons for doing so, the line manager may in exceptional circumstances vary them. Any such delays should normally not exceed ten working days and will be confirmed in writing to the employee, stating the reasons and giving the revised timescale.

[b] Stage Two (Hearing before a Complaints Panel) –

Stage 2 is designed to resolve the complaint by a formal panel. The Chair of the panel will be of a higher or the same seniority than the manager hearing the complaint at stage 1 and have the appropriate delegated authority to hear such cases. When the employee is a member of a recognised trade union the panel will also include a trade union representative recognised by the Council. Neither the Chair nor the trade union panel member should have had any prior direct involvement in the case to ensure a fair hearing free of any bias. A management note-taker will also be present. A personnel practitioner may also attend in the capacity of an advisor.

To take a complaint to stage two an employee must submit, within five days of receiving the stage one decision letter, the appropriate pro-forma to their line manager. As much detail as possible must be given on the form. It will not be sufficient to just put generalisations such as "I wish to appeal against the outcome of the stage one hearing". The pro-forma should contain information which explains the specific grounds for appeal, why the employee is not satisfied with the outcome at

stage one and what outcome s/he would wish to see by taking the complaint to stage two. The stage 2 hearing will be a review of the stage 1 decision on the basis of one or more specified grounds. It will not be an opportunity for the employee to re-run the original complaint.

The line manager will send a copy of the pro-forma to the local personnel practitioner, who, in conjunction with the Business Manager (unless s/he is the subject of the complaint), will decide whether there are reasonable and legitimate grounds for appeal. If it is decided that there are no grounds for appeal, this will be communicated to the employee in writing by the Business Manager, together with the reason for the decision. If there are valid grounds for appeal the appropriate Staffing Officer will make the necessary arrangements to convene a stage two complaints panel.

The employee will be encouraged to be represented or accompanied by a work colleague or an accredited trade union representative, who is recognised by the Council. A trade union note-taker will also be entitled to attend, subject to release under the TOFTUDs arrangements. The employee should make their own arrangements to be represented or accompanied by a recognised trade union official or work colleague, including notifying them of the time and venue for the hearing. Managers should always endeavour, within reason, to reach a mutually agreed date for the hearing with the employee and his/her representative. Where the employee's chosen work colleague or trade union representative is not available at the time proposed by the line manager, the employee may propose an alternative time. If the alternative time is reasonable to management and falls within five working days after the original date proposed, the line manager must postpone the hearing to that time. Postponements need not be agreed where the trade union note-taker is unavailable.

The manager who heard the complaint at stage 1 will become the management representative at stage two. It is the responsibility of the management representative to ensure that all relevant documentation is submitted to the panel and the employee, via the local personnel practitioner or the appropriate Staffing Officer, at least five working days before the hearing. Any documents the employee wishes the panel to consider must be submitted, via the local personnel practitioner or the appropriate Staffing Officer, at least two working days before the hearing, where possible.

The date for the stage 2 hearing should, wherever practicable, be mutually agreed. Normally this should be within ten working days of receiving the appeal notification.

The absence of a panel member other than the Chair should not prevent the hearing taking place on the arranged date. If the employee does not attend the hearing and does not provide a reason acceptable to the panel, this may be regarded by the panel as a withdrawal of the grievance.

The panel may require additional information or call third parties to attend the hearing. If further information is required the panel can adjourn the hearing, but any such adjournment should not normally last longer than ten working days and shall be confirmed in writing to the employee, stating the reasons and giving the revised timescale.

After hearing the appeal the panel will where practicable give an immediate response to the employee. If this is not achievable the employee will be given a written response, normally within a maximum time of five working days. If the panel cannot reach a consensus on the appeal, the management panel member's view will prevail.

The trade union panel member may present a different view, which will be included in the written response.

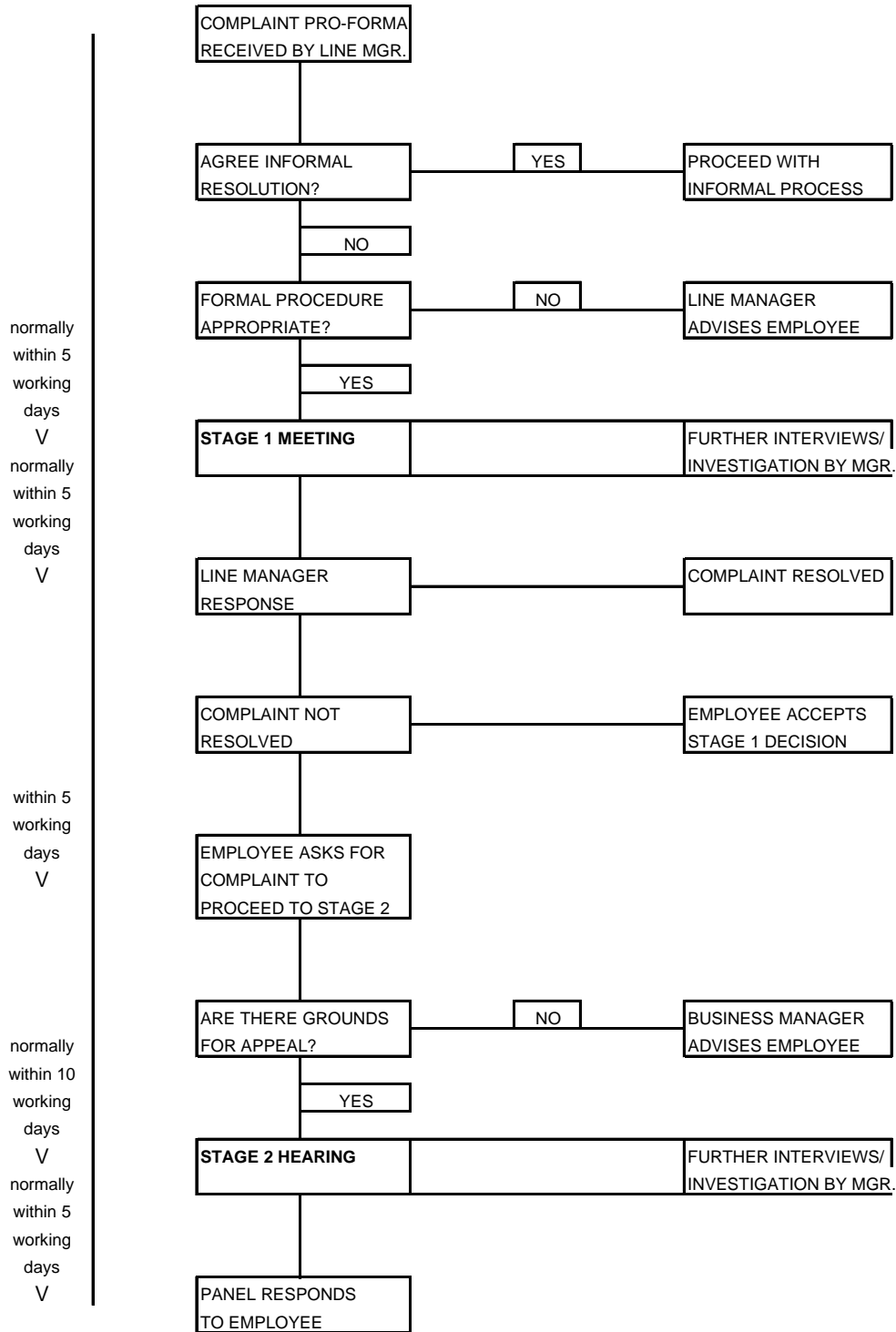
This will conclude the formal internal process.

[4] GUIDANCE NOTES:

The following guidance notes have been prepared to accompany the Individual Employee Complaints Procedure:

- 1 General approach to considering employee complaints
- 2 Issues excluded from consideration under the employee complaints procedure
- 3 Representation
- 4 Timescales
- 5 Informal processes for resolving employee complaints
- 6 Interface between the employee complaints procedure and specific situations
- 7 Conducting a stage 2 appeal hearing
- 8 Record-keeping and monitoring
- 9 Legal principles
- 10 Definitions
- 11 Managers' checklist

[5] FLOWCHART:



Employee Complaints Procedure – Guidance Notes

1: GENERAL APPROACH TO CONSIDERING EMPLOYEE COMPLAINTS

Each employee is different, with a unique set of values, needs and opinions. Managers and employees sometimes have different aims, expectations and standards. Inevitably there will be times when conflicts occur. If such a conflict is felt to a significant degree, it may lead to a grievance, which in turn could significantly impact on the smooth functioning of the business unit and the Council.

The potential that employees' unresolved complaints can have on performance means that they cannot be ignored. If not handled correctly and sensitively they may grow into a problem that is disproportionate to the original complaint. Complaints therefore cannot be ignored, and they are unlikely to go away.

Regardless of the perceived merits of a particular complaint, they usually reflect genuine dissatisfaction about some aspect of the employee's employment or perhaps a feeling that their expectations have not been met. Resolution must be about recognising and accepting that these feelings exist and working with the employee for a successful outcome.

Managers responsible for managing the employee complaints process should approach it as an objective method of resolving differences and avoiding or removing conflict. Concepts of "winning" and "losing" should be avoided. Meetings and hearings should be structured in such a way that the facts can be established and all participants have an opportunity to state their views.

Employee Complaints Procedure – Guidance Notes

2: ISSUES EXCLUDED FROM CONSIDERATION UNDER THE EMPLOYEE COMPLAINTS PROCEDURE

The procedure is available to employees who raise a complaint relating to their employment not later than one calendar month after the act or omission complained of or no later than one calendar month after the last act or omission if the complaint related to a series of linked events.

An employee cannot use the employee complaints procedure to complain about the Council's corporate policies and procedures unless s/he is alleging that the effect of a policy or procedure is discriminatory on the grounds of sex, race or disability. A complaint may be allowed, however, if it is a complaint about the way the relevant procedure has been applied.

Similarly, it is not appropriate for employees to use the employee complaints procedure to avoid attending management meetings (including disciplinary or capability investigations or interviews, sickness absence management counselling interviews and supervision or guidance interviews) which form part of the normal management process.

Neither is the employee complaints procedure available to employees where there are other formal mechanisms for resolving disputes. These include:

- matters covered by collective bargaining arrangements between the Council and the trade unions;
- appeals against job evaluation and grading issues;
- appeals against non-award of salary increment under the performance management process; and
- disciplinary or capability issues, including appeals.

In addition, any vexatious, trivial or otherwise excessively unreasonable complaint will not be heard under the employee complaints procedure. If necessary, the line manager should take specific advice from the local personnel practitioner on whether a complaint falls within this category. In the event of a dispute the final decision will rest with the Head of Human Resources.

In all cases, local personnel practitioners are available to advise managers on the eligibility of employee complaints in relation to this procedure.

Managers should note that many complaints, even when raised formally, may be capable of being resolved informally or by using third parties. Employees should therefore be encouraged to consider the use of such informal processes in the first instance as an alternative to invoking the formal employee complaints procedure.

Employee Complaints Procedure – Guidance Notes

3: REPRESENTATION

Throughout this process employees raising a complaint have the right to be represented or accompanied by a full time trade union official, recognised by the Council, an accredited trade union representative recognised by the Council or a work colleague. An accredited trade union official has the right to be represented by an appropriate full-time official of that trade union if s/he raises a complaint.

The work colleague or trade union representative may also address the meeting or hearing and confer with the employee but may not answer questions on their behalf.

Every endeavour will be made to release representatives to enable them to attend meetings and/or hearings. Securing a representative and informing them of the time and place of the meeting or hearing is, however, the responsibility of individual employee.

Although every endeavour will be made to facilitate the attendance of the representative, including if appropriate re-arranging the meeting or hearing date, the line manager or panel have the ultimate right to commence and continue with a meeting or hearing, even when a particular representative is not available, so long as the employee's statutory right (below) has been adhered to.

Where the employee's chosen work colleague or trade union representative is not available at the time proposed by the line manager or panel, the employee may propose an alternative time. If the alternative time is reasonable to management and falls within five working days after the date originally proposed by the line manager or panel, the line manager or panel must postpone the meeting or hearing to that time.

Employees are entitled to reasonable time off work to consult their trade union representative about their complaint. Prior permission must, however, be sought from their line manager before they absent themselves from the workplace.

Employee Complaints Procedure – Guidance Notes

4: TIMESCALES

It is important to deal with employee complaints in a timely fashion. Below are the optimum time scales for dealing with these issues and these should be adhered to in the majority of cases. Where, for legitimate reasons, they cannot be met, a revised time scale will be agreed with the employee.

Complaint received, investigation and response within	5 working days
Any investigation necessary within	10 working days
Formal written response within a further	5 working days
Application to appeal	5 working days
Appeal hearing	10 working days
Formal written response	5 working days

The timescale from receipt of a complaint pro-forma to confirming the outcome of the meeting with the line manager at stage 1 is thus normally up to ten working days. Whilst all reasonable efforts should be made to meet these timescales, the line manager may vary them when there are valid reasons for doing so. These may include:

- intervening rest days, holidays or sickness absence;
- the need to seek advice or further analysis of the facts;
- the need to interview witnesses or other third parties;
- the need to obtain and review additional documentation; and
- the need to undertake further investigation.

Any delay deemed necessary by the line manager should normally not exceed ten working days and will be confirmed in writing to the employee, stating the reasons and giving the revised timescale.

The timescale from notification by the employee for the complaint to proceed to stage 2 of the procedure to the outcome of the hearing at stage 2 is normally up to fifteen working days. Again, whilst all reasonable efforts should be made to meet these timescales, the panel at the stage 2 hearing may vary them where there are valid reasons for doing so (see above).

Similarly, any delay deemed necessary by the panel at the stage 2 hearing should normally not exceed ten working days and will be confirmed in writing to the employee, stating the reasons and giving the revised timescale.

Employee Complaints Procedure – Guidance Notes

5: INFORMAL PROCESSES FOR RESOLVING EMPLOYEE COMPLAINTS

Notwithstanding an employee's right to invoke the employee complaints procedure, managers should always try first to seek to resolve complaints informally.

A number of alternative methods exist for this purpose and managers should be aware of them and prepared to seek the employee's agreement to explore their use. The approaches outlined below are designed to constructively re-build working relationships, reduce the need to use formal processes and hopefully avoid any conflict escalating. The following list is not intended to be exhaustive but merely indicative of some of the options available to managers:

Re-setting Standards of Behaviour –

Many complaints involve the breakdown of inter-personal relationships. Sometimes colleagues or managers may not realise that their behaviour may be causing offence. In such circumstances it may be appropriate to arrange a meeting of team members when acceptable standards of behaviour can be discussed and re-set. Managers may wish to undertake such an exercise in a formal, facilitated session, in which case they should seek advice from their local personnel practitioner.

Transfer –

Occasions may occur when it appears that a relationship has irrevocably broken down. In such circumstances it may be appropriate for consideration to be given to moving the affected employee to another post. It must be stressed, however, that any such transfer should only proceed with the agreement of the employee concerned. The individual must be advised that if a suitable alternative position cannot be identified and they decline to remain in their substantive post, the matter may be referred to a capability panel. If the manager's behaviour is a significant contributory factor, consideration may be given to appropriate action, including, if necessary, disciplinary, being taken against the manager.

Mediation –

Consideration could be given to third party mediation. This would involve asking someone unconnected to the business unit, who has the appropriate skills, to intervene and try to help the parties involved in the complaint to negotiate with each other on a joint way forward. The mediator must be able to relate to both parties comfortably and accord them both due respect and consideration on an equal basis. The mediator may, where appropriate, offer advice and recommendations to help the parties reach a solution. If mediation is considered an appropriate way forward, the manager should seek advice from their local personnel practitioner.

Conciliation –

Consideration could also be given to third party conciliation. This is an alternative process where a neutral third party offers their services to facilitate between the parties involved in a complaint so that they may resolve the issues themselves. The conciliator does not make recommendations or offer potential solutions but merely helps the parties to resolve their differences by negotiation. If conciliation is

considered an appropriate way forward, the manager should seek advice from their local personnel practitioner.

Employee Complaints Procedure – Guidance Notes

6: INTERFACE BETWEEN THE EMPLOYEE COMPLAINTS PROCEDURE AND SPECIFIC EMPLOYMENT SITUATIONS

Redundancy -

Employees may raise an appeal at any stage of the redundancy or redeployment process. This is a contractual right and it is therefore essential to allow these appeals to go ahead. If these rights are infringed, any subsequent dismissal is likely to be unfair. In redundancy situations, once notice to terminate an individual's employment has been given, it is particularly important to abide by the timescales laid down in the employee complaints procedure. If a complaint is in connection with selection for redundancy the stage 2 panel Chair must be someone who is independent of the redundancy decision-making process. Further, it is essential that the manager who made the redundancy decision attends the stage 2 hearing to explain the basis for that decision. All reasonable steps must be taken to hear and conclude a complaint before the employee's last day of service. In very exceptional cases where this is not possible, arrangements should be made to hear and conclude the complaint as soon as is practicable after the employee has left the Council's service. It may be appropriate in some circumstances to extend the employee's contract of employment until the complaint has been concluded.

Termination of contract -

The employee complaints procedure is intended to benefit employees in current employment. Where an employee terminates their contract while a complaint is outstanding, the complaint will only continue if it is a "matter of substance". [A matter of substance is an issue that, in the opinion of the manager \(having taken advice from the local personnel practitioner\), survives the termination of the contract or that may have significant implications for an employee's post-employment situation, e.g. an appeal against redundancy selection or a complaint of alleged race, sex or disability discrimination. In any other case, and where the employee is dismissed for gross misconduct, the complaint will lapse.](#)

TUPE transfer -

If an employee transfers from or to another employing organisation under the TUPE Regulations, the individual retains the right to have access to an employee complaints procedure that is equivalent to that which applied in the previous organisation. The new employer must hear any outstanding complaint, although every effort should be made to determine outstanding employee complaints before the transfer takes effect.

Complaint against immediate line manager -

It is normal practice for the employee's immediate line manager to hear an employee complaint at stage 1. This would not be appropriate, however, if the complaint concerned alleged unacceptable conduct of the line manager towards the employee. In such circumstances another manager may be asked to carry out the investigation. Advice should be sought from the local personnel practitioner.

Discipline and capability -

The submission of a complaint by an employee subject to disciplinary or capability action will not delay or prevent the application of the relevant procedures. Where appropriate, a complaint that is connected with disciplinary or capability action should be dealt with as part of that process and not pursued through the employee complaints procedure.

The employee complaints procedure, including any related investigations, is not in itself a part of the disciplinary or capability process. It should be noted, however, that the outcome of a complaint may lead to disciplinary action being taken where there are justifiable grounds for doing so.

Where a manager hearing a complaint considers that there is sufficient evidence to support an allegation of misconduct (which may include discrimination, harassment, victimisation or bullying) they can recommend that the matter is referred for further investigation and, if appropriate, to a disciplinary hearing. Any ensuing disciplinary action can only be taken in accordance with the Council's disciplinary procedure – the employee complaints procedure itself cannot deliver a disciplinary sanction.

The potential for disciplinary action to follow an employee complaint is greater when the complaint relates to discrimination, harassment, victimisation or bullying. Managers hearing such complaints should advise all employees involved that disciplinary action may be a recommendation.

Whilst there can be no victimisation against any employee for making a complaint in good faith, malicious accusations against a work colleague or a manager may lead to disciplinary action.

Employment Tribunals -

Although employees can take alleged breaches of their employment rights directly to the Employment Tribunal, such tribunals would normally expect that before they do so internal processes are used and exhausted. Unless they are, tribunals may reason that an employee has not invoked their employment rights under the terms and conditions of their employment and place a relevant importance on the employee's actions (or lack of them).

Sickness absence management –

If an employee goes on long-term sickness absence after submitting an employee complaint it may in some cases be unrealistic to hear the complaint whilst the employee is absent, although all reasonable steps should be taken to do so. If necessary, these steps could include home visits or a request for a detailed written submission. Alternatively, and by agreement with the employee, their trade union representative may present their case. As there may be a link in some cases between the complaint and the sickness absence, a speedy resolution of the complaint may effect an earlier return to work. Advice on how to proceed in such cases should be sought from the local personnel practitioner.

Recruitment and selection -

Complaints from internal candidates arising from recruitment and selection exercises will be heard and determined by the recruiting department/business unit.

Group complaints –

The employee complaints procedure is intended to be a mechanism where individual employees can raise concerns relating to their employment. There may be occasions, however, where a complaint pro-forma is submitted signed by several employees. In these circumstances the line manager needs to consider how to deal with the complaint. If one or more of the signatories has no direct involvement in the particular issue complained of, there should be no justification for allowing those employees to pursue the complaint (the local personnel practitioner will advise) but if more than one employee is affected by the complaint, the matter can proceed either as an individual complaint with the outcome being applied to the other employees or, if appropriate, through the collective bargaining arrangements. An individual employee, however, may reserve the right to have his/her complaint dealt with separately.

Complaints of harassment –

When a manager receives a complaint alleging sex or race harassment s/he must treat it as a potential disciplinary matter and arrange for an investigation to be undertaken in accordance with the Council's disciplinary procedure. It is particularly important in such cases for appropriate standards of confidentiality to be observed and for the profile of the investigating manager to be sensitive to the nature of the complaint. The investigation must be completed within a reasonable timescale and feedback on the outcome of the original employee complaint given as speedily as possible. Where the investigation does not result in disciplinary action being taken and the employee who made the original complaint is not satisfied with this outcome, s/he will have access to the employee complaint procedure.

Employee Complaints Procedure – Guidance Notes

7: CONDUCTING A STAGE 2 HEARING

The panel will:

- introduce themselves and ask others present to do the same;
- check that everyone has the same papers;
- explain the way the hearing will be conducted, including any time constraints;
- instruct that any questions must be put through the Chair;
- advise that in certain circumstances if the grievance is upheld, disciplinary action may be taken against the perpetrator and notes of this hearing may be used in support of the case;
- advise that should it become necessary to adjourn to undertake further investigation a target timescale for this will be determined at the hearing; and
- advise that if any other third parties have to be interviewed, this will not be done in the presence of the employee, with the exception of any managers who took relevant decisions in cases involving redundancy selection.

Procedure:

- the employee will introduce their submission, explain the relevance to the complaint and why they are dissatisfied with the stage 1 outcome;
- the panel may ask questions during or after the employee's presentation;
- the management representative may ask questions, through the Chair, at the end of the presentation;
- the management representative will respond and the panel may ask questions during or after the presentation;
- the employee (or representative) may ask questions, through the Chair, at the end of the presentation;
- the panel will have a final opportunity to clarify any points before adjourning the hearing to consider the complaint.

Panel's deliberations:

The panel will consider and examine what was said by both parties during the hearing and any written submissions (including the original complaint pro-forma, any statements from third parties and the stage 1 decision letter) and consider whether they have sufficient information to reach a decision. These deliberations and the conclusions drawn from them must be properly recorded.

If further investigation is necessary, the hearing will be resumed and the parties to the complaint so advised. The panel will agree what further information is needed and how it should be obtained. This will be notified to both parties and a target date for the gathering of the additional information needed will be set, taking account of the optimum timescales contained in the procedure and guidance notes. If the panel are confident that they have sufficient information to reach a decision, that decision shall be given orally to the parties wherever possible and confirmed in writing within five working days. If the complaint concerns a third party, they must also be advised of the outcome.

Employee Complaints Procedure – Guidance Notes

8: RECORD KEEPING & MONITORING

It is essential that accurate and contemporaneous records of employee complaints are maintained at all stages of the process, including any initial informal process. These records may prove invaluable should the complaint progress through the procedure or move outside the Council or if an issue of consistency is raised.

Records should be secure and confidentiality must be maintained. Records should include:

- the original complaint pro forma;
- details of any informal action discussed, proposed or taken prior to the stage 1 meeting;
- details of any investigations and interviews undertaken by the line manager at stage 1;
- correspondence with the employee and/or trade union representative in respect of arranging a suitable date for the stage 1 meeting;
- full details and correspondence relating to any delays and re-arranged dates for the stage 1 meeting;
- an accurate note of the stage 1 meeting;
- any statements from third parties;
- any input from others, e.g. Personnel, Legal or senior managers;
- the line manager's decision letter and how the decision was arrived at;
- correspondence with the employee and/or trade union representative in respect of arranging a suitable date for the stage 2 hearing;
- full details and correspondence relating to any delays and re-arranged dates for the stage 2 hearing;
- accurate notes of any stage two hearing (need not be verbatim);
- any statements from third parties;
- notes of the panel's deliberations;
- the panel's decision letter and how the decision was arrived at; and
- the employee's subsequent comments and any discussion if an oral response is given.

The notes of the stage two hearing should be agreed and signed by both panel members.

Formal notes of the stage 1 meeting and the stage 2 hearing will be kept and will be made available equally to both sides in a timely manner. Hand-written notes taken by the manager or other panel members, advisers, etc, if they exist, will not be disclosed to the employee, their trade union representative or any third party unless required by an authorised body, such as an employment tribunal.

A system is required to monitor the number of complaints received by subject, ethnicity, gender, disability, grade and outcome. Departmental Personnel Managers are responsible to Chief Officers for maintaining suitable monitoring records and reports and for keeping employee complaints activity within the department under review.

Copies of the employee complaints procedure pro-formas are available from Staffing Officers.

Employee Complaints Procedure – Guidance Notes

9: LEGAL PRINCIPLES

The Employment Rights Act 1996 requires an employer to specify in the written particulars of employment, the person the employee can seek redress from for any grievance relating to their employment, and the manner for doing so. By implication, employees have a statutory right to raise a grievance and have that grievance heard and dealt with. The Individual Employee Complaints Procedure is incorporated into the Council's contracts of employment and employees therefore have a contractual right to raise a complaint and to have it heard as quickly and locally as possible.

All forms of discrimination, including harassment and victimisation on the grounds of race, sex, disability, sexuality, age or religious beliefs contravene the Council's Equal Opportunities policy. They may also contravene the Sex Discrimination Act 1975, Race Relations Act 1976, and the Disability Discrimination Act 1995.

Additionally, a contract of employment places a duty of care on the employer to provide a suitable environment in which to work. To a great extent this refers to the physical environment, but it also includes freedom from stress and other obstacles to a reasonable working environment. Whilst such a duty on the employer is generally proactive, there is also a responsibility on the employer to react to concerns raised by employees.

Employers are vicariously liable for discriminatory acts, including harassment, carried out by employees unless the employer can show that they took all reasonable practical steps to stop the occurrence of the act. An employer can no longer necessarily rely on the defence that an employee was acting outside the course of their employment when carrying out an act of discrimination. Similarly, employers can be held liable even when they do not employ the harasser but where they have control over the situation or event where the harassment took place.

The Employment Relations Act 1999 provides a statutory right for a worker to be accompanied by a work colleague or trade union official (of their choice) during certain grievance hearings (defined as hearings concerning the performance of a duty by the employer in relation to the worker). The companion must be either another worker employed by the same employer, an employed trade union official or a lay official whom the trade union has reasonably certified in writing as having the experience or training in acting in that capacity. The work colleague or trade union official may also address the meeting and confer with the worker but may not answer questions on their behalf. Companions must be permitted time off during working hours so as to accompany a fellow worker, and in respect of trade union officials, these functions are to be treated as trade union duties (for which there is a right to paid time off work under the Trade Union and Labour Relations (Consolidation) Act 1992. Where the worker's chosen representative is not available at the time proposed by the employer, the worker may propose an alternative time. If the alternative time is reasonable (to management) and falls within five working days after the date proposed by the employer, then the employer must postpone the hearing to that time.

Employee Complaints Procedure – Guidance Notes

10: DEFINITIONS

Harassment -

Harassment includes any unwanted abuse, advances or behaviour, which causes an individual to feel threatened, humiliated, patronised, distressed or harassed. Action can also be considered harassment if it impairs an individual's job performance, undermines their job security, or causes a threatening or intimidating environment. Harassment may be deliberate or unconscious, a repeated action or an isolated incident.

In cases of harassment, the impact of the behaviour is the determining factor and not the intent behind it, e.g. was the dignity of the person affected? It is also worth noting that the conduct can be physical, verbal or non-verbal.

Managers should be aware that an employee's perception of whether or not they have been harassed is an important factor which must be accorded proper importance when dealing with allegations of harassment.

Discrimination -

For the purpose of this procedure, discrimination is where a person is treated less favourably than another on the grounds of race, gender, disability, sexuality, age, religious belief, marital status, class or trade union activities.

Indirect discrimination occurs where a requirement or condition applies equally to everyone but:

- the proportion of one racial group or gender who can comply with it is considerably smaller than the proportion of people not of that racial group or gender; and
- which cannot be justified; and
- which is to the detriment of that person because they cannot comply with the condition.

Victimisation -

Victimisation is a form of harassment that occurs when a person is treated less favourably than another person for asserting their statutory rights, including those under Sex Discrimination Act 1975, Race Relations Act 1976, and the Disability Discrimination Act 1995.

Employee Complaints Procedure – Guidance Notes

11: MANAGERS' CHECKLIST WHEN HANDLING AN EMPLOYEE COMPLAINT

Listen -

- Deal with the complaint on a one-to-one basis (although either side can be accompanied)
- Conduct the meeting in private, having ensured against interruptions
- Avoid inhibiting the free flow of information
- Interrupt only to clarify or bring out further information
- Avoid becoming involved in an argument or debate
- Demonstrate good listening skills and confirm that facts are understood
- Leave the employee feeling respected and valued
- Make notes, clarify and summarise so both parties are clear they are discussing the same issues
- Record feelings as well as facts
- Do not be judgmental

Explore -

- Is the complaint valid?
- Establish whether the complaint concerns discrimination, harassment, victimisation or bullying
- Try to establish the root cause
- How did it come about?
- Explore whether the complaint can be resolved informally
- Look at the background and any relevant peripheral issues
- Examine the likely impact, both on the individual and team, and the effect on performance and costs
- Is further evidence or investigation required?
- Examine the possible solutions and ask what the employee is seeking as a solution

Response -

- A brief adjournment of the meeting before the decision is announced can sometimes create a good impression and offers time for reflection
- Respond within procedural time scales
- Responses should be clear and unambiguous
- Consider what the impact or repercussions of any decision might be
- A decision can uphold the complaint in full or part, or not uphold the complaint in full or part or offer some form of compromise
- Explain in detail any reasons for not upholding a complaint
- Follow up any oral response in writing
- If the complaint is not upheld, record in the decision letter the employee's right to take the complaint to stage two. Ensure that the employee is aware of the grounds needed for an appeal, i.e. an appeal cannot be a re-hearing of the original complaint

Recruitment

Introduction

The Council has a standard procedure for recruitment and selection. This recognises, however, that not all recruitment activity needs to be undertaken in exactly the same way for every post and gives the manager flexibility to pursue a range of options appropriate to the post in question; e.g. different forms of advertising.

The toolkit that follows therefore looks at basic principles that must be followed in all recruitment activity, the Council's core procedure, and the tools (or options) that managers can pursue.

What will be done for you

Personnel Management Services (PMS) will:-

- Periodically review the available options for recruitment and pursue areas of development.
- Be responsible for selecting the Council's contractor for recruitment advertising, and undertake top line monitoring of their activity.
- Offer occupational assessment as part of the recruitment process, on a trading basis. PMS (Learning & Development Section) will also evaluate and maintain a list of external organisations able to offer assessment.
- Co-ordinate the compilation and weekly distribution of the internal vacancy bulletins.

What you must do

- Ensure that all recruitment activity abides by the basic principles, specified in the toolkit that follows.
- Be able to justify decisions to move away from the standard procedure and the selection of specific tools.

What you must not do

- Make use of an advertising agency, which is not the Council's appointed contractor.
- Use Panel members who have not had appropriate training, including the Council's policy on equal opportunities.
- Pursue options that are not specified either in the core procedure or the tools that follow.

What you can do

- Pursue a range of options appropriate to the vacancy in question.

Key Information

- The toolkit that follows aims to provide all appropriate information to pursue recruitment activity in the Council.

Reference Section

- The final page of the toolkit specifies sources of further advice and contact points.

Recruitment Toolkit

The Council's standard recruitment procedure establishes a sound method to engage staff and is built upon equity & fairness. There is however many different methods to attract and select staff and approaches can be varied according to the post, for example arrangements to engage a Cleaner will differ from a Strategic Accountant. The following toolkit sets out the Council's standard procedure but also considers discretionary options that may enhance the recruitment process. Managers are encouraged to consider these options in open-minded way to build up recruitment packages appropriate for their vacancy.

The toolkit is organised into the following

Basic Principles

The touchstone of all activity against which all subsequent action should comply

The Council's Core Recruitment Procedure

What managers must know about recruitment in Southwark

Tools

Options that can be pursued in recruitment, plus examples on how these can be put together to draw up bespoke models of recruitment. A list of useful addresses and contact points is also included.

Basic Principles

- 1.1 In accordance with the Local Government & Housing Act 1989: -
"Every appointment of a person to a paid office or employment....shall be on merit".
- 1.2 Employment legislation: -
 - Makes it unlawful to discriminate on the grounds of race, gender, trade union membership, or disability.
 - Enables employers to pursue positive action in specific circumstances and within defined boundaries.
 - Makes it unlawful for an employer to deny employment on the grounds that an applicant had a conviction which is "spent". The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 lists a number of occupations that are exempt from the provisions of this Act, e.g. Nursery Officer.
- 1.3 The Council's equal opportunities policy extends the protection provided by legislation, noted above, to discrimination on the grounds of age, sexual orientation, religious belief, and class.
- 1.4 Direct discrimination is overt. Indirect discrimination occurs when the effects of a procedure or actions disadvantage a particular group or category. Albeit potentially unintentional, indirect discrimination is unacceptable and potentially illegal.
- 1.5 Managers have a responsibility to: -
 - Uphold the reputation of the Council.
 - Not take action that may be unlawful.
 - Be objective and considered in reaching justifiable judgements.
 - To disclose any personal interests in the course of recruitment activity.
 - Maintain professional standards whether recruits are easy or difficult to find.
 - Keep proper and accurate records.
- 1.6 Managers are responsible for the operation of the recruitment process and the selection decisions made. Recruitment must therefore be approached in a manner that reflects the significant investment in time and money and with recognition that judgements can have a long-term financial and service impact.

The Council's Core Recruitment Procedure

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The Council's Core Recruitment Procedure

Section 1 Preparing to Recruit

1.1 Filling the Vacancy

1.1.1 When a vacancy occurs the Business Unit Manager should decide on the need to recruit in the light of any potential restructuring or review. If recruitment is pursued, the Business manager should :-

- Revisit the job documentation, see below
- Pending appointment decide what elements of the post may be left unfilled or arrange cover using other personnel procedures where necessary, (acting up, honoraria).

1.1.2 Employment legislation requires organisations to seek measures to avoid dismissals as a result of redundancy and to reduce the numbers to be dismissed. In Southwark all posts **must** be advertised in the Internal Vacancy Bulletin, (excluding schools). Recruitment to vacant posts may also be ring fenced where this would assist in reorganisations / restructuring exercises. Redeployees are advised to clearly mark their application form accordingly and any applications considered from these staff **must** be considered prior to the selection of other candidates.

1.2 The Panel & Other Participants

1.2.1 Business units should clearly set out within their scheme of delegation those with authority to Chair or sit on recruitment Panels.

1.2.2 Panel members must have received appropriate training in recruitment, dependent on individual need and previous experience, but including Southwark's equal opportunities policy. Business Managers must ensure that a record is maintained of relevant training that has occurred as this will assist in the selection of a Panel.

1.2.3 Business Managers, or their nominees, must identify people to form, "the selection Panel", with a designated Panel Chair. The Panel is responsible for the recruitment process and should be representative of the community, including both genders and a black person where practical.

- 1.2.4 In addition to the Panel, other people are normally involved in the recruitment process. This may include the Staffing Officer, Council's advertising agent and experts in a particular field, e.g. occupational assessment. People who are not in the Council's employment may act as non-voting participants/ advisors, but responsibility for the appointment itself rests with Council.

All participants should be involved at the earliest opportunity to agree a timetable and ensure that everyone has a common understanding of any particular aims.

1.3 Planning & Monitoring

- 1.3.1 Effective planning will directly influence the success of recruitment. The plan does not need to be written but an optional planner is provided in the toolkit that follows. The most successful plans draw from past experience. Monitoring information therefore has a dual purpose, to inform the business unit in its human resources activities and to provide information at a corporate level. Procedures should be in place at the commencement of recruitment to address the following areas: -

- advertising costs and its effectiveness (*monitored at business unit level*);
- applicants, those shortlisted, interviewed and appointed in terms of race, gender and disability (*as well as monitoring at a business unit level this information will be used for corporate monitoring*);
- monitoring the processes and procedures, e.g. was there a balanced Panel in terms of race/gender, what were the time-scales (*monitored at business unit level*).

1.4 Selection Criteria & Information for candidates

- 1.4.1 Job documentation should be reviewed each time a vacancy occurs, in accordance with the standards laid down by the Council. This must include a job description, background information (called job context below), person specification/ competencies and other job-related information. Each is briefly described below.

a) The Job Description

The job description should provide a concise description of the post's role within the organisation and the main areas of responsibility. At minimum the information should include:

- i) Purpose of the job; a succinct statement which outlines the reason why the post exists - from the organisation's viewpoint. Generally this information should be encapsulated in a few short sentences.

ii) Principal accountabilities; the post's main areas of responsibility - i.e. what is done and why, not how. Accountabilities are not the same as tasks or actions. Many tasks or actions may make up one area of accountability and may change according to the context of operation - without altering the essential nature of the post.

Accountabilities should:

- Be timeless unless the purpose of the job changes significantly.
- Be few in number.
- Describe end results - not individual tasks
- Be precise and realistic.
- Avoid reference to those organisational issues which will make the job summary quickly redundant (e.g. reference to a named working group, etc.).
- Avoid reference to current initiatives, or matters of conduct or development. This is better placed in work-plans and personal development plans.
- Avoid "standard" phrases, which risks tokenism.
- Reflect the Councils core aims.

For example customer focus is relevant to every job and should be explored at all levels; customers may include external organisations, members of the community or internally within the Council. It is worthwhile considering the customer focused competencies when preparing the job description, these are often a useful starting point. Further advice is contained within the Customer Focus section of the Business Managers Handbook (Chapter 4 - Managing People), which features advice on preparing job documentation and competencies.

b) The Job Context

Managers, staff and applicants are interested in a range of associated information about jobs distinct from the duties performed, e.g. to whom does the post report, what are the key organisational objectives. In a devolved environment it is also essential that accessible and up to date information is maintained on the conditions of service which govern the post. For each post information on the job context should be prepared. This should be concise and include confirmation of:

- The main organisational objectives which shape the manner in which duties are performed, e.g. a commitment to liP, Managing Diversity, Quality Systems. This may include specific work on current corporate aims of the Council such as prioritising the need to "drive down debt".
- The post's supervisor and details of the posts supervised. This may be through reference to a structure chart.
- The post's financial responsibilities - including the total sum and type of activities performed, e.g. budget management, purchasing, etc.

- Details of other posts under the control of the postholder.
- Those people, groups, external bodies, with whom the post has contact and what this constitutes.
- The conditions of service which govern the post - a general statement which will give the reader direction to the appropriate information.

c) The Structure Chart

The structure chart provides a clear indication of the reporting lines and levels of staffing within the section and/or business unit.

- At a minimum it must include details of the post's supervisor and all posts supervised / areas managed.
- The structure chart should ideally feature the substantive grade and number of posts at each level (i.e. 2 x Admin. Officer's – Grade 5)
- The chart should reflect formal management structures and avoid the use of "dotted" or informal lines of supervision.
- The structure chart must only show Southwark posts. Non-LBS staff should be excluded. Direction and guidance given to other workers may be demonstrated in the job context.
- It is essential that the reporting lines and job titles shown on the structure chart match those detailed within the job description and the job context information.
- It is also particularly useful if the structure chart is dated.

d) Person Specification

A person specification looks at the essential criteria, (minimum requirements to do the job), that a candidate must demonstrate for appointment and desirable criteria. The person specification must be based on up to date job documentation, see above. To help managers structure the criteria; the Council's standard person specification falls into:-

- Knowledge
- Experience
- Aptitudes & Skills. This section may be replaced by Competencies – see below.

This is the key document in recruitment and it is essential that sufficient time is spent on its preparation. For the specification to be credible criteria should only be included which can be assessed within the selection process: through the form, an interview, use of formal tests (etc.). All person specifications should be post specific. They will, however, change over a period of time to reflect the changing context in which a post operates - e.g. the use of IT. As long as qualities can be justified against the duties of the post there is nothing wrong in seeking inputs from applicants that can balance an existing team. **More essential criteria do not equate to job importance!** For

some posts there may be only one essential criterion, e.g. a qualification, and the remainder may be desirable. It is also important that the person specification does not include any non-essential requirements, which could inadvertently exclude a disabled person.

Any special conditions of service applicable to the post are also normally shown on the person specification. This must include, if the post is exempt from the Rehabilitation of Offenders Act 1974, whether a disclosure will be requested from the Criminal Records Bureau (CRB) and the level of disclosure (enhanced, standard, basic). Disclosures from the CRB are often referred to as "police checks" and will detail whether the applicant has a record of criminal convictions, or for those working with children, other matters which effect employment.

e) Competencies

Competencies are personal attributes that someone brings to a job / activity.

Competencies are observable behaviours that spring from skills, abilities, personality and motivation. In essence competencies describe how someone does something.

Competency frameworks have been constructed for the following categories of staff;

- Strategic Managers
- Business Managers
- Unit Managers
- Supervisors
- Professionals
- Technical Staff
- Administrative Staff
- Customer Contact Staff
- Direct Carers

Details of the frameworks can be gained from the Senior Assessment Centre Facilitator in Learning & Development. It is not intended that all competencies in these categories would apply to every job. Generally 5-9 competencies from each group can be identified as key. These can be used in tandem with criteria shown in knowledge and experience. It should be noted that competencies can rarely be used solely as shortlisting criteria and may be best tested through occupational assessment and open interview techniques.

f) Information for Candidates

All applicants should be provided with sufficient information so that as far as possible all candidates are competing equally. Details to be sent include the Council's Equality & Diversity Policy Statement, this is provided in full in the toolkit, and the following-

- job description and job context information,
- the person specification

- the Council's Guide for Applicants
- General information about the Council, details of the Committee structure, a section's workplan, information about employment itself – e.g. information about leave, training and development opportunities etc.
- Where a post is subject to a CRB disclosure, (Police check) applicants should also be provided with information on the Council's Policy on the Recruitment of Ex-Offenders.

The details sent are an advertisement about Southwark and should aim to provide an appropriate level of information, i.e. targeted to the job in question.

1.5 Information from Applicants

- 1.5.1 Applicants should be asked to complete and sign the Council's application form as part of any recruitment. This provides some basic personal details on a future employee. For most posts the standard application form will be the main document used to assess an applicant's suitability for shortlisting and provide information for future discussion at interview. In some circumstances, however, it may be preferable to ask applicants to submit CVs or for the business unit to design a tailored form – see toolkit.

1.6 The Despatch & Receipt of Forms

- 1.6.1 Business units must establish the most efficient and cost effective way of providing information to applicants, normally requests for forms are made to a 24 hour answer'phone and only sent via the post. Business units can, however, use the Council's call centre (see toolkit), offer a counter service for personal callers, etc.
- 1.6.2 Application forms should not be issued after the closing date. Neither late application forms nor CVs should be accepted without an exceptional reason, e.g. postal strike.

Section 2 Attracting Candidates

2.1 Initial process

- 2.1.1 If a vacancy is to be filled it must be decided: -

- Whether the post should be advertised as a fixed term or permanent opportunity.
- Whether there are any people from a properly constituted reserve list of previous interviewees who meet the Council's requirements. (See below regarding reserve lists)

Recruitment to vacant posts may also be ring fenced where this would assist in reorganisations / restructuring exercises.

2.1.2 Job documentation and the person specification must be reviewed as stated above, and form the basis of information to be included in an advertisement.

2.2 Advertising

2.2.1 The Panel Chair or other nominee determines the approach to advertising in each case. **Posts must be advertised internally using the Staff Vacancy Bulletin** (excluding schools). Beyond this the Panel has considerable freedom in methods used to attract candidates and suitable options are discussed in the toolkit.

2.2.2 External advertisements in the printed media must be placed through the Council's advertising agency - currently Scott Edgar.

2.2.3 The advertising agent Scott Edgar will place advertisements in the press according to the Council's house style, but managers should note the following.

- Advertisements will simply state

followed by the department's name, e.g. Strategic Services,

- Where this adds to clarity, managers should use the title of the division rather than the full department title e.g. either "Environment" or "Leisure" rather than "~~Environment~~" & Leisure"
- Advertisements should use only the Council's logo (above) and no other markings. The achievement of awards and standards is better described in the information pack sent to job applicants
- Managers should generally ensure that applicants are able to obtain a job pack by telephone. Only in exceptional cases should applicants be asked to write in for information on a vacancy.

Deleted: "Education"

2.2.4 The content of advertisements will be the responsibility of the Panel Chair or their nominee. Help on drafting advertisements can be gained from the advertising agent, Bartlett Scott Edgar, though this is likely to incur an additional charge beyond standard production rates if creative input is required – e.g. design of graphics, use of pictures, etc.

Advertisements must be realistic, factual and clear. They must state the closing date for applications. They must state any genuine occupational requirements around race or gender.

2.2.5 The toolkit contains a range of options that managers can use to attract candidates, e.g. use of the Internet. In selecting options managers must be able to justify their use as achieving a broad & suitable population of candidates to apply. In most cases, these will be used in tandem with the conventional advertisement.

Section 3 Assessing & Selecting Candidates

3.1 Redeployees

3.1.1 Redeployees will be advised to clearly mark their application accordingly, any applications considered from these staff **must** be considered prior to the selection of other candidates.

3.2.1 Shortlisting

3.2.1 Shortlisting Panels must comprise at least two suitably trained people, which have included training in the Council's equal opportunities policy. The selection of Panels is discussed further in section 1 above.

3.2.2 Shortlisting criteria must be based on the person specification and –

- Lend themselves to assessment via an application form or a c.v.
- Can effectively discriminate the most promising candidates from others in the applicant pool

Knowledge and Experience criteria are often better suited to assessment via an application form than are competencies (or Aptitudes & Skills). Most information gleaned from an application form alone should be treated as 'preliminary' in nature. Where possible, it should be evaluated in greater detail at later stages of the selection process.

Before marking candidates the Panel should discuss and agree the detail of what is required. This should help overcome problems associated with differing interpretations of the criteria and save time at later stages of the shortlisting process.

3.2.3 The Council's standard system of marking at shortlisting is as follows.

Panel members should go through applications independently assessing each candidate against the **essential criteria** to be considered at shortlisting stage, marking:

x - the candidate fails to meet the criterion

✓ - the candidate meets the criterion.

Where there are doubts that a criterion has been met a "?" may be entered temporarily, pending a discussion amongst the Panel members.

Panel members should compare their initial scores for each essential criterion. In particular any criterion marked with a "?" should be discussed and a decision made to

convert to a "x" or a ✓. Final scores should be recorded by the Chair on a separate assessment sheet, and signed by all Panel members.

Candidates scoring a "x" against one or more essential criterion to be eliminated.
Candidates scoring a ✓ against all essential criteria to be shortlisted, where the numbers of applicants meeting all essential criteria is unmanageable consideration of desirable criteria may be pursued, marking in the same way as above. If however, the candidate has indicated on their application form that they consider themselves to have a disability, then in accordance with the Councils accreditation to the Two Ticks Disability Symbol, the applicant must be interviewed if all minimum criteria are met. Disabled applicants must not therefore, be subjected to additional sift criteria if all minimum criteria have been met.

The Panel should then compare their initial results for each criterion and seek to reach a consensus. The Panel should enter into open and constructive discussion, focusing on the information provided by the candidate and its relevance to the criterion. If it is not possible to reach a consensus the majority view will prevail. If the Panel is equally split, the view of the Chair will be the decisive one. The final results for each of the candidates should be recorded in writing and signed by all Panel members.

In some instances an unmanageable number of candidates may proceed beyond the assessment of essential or desirable criteria (see 3.2.3 below). Whether a shortlist is of an unmanageable number will be dependent on the number of vacancies and how much time can reasonably be devoted to interviews. It should be borne in mind that if interviews are to be conducted effectively no more than eight per day should be held and preferably no more than six.

Assessments/ tests may be used alongside consideration of the applicants' forms/CVs to create a shortlist. In some cases an ability test alone may be used to establish a shortlist. For example if it is essential for applicants to type 50 wpm, a test may be used to select suitable candidates for interview.

- 3.2.3 For some posts the complexity of the role means that the above scoring system is too crude, or the numbers of candidates anticipated at shortlisting stage demand de-selection beyond that described in 3.2.2. above. The optional use of a revised scoring system is included in the toolkit. If the alternative system is used this must be decided at the outset of selection and consistently applied.

3.3 Waiting Lists at Shortlisting Stage

- 3.3.1 Waiting lists may be created where the number of shortlisted candidates who fulfil the criteria contained in the person specification is in excess of the number that can practically be interviewed. Candidates who were not interviewed, may be contacted and asked if they wish to go on the waiting list (for a specified limited period from the date the shortlist is finalised) for further consideration, should a similar post become vacant.
- 3.3.2 Selection for an interview from waiting lists is made in the order in which the candidates are placed on the list.

3.4 Selection Methods

3.4.1 The Interview

Appointment to all posts will be undertaken following a structured interview, by a Panel. The Panel will consist of two or more people, who are trained, in the Council's equal opportunities policy. The selection of Panels is discussed further in section 1 above. The interview Panel should meet in advance to ensure that they hold appropriate information and to plan the interview process. The interview should be structured and seek to select the best candidate based on the information contained in the person specification. The form of the interview should be specific to the post. Ensuring appropriate arrangements have been made for a disabled candidate, such as wheel chair access or a sign language interpreter is also important if these have been requested as per their application form. Guidance on conducting interviews is provided within the toolkit.

3.4.2 Occupational Assessment

Assessments have been proven to help selection Panels differentiate between the qualities of job candidates more accurately and thus improve the standard of individuals appointed to posts. Assessments are objective in nature and permit a fair and consistent evaluation of the skills of candidates.

Occupational Assessment is not essential for posts below JNC level but is recommended for posts using competencies as an element of selection. Occupational assessments must only be undertaken by trained professionals, either of the Learning & Development team or organisations that they approve. Assessment by organisations external to the Council may only be purchased where their services have been subject to full evaluation by the Learning & Development Team. They will ensure that proposed assessment fulfils industry standards and that equality bias is avoided.

3.4.3 Specialist Selection Methods

For particular posts specialists selection methods supported by external study apply. For example, residential staff in Social Services caring for children and people with learning disabilities, are required to attend a second stage of targeted interviewing which specifically explores issues of future interaction with users. These specific tools are referred to in the following document as “Warner” recruitment. (Norman Warner chaired the Committee that produced the report “Choosing with Care” that created a blue print for recruitment in the field of children’s residential services.)

3.5 **Making Appointment Decisions**

The aim of any selection process is to appoint the ‘best person for the job’, based on a careful evaluation of all of the available evidence. Where an interview is the sole basis for making selection decisions, the amount of evidence is limited, but the process of identifying the best candidate is relatively straightforward. Where additional evidence is available e.g. occupational test results, a careful integration should take place.

Both the interview Panel and those who have conducted the tests should be absolutely clear about ‘who measured what’. e.g.

Person Specification Criteria	Source of Evidence	
	Interview	Tests
Knowledge of ... legislation	4	
Experience of working in a ...	4	
Leadership	4	4
Oral Communication		4
Planning & Organising	4	4

Where a criterion has been measured twice, both sources of evidence should be reviewed. If both the interview Panel and the tests have allocated the same rating then little further debate is required. If the ratings differ then each should be contrasted and compared, taking account of:

- *The strength of evidence* -What would seem to be the most detailed and trustworthy source of evidence. For example, assessed written work (through occupational testing) provides greater evidence of written communication skills than a candidate’s claim (at an interview) that s/he has written numerous “high quality” reports.

- *The reasons underpinning each rating:* Some competencies are broad in scope. It is probable that occupational tests and interviews will measure on occasion different aspects of the same competency.

The Panel (or Chair) and those undertaking occupational assessment should discuss the rationale for allocating their ratings and then consider the entirety of the evidence before agreeing a final rating.

3.6 Assessing the Candidate

3.6.1 The Council's standard scoring system at interview stage is as follows: -

At the close of all the interviews each Panel members to assess candidates independently making use of notes taken during the interview and marking candidates against the essential criteria using a 0-1-2 system, i.e.

0 - the candidate fails to meet the criterion

1 - the candidate meets the criterion satisfactorily

2 - the candidate meets the criterion above the essential standard.

Candidates scoring a "0" against one or more criterion to be eliminated. Following this, scoring against all essential criteria to be totalled. The candidate with the highest overall total to be successful. If there is a tie the Panel to take account of any desirable criteria in the same manner as the essential criteria.

Panel members should compare their initial scores for each criterion and wherever possible aim to reach a consensus. Final scores should be recorded by the Chair on a separate assessment sheet, and signed by all Panel members. If it is not possible to reach a consensus the majority view will prevail. If the Panel is equally split, the view of the Chair will be the decisive one.

3.6.2 For some posts the subtlety of the selection methods used (notably occupational assessment) and the complexity of the role means that the above scoring system is too crude. The optional use of a revised scoring system is included in the toolkit. If the alternative system is used this must be decided at the outset of selection and consistently applied.

3.7 Reserve List

3.7.1 Reserve lists may be held after interview when everyone on the list has been through the recruitment process. General reserve lists for unspecified work areas are not permitted as they restrict opportunities, candidates who may apply for a specific post

being unaware of the vacancy. Candidates who meet all essential criteria but were not appointed on the specific occasion may be contacted and asked if they wish to be held in reserve for further consideration.

3.7.2 Reserve lists for like posts may be created if a vacancy is or vacancies are to be filled. The period people are to be held on the reserve list is a matter for local determination and justification. Appointments from a reserve list are made in the order in which candidates are placed on the list.

Note: Placement on a reserve list will not constitute a job offer.

3.8 Other Employment Checks

3.8.1 Provisional offers of appointment after interview must:-

- Take proper account of the Council's policy on remuneration and rules on salaries which may be offered (see the Business Manager's Guide to Remuneration).
- Clearly state any conditions that apply, for example, subject to medical clearance.

Before any decision is taken on appointment, or written confirmation is sent, the responses to all employment checks listed below must be cleared by the Panel Members or Chair.

In addition to the checks noted below, Executive Members must be given the opportunity to raise any well founded and material objection to appointments at Deputy Chief Officer¹ level and above, prior to an offer being made. Advice must be sought from your Departmental HR Manager on the process to be followed in these instances.

¹(Deputy Chief Officer for this purpose is defined as those who are directly accountable (for the majority) of duties to one or more Chief Officers. This excludes posts that are solely secretarial, clerical or otherwise in the nature of support services.)

3.8.2 References

References may be sought prior to interviews but should not be considered until after all the interviews have taken place. (For residential childcare posts references must be taken up before interview) The information contained in the reference is considered at the point of deciding whether to confirm that offer.

At least 2 satisfactory references are required and generally sought from the appointee's current or most recent employer (or educational establishment). Managers should, however, seek references from the most appropriate sources having considered the information supplied by the applicant on his/her application form and/or at interview. There is no obligation on managers to seek references

solely from those names put forward by the applicant but good practice demands that candidates are informed if other referees are contacted.

References may be taken up via the telephone so long as they are confirmed in writing before a decision as to whether to confirm the appointment is made.

3.8.3 Medical requirements

All appointees both internal and external must be medically fit to undertake the duties of the post. Most applicants will need to complete a medical questionnaire from which the Occupational Health Service will decide whether a medical examination is required. For some internal appointments where the new post represents fundamentally similar work a questionnaire is not required. The nature of some posts will carry other special medical requirements, determined by the OHS, such as chest x-rays. A decision to reject on medical grounds is taken by the Panel Chair on the basis of all the information available.

3.8.4 Evidence of Qualification

Where a job requires that the postholder has a particular qualification it is essential that the original certificate is seen and confirmed by the recruiting manager/Staffing Officer. A copy of the certificate should be retained on the appointee's personnel file signed as being seen and being satisfactory.

3.8.5 Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 seeks to ensure that if a person has made a genuine effort to rehabilitate into society after a conviction, provided s/he doesn't commit a further offence during the rehabilitation period, the conviction may be treated as 'wiped off the slate.'

All appointable applicants must be asked to declare any criminal convictions that are not spent under the terms of the Rehabilitation of Offenders Act.

The Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 exempts certain posts, offices and employment from the provisions of the Act i.e. convictions must always be declared and may never be considered spent. In a local authority these posts include employment connection with:-

- social services; where the person has access to people over 65 years or those suffering a serious physical or mental illness or who has a disability.

- people less than 18 years of age; providing accommodation, care, leisure & recreational facilities, schooling, social services, supervision or training.

Applicants for posts should be advised that failure to declare any type of conviction for whatever reason might result in withdrawal of the offer of employment or termination of employment. Business Units should draw up a list of all posts that are exempt from the provisions of the Rehabilitation of Offenders Act (e.g. Social Workers) and ensure the Department's Scheme of Delegation identifies who considers any convictions declared (e.g. Head of Service).

Where a conviction is declared the Panel chair must refer to their Departmental HR Manager. The presence of a declared criminal conviction will not necessarily bar the person from employment. Each case will be considered on its merits following the guidance contained in the Council policy; "Recruitment of Ex-Offenders" shown in the toolkit that follows.

3.8.6 Criminal Records Bureau Disclosures (Police Checks)

Each department will have a list of posts that require a CRB disclosure. There are three levels of disclosure; enhanced, standard, basic (**basic checks will not be introduced until later this year**). Further guidance is provided in the toolkit to assist departments in deciding whether a post qualifies for a disclosure.

Where a conviction is disclosed through this process, the Panel chair must refer to their Departmental HR Manager as 3.8.5 above.

Information received from the CRB is sensitive and personal. A Code of Practice on the handling of CRB information has therefore been drawn up and is shown in the toolkit that follows. It should be noted that the code is compulsory and a condition of the Council's continuing registration with the CRB.

3.8.7 Government Checks

From operation of the CRB, both Department of Health checks and Department of Education checks will be included in the CRB disclosure process and separate applications are no longer required.

3.9 **Restriction on Employment Through Citizenship**

- 3.9.1 Employers have a statutory responsibility to ensure that any prospective employee to whom they are about to offer employment meets the statutory requirements for employment in the UK. The potential of restriction on employment must not in any

way affect his/her selection at shortlisting or interview stages but must be followed up by the manager if an offer of appointment is to be made.

- 3.9.2 There are no restrictions to the employment of nationals and their dependants from countries who are members of the European Economic Area/European Union. For nationals of other countries, there may still not be a restriction to employment if they have a) settled status or b) where they have leave to enter or remain in the UK without any employment prohibitions or restrictions. The absence of restrictions, however, can only be confirmed through access to an individual's passport or other document.
- 3.9.3 Where an applicant does require a work permit this will be issued by the Department of Education and Employment and this has to be obtained by the prospective employer for a named overseas worker before the worker enters the country.
- 3.9.4 Where a person has been awarded a work permit for a specific post and s/he is seeking to change employment the work permit can only be revised for the new position with the permission of the Department of Education and Employment.
- 3.9.5 The Act makes it a criminal offence for an employer to employ a person with no immigration entitlement to work in the UK. Under the Act, however, employers' will have a statutory defence if they can show that they have seen one of a list of documents defined in an Order by the Secretary of State, retained that document or made a copy or record of it. The offence cannot be committed in respect of any employee who started work before 27 January 1997 and no checks on these staff should be made, e.g. on changing jobs within the Council.
- 3.9.6 Before a prospective employee can be offered a post with the Council, the recruiting manager must ask for one of the documents listed below, make a judgement whether a document produced appears to relate to that person and either retain it or make a copy or record of it and keep that.
- A document issued by a previous employer, the Inland Revenue, the Benefits Agency, the Contributions Agency or the Employment Service that states the national Insurance number of the person named. This could be a P45, a pay slip, a P60, a NINO card or a letter issued by one of the government bodies concerned. (A document showing a temporary NI number would not be satisfactory).
 - 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 UK. (An old British Visitor's passport is not satisfactory).

- A passport containing a Certificate of Entitlement issued by or on behalf of the UK Government certifying that the holder has the right of abode in the UK.
- A certificate of registration or naturalisation as a British citizen.
- A birth certificate issued in the UK or the Republic of Ireland.
- A passport or a national identity card issued by a State which is a party to the European Economic Area Agreement and which describes the holder as a national of that State.
- A passport or other travel document endorsed to show that the person named is exempt from immigration control, has indefinite leave to enter, or remain in, the UK or has no time limit on his or her stay; or a letter issued by the Home Office confirming that the person named has such status.
- A passport or other travel document endorsed to show that the person named has current leave to enter or remain in the UK and is not precluded from taking the employment in question; or a letter issued by the Home Office confirming that this is the case.
- A UK residence permit issued to a national of a State that is a party to the European Economic Area Agreement.
- A passport or other travel document endorsed to show that the holder has a current right of residence in the UK as the family member of a named national of a State which is a party to the European Economic Area Agreement and who is resident in the UK.
- A letter issued by the Immigration and Nationality Directorate of the Home Office indicating that the person named in the letter is a British citizen or has permission to take employment.
- A work permit or other approval to take employment issued by the Department for Education and Employment.
- A passport describing the holder as a citizen of British Dependent Territories and which indicates that the status derives from a connection with Gibraltar.

All applicants should be asked for the same type of documentation wherever possible to avoid potential claims of discrimination.

3.9.7 If the document includes a photograph it should be obvious that it relates to the person who has produced it. The recruiting/ business managers will have to consider whether the information in a document that contains no photograph “rings true” with other available information about the applicant. If there appears to be any inconsistency the manager will need to ask for an explanation and consider the response. The manager will not need to check that the document is authentic or had not been tampered with.

3.10 Declarations & Seeking Support for Appointment

No candidate related to a Councillor or an officer will be appointed without the Chief Officer's agreement (or agreement of a postholder nominated by the Chief Officer).

The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. This does not prevent a Councillor from giving a reference for a candidate to submit with their application.

3.11 Feedback to Candidates

Business units may choose to advise job applicants that if they have not been contacted by a defined date that the applicant must assume that they have not been shortlisted. The decision on whether to adopt this approach, rather than contacting all candidates with the outcome of the shortlisting, will need to take account of the image it presents of the Council but may be appropriate where large numbers of applications are anticipated.

All candidates unsuccessful after interview must be informed in writing of the Panel's decision. For internal candidates this must include an offer of a discussion with the Panel Chair, or nominee, to explain the reasons for rejection. If the candidate does not take up this offer of a discussion within two weeks of rejection, no further appeal (i.e. staff complaints) will be entertained.

Good practice requires Panel chairs or nominees to respond to enquiries from unsuccessful external candidates on the reason for their rejection, though this is not compulsory.

All candidates must be offered written feedback concerning occupational assessment results and an opportunity for a supplementary telephone or face-to-face discussion with assessors, if necessary. Supplementary feedback arising from more complex assessments is *recommended* for internal candidates.

3.12 Complaints

Internal applicants may register a staff complaint against the recruitment process. Where a complaint relates to the reason for rejection, after interview, the employee needs to have taken up the offer of a discussion after interview within the time-scale before the Complaint can be pursued. In these circumstances the recruiting department hears the Complaint.

There is no mechanism to hear complaints from external applicants. Potentially, however, a candidate may make an application to an Employment Tribunal that

selection was unfair and was discriminatory on the basis of gender, race, disability or trade union membership. In these circumstances advice should be gained from appropriate **HR** staff.

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Section 4 Appointment to Work

4.1 Contract of Employment

4.1.1 Business unit staff must issue each person, whose employment continues for a month or more, a contract of employment. Further guidance on the contract and related issues of remuneration can be found in the Business Managers' Guides to Contracts of Employment and Remuneration. Legally the contract must be issued within 2 months from the date employment began but it is good practice to issue a contract prior to commencement, or if necessary on the date work begins. Where an eligible employee leaves before the expiry of the two-month period, the employer is still bound to issue a contract of employment.

4.1.2 The Council's standard "contract of employment" provides a framework for the information to be included and has been written in the context of employment legislation and condition of service information.

4.2 Induction Workplanning & Training

4.2.1 Induction can be seen as the last stage of the recruitment process ensuring the new recruit becomes an effective employee as soon as possible. This will include occasions where staff are appointed internally although such programmes will clearly be more restricted in scope.

Detailed guidance on managing Induction is provided in a separate topic of the Managing People section. This includes -

- Advice on preparing a structured induction programme
- Checklists of essential information to be given to the new employee
- Advice on preparing a workplan and learning and development plan as part of the Council's performance management scheme for staff.
- Advice where either the conduct or performance of a new employee requires that formal disciplinary or capability action is pursued.

Recruitment Tools

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Southwark Council's Equality and Diversity Policy Statement

Southwark believes that the diversity of our local population is one of our greatest strengths. We believe that equality of opportunity and freedom from discrimination is a fundamental and basic right and that the Council has a duty to exercise leadership to promote this right. We will therefore promote services, policies, actions and change that will make a real difference.

In support of the above the council will:

- Develop and promote strategies and programmes aimed at the creation of equality of opportunity and promotion of social inclusion;
- Challenge all forms of harassment and unlawful discrimination;
- Act to redress inequality wherever possible;
- Involve all parts of the community in its decision making;
- Work alongside local partners, contractors and all sections of the community to develop and implement initiatives aimed at promoting well being and improving prosperity for the whole community;
- In context of existing legislation choose partners, give grants or place contracts with other organisations or businesses that are also committed to equality and diversity;
- Provide training, development and support to our Members, managers, staff, contractors and partners to enable them to exercise leadership and to deliver these objectives.
- Develop and implement policies and procedures to ensure that all employees and job applicants receive fair and equal treatment.

This commitment will be regularly reviewed, monitored and evaluated, through community consultation and involvement wherever possible, to ensure and demonstrate continuous progress.



Positive Action

Genuine Occupational Requirements

There are some specific examples under current employment legislation where an employer can claim a genuine occupational requirement (GOR) to limit recruitment to people of a particular gender, racial group, sexual orientation or religion / faith. For Council staff a genuine occupational qualification is most likely to be possible where the job involves providing a personal service to a specific group, and those services can most effectively be provided by a person of that same group. It is essential that the post is clearly shown as a "GOR" at the point of advertising.

Please seek the advice of your local Human Resources Manager before classifying a post as a "GOR".

Positive Action

Section 38 of the Race Relations Act and section 48 of the Sex Discrimination Act enable an employer to encourage people from a particular racial group or gender to apply for the advertised post, where people of that gender or ethnic group are under represented, where one of the following conditions was satisfied at any time within the preceding 12 months,

- a) where there were no persons of the racial group in question among those doing work at that establishment; or
- b) the proportion of persons of that group amongst those doing that work at that establishment is small, in comparison with the proportion of persons of that group among the members of the organisation.

Both the Race Relations Act & Sex Discrimination Acts allows an employer to discriminate positively in favour of a gender or racial group in relation to specific training opportunities where members of that group are under represented as described in b) above. Frequently this is access training that aims to assist people who missed the opportunity to gain specific academic qualifications. Training would not, however, guarantee a specific job or post.



Recruitment Planner

The following sets out the key stages in recruitment as an aid in planning out the process. Use of the Planner is optional.

Area	Key Dates / Milestones	Who
Consider need to fill vacancy and arrangements for cover.		
Identify participants in recruitment process; e.g. Learning & Development etc.		
Look at job documentation and consider qualities that applicants need to demonstrate.		
Consider selection criteria. How will this be tested, who will be involved		
Draw up & agree proposed timetable with key participants.		
Prepare advertisement or other communication message (posters, Internet notice etc.), and job pack. Set up arrangements to deal with responses.		
Place advertisement via Scott Edgar, or pursue other communication message.		
Communicate with applicants (via sending forms, etc.)		
Closing date of advertisement, etc.		
Complete initial selection process (this will normally be)		
Contact selected applicants		
Complete further selection (interviews, occupational assessment, etc.)		
Recommendations for appointment, pending further checks. Contact applicants		
Pursue further checks; unspent convictions, appropriate level of CRB check (if applicable), references, medicals Etc.		
Review appointment decision on basis of checks		
Make offer to selected candidates		
Arrange first day of service & establish induction arrangements		

Use of the Council's Call Centre



Law and Administration's Call Centre can provide a 24 hour recruitment service using voicemail and also, if required and by agreement, a live service between 9am and 5pm.

The Call Centre will record callers' information (name, address, date and time of request) and send out application packs. A list of all applicants' names and addresses will be sent to the client at the end of the process.

All the client would need to do would be to send the Call Centre the Job Description, Person Specification and covering letter and the Call Centre will append any documents required at a corporate level.

The charge per pack will include all photocopying, stationery etc, first class postage and lists of applicants' names, addresses and date of receipt of request and date of despatch of pack.

Clients would receive a single invoice after despatch of the final list payable through SAP.

Application Forms & CVs



All applicants must be asked to complete the Council's application form as part of the recruitment process. Normally, the form will be used as the initial basis of selection.

Consideration should, however, be given to tailoring application forms to gain specific information from a candidate or in particular circumstances to accept CVs as an initial contact. A series of template application forms for use by managers will be placed on the Council's internal Exchange for this purpose and so that minimum standards in information collection are retained.

The use of tailored forms was amongst the recommendations of the Warner committee on the recruitment of staff in children's residential unit. The principles can be applied elsewhere. "Tailored" forms could, for example, ask that candidates attach a programme of continuing professional development, prepare a project plan, ask questions related to the specification, etc. For some posts the information requested on the standard form may be reduced, e.g. for a Cleaner "Educational / Technical/ Professional Qualifications" are irrelevant & removal of this section may make the form less daunting.

While CVs are only appropriate for certain types of jobs or situations they should not be disregarded. For some employment their submission is the normal initial contact with organisations. For example, graduates looking at a range of jobs may more readily apply to Southwark if submissions of CVs were requested (posts such as Valuers look to graduate for a source of applicants). Where used, applicants either at shortlisting or appointment stage should be asked to complete the basic personal information contained on an application form as a signed declaration by the applicant.



Conventional Advertising

In the UK many jobs continue to be filled by word of mouth. The most popular structured method of publicising vacancies is, however, conventional advertising. Conventional advertising means placing publicity material in the printed media - national and local newspapers and specialist professional publications.

Advantages

Advertisers can typically be confident of precise targeting and quality of information. The circulation and readership of many publications is assessed independently. This gives a good guide to the likely size and make-up of readership.

There is also significant choice in an established and competitive market. The Council's managers and staffing officers have access to professional advice on selecting the right advertising media through Scott Edgar (the Council's advertising agency). It also holds other resources such as BRAD, a detailed monthly guide to media selection with a range of audited details on readership profile, costs and contacts.

Potential job applicants will usually be familiar and comfortable with conventional advertising. People seeking employment are likely to go first to established advertising locations when looking for information on vacancies.

Disadvantages

Although rival publications compete on price for advertising revenue, there is still a significant cost attached to publicising job vacancies. As a general guide, costs will vary from a full page in the *Guardian* at £15,000 (standard rates); to a page in the *Evening Standard* at around £10,000; to a quarter page in a professional publication/ the *South London Press* at £300-£500.

Conventional advertising may also mean that the Council continues to miss certain groups - perhaps from other sectors of the economy or people who are not actively seeking alternative work.

Checklist for Advertising

1. Complete job analysis and agree key criteria for inclusion in the advertisement, (through reviews of job description, person specification and competencies).
2. Agree on the essential aim(s) of advertising; e.g. to attract large numbers of candidates, to reach people with specialist and rare skills, etc.
3. Consider whether any positive action is appropriate, seek advice from PMS staff where pursued.
4. Consider the primary messages to be contained in the advertisement ensuring details are truthful and accurate (e.g. salary levels). Decide whether [Bartlett](#) Scott Edgar should be commissioned to assist in designing the advertisement or preparing the copy (an additional charge for this service will be levied by [Bartlett](#) Scott Edgar)

5. Decide whether to advertise internally only. If so, this must be marked in the Internal Staff Vacancy Bulletin as open only to internal applicants. Note, all advertisements automatically appear in the Internal Vacancy Bulletin following despatch to [Bartlett](#) Scott Edgar.
6. Where posts are advertised externally, consider appropriate media taking account of; previous recruitment, target audience, cost, publication dates. Seek advice from [Bartlett](#) Scott Edgar Advertising Agency where appropriate.
7. Decide on the following and provide relevant information in the advertisement:
- administrative arrangements to handle enquiries;
 - target closing dates;
 - appropriate and realistic timescales for shortlisting and interviewing;
 - the details to be sent to applicants.
8. Prepare the advertisement with Scott Edgar when required.
9. Ensure the advertisement conforms with Council's house style, including:-
- the Council's logo,
 - the statement "Valuing People, Promoting Opportunity"
 - advice that job packs to be requested through telephone enquiries only.
- No other logos to be included** (such as IIP, ISO, etc)
10. All advertisements must be placed via the Council's Advertising Agency [Bartlett](#) Scott Edgar.
11. Effectiveness and cost of media to be assessed as part of the total monitoring of recruitment.

Executive Search and "Head-Hunting"

Executive search agencies maintain lists of people who approach them seeking employment. These lists commonly include the skills, career paths and career aspirations of applicants. Employers can then approach the agency when they need to fill a post. The agency carries out an initial search from its list and then presents the employer with a number of candidates who are potentially suitable. Executive search, therefore, is a mutual process within which applicants have actively presented themselves for consideration.

Head-hunting is a more aggressive recruitment strategy. It means engaging an agency to approach possible candidates for vacancies - many of whom may not have considered making an application. Head-hunting is strongly associated with the most senior and critical appointments and would be done in conjunction with recruitment advertising.

Departmental HR staff hold an approved list of agencies offering these services.

Advantages

As a supplementary approach, head-hunting can help to broaden the pool of applicants by hitting people who might not normally apply.

The agencies that provide these services are often highly specialised and can provide precise and sophisticated targeting, a professional service and a positive image of the employer.

The pre-screening work done by the agencies reduces the administrative demands on the employer - although this needs to be offset against the significant cost of the search process.

Disadvantages

These methods are expensive and can only be used sparingly.

An agency will need quite detailed information on the type of employee required - this facilitates careful thinking but does require a commitment of time from the potential employer.

Given the high cost and the availability of a range of other effective methods, executive search will only be appropriate for a narrow range of posts.



Links with Educational Establishments

Local authorities offer a far greater breadth of jobs than most employers do with a heavy investment in training and recruitment. Southwark does, however, have an ageing workforce with a low percentage of staff under 25, which may suggest local authority employment is not the first choice of those leaving education.

For both general posts and graduates in specific fields, universities/ colleges offer a large population of potential applicants. Recruitment in this area needs to be planned over an longer timescale to ensure that the best graduates are recruited in advance of other employers and in prior to course completion. As well as building links with local educational establishments, managers are encouraged to consider:-

- specific marketing of their opportunities, and
- where resources are scarce, either an open-ended advertisement or an extended closing date.

Advantages

Captures a market often ignored by the Council.

Attract people with recent training and new ideas.

Disadvantages

Requires careful planning to ensure best candidates are recruited and more input from the business unit than conventional advertising alone.



Non-standard advertising

While advertising in the printed media is the norm, there is a range of alternative options including poster advertising in public places (church halls, schools, supermarkets) and placing vacancies with job centres.

Advantages

Informal advertising methods can be much less expensive than conventional advertising.

They can also attract candidates that the organisation would normally miss. This may be particularly true of occasions when the Council needs to recruit; for example, to lower paid direct service posts. The salary and hours of work for the job might mean that it would be likely to suit someone living very close to the place of work (i.e. to avoid travelling expenses). In such a case, it might be that local advertising in church halls is ideal.

Using job centres also has advantages in terms of initial screening and a reduced administrative burden.

Disadvantages

Unconventional advertising may be perceived as informal and may also not present an ideal corporate image of the Council.

It is only suitable for a small range of posts and, in practical terms, can only be applied over a small geographical area.

The method is not currently widely used and its effectiveness may be patchy.

The job centre pool of applicants is likely to be restricted to people who are not currently working. For many posts a wider pool of applicants is desirable.



Open days and job fairs

An open day is an event where an employer provides information about itself to a range of potential applicants. The information given may take the form of presentations, one-to-one advice, brochures and other documents. An open day could have an exclusive recruitment aim - or recruitment could form part of a broader approach.

Job fairs are typically events that involve a large group of employers - often in the same field or profession.

Advantages

The "hands-on" approach involved in a people event like a job fair provides for uniquely direct contact.

Job fairs in particular are often a source of fresh ideas in a range of areas, including recruitment.

Events of this type are an opportunity to present the Council to a large audience.

Disadvantages

Some job fairs are seen by those who attend as opportunities to network rather than directly seek employment.

Such events require a major planning commitment and are expensive both in terms of time and money.

They are also probably only suitable where the employer is carrying out a major recruitment drive.

The Internet

The Internet is the largest electronic information and communication network in the world. It has a library function, allowing access through millions of personal computers to very diverse information websites or sites. Users can also exchange messages, hold virtual conferences and provide information to participants all over the world.

Advantages

Advertising on the Internet is relatively inexpensive. At the time of writing all Southwark vacancies that appear in the Internal vacancy Bulletin are simultaneously appearing on the website www.Jobsqopublic.com, on a trial basis. If this proves to be successful, the future cost to business units is likely to an abatement of less than 2% to advertising discounts.

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Internet advertisements do not appear for one day only - as is the case with most printed media. On the Jobsqopublic website posts appear up to the closing date. At a cost, it would be possible to hold a post on the website permanently, e.g. for hard to fill posts.

More advanced websites allow direct access to detailed job information - an important tool in encouraging appropriate self-selection. There is also the potential for candidates to email a CV or even an application form.

A well-managed site presents a modern and positive recruitment context.

Industry-specific sites can help to attract from a targeted group. Certain sectors (primarily in the information technology market) are comfortable with this mode of recruitment.

Increasing home computer sales and the advent of digital television are likely to increase the value of Internet advertising.

Disadvantages

Generally the Internet has no editorial control, posts on the Jobsqopublic website do however mirror the information printed in the Internal Vacancy Bulletin. Sites operate in competition with one another and recruitment, therefore, is uncoordinated among the thousands of sites.

Access to the Internet depends on personal access to a fast PC and modem.

A large proportion of job advertising is restricted to information technology recruitment. Southwark recently used "Monsterboard", a popular IT recruitment site, and obtained a poor response.

The Internet is not a "one hit" solution. Rather, it will remain at present a supplementary medium.

Further advice

Advice on industry specific websites can be gained from Scott Edgar advertising.



Internal appointment and promotion

One of the features of the Council's recruitment and selection practice is that it provides for managers to limit vacancies to internal applicants.

Advantages

Internal appointments allow the Council to extract full value in terms of the continuity, motivation and retention benefits of the approach.

The method is also likely to reduce the advertising and administrative costs associated with wider publicity.

Disadvantages

Over-use of internal advertising may mean that the Council misses out on the skills and ideas of other organisations.

It is essential to appoint on merit. This means that when managers advertise a post internally only, they need to have a realistic expectation of attracting a competitive pool of applicants.

Marking the Candidate at Shortlisting

The Council's standard method of marking candidates at shortlisting stage is shown in section 3 of the Council's Core Procedure.

The following alternative method is however proposed:-

- For some posts, particularly senior appointments, where it is possible at shortlisting stage to make a judgement on quality rather than simply noting that the candidates has / has not met the criterion in question.
- When occupational assessment or testing is used at shortlisting stage.
- When large numbers are expected at shortlisting stage and it is essential to make a judgement on how well an individual has met the criteria in order to de-select and create a manageable shortlist.

First the Panel will consider the essential criteria and apply a 0-1-2 system, i.e.

- 0 - the candidate fails to meet the criterion
- 1 - the candidate meets the criterion satisfactorily
- 2 - the candidate meets the criterion above the essential standard.

Candidates scoring a "0" against one or more criterion to be eliminated. Following this, scoring against all essential criteria to be totalled. The candidate with the highest overall total to be successful.

If there is a tie the Panel to take account of any desirable criteria in the same manner as the essential criteria.

Preparing for the Interview

It is essential that Panel members for shortlisting and interviews receive equal opportunities training within Southwark - this may be a half-day briefing for those with previous recruitment experience.

The time allotted to each candidate for an interview may vary according to the nature of the job, but should be consistent for all candidates for the same job.

All questions should relate to the criteria of the job. An interview may not be able to assess all areas of a person specification.

Pre-determined core areas should be asked of all candidates, these should be recorded together with an indication to which areas of the person specification they assess. Follow up questions should be used to maximise the input of individuals; these will vary according to the answers presented by the candidate. **It is not necessary to ask all candidates exactly the same questions – this is unlikely to gain the best from all the candidates.**

It is essential that prior to the interview the role of each Panel member is agreed and there is clarity on who will ask which questions. There also needs to be agreement, prior to the first interview, on what arrangements will be pursued to inform applicants on the outcome of their interview and advise of conditions of service matters.

Panel members will normally be the same for shortlisting and interviews. It is good practice, however, that either Panel members receive interview papers in advance or that sufficient time is built into the time-table to allow participants to familiarise themselves with the papers.

Each Panel member should take sufficient notes of the interview to allow him/her to **accurately** recall a candidate's response to the question.

Interview assessment forms for all candidates are completed by each Panel member individually at the close of the final interview.

Marking the Candidate at Interview

Recruitment represents a significant investment in time and money. It is important, therefore that the information gained at recruitment is not wasted but used as background information when the new recruit commences work e.g. using the strengths of those people appointed and overcoming areas of weakness. Managers may decide at the outset of the selection process to replace the 0/1/2 marking system with 1-5. The key is that this is used consistently and in an informative way. In this system people would be marked against the following:-

- 5** Excellent. Very strong performance
- 4** Above Average. An area of some strength
- 3** Competent. Acceptable level of performance
- 2** Below Average
- 1** Poor performance

Scores of 3 or above indicate that the candidate has successfully met or exceeded the criterion measured. **For appointment, candidates must meet 3 on all essential criteria.** Beyond that managers have the freedom to adapt the scoring system to meet the particular needs of the posts. The processes to be followed must, however, be determined & recorded prior to the selection processes taken place and be clearly justified.

To illustrate we can look at the following example: -

Person Specification Criteria	Candidates	
	Ms. S. Mutanda	Ms. R. Weber
Knowledge of ... legislation (E)	<i>3</i>	<i>4</i>
Experience of working in a ...(E)	<i>3</i>	<i>4</i>
Influencing & Negotiating	<i>5</i>	<i>4</i>
Oral Communication	<i>5</i>	<i>4</i>
Written Communication	<i>4</i>	<i>4</i>
Analysis	<i>5</i>	<i>4</i>
Decision Making	<i>4</i>	<i>4</i>
SUM OF RATINGS	<i>29</i>	<i>28</i>

The outcomes of the selection may be as follows: -

- a) There is little scope for training & development to meet either essential criterion; therefore selection should be based on the person who attains the highest score on these elements. In this case Ms Weber would be offered a provisional offer.
- b) As long as 3 is reached against essential criteria, the candidate with the highest overall score should be appointed. In this case Ms Mutanda would be offered a provisional offer.

In either case the information gained from the recruitment process provides a sound base for a future training and development programme and the application of performance management.

Drawing Up a List of Posts Requiring a *CRB Disclosure* (Police check)

Each departmental HR team holds a list of posts in their area of service that require a CRB disclosure. Applicants must be advised that a disclosure will be made and the type of disclosure (i.e. enhanced, standard, basic). This information is normally shown on the person specification under "Special Conditions of Service" The following is for guidance only.

Checks will be made with the Metropolitan Police into the background of applicants when the prospective employee is applying for work which will give them **substantial unsupervised access, on a sustained or regular basis**, to

- children under the age of sixteen, or
- children under the age of 18 who have special needs, or
- children under the age of 18 who are looked after by the local authority (for residential care staff only)

The following should generally be considered together, though there will be individual circumstances where one factor alone would be enough to justify a check. ***Checks may also be made where an employee has access to other vulnerable people, e.g. the dependent elderly. Reference to child/ children may therefore be substituted in the checklist that follows.***

Does the position involve one-to-one contact?

Such contact is relevant, especially if it occurs on a regular basis, away from the child's home, or separate from other adults or children;

Is the position unsupervised?

Where no other responsible adult is likely to be present and the position involves appreciable periods of time with children, this should be taken into account.

Is the situation an isolated one?

There is greater vulnerability where a child is living away from home, e.g. in residential care, possibly for lengthy periods, and this may be enhanced the further the child is from the parental home or where parental visits are infrequent. A similar situation could arise where there is opportunity to take children singly, or in a group, away from the family surroundings (for example, on holiday).

Is there regular contact?

The more regular contact a person has with the same child, or group of children, the greater the opportunity to put the child at risk This is especially so if the contact is unsupervised, or occurs away from other children.

Are the children particularly vulnerable?

It may be considered that younger children are more vulnerable than older children are and generally less able to protect themselves, but the nature of the risk must also be considered. Younger children may be more at risk of sexual abuse, older children from drugs. More particularly, children with a physical or mental disability or those who have social or behavioural problems are likely to be more vulnerable than those who are without disability and/or who have a stable home background.

Policy on the Recruitment of Ex-Offenders

1. Application of the Policy

The policy applies to all services under the direct management of the Council. It is also recommended for adoption by educational establishments under LMS.

The principles that underpin this policy will form part of the specification of services where they are outsourced and management is undertaken by an external organisation.

In accordance with the Code of Practice issued by the Criminal Records Bureau, this policy shall be made available to applicants and staff who are subject to checks on criminal convictions or suitability for employment under the DoH & DfEE criteria.

2. General Principles in Employment

- 2.1 In accordance with the Local Government & Housing Act 1989, *"every appointment of a person to a paid office or employment...shall be on merit"*.

Those selecting must judge an individual's potential to work as an effective employee in a specific role, and take account of that person's history as far as it is relevant to employment. This will include any criminal convictions recorded against that person, which are not spent ⁽¹⁾. The fact that a person has a criminal record will not necessarily exclude employment, but it is one factor that must be taken into account.

⁽¹⁾ For some posts all convictions must be declared and considered regardless of when the sentence took place and the subsequent period of rehabilitation. This is explored further below.

- 2.2 The Council has a duty to the public to ensure that they can trust and have confidence in all its employees. This is particularly significant in services for children and vulnerable adults, whose circumstances mean that they are reliant on Council functions. Here special measures must always be pursued to ensure that people deemed unsuitable to work in these areas are not employed. While the employment of ex-offenders is not discounted there will be a lower level of tolerance to past convictions than in some other Council services, where a potential adverse impact on the public is less intense or may be more controlled.

3. Applications from Ex-Offenders

- 3.1 Research by NACRO in 1998 suggested that by the age of 40, 34% of males and 8% of females would have a standard conviction. In 1999 1.7 million offenders were found guilty or cautioned (*Home Office: Criminal Statistics for England & Wales 1999*). Convictions will vary from what are considered by society as minor offences to grave matters.
- 3.2 It is reasonable therefore to assume that amongst those applying for employment, some people will have a history of convictions. Those people -
- **must** declare the conviction if it is not "spent", under the Rehabilitation of Offenders Act 1974. (Also see Appendix 1)
 - **must** declare any conviction, including those that would normally be considered as spent, if they are applying for a post that is covered by the Rehabilitation of Offenders Act (Exceptions) (Amendments) Order. (Also see Appendix 1)
- 3.3 When appointment to a post is being considered, candidates will be asked to declare any convictions that are not spent under the terms of the Rehabilitation of Offenders

Act. Where a conviction is declared the Panel will need to consider this information in confirming appointment, as described in section 5 below.

Those people applying for posts covered by the RoOA (Exceptions) (Amendments) Order must be asked, post shortlisting, to confirm the existence of any convictions regardless of the period which has elapsed.

If at a later stage it is found that details have been falsified or omitted by a candidate/employee this will be considered a disciplinary matter, which may lead to the withdrawal of any offer or dismissal. Managers should seek advice from HR staff on such occasions.

4. Checks on Criminal Convictions

- 4.1 Alongside information given by the applicant, Recruiting Panels must undertake independent checks on a person's suitability for employment that includes whether that person has a criminal conviction. Checks must include -
- a) For all staff, reference requests should ask whether the referee knows of any criminal convictions that are not spent under the Rehabilitation of Offenders Act 1974. (Note where a referee provides information on spent convictions for applicants to these posts this information must be discounted).
 - b) For staff covered by the Rehabilitation of Offenders Act (Exceptions) (Amendments) Order, reference requests should ask whether the referee knows of any criminal convictions.
 - c) For staff recruited to specific work areas, Panels must seek a "disclosure" from the Criminal Records Bureau. Initially there will be two levels of disclosure -
 - Standard disclosure will be requested for positions that involve regular contact with children and vulnerable adults, or others covered by the Rehabilitation of Offenders Act (Exceptions) (Amendments) Order. The information gained will include details of all convictions, (including spent convictions), plus details of cautions, reprimands or warnings. Where the disclosure relates to posts involving regular contact with children and vulnerable adults, the information provided will include details currently held by the DfEE and DoH.
 - Enhanced disclosure will apply to posts involving greater contact with children or vulnerable adults (regular caring for, supervisory, training or sole charge) such as a Social Worker or Teachers. These checks will include an extra level of checking with the local police force.
 - d) In 2002 the Criminal Records Bureau will also provide "Basic disclosures". Basic disclosures will show convictions held at a national level which are not spent. An application can only be made by the individual. Each Department will hold a list of posts where basic disclosures are required and make this criterion clear on any job information sent to candidates.
 - e) Business units must draw up a list, in liaison with Departmental HR teams, of those posts where standard or enhanced disclosures or basic disclosures apply. Guidance notes for applicants to these posts must include a reference that checks will be carried out.

Where it has been determined that a disclosure is required, a satisfactory response must be received before appointment is confirmed. Where convictions or other findings (e.g. cautions) are reported recruitment decisions should be taken on an individual basis taking account of the following.

5. Employment of those with Convictions

- 5.1 Heads of Service, or Chief Officers, (as per the scheme of management), must take decisions on employment of people with convictions, in consultation with Departmental HR staff who will help ensure consistency of approach.
- 5.2 Where an employee declares a conviction, decisions on employment should be made on a case by case basis, following discussion with the person and taking account of-
- a. The post in question.
 - b. The severity and relevance of the offence.

For those convictions that are not spent under the Rehabilitation of Offenders Act, see Appendix 1, it would be exceptional for employment to be agreed. Such a decision may only be taken by a Chief Officer and the Head of Human Resources (or Head of Personnel), in response to a written case presented by the Recruitment Panel and using the criteria noted in paragraphs c-f below. This decision cannot be delegated.

In other circumstances employment may be considered as described in paragraph 5.1 above, again using the following criteria.

- c. When the offence was committed.
 - d. Frequency of offending. Was it a "one off"?
 - e. The age of the person when committing the above.
 - f. Whether there is a statutory ban on the basis of a person's past convictions (or misconduct) that will preclude employment in a given post/ field. Under the Education (Teachers) Regulations 1993¹, the Secretary of State through the *DfEE* can prohibit, or restrict the employment of teachers and others in the education field. People included on the Protection of Children Act List (DoH list) may not be employed in a child care post within a child care organisation. Such information received through disclosure would override any Council policy on convictions.
- (¹As amended)
- 5.3 When information on previous criminal convictions is not received from the employee but another source it will be necessary to -
- a. Consider whether the source is reliable, or may need further investigation - e.g. it would be unwise to rely solely on an unsubstantiated reference.
 - b. Meet with the person to discuss why the conviction was not declared.

When determining if an offer of appointment should be withdrawn, or disciplinary action taken where employment has commenced, a similar process to 5.2 above may be followed (i.e. would the offence had made the difference between appointment / not appointment). In addition, it would be reasonable to consider whether the deception by the person is so serious to destroy the implied term of confidence and trust between employer and employee.

6. Retention of records

- 6.1 The Council will abide by the Criminal Records Bureau guidance on the retention of records.

6.2 Council policy on the retention of related records is -

- That such information is by its nature sensitive and should be kept secure.
- Details should only be retained for as long as it is necessary.
- Access should be limited to those with a need to know.

A copy of the Council's Code of Practice on retaining Disclosure Information should be made available to those who wish to see it upon request.

7. Internal Employees

- 7.1 Applications for disclosure must be made when an employee moves from a post that is covered by the Rehabilitation of Offenders Order to an exempted post - this will include promotions, transfers, re-deployment, secondments etc. (Special contractual arrangements within Social Services apply that enable additional periodic checks to be undertaken).
- 7.2 Where an employee is found guilty of committing an offence during employment they must make this known to their manager. Further action will be dependent on the seriousness of the offence, the post (etc) and must be decided at Head of Service level, or above, in liaison with Departmental HR.
- 7.3 Where the Council discovers that an employee has an undeclared conviction the action to be taken will follow the process described in 5.1-2 above, also noting the employee's service record.

Rehabilitation of Offenders Act

The Act allows those who have been convicted of certain criminal offences and who have subsequently completed a period of rehabilitation without further conviction, to consider the conviction as "spent", i.e. as if it never occurred.

Any sentence **other than the following** is subject to rehabilitation under the Act -

- **Imprisonment for life**
- **Imprisonment, youth custody, detention in a young offender institution or corrective training for a term exceeding 30 months.**
- **Preventative detention.**
- **Detention during Her Majesty's pleasure for life under s.205 (2) or (3) of the Criminal Procedure (Scotland) Act 1975, or for a term exceeding 30 months passed under s.53 of the children & Young Persons Act 1933 (young offenders convicted of grave crimes) or under the Act of 1975 (detention of children convicted on indictment), or a corresponding court martial punishment.**
- **Custody for life.**

Rehabilitation periods for sentences that do not fall under the above list are-

	<i>Rehabilitation period</i>
¹ For a sentence ² of imprisonment, or youth custody or detention in a young offenders' institution, or corrective training for a term exceeding 6 months but not exceeding 30 months.	10 years
¹ For a sentence ² of imprisonment, or youth custody or detention in a young offenders' institution, or corrective training for a term not exceeding 6 months.	7 years
¹ For a sentence ² of imprisonment of 6 months or less.	7 years
For a sentence of borstal training (<i>unspecified</i>)	7 years
¹ For a fine or other sentence for which no other rehabilitation period is prescribed.	5 years
For an absolute discharge.	6 months
For a probation order, conditional discharge or bind over and for fit persons orders or care orders under the Children & Young Persons Act (and their equivalent in Scotland).	1 year or until the order expires whichever is longer.
For detention by direction of the Home Secretary; from 6 months to 2½ years. from 6 months or less	5 years 3 years
For a detention centre order not exceeding 6 months.	3 years.
For a remand home order, an approved schools order or an attendance centre order.	The period of the order and a further year after the order expires.
For a hospital order under the Mental Health Acts.	The period of the order plus either a further 2 years after the order expires or 5 years from the date of conviction - whichever is longer

¹ The rehabilitation periods are halved for people who were less than 18 when they were convicted.

² It is immaterial when calculating the rehabilitation period whether a sentence is suspended or not

In addition particular offences in the armed forces will carry their own rehabilitation period. All rehabilitation periods will be extended if the conviction itself imposes a longer timescale - e.g. someone fined for dangerous driving & banned for 10 year will carry a 10-year rehabilitation period. Subsequent offences may effect a rehabilitation period.

Rehabilitation of Offenders Act (Exceptions) (Amendments) Order.

Certain offices, employment, and occupations are exempt from the Rehabilitation of Offenders Act. Applicants must declare all convictions including those that would normally be considered as spent.

The exemptions fall into 3 main categories: professions, offices & employment & Regulated Occupations.

Professions

This relates to chartered/ certified accountants, doctors, barristers (etc). But is concerned with admission to the professions not to applicants for posts as practitioners of the professional occupations.

Offices & Employment (1)

Of relevance to the Council are the following provisions, (other jobs are exempted e.g. Traffic Wardens but are not relevant for Southwark)

1) An employment by a local authority in connection with the provisions of social services, which enables the holder to have access to any of the following class of person in the course of normal duties, namely those who are:

- persons over the age of 65
- persons suffering from a serious illness or mental disorder of any description
- persons addicted to alcohol or drugs
- persons who are blind, deaf or without speech
- other persons who are substantially and permanently disabled by illness injury or congenital deformity.

2) Jobs involving contact with children

- Work in a regulated position (as defined in the Criminal Justice & Court Service Act 2000)²
- Work in a further education institution where the normal duties of that work involve regular contact with persons aged under 18

¹ As amended by the Rehabilitation of Offenders Act 1974 (exceptions)(Amendments) Order 2001

² Broadly, there are 7 definitions of regulated positions. All but one definition (number 6) are limited to normal duties. Where the definitions refer to children this means persons under the age of 18.

1. Any staff whose normal duties involve carrying out work of any sort in certain types of establishments. (For local authorities this includes care/residential homes mainly for children, educational institutions, a home provided under s82(5) of the Children's Act 1989)

2. A position whose duties include work on day care premises (i.e. premises on which children under 8 are looked after for at least 2 hours per day).

3. A position whose normal duties include caring for, training supervising or being in sole charge of children.

4. A position whose normal duties involve unsupervised contact with children under arrangements made by a responsible person (i.e. responsible person may be the parent).

5. A position whose normal duties include caring for children under the age of 16 in the course of children's employment

6. Those with privileged access to children, a school governor, a local authority Member who discharges education or social services functions of a local authority, a chief education officer, a director of social services.

7. A person whose normal duties include supervising or managing an individual in their work in a regulated position.

Regulated Occupations

These have no relevance for employees of the Council.

Retention of Disclosure Information from the Criminal Records Bureau

The Criminal Records Bureau will only disclose information (about criminal convictions and other matters that may affect a person's employment) to organisations that have Registered Body Status. To gain registration it is essential to hold and maintain a code of practice on the retention of disclosure information. This may be audited and the CRB can withdraw registration status if not followed.

Basic Principles

The information disclosed by the Bureau is sensitive and personal. The Council will treat such information with care and responsibility, ensuring that -

- Disclosure information is not passed to persons not authorised to receive it.
- Disclosure information is available only to those who need to have access in the course of their duties. Each department must retain a record of those given access to the information disclosed.
- Disclosure information is stored separately and securely in a lockable cabinet.
- Disclosure information is only used for the specific purpose for which it was requested and for which the applicants full consent has been given.
- Neither disclosures, nor a record of the information they contain, are kept longer than required for the particular purpose. In general, this should be no later than six months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the disclosure has been resolved. This period should be exceeded only in very exceptional circumstances that justify retention for a longer period.

Process

Each Departmental HR Manager will set up a system appropriate for their areas of service based on the following minimum standards.

- The departmental HR service will maintain a list of posts that will have access to disclosure information as part of their duties.
- Each department will nominate registered persons, i.e. those people who are eligible to sign disclosure request forms and receive responses from the CRB.
- Each registered person will hold a file of responses and inform the Business Manager / Staffing section of the date & reference number of satisfactory disclosures received. In no circumstances will the disclosure itself be added to an employee's personal file.
- The record on the personal file must be limited to; the full name of the person subject to disclosure, the date and type of disclosure (basic, standard or enhanced), the post in question, the unique reference number issued by the Bureau and the recruitment decision taken.
- Where the content of the disclosure leads to a decision not appoint (or disciplinary action) the information used in the decision making process and not the disclosure itself will be held on an applicant/ employee's file.
- The file of disclosures will be retained in date order and apart from exceptional circumstances removed within 7 months from the date of its receipt, i.e. this assumes that

any recruitment decisions/ disputes are resolved within a month and information is retained for a maximum of a further 6 months. Disclosures must be destroyed by suitably secure means, i.e. shredding, and not general waste

Relocation and Removal Expenses Scheme - Management Guidelines

Conditions of the Scheme

The Councils scheme allows payment of relocation and settlement expenses and / or removal expenses for key posts designated as "hard to fill", where a proven shortage exists for the specific occupation.

In the majority of cases it will be sufficient to consider reasonable removal expenses only. The provision of relocation and settlement expenses should only apply to posts that are particularly difficult to fill, and offered in exceptional circumstances where this is essential to secure the acceptance of the chosen candidate.

It is the responsibility of each departmental Chief Officer to determine whether the post is eligible and when the scheme should apply. This should normally be considered at the commencement of the recruitment process using informed judgement of the recruitment market. The resulting costs must be contained within business unit / departmental budgets.

Financial assistance with the costs of relocation may only be considered where the new employee has to move home to take up the job with the Council. The new home must become the employee's main residence. This home must also be within reasonable daily travelling distance of the new workplace, whereas the existing home is not. The Chief Officer will take account of the merits of each case (i.e. method of transport, journey time) to determine whether a reasonable travelling distance is proposed.

The employee must sign an undertaking to give at least 24 months service to the Council, failing which they become liable to repay the sum granted on a pro-rata basis.

The maximum sum that may be granted in respect of relocation and removal expenses is £8,000, any amount above this does not have exemption from tax and national insurance contributions. Only actual costs may be reimbursed and payment is subject to provision of receipts.

The sum paid by the Council can only be used for specific purposes, the employee can not use the money as they wish. The costs associated with moving home (including legal and professional fees), actual removal costs, settling-in allowance, rent and travel assistance are covered, but the total award must not exceed the £8,000 maximum.

The Inland Revenue requires that the expenses must be incurred, or the benefits provided, before the end of the tax year following the one in which the new employee commences work

Relocation

As indicated above, relocation and rent / travel expenses are targeted at the individual and may only be considered for specific posts which are very difficult to fill. There is a clear definition of the limitations on the costs that are covered. The expenses and benefits that may qualify for tax and NI exemption are:

Costs of disposing of the existing home such as legal fees, estate agents fees, disconnecting supplies (i.e. gas, electricity) and any loan redemption costs

The costs of acquiring a new home including solicitors fees, loan arrangement costs, structural surveys, Stamp Duty and Land Registry fees, and connection fees for domestic services

Costs of moving household furniture and effects such as packing and removing, temporary storage, and related insurance cover

Travel and subsistence costs for visiting the new location and family home, and for temporary accommodation

The costs of replacing domestic goods such as carpets, curtains and cookers, but only where the items used in the old home are unsuitable for re-installation or re-fitting

Interest payments on bridging loans.

It is important to note that other benefits and expenses such as mortgage subsidies, assistance with Council Tax bills, or compensation for losses (fall in house price, unused season ticket) do not qualify for exemption and are subject to full tax and national insurance contributions.

Settling In Allowance – The total relocation package may include a contribution towards the necessary costs of replacing domestic goods such as carpets, curtains, and household appliances (i.e. cooker) when moving into the new home. This must only apply to items used in the old home that are unsuitable for installation in the new home.

The maximum amount that may be claimed as a “settling in allowance” is £1,500. Only actual costs are re-imbursed and payment is subject to the provision of receipts.

Rent and Travel Expenses

Chief Officers may approve payment of up to £500 per month as a contribution towards rent or lodging for temporary accommodation whilst a new home is being obtained. This is not intended to cover the entire cost of renting accommodation but serve as an acknowledgement of the increased costs of living within the London area. The employee may receive this payment for a maximum of six months, subject to the continued provision of receipts.

At the discretion of the Chief Officer, the employee may also receive a travelling allowance, equivalent to one second class return rail fare each week to the original home where their family remains.

However if the employee prefers to travel from the original home whilst it is being sold, assistance may instead be given towards these travel costs for a maximum of six months.

Removal Expenses

If the prospective employee is not eligible for the payment of relocation and settlement expenses, Chief Officers have discretion to meet reasonable costs of removal and insurance of effects from the original to the new home. As with relocation expenses, the new home must be within reasonable daily travelling distance of the new workplace, whereas the existing home is not.

In addition to the costs of removal, financial assistance may also be offered for up to six months if it is necessary to place personal belongings in temporary storage.

The arrangement to re-imburse the actual costs of removal, insurance and temporary storage is subject to the provision of receipts. This arrangement also requires the employee to sign an undertaking to give at least 24 months service to the Council, failing which they must repay the sum granted on a pro-rata basis.

Income Tax & National Insurance Implications

The Inland Revenue has issued guidance (document IR 134 – November 2000) on the tax and insurance contributions on relocation packages. This document advises that if an employer provides financial assistance for an employee to move home because of their job, the first £8,000 only of any help is exempt from tax and national insurance contributions.

It is therefore essential to keep a record of each element of assistance awarded (relocation expenses, removal costs, settling-in allowance, rent and travel assistance) and ensure that the total sum does not exceed the £8,000 maximum.

Bespoke Models of Recruitment

The approaches to recruitment can change according to the post and an awareness of the market. For example, when resources are scarce there may be a need to be more proactive in reaching the target audience. Decisions on what models of recruitment to apply rest with the recruitment manager/ Panel, and could include the following examples

Note all posts MUST be advertised in the Internal Vacancy bulletin regardless of other recruitment methods used.

Senior Manager of Specialist Resource

- Executive Search
- CVs
- Shortlisting – IF NUMBERS DEMAND
- Visit to unit - for candidates information
- Assessment Centre
- Interviews – potentially initial & second interview with specialist input from non voting advisors. For specialist posts, a one to one interview by an expert within the Council, focusing on technical areas may be used.
- Employment Checks (references, medical etc.)

Cleaner

- Local advertising (community hall, supermarket notice board) &/or Job Centre
- Bespoke application form seeking basic personal details & work history
- Shortlisting
- Interview – maximum of two people
- Employment Checks (references, medical etc.)

Occupational Therapist

- Promotional work with universities / colleges
- Open ended advertisement placed in colleges & in appropriate trade journal
- Standard application form
- Shortlisting – IF NUMBERS DEMAND
- Interview
- Employment Checks (references, medical etc.)

Neighbourhood Housing Officer (Generic Location)

- Conventional advertisement, plus potentially job fair?
- Bespoke application form asking candidates to address specific questions
- Occupational testing
- Shortlisting
- Interview
- Employment Checks (references, medical etc.)

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A specific recruitment model applies to residential care staff in units for children and people with learning disabilities. Norman Warner's report 'Choosing with Care' looked into selection, development and management of staff in children's homes and was published in 1992. Following on from this report a code of practice for the selection and appointment of staff was produced by the Association of Directors of Social Services, the Society of Chief Personnel Officers and the Greater London Employers Association.


The model, summarised below, must only be applied by suitably trained and experienced people and extended to other areas beyond those noted above with the express agreement of the Chief Officer and with support from PMS.

Warner Recruitment

Emphasis on this model is given to

- Improvements on job documentation & specific recommendations on the need for bespoke application forms.
- Two stage interviews, that include specific in depth techniques to examine personal motivation and integrity.
- The use of occupational testing as standard.
- Better arrangements for taking up references. Ensuring that the information sought is more targeted towards key criteria within the job.
- More thorough police checking.
- Using the selection process as the bridge to personalised induction.
- Stronger and clearer probationary arrangements.

Further Advice & Contact Points



Recruitment
Tool

Departmental HR Teams & PMS

HR staff are attached to each of the departments. All staff are available through the 525 network. If there are difficulties in reaching a Personnel Officer, for any reason, support can be obtained by contacting corporate Personnel (PMS) based at the Town Hall on 525 (5)7312.

Occupational Assessment

Provided through the Learning & Development team in PMS led Seamus Kelly who can be contacted on 0171 525 (5)2824, or fax: 0171 525 (5)2815

Occupational Health Service

Provided to the council by an external contractor: Kings College Hospital, Department of Occupational Health & Safety. They are based at Kings College Hospital Denmark Hill SE5 9RS, Tel: 020 7436 4256, Fax 020 7346 3387. Our contact at Kings is Dr **Palmer**.

Advertising Agent

The Council's Advertising Agent is **Bartlett Scott Edgar** Ltd. based at: -

Bartlett Scott Edgar Ltd
Bartlett House
65-67 Wilson Street
EC2A 2LT

Tel: 020 7562 5700

Fax: 020 7562 5706

(Note **Bartlett** Scott Edgar also provide guidelines on Recruitment Advertising, specifically aimed at those managing the placement of advertisements on a day to day basis).

Learning & Development

Based at Cator Street, details on courses may be gained on 525 (5)2861

Southwark's Call Centre

Managed by Law & Administration. To use the service contact Martine Hughes, Call Centre Coordinator on x57164 or e-mail.

Home Office

If you are in doubt about whether a permit is needed the Home Office may be contacted for advice on 0870 606 7766

To apply for a work permit call 0114 259 4074 for a form WP1. You will also receive a guidance note WP1/5 that outlines the supporting information you will need to supply

Further advice may be obtained from: Department of Education & Employment, Overseas Labour Service, W5 Moorfoot, Sheffield, S1 4PQ. Telephone: 01145 259 4074

Opportunities for People with Disabilities

This service can also help employers to make contact with suitably qualified disabled people.

1 Bank Buildings, Princes St, London EC2R 8EU
Tel and fax **020 7726 4961**

For advice on aids, adaptations and assistance in employing people with disabilities.

Disability Employment Advisor, Borough Job Centre Telephone: **020 7403 2055**

Criminal Records Bureau
For advice on the disclosure service

Tel: 0870 9090822

Internet sites: www.disclosure.gov.uk or www.crb.go.uk