

REPORT

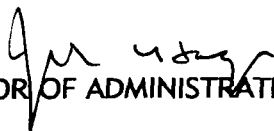
To: INTERIM EXECUTIVE COMMITTEE		Subject: STAFF COMMISSION CIRCULAR 6\95 APPOINTMENTS
From: DIRECTOR OF ADMINISTRATION		
Date: 14 SEPTEMBER, 1995	Ref: JOH\PFD	

1 Introduction

- 1.1 At the last meeting of the Interim Executive Committee the Committee continued consideration of Circular 6\95 from the Staff Commission for a report.
- 1.2 Attached as Annex 1 is a copy of Circular 6\95 dated 28 July 1995 and includes Circular 6\95 - Addendum dated 11 August 1995.
- 1.3 Attached as Annex 2 is a note of comments on the Circular and its Addendum. These comments have been the basis of discussion with the Staff Commission and authority is requested to formally submit them to the Commission as representing the views of the Council.

2 Recommendation

- 2.1 That the Committee authorise submission of the comments on behalf of the Council in relation to Circular 6\95 and its Addendum.


DIRECTOR OF ADMINISTRATION

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- ANNEX 1 -

Local Government Staff Commission (Scotland)

48 Manor Place
Edinburgh EH3 7EH
Tel. 0131 220 3223
Fax 0131 220 3227

Chairman: R G E Peggie CBE
Secretary: E C Davison

CIRCULAR 6/95

Chief Executives of New Councils

Copy to: Chief Executives of Regional, Islands and District Councils
Chief Executives of new Water and Sewerage Authorities
Principal Reporter, Scottish Children's Reporter Administration
Chief Constables
Firemasters
Regional Assessors
Director General, Strathclyde Passenger Transport Executive

28 July 1995

Dear Chief Executive

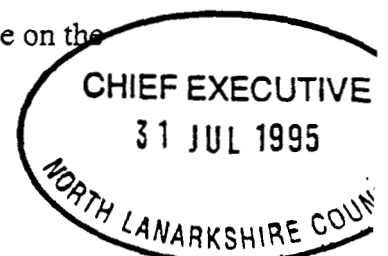
APPOINTMENTS

When I wrote to you on 14 July, I indicated that the Commission would be issuing further guidance to new councils on the procedures for the appointment of staff. We have already given general guidance on appointments down to Depute or Assistant Director and equivalent level ("third tier") and we have commended to councils the very detailed advice issued by COSLA on the appointment of Head of Paid Service. The COSLA booklet contains advice which is relevant to all appointments which involve competitive interview and councils are again advised to refer to this when considering their own arrangements.

I have also written to you about the growing public disquiet over some aspects of recent appointments to some new councils. Initially the Commission was of the view that there was no need to offer detailed advice on procedures - councils already have access to experienced professional advice as to what is, and what is not, good practice in the appointment of staff. In any event the newly appointed Chief Executives have a duty to ensure that Councils conform to acceptable personnel practices.

However, the Commission continues to receive complaints about the procedures adopted by some councils. The number of complaints has been small but they involve appointments to the most senior council posts and this is likely to have disproportionate effect on the attitude of both the public and other local authority staff to the whole process of re-organisation. You will also be aware of the concerns expressed by Scottish Office Ministers on this matter.

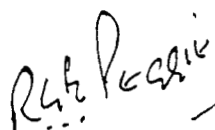
The Commission has therefore decided to set out some more detailed advice on the



procedures to be adopted in the appointment of staff. We do not seek to constrain new councils as to who they appoint but in the light of experience over the last few months we feel that councils should be left in no doubt about what the Commission considers acceptable - and unacceptable - practice. The advice contained in the annex to this circular applies largely to appointments made by competitive interview: we have already circulated draft advice which will cover the "matching" of staff to the new authorities.

Finally, I would remind you that authorities should continue to be guided in these matters by their personnel advisers to ensure that appointments are made in such a way that there can be no doubts as to their propriety and fairness; and that staff are appointed entirely on merit.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R G E Pegg'. The signature is written in a cursive, slightly slanted style with a horizontal line underneath.

R G E Pegg

GUIDANCE ON APPOINTMENTS PROCEDURES

Preparation

1. Before advertisement, both a Job Description and a Person Specification for the post should be prepared. The Person Specification should detail:

- the skills and experience required for the job;
- any qualifications or professional memberships required;
- the personal qualities needed for the post.

The job description should be sent to candidates together with any more general information the council wishes to include.

2. Applications should be required to be submitted on a standard application form. Any council wishing advice as to the design and content of an application form should consult either the Commission or COSLA

3. Candidates should be asked to nominate at least two referees, at least one of whom should be familiar with the candidate in his or her current work situation.

4. At all stages of the appointments process councils should be mindful of their responsibilities in law to ensure that candidates are properly appointed on merit and with no discrimination as regards race, sex or marital status, or any other factor not relevant to the duties of the post concerned. In general the procedure should follow the principles of equal opportunities in employment.

5. Councils should allow adequate time for receipt of applications. This will vary according to local circumstances, but should be not less than three weeks in the case of a post open to competition throughout Scotland, or two weeks where competition is restricted to the region; and in all cases should take account of the time needed to circulate the advertisements to staff in the authorities concerned, including staff who may be absent from their posts, particularly during the summer leave season.

6. A timetable for shortlisting and interviews should be drawn up, allowing adequate time for each stage. All applicants should be given adequate notice of the timetable for interviews. The dates on which interviews are scheduled to take place should be notified to applicants as part of the initial information sent to them.

Short Listing of Applications

7. A formal procedure, on the lines set out below, should be applied to considering applications received in response to advertisement with a view to preparing a short list for interview.

8. For each post a Selection Panel (whether or not it is constituted as a sub-committee of the council and includes elected members) should be established. The Panel must ensure that it is, at all stages in the appointments process, provided with professional personnel and specialist advice - the latter normally from the Head of the Department involved - and should follow the advice of their personnel specialist on all procedural matters. If at all possible, the same members should participate at all meetings of the Panel; and each member should be present at all interviews if he or she is to exercise a vote.

9. The job applications, or summaries prepared for the Selection Panel, should be considered firstly against the Person Specification prepared for the post, and those which do not fit the essential criteria set aside.
10. The next stage should be to further sift the applications to achieve the number, not less than three, which are to be called for interview. A system of assessing and ranking applications by reference to the Job Description and desirable criteria identified in the Person Specification should be used. Criteria which are not relevant to the requirement to make appointments on merit should not be taken into consideration.
11. If the applications are not of sufficient quality to provide three candidates for interview, the post should be re-advertised. In the event that one or more of the candidates withdraws and thus brings the number of interviewees below three, the Panel should first consider whether any of the remaining candidates should be added to the short list; failing which the post should be re-advertised.
12. The Commission recognises however that there may be cases where the procedure in the preceding paragraph is not practical, particularly in the case of some second and third tier posts which are to be filled from within the region. Where however a council wishes to depart from the above procedure, a reasoned case should be submitted to the Commission in advance.
13. References should be taken up at least for all short-listed candidates. In the case of chief officer posts, no-one who has given a reference for any of the candidates should be involved in the short-listing procedure or be a member of the Selection Panel. Any member of the Selection Panel for a chief officer post who is a current employee of the same authority as one of the candidates for interview, or who has any personal or family connection with a candidate, should declare this connection before the interview, and should not take part in the interview of the candidate concerned.
14. Candidates who are not short-listed may be informed officially of the fact at this stage, but if the Panel foresees that it may need to revisit these candidates at a later stage they need not be informed. At any rate, candidates should in no circumstances be allowed to learn through third parties or unofficially that they have not been short-listed. Those who are called for interview should be given details and the timetable for subsequent stages in the selection process.
15. Short-listed applicants should be required to submit in separate sealed envelopes a pro-forma relating to health and criminal prosecutions and the latter should be opened only in the case of the successful candidate.

Interviews and Selection

16. A standard approach should be applied to interviews so as to ensure that all interviewees are treated fairly and given equal opportunity to compete.
17. Candidates are to be given adequate notice of interviews, and in any case not less than two working days.
18. Members of the Selection Panel should not discuss the merits of candidates outside of Panel meetings; and, as at the short-listing stage, discussions of candidates should be restricted to criteria relevant to selection on merit.

19. Interviews are to be of a standard duration agreed by the Selection Panel, normally in the range thirty minutes to one hour.
20. Candidates may be asked to make a short presentation on a relevant topic before responding to questions relevant to or arising from the presentation
21. The questions put to candidates will be from a list prepared prior to interviews and should be such as to enable the Panel to assess candidates against the Person Specification. All applicants will be asked to respond to the same principal questions with supplementary questions being possible arising from the candidate's responses.
22. Interview assessment forms, structured around the Person Specification, highlighting and where appropriate rating the qualities and competencies being looked for in candidates, provide a systematic means for interviewers to record and compare their findings. Their use during interviews is recommended and these forms should be retained by the council for a reasonable period
23. Psychological and psychometric testing, used in accordance with the recognised codes of practice, may be used by councils during the selection process if thought to be of assistance to decision-making.
24. After interviews have been held, the professional advisers to the Panel should be asked to give their assessments, and there should be discussion of the interviewees in relation to the Job Description, the Person Specification and the performance at interview before any decision is made.
25. Every effort should be made by Selection Panels to achieve a unanimously agreed decision through the assessment process. If however a decision cannot be reached except by a vote, the matter should be determined by roll-call vote.

After the Interview

26. All candidates should be quickly and officially informed of the outcome. Candidates should not be left to find out the result from the media or any other unofficial source.
27. The independent specialist adviser, or the senior council officer involved in the appointment, should give feedback to unsuccessful candidates where this is requested. This will provide a further degree of reassurance to candidates and may help to reduce the scope for any complaints.
28. Candidates for a particular post should not should not be considered for any other post on the basis that they were "good runners-up", unless it has been specifically agreed beforehand that selection for more than one post should be made from a single list. Where the latter course is decided upon, that fact should be publicised at the outset in the advertisement for the posts concerned. With that exception, all posts should be seen as entirely separate and the full appointments procedure should be applied in each case.
29. Evidence of qualifications must be submitted by all candidates before appointment is confirmed

Local Government Staff Commission (Scotland)
July 1995



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48 Manor Place
Edinburgh EH3 7EH
Tel. 0131 220 3223
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Chairman: R G E Peggie CBE
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CIRCULAR 6/95 - addendum

Chief Executives of New Councils

Copy to: Chief Executives of Regional, Islands and District Councils
Chief Executives of new Water and Sewerage Authorities
Principal Reporter, Scottish Children's Reporter Administration
Chief Constables
Firemasters
Regional Assessors
Director General, Strathclyde Passenger Transport Executive

11 August 1995

Dear Chief Executive

APPOINTMENTS

1. Following the issue of circular 6/95, the Commission has received a number of requests for clarification of some aspects of the guidance. One paragraph which appears to have given particular difficulty is paragraph 13 of the Annex, which reads—

“13. References should be taken up at least for all short-listed candidates. In the case of chief officer posts, no-one who has given a reference for any of the candidates should be involved in the short-listing procedure or be a member of the Selection Panel. Any member of the Selection Panel for a chief officer post who is a current employee of the same authority as one of the candidates for interview, or who has any personal or family connection with a candidate, should declare this connection before the interview, and should not take part in the interview of the candidate concerned.”

2. The term “chief officer” was intended here to be read in the same sense as in the Commission's earlier circular on senior appointments, 3/95, where it was stated that, for the purpose of the circular, “a chief officer post is one which would fall within the definitions of statutory chief officer or non-statutory chief officer given in section 2(6) and 2(7) of the Local Government and Housing Act 1989. Typically it is the post of a head of department or director, or a member of the corporate management team, where such a structure is adopted.”

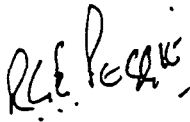
3. The principal aim of paragraph 13 was to cover the situation where an elected member who is also a local authority employee becomes involved in a selection process where one of his or her own senior officers is a candidate; and this is most likely to occur in the appointment of a chief officer (head of department) At the next levels however, of deputy and assistant, officers of the new council may themselves be members of selection panels; and the

Commission would not wish to restrict their reasonable involvement in the choice of their own deputies and assistants.

4. The Commission does however consider that the restriction on referees acting also as members of a selection panel should apply generally. It recognises that in some cases this may cause some difficulty, where a candidate for a deputy post would normally expect to have his present head of department as a referee; but this can normally be avoided by going up to the next level (chief executive) for a reference, or by using some other senior colleague as referee. If in any particular case it seems impossible to work round this problem the Commission will be prepared to consider an application for a derogation from the rule.

5. This circular replaces paragraph 13 of the Annex to circular 6/95.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R G E Peggie', written in a cursive style.

R G E Peggie

Note of comments on Local
Government Staff Commission
(Scotland) on Circular 6/95
dated 28 July 1995 on
"Appointments"

1. The purpose of this note is to draw attention to a number of areas of discrepancy/anomaly and potential conflict in relation to the terms of Circular 6/95 issued by the Local Government Staff Commission (Scotland) and also to comment on the addendum from the Commission issued on 11 August 1995.
2. Paragraph 3 of the Circular requires that candidates should nominate at least two referees, at least one of whom should be familiar with the candidate in his or current work situation. Separately paragraph 13 requires that, in the case of Chief Officer posts, no one who has given a reference for any of the candidates should be involved in the short-listing procedure or be a member of the selection panel. While this is understood to refer principally to decision makers on the selection panel, the terms of the advice appear to apply equally to officer advisers who may indeed be the supervising officer of the candidate who is a required referee in respect of the candidate's current work as required in paragraph 13.
3. Paragraph 13 applies this requirement in relation only to "Chief Officer posts". The Commission has previously (see paragraph 18 of Staff Commission Circular 3/95 dated April 1995) adopted a definition of Chief Officer equivalent to the description of a statutory or non statutory Chief Officer given in section 2(6) and 2(7) of the Local Government and Housing Act 1989. It does not include other officers at JNC grades and in particular does not include a "Deputy Chief Officer" for the purposes of section 2(8) of the 1989 Act.
4. The addendum makes a point of restating the Commission's understanding of the meaning of the term "chief Officer" as meaning, generally, a first tier officer, conventionally termed a Director. Circular 6/95 states that no one who has given a reference for any candidate should be involved in the short-listing or be a member of the selection panel. The addendum has not altered this, with the result, apparently, that an officer/adviser at short-listing cannot attend the short-listing if he has given a reference (although it would be unusual to give a reference prior to short-listing) but the officer/adviser who has been a referee can apparently act in that role at interview. This is anomalous and should be clarified.
5. Paragraph 6 of the Circular requires that applicants be given notice of the timetable for interviews and in particular the dates for interviews should be notified as part of the initial information sent to candidates. This appears unnecessarily prescriptive, particularly in cases where the full timetable for interviews may not yet have been determined by the recruiting council.

6./

6. Paragraph 8 states that if at all possible the same members should participate at all meetings of the panel; and each member should be present at all interviews if he or she is to exercise a vote. There is a clear conflict here between this provision and that outlined in the second part of paragraph 13 if there is any dubiety as to the definition of a "Chief Officer". Paragraph 13 requires that in the case of a Chief Officer post a member who is a current employee of the same authority as one of the candidates should declare this connection before interview and should not take part in the interview of the candidate concerned. This appears to give rise to the possibility that the member concerned can participate in the interviews of other candidates and presumably participate in the decision taking thereafter. This clearly is inappropriate and there is a discrepancy between paragraphs 8 and 13.
7. The addendum of 11 August has not assisted in clarification. It restates the definition of Chief Officer which leads then to the conclusion that the third sentence of paragraph 13 is applicable only to Directors' posts. Telephone enquiry with the Secretary of the Commission on 14 August indicates that this distinction between Director and Depute levels is not intended and the guidance should be treated as equally applicable to Depute posts until the commission looks at the wording again.
8. Telephone enquiry was also made about the Commission's intention to prevent certain councillors who are employed by a candidate from the same authority being part of the selection panel. The first sentence of paragraph 3 of the addendum explains the thinking and telephone enquiry has confirmed that the intention is to prohibit a councillor being involved in selection of someone who is to be a senior officer to that member/employee in "line management terms". The Secretary of the Commission accepts that the wording of the third sentence of paragraph 13 of the Circular goes much further than this, probably unnecessarily. He has volunteered that this is something the Commission will probably have to look at again in the light of this wording.
9. Paragraph 25 requires that every effort should be made to achieve a unanimously agreed decision through the assessment process. This advice is clearly appropriate and welcome. However the requirement that if a decision cannot be reached except by way of a vote that the matter should be determined by a roll call vote is considered inappropriate. It is of the utmost importance that, whichever candidate is chosen, that candidate should be seen to command the confidence and support of the council as a whole and a very public publishing of a division on a vote, particularly identifying individual members and the way that they voted, is not considered to be appropriate good practice for the sake of good working relationships between the Council, its senior staff, and other staff who will be responsible to that senior officer.

Director of Administration
North Lanarkshire Council

14 August 1995