

**Review of the Code of Procedures
on Recruitment and Selection**



**Outcomes from the Consultation Process and Related
Commission Decisions**

July 2016

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Background

In February, the Commission issued a draft revised Code of Procedures on Recruitment and Selection and a schedule of amendments paper to councils and other key stakeholders for consultation purposes. The consultation period ended on 27 May 2016.

In order to facilitate the consultation exercise, two information seminars on revised Code were held in Lisburn on 14 April and Limavady on 26 April. In addition, meetings were held with:

- the HR team in Mid Ulster District Council on 21 April
- the HR team in Causeway Coast and Glens District Council on 4 May
- a representative of NIPSA on 21 June

Ten responses were received – from 8 councils, the Equality Commission for NI and NIPSA. This paper summarises the issues raised in the consultation exercise and outlines the Commission decisions.

General Comments

Do you have any general comments on the revised Code?

Consultee	Response
Antrim and Newtownabbey	<p>The Council is not clear if a revised Code, in whole or in part, would be voluntary (i.e. a best practice guide) or mandatory. Clarity on this point is required.</p> <p>For some time now the Council has operated recruitment and selection procedures, in line with the relevant equality legislation requirements. It has also developed its own approach to recruitment and selection over many years and this has included the operation of a competency based framework, aligned to corporate needs.</p>
Ards and North Down	<p>There is a concern about who will oversee the revised Code and who will update it as and when required.</p> <p>Further information is requested on who will be assuming the role of the Local Government Training Group after March 2017.</p>
Belfast	<p>Each council, as an individual employer, should have in place recruitment and selection procedures that ensure compliance with the relevant equality legislation, demonstrate best practice and are aligned to organisational priorities set by their elected members. Councils, as individual employers, should not be restricted by inflexible processes or protocols agreed for the sector. Given the embedded existence of procedures aligned to securing compliance with equality requirements an issue exists as to the need to revise the Code at all.</p> <p>BCC is of the view that a best practice framework would be helpful in supporting councils in reviewing their recruitment and selection procedures at a time of considerable change and opportunity but that all necessary consultation, negotiation and agreement on employment related policies and procedures is managed at individual employer level through councils' agreed internal consultation and negotiation frameworks.</p> <p>The LGSC has a power to establish a code of procedure for securing fair and equal consideration of applications to councils and a code of recommended practice as regards the conduct of officers. This is already established in the existing Code of Procedures. Clarity is required on the status of any code following dissolution of the LGSC. Who would oversee a revised code and what elements (if any) of a revised code would be binding. Within the revised code it appears that elements of it are not directly related to the power contained within Section 40 of the Act and cannot properly be construed as being mandatory. In fact their inclusion in a code may be unlawful.</p>

Consultee	Response
Belfast	<p>There is some incongruence in the language used regarding the status of the draft revised document, in particular in Section C where some narrative suggests that the revised draft Code would be a compulsory arrangement for the 11 councils. The language throughout the revised document implies that councils will have obligations and duties in the application of the revised code, although the accompanying letter of 22 February 2016 inviting comment on the revised document implies no such obligations. This observation is in addition to the comments in the preceding paragraph.</p> <p>In addition to the above, BCC highlights, in our response, a number of concerns about the content of the draft Revised Code in particular:</p> <ul style="list-style-type: none"> • The development of a centralised mechanism for “trawling” within the local government sector. • The introduction of a grade promotion banding system. • Proposed procedures for the recruitment and selection of the Clerk and Chief Executive. • Reference to the Competency Framework for Local Government. <p>It would be a matter of concern to BCC if clarity around the obligation on Councils to adhere to these particular elements of the revised code (which BCC would not be in agreement with) is not satisfactorily addressed in the final document.</p> <p>BCC considers it essential to receive assurance that we will have absolute discretion regarding the implementation of any element of this document.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	Fermanagh and Omagh District Council welcomes this review of the Code of Procedures on Recruitment and Selection and is grateful for all the support and guidance provided by the Local Government Staff Commission in respect of the implementation of the Code.
Lisburn and Castlereagh	The Council welcomes many of the proposed amendments in particular the inclusion of reference to the Local Government Competency Framework and the Local Government Recruitment Portal.
Mid and East Antrim	No comments.
Newry, Mourne and Down	None other than those contained within the response questionnaire.

<p>ECNI</p>	<p>The Equality Commission welcomes the opportunity to comment on the above consultation and that the LGSC have taken this opportunity to review the Code of Procedures on Recruitment and Selection.</p> <p>Before providing comments on the Code of Procedures, we will reiterate some of the points made in our response to the Department of the Environment on its review of the Local Government Staff Commission in 2012. In that response we stressed the importance, however delivered, of maintaining a focus of delivering work to promote equality of opportunity and good relations across local government. In this regard the Commission recognised the important role that the LGSC has played. Of relevance to this review the LGSC has delivered training for councillors, had an independent role in the recruitment process as well as overseen the implementation of the Code of Procedures across all Councils.</p> <p>The Commission has, on a number of occasions in the past, when the LGSC have reviewed and updated this Code of Practice, provided advice specific to this Code. Much of this previous advice has been incorporated within the Recruitment and Selection Code and we are of the view that the individual changes proposed in this consultation do not in themselves individually raise particular equality or good relations concerns for the Commission. We do however note that the Procedures will not have the same status as previously. While Independent Professional Assessors have been given a role in recruitment and there are specific references to equality training and the Equality Commission's guidance it will be important that there is not a diminution of recruitment standards across the local government sector.</p>
<p>NIPSA</p>	<p>The Staff Commission had the capacity and indeed the right to act to enforce the previous code. Although this may not have happened in practice on many occasions, nonetheless it is important for an independent body to retain that ability and right. Should the Staff Commission cease to exist on 31 March 2017, it remains unclear which body would then undertake that function.</p> <p>Should a Council decide to opt out of the proposed new code what are the consequences for such a decision?</p> <p>Who will undertake the important role of providing advice to Councils to ensure a uniform approach to recruitment and selection at all levels?</p>

Three councils and NIPSA have raised issues about the status of the Code after the Commission is dissolved and whether the Code will be voluntary, as a good practice guide for council, or mandatory.

This issue is dealt with in more detail in a later section of the Code.

Commission response

The 'status' of the Code will be inserted once the Department for Communities reaches a decision on this matter. The final Code document will be issued to councils in January 2017 either as a best practice guide or a statutory recommendation to take effect from 1 April 2017.

Purpose and Structure of the Code

Do you have any comments on the amendments to this Section?

Consultee	Response
Antrim and Newtownabbey	No comments.
Ards and North Down	No
Belfast	Please see general comments (above) relating to the status of the code. Belfast City Council has no issue with the deletion of the paragraph relating to "Departures from the Code".
Derry City and Strabane	No.
Fermanagh and Omagh	Suggest that the revised code allows for departures from the code to be approved by Chief Executive or the Council.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	None.

Commission response

These comments are noted.

Part A The Legislative Framework

Do you have any comments on the amendments to Part A?

Consultee	Response
Antrim and Newtownabbey	No comments.
Ards and North Down	Not at present – it is noted that the whole section is still be be revised and updated.
Belfast	<p>Belfast City Council is content that “Part A – The Legislative Framework” be updated in line with advice from legal advisors and the Equality Commission for NI during the consultation process.</p> <p>It would like a reference to the law relating to redundancy in NI as covered by the Employment Rights (NI) Order 1996 to be included in Part A.</p> <p>Belfast City Council would also like the opportunity to revert when information on “Part A – The Legislative Framework” is available.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	No.
Lisburn and Castlereagh	No.
Mid and East Antrim	Happy to follow advice provided from legal advisors and Equality Commission for NI.
Newry, Mourne and Down	None.

Commission response

These comments are noted.

Part B General Principles Underpinning the Code

Do you have comments on the amendments to Part B?

Consultee	Response
Antrim and Newtownabbey	Under the heading of Re-organisation and Change, the Council is strongly of the view that the word “ negotiate ” should be replaced with the word “ consult ” as it was in the previous Code.
Ards and North Down	<p>This is a major departure from the methodology used pre-RPA in that there is no longer a requirement to publicly advertise posts.</p> <p>It implies that subject to monitoring and scrutiny, permanent posts going forward will be filled through internal trawls in the first instance, followed by 11 council trawls before publicly advertising posts.</p> <p>B7 wording has been changed to negotiate with unions rather than original wording of consult with unions. The wording should not be changed – it should stay as consult as the responsibility for recruitment lies with the Employer.</p>
Belfast	<p>Belfast City Council has no issue with the proposed amendments to the section: “Part B General Principles Underpinning the Code” in that it is content with:</p> <ul style="list-style-type: none"> • the removal of the wording on page B:3 about the Local Government Reform / Modernising Agenda – • the removal of the reference to Commission advice needing to be sought on page B:4 in respect of the Merit Principle; and • the removal of the reference to the Commission on page B:7 relating to Re-organisation and Change. <p>In terms of the wording on page B:7 relating to Reorganisation and Change, Belfast City Council is of the opinion that the wording “consult” should remain and not be amended and replaced with the word “negotiate” when having to deal with recognised trade unions on implications relating to Reorganisation and Change. BCC has agreed consultation and negotiating machinery in place as an individual employer and operates within national collective bargaining (NJC).</p>

Derry City and Strabane	No.
Fermanagh and Omagh	Suggest that under the heading Re-organisation and Change on page B:7 the word negotiate should be replaced with consult . There is no statutory basis for negotiation with Trade Unions in respect of the recruitment process. The Council agrees that it is good practice to consult and this can be done through the Council's local consultation forum.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	<p><u>Page B:7</u></p> <p>Newry, Mourne and Down District Council welcomes a new approach to recruiting and developing staff.</p> <p>The Council recognises the need to consult with recognised Trade Unions on the process to be followed with respect to the staffing implications of reorganisation and change and determining the appointment of existing/new staff to any revised structure but considers that introducing a requirement to "negotiate" may render it unable to progress reorganisation and/or change if it were unable to agree a negotiated position with the Trade Unions. Ultimately Council must retain the right to determine how the needs of organisation can be best met through its workforce.</p>

In relation to paragraph B:7 Re-organisation and Change, five councils are of the view that the work 'negotiate' should remain as 'consult'.

Commission response

The Commission agreed to retain the word 'consult' in this paragraph (B:7).

Annex 4

Do you have comments on the proposed new system for recruiting and developing staff in Annex 4?

Consultee	Response
<p>Antrim and Newtownabbey</p>	<p>a) We note the new approach in relation to developing a centralised mechanism for trawling vacancies within the local government sector. The practical application of such a system would need to be clear to the Council before it would form a view on the merits of this approach.</p> <p>b) The move to a grade/promotion banding system <u>across</u> local government is a major change to recruitment and selection processes and would require time to develop and refine. Given the significant change process that the Council is currently working through, at this stage, it does not see the merit in introducing a common framework of generic pay bands across the sector.</p> <p>Following the merge of Councils, it will be some time before the restructuring process and the filling of posts has been completed across local government (each Council will complete this exercise at different times since they are 11 individual employers). It is therefore difficult to envisage how this approach could be successfully achieved.</p> <p>c) To ensure alignment to corporate objectives and performance improvement, the Council has established its own performance management framework and learning and development strategy. This includes:</p> <ul style="list-style-type: none"> • A personal review and development plan process, which was agreed with the Trade Unions and which is underpinned by a competency based framework. • Numerous training and development programmes which have been delivered to staff before, during and post the merge of Antrim and Newtownabbey Borough Councils. • A continuous professional development scheme (including part time study). • Development of programmes for Leaders at senior, middle and junior management levels (currently underway). • Mentoring/Coaching opportunities. <p>In view of this, the Council does not see the merit of establishing the Talent Management Action Plan.</p>

Consultee	Response
Ards and North Down	The development of a centralised mechanism for trawling is welcomed. The introduction of a grade/promotion banding system is welcomed. The provision of a supporting programme of career development and training is welcomed.
Belfast	<p>Belfast City Council’s comments on the 3 strands contained within the proposed new system for recruiting and developing staff in Annex 4 are set out below.</p> <p>1. The development of a centralised mechanism for “trawling” vacancies within the local government sector.</p> <p>As per the response dated 2 February 2015 from Belfast City Council management to the LGSC on the People and Organisation Development Strategic Framework, Belfast City Council has concerns about filling permanent posts via talent pools within local government i.e. not by public advertisement.</p> <p>Belfast City Council is committed to the provision of job and employability opportunities for its citizens and, would not be content to consider filling its permanent job opportunities as proposed, <i>from within the council department, or by internal trawl to all Belfast City Council staff, or by external trawl to staff in all eleven councils</i> – instead of publicly advertising its permanent posts. BCC uses an agreed categorisation process and internal trawling/ring-fenced trawling or direct offer of redeployment in mitigation of potential redundancy – all other permanent posts are externally advertised. We are strongly of the view that BCC will continue to adopt this approach.</p> <p>Belfast City Council is of the opinion that it is a matter for each individual council to develop its own procedures to meet the needs of its own strategic objectives, thereby attracting diverse talent taking account of the political, geographical, social, economic and environmental priorities of each area.</p> <p>However, should other councils choose to implement the centralised mechanism for “trawling” vacancies, Belfast City Council would advise that having piloted a similar “trawling” mechanism in 2011/2012 it found the process to be administratively burdensome leading to time delays and duplication of work.</p> <p>Belfast City Council notes that the wording in B:5 “Recruitment Methods” and B:6 “Eligibility to Apply to Trawls” has been deleted as a result of the proposed implementation of the proposed system for recruiting and developing staff in Annex 4.</p>

Consultee	Response
Belfast	<p>Belfast City Council is, however, of the opinion that a specific reference still needs to be included in B:5 under “Recruitment Methods” about the need for councils to trawl permanent jobs within their own individual council when that council is under an obligation to seek to provide suitable alternative employment for current potentially redundant employees.</p> <p>It is also of the opinion that a specific reference still needs to be included in B:6 under “Eligibility to Apply to Trawls” which makes it clear that current council employees and current agency assignees are eligible to apply for local government trawls.</p> <p>2. The introduction of a grade / promotion banding system</p> <p>As per the response dated 2 February 2015 from Belfast City Council management to the LGSC on the People and Organisation Development Strategic Framework, Belfast City Council is not supportive of the introduction of a proposed grade / promotion banding system with staff no longer being recruited or promoted to specific posts but to a grade band comprising one or more of the current traditional grades, with movement within the banded system being aligned to the local government competency framework.</p> <p>Belfast City Council is of the view that a common framework of generic pay bands across the sector would not be workable or useful. There are justifiable differences in job roles and organisational structures across the councils depending on their particular ambitions and priorities. The Councils in NI are 11 individual employers.</p>

Consultee	Response
Belfast	<p data-bbox="475 275 1375 342">3. The provision of a supporting programme of career development and training</p> <p data-bbox="475 383 1337 450">Belfast City Council is fully supportive of councils providing a programme of career development and training.</p> <p data-bbox="475 501 1366 770">It is aware of the Competency Framework for Local Government to support the delivery of The People and Organisation Development Strategic Framework for Local Government in NI. However, Belfast City Council’s position on this is that any capacity building requirements needs to be closely aligned to the particular competency framework in use within that council.</p> <p data-bbox="475 819 1353 931">N.B. Belfast City Council is currently reviewing its own competency framework against its own strategic priorities and organisational needs.</p> <hr data-bbox="475 976 1375 981"/> <p data-bbox="475 1021 1375 1133">Belfast City Council would not be content to adopt the Talent Management: Action Plan for Recruitment and Selection as set out at pages B:18 to B:21.</p> <p data-bbox="475 1182 1248 1216">Please see comments on Status of Code in Section C.</p>
Derry City and Strabane	I welcome the approach suggested in Annex 4, however if the development of a centralised mechanism for “trawling” vacancies is to be introduced it is essential that the sector develops an agreed collaborative approach to this.
Fermanagh and Omagh	The Council welcomes the arrangements for internal trawling as outlined in Annex 4.
Lisburn and Castlereagh	No.
Mid and East Antrim	<p data-bbox="475 1541 1375 1709">Point 6 in relation to potential pools for internal trawling – it is felt that including council department could provide a potential blockage to employees’ career development and would also limit multiskilling. It is difficult to think of a time when this would be appropriate.</p> <p data-bbox="475 1758 1366 1814">Point 8 in relation to grade/promotion banding system – more explicit information/explanation would be required on this area.</p>

Consultee	Response
Newry, Mourne and Down	<p data-bbox="475 275 678 309"><u>Pages B:18-21</u></p> <p data-bbox="475 342 1310 409">Newry, Mourne and Down District Council welcomes the new approach being proposed to recruiting and developing staff.</p> <p data-bbox="475 450 1380 689">Council through the systems it has in place, monitors its recruitment and selection policies and practices (including promotions) and complies with the statutory requirement to submit monitoring returns with the Equality Commission for Northern Ireland. Such information together with any 'Affirmative Action' Plan is likely to be sufficient without the need to create a separate Action Plan as the draft revised code seems to be suggesting.</p> <p data-bbox="475 730 1302 824">Council also recognises the benefit that 'banding' could play; particularly for certain roles; in facilitating greater workforce flexibility across the organisation.</p>

Four councils welcome the suggested approach to internal trawling.

Two councils raised queries about the operation of a trawling mechanism in the light of their existing procedures.

One council states that a promotion/grade banding system would not be workable or useful. One council has asked for more information on this.

Commission response

The system suggested is designed to be flexible, and not prescriptive, and can be adapted to suit the needs of individual councils. For example, councils could decide to continue to publicly advertise all vacancies, if they wished. This will be clarified on page B:7 of the revised Code (B:7).

Part C Terms of Reference

Do you have any comments on the amendments to Part C?

Consultee	Response
Antrim and Newtownabbey	<p>The Council notes the deletion (in red text, page C:1) relating to the Commission issuing the Code as a statutory recommendation of adoption by all Councils.</p> <p>The Council would need clarity on whether any revised Code would be intended as being voluntary or mandatory. In practical terms the Council could see use in treating a revised Code as model framework.</p>
Ards and North Down	No
Belfast	<p>“Part C Terms of Reference</p> <p>The intended legal status of the proposed Revised Code of Procedures on Recruitment and Selection is unclear. For example:</p> <p>Status of the Code (page C:1) The revision in the draft Revised Code on page C:1 states “This Code was adopted by the Commission on XXXX 2016 for subsequent adoption by all 11 councils.” This is not consistent with the LGSC cover letter dated 22 February 2016 which indicates that the draft Code would be established by the Commission and it would “recommend” it to councils for them to own and manage from 1 April 2017. This wording in the revised document implies a greater status of this document than genuinely exists.</p> <p>The Scope of the Code (page C:2) The draft Revised Code on page C:2 states “The procedures in this Code are designed to provide the minimum requirements for best practice... but may be supplemented by individual councils, as required.” On the same page, the document states, “This Code applies to all appointments made by councils...”</p> <p>As Belfast City Council has highlighted a number of considerations about the content of the draft Revised Code elsewhere in this consultation response, it would be a matter of concern that if these concerns are not addressed in the final document, councils would be expected to implement a Code which has the potential to be problematic. It would be helpful, therefore, for councils to receive clarification on the extent to which they will have discretion to amend the draft Revised Code of Procedures on Recruitment and Selection.</p>

Consultee	Response
Belfast	<p>Ensuring Compliance with the Code (Page C:3)</p> <p>The draft Revised Code on page C:3 retains the wording from the 2009 Code of Procedures which states, “Ultimate responsibility for ensuring compliance with the requirements of this Code rests with the Chief Executive of the council.” As previously suggested, it is considered that this wording implies a greater status of this revised document than genuinely exists: it suggests that compliance with the Revised Code of Procedures is an obligation. Further it is noted that the role of LGSC is to refer a council that does not comply with a recommendation (from LGSC) to the Dept which in turn may issue a direction. It would be for the Dept to determine essentially whether any provision in a code of procedure is or is not construed as mandatory.</p> <p>We would further note that there is a number of other examples throughout the draft Revised Code of Procedures where similar wording and terminology has been used, which result in a lack of clarity regarding the Code’s status, and the extent to which it is envisaged that all eleven councils will be required to comply with its provisions.</p> <p>It is Belfast City Council’s view that this draft document could usefully be treated as a model framework for councils to structure their individual recruitment and selection practices as they see fit, and in line with relevant legislation, best practice and their individual organisational needs and ambitions, and that the wording of these sections, and elsewhere in the documents, should be amended accordingly.”</p>
Derry City and Strabane	No.
Fermanagh and Omagh	As stated previously the Council suggests that the revised code allows for departures from the code to be approved by Chief Executive or the Council.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	<p><u>Page C:1</u></p> <p>As the revised Code of Procedures is not a statutory in nature the Commission might consider adopting the code and issuing it as a recommendation to all 11 councils.</p>
NIPSA	<p>The paragraphs outlining the “Status” of the Code are proposed to be deleted. In the absence of an explanation, what is the proposed “Status” of the new Code?</p> <p>Deletions of paragraphs on “departures” have not been replaced by an alternative. This does not appear to make sense.</p>

As outlined in 'General Comments' above, three councils have raised issues about whether the revised Code would be voluntary or mandatory.

Commission response

The 'status' of the Code will be inserted once the Department for Communities reaches a decision on this matter. The final Code document will be issued to councils in January 2017 either as a best practice guide or a statutory recommendation to take effect from 1 April 2017.

Stage 1 Drafting the Recruitment Documentation

Do you have comments on the amendments to Stage 1?

Consultee	Response
Antrim and Newtownabbey	<p>We note there is a competency framework for local government.</p> <p>The Council implemented its own competency framework which underpins recruitment and selection and performance management systems.</p>
Ards and North Down	<p>It is welcomed that whilst the competency based framework is recommended for all recruitment and selection processes it is not prescriptive and allows for alternative methods to be used.</p>
Belfast	<p>Belfast City Council has no comments in respect of the deletion:</p> <ul style="list-style-type: none"> • of references to Rodger's seven-point plan and Fraser's five-point plan on page D:5; • of the reference to the Commission recognising that some councils may use alternative methods to develop person specifications on page D:5; and • of references to the Procedures for the Recruitment and Selection of Group Chief Building Control Officer and Group Chief Environmental Health Officer on pages D:9 – D:10 and Annexes 6 and 7 (pages D:23 – D:37) <p>Where new wording (in purple type) has been inserted regarding the Competency Framework for Local Government on pages D:5 and D:6 – D:7, Belfast City Council is of the opinion that this wording needs amended to reflect the fact that this is a model or sample Competency Framework as BCC is strongly of the view an individual council (and as such an individual employer) may choose to implement its own agreed competency framework that reflect the standards and behaviours expected of its employees within its own council.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	No.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	<p>This Council already uses the Local Government Competency Framework in it recruitment practices and recognises the value of this in assessing behaviours and experience in tandem with alternative methods to measure specific skills and qualifications.</p>

Two councils have their own competency framework and do not use the Local Government Competency Framework.

Commission response

The wording will be amended to suggest that the Local Government Competency Framework or another similar model may be used (D:5).

Annex 6

Do you have comments on Annex 6 Procedures for the Recruitment and Selection of Clerk and Chief Executive?

Consultee	Response
Antrim and Newtownabbey	<p><u>Chairing of the Shortlisting Panel</u></p> <p>The Council does not agree that the independent assessor on the shortlisting panel should have voting rights (and so their view would not prevail should the panel not be unanimous).</p>
Ards and North Down	<p>The Council would request that the Commission refreshes the framework of Independent Third Parties to administer the process before March 2017.</p> <p>The Council would request that the Commission refreshes the framework of Professional Assessors before March 2017.</p> <p>Point 8 – would suggest wording should be changed from “seek to be unanimous” to “seek to achieve consensus”.</p>
Belfast	<p>In terms of the “Composition of the Short-listing Panel” on page D:15, Belfast City Council is of the opinion that this is worded in a way that this is suggested composition and that individual councils may have its own policy on panel member numbers and if required and in exceptional circumstances, alter that as agreed by the appointing committee.</p> <p>BCC’s panel would comprise not only the Chair of the appropriate committee and another two members but the Chair of the appropriate committee and not less than two and not more than four elected members (as was the proposed panel composition in the 2013 / 2014 recruitment exercises for Chief Executives).</p> <p>Belfast City Council is content with the proposed “Composition of the Interviewing Panel” on page D:17 to comprise the Chair of the appropriate committee and not less than four and not more than seven elected members (as was the proposed composition in the 2013 / 2014 recruitment exercise for Chief Executives). However, as with the composition of the Short-listing Panel, additional wording needs to be included about suggested panel, and individual Council policy and requirements regarding panel member numbers, as agreed by the appointing committee.</p> <p>Belfast City Council has no issues with the deletion of references to the role of the Commission in Annex 6.</p>

Consultee	Response
Belfast	<p>However, it does not believe as set out on page D:14 that in the absence of the Commission that the services of an independent third party to carry out the administration of the recruitment of its Chief Executive post to demonstrate impartiality is required.</p> <p>Belfast City Council is of the view that it may choose to appoint an executive search consultant/professional assessors/external expertise to assist it in attracting the widest possible field of high quality applicants for the job and ensure an appropriately robust selection process. This would be a shared exercise between the third party/parties and Belfast City Council. This would be a decision for BCC elected members.</p> <p>Belfast City Council is content with the amendment (in purple type) on page D:15 that the third party consultant would attend the short-listing panel meetings but would not have voting rights.</p> <p>In terms of the wording regarding the “Composition of the Short-listing Panel” on page D:15, Belfast City Council is of the opinion that it would have only one independent Professional Assessor on the short-listing panel, not two. Again, such matters would be for BCC elected members to decide.</p> <p>In terms of the wording regarding the “Chairing of the Short-listing Panel” on page D:16, Belfast City Council is strongly of the view that its Chair would not be one of the independent Professional Assessors, but rather that the wording for the Chair of the Short-listing Panel should reflect the same wording as set out on page D:18 regarding the “Chair of the Interview Panel” in that, on both occasions, the Chair of the Panel would be “the Mayor / Chairperson of the Council or the Chair of an appropriate appointment committee of the Council.</p>
Derry City and Strabane	<p>Further clarification would be useful on the role of an Independent Third Party in the administration procedure for the recruitment and selection of Clerk & Chief Executive.</p>
Fermanagh and Omagh	<p>In Annex 6 para 2 the Council suggests that an option to allow the Council’s HR Department to carry out the recruitment exercise as an alternative to an independent third party should be included to enable Councils to exercise their own choice in relation to this.</p> <p>Page D:18 – The Council suggests that it would be useful for the Council’s Head of HR or other suitable Director to have the role of Observer – similar to the role previously undertaken by the Staff Commission Chair and Chief Executive.</p> <p>The Council also suggests that there may be a role for independent support from a Chief Executive of another Council – either in the role of professional assessor or in the role of observer.</p>

Consultee	Response
Lisburn and Castlereagh	<p>The chairing of the shortlisting panel should be open to all panel members and decided by a vote and not automatically allocated to one of the independent Professional Assessors.</p> <p>In relation to the proposed amendment to Part D/PageD:16, the Council has the following comments:</p> <p>The track change text does not refer in full to the current Code in that the working 'the Commission will make a recommendation accordingly' is not shown. The proposed change is 'the view of the independent Chair of the Panel will prevail'.</p> <p>The Council recommends that the current wording is retained within the new Code stating 'the independent Chair will make a recommendation accordingly.'</p>
Mid and East Antrim	No comments.
Newry, Mourne and Down	<p><u>D:14 – D:20</u></p> <p>Newry, Mourne and Down District Council's professional Human Resources (HR) department, chairs and provides administrative support to all other recruitment and selection panels within the Council. The absence of a HR representative in the appointments process for the Chief Executive is noted and this Council would consider that other if there was/were (a) conflict(s) of interest; this should be the role of HR in Council and would query the requirement to appoint an "independent third party" to administer the process.</p> <p><u>D:15</u></p> <p>This Council does not consider it necessary to appoint two independent professional assessors in this process. Whilst the Council may wish to appoint (an) Independent Professional Assessor(s), this should be a matter for consideration on a case by case basis, and believes two may be unnecessary and excessive. <i>(Also applies to point 13, D18).</i></p> <p><u>D:16</u></p> <p>Point 6. This Council considers that the shortlisting panel should be chaired by a member of the selection panel appointed by Council. It is not considered appropriate that a third party outside of the organisation should automatically be allocated this responsibility.</p>

Consultee	Response
Newry, Mourne and Down	<p>Point 8. Similarly, it is not considered appropriate that in the event of panel disagreement regarding shortlisted candidates, the default position should be that the view of the independent assessor should prevail. Council agrees that an independent assessor should make recommendations to a shortlisting panel however the final decision should remain with the employer’s appointed panel members. <i>(Also cross-reference paragraph 4, D57).</i></p> <p>Point 10. This Council would query the rationale of having the person responsible for administering the process; on the interview panel.</p>
NIPSA	<p>The reference of some “independent third party administers the recruitment instead of the Commission” is extremely vague. Who would this be, who would appoint this “independent” third party; who would ensure that there is sufficient expertise to undertake this role; who would ensure that the function is properly undertaken by this “independent” third party for all councils/all recruitment competitions and finally who will ensure consistency.</p> <p>Who are the “Professional Assessors” referred to and who are they answerable to? In addition the suggestion that this person’s view should prevail if the panel view is not unanimous seems bizarre. For example a panel could be split 3:1 or 4:1 or even 2:1. In those circumstances it seems totally inappropriate that a “Professional Advisor” would trump the majority of those on the Panel who are actually charged with undertaking the selection or recruitment exercise (and are also legally liable for the outcome).</p>

There is no real consensus in the responses to these procedures:

- 2 councils have suggested that the HR Department could act as the independent third party to administer the recruitment exercise.
- One council would prefer to make their own decisions on these matters.
- Three councils state that the shortlisting panel should be chaired by an elected member. One council suggested that the chair should be decided by a vote.
- Two councils suggest that only one professional assessor should be appointed.
- One council states that the professional assessor should not be a member of the shortlisting panel.
- Three councils and NIPSA disagree with the suggestion that the views of the independent chair should prevail if the panel is not unanimous. One council has suggested that the wording should be changed from “seek to be unanimous” to “seek to achieve consensus”

Commission response

Having considered all the responses received, the Commission has agreed the following:

Independent administration (D:14)

The Commission is of the view that it must recommend building an element of independence into the recruitment process for Chief Executives, such as using a Professional Assessor to give independent advice to the panel. The wording will be amended to recommend that councils put a procedure in place to ensure maximum independence.

Composition of the shortlisting panel (D:15)

The Commission has agreed that the shortlisting panel should comprise:

- The Mayor/Chairperson of the council, or the Chairperson of an appropriate appointment committee of the council
- Not less than 2 and not more than 4 members of the council, appointed by the council
- A Professional Assessor(s) or other independent person to demonstrate impartiality (with no voting rights).
- HR Manager to provide professional advice to the panel (with no voting rights)

Chairing of the Shortlisting Panel (D:16)

The Commission has agreed that:

- The shortlisting panel should be chaired by the Mayor/Chairperson of the council, or the Chairperson of an appropriate appointment committee of the council
- In order to ensure maximum independence, the council may ask a Professional Assessor or other independent person to chair the panel
- The Chairperson of the shortlisting and interview panels will not have a casting vote.

Consideration of Applications (D:16)

The Commission has agreed that this paragraph should be amended to:

The shortlisting panel will consider all applications received and will prepare a shortlist of candidates who meet the criteria. The panel should seek to be unanimous in their choice, but in the event of this not being achieved, the Chairperson should seek to achieve consensus.

Composition of the Interviewing Panel (D:17)

The Commission has agreed that the interviewing panel should comprise:

- The Mayor/Chairperson of the council, or the Chairperson of an appropriate appointment committee of the council
- Not less than 4 and not more than 7 members of the council, appointed by the council
- A Professional Assessor(s)
- HR Manager to provide professional advice to the panel

Professional Assessor(s) (D:18)

The Commission has agreed that councils can use one or 2 Professional Assessors to assist with the recruitment process for Chief Executives.

Stage 2 Establishing the Panel and the Preliminary Meeting

Do you have comments on the amendments to Stage 2?

Consultee	Response
Antrim and Newtownabbey	<p><u>Matrix of Panel Composition</u></p> <p>All posts below SO1 should have the potential to comprise a minimum of 2 and a maximum of 3 panel members.</p>
Ards and North Down	<p>D41 first bullet point – add in using the local government competency framework <u>as appropriate.</u></p>
Belfast	<p>Belfast City Council has no comments in respect of the deletion of:</p> <ul style="list-style-type: none"> • the reference to the role of the Commission on page D:39 and it being replaced with the Chief Executive in terms of who should approve amendments to the recommended composition of panels (as defined in Annex 7); • the wording on “Panel Composition for Shared Posts” on pages D:39 – D:41; • the wording on “Role of Commission Observers” on pages D:44 – D:45; • the wording on “Consideration of Observer Reports by the Commission” on pages D:45 – D:46; • the wording on the “Commission Observer’s ‘Approval’ Role” on pages D:45 – D:46; • the wording on the “Commission Observer’s Concerns Regarding the Appointment Process” on pages D:46 – D:47; • the reference to the Commission Observer on the “Timetable for the Recruitment and Selection Process” on page D:52; • the references to the Chairperson of LGSC, Chief Executive of LGSC and LGSC Observer in Annex 7 Matrix of Panel Composition on page D:53; • the Matrices of Panel Composition for Group Building Control and Group Environmental Health on pages D:54 and D:55; • the reference to the words group employer and commission on pages D:57, D:58 and D:59 of the “Scheme of Professional Assessors” at Annex 8; and • the references to the Commission on the “Guidance Notes for Professional Assessors Attending Selection Panels in Councils and the NIHE” on pages D:60 – D:64 at Annex 9.

Consultee	Response
Belfast	<p>Belfast City Council has no issue with the insertion of the wording regarding the local government competency framework on page D:41 but, as previously stated, Belfast City Council is of the view that any reference to the Competency Framework for Local Government should be supplemented with wording about that this is a model/sample framework and individual councils can choose to implement their own agreed competency frameworks which reflect the standards and behaviours expected of employees from within their own individual council.</p> <p>Belfast City Council has no comments in respect of the insertion of the wording referring to the local government recruitment portal on page D:42.</p> <p>Some comments in respect of the Matrix of Panel Composition at Annex 7, page D:53, are that this should reflect it is a suggested matrix of panel composition.</p> <p>Belfast City Council's panel composition for:</p> <ul style="list-style-type: none"> • director posts will comprise the Mayor / Chair of the appropriate appointment committee and more than one other elected member; and • posts graded Scale 1 to Scale 6 (not only Scale 1 to Scale 2 posts) will have the potential to comprise a minimum of 2 and a maximum of 3 panel members
Derry City and Strabane	No.
Fermanagh and Omagh	No.
Lisburn and Castlereagh	No.
Mid and East Antrim	<p>Page D39 – delete reference to the Commission, first paragraph “The Commission appreciates that”</p> <p>Page D64, Further information on role of Professional Assessors – as the sole provider of further information is now the Human Resources Department is there any additional guidance that can be given so that any queries arising can be efficiently answered.</p> <p>It is assumed that Council's will have to procure their own Professional Assessors as the LGSC will no longer be able to provide a select list.</p>
Newry, Mourne and Down	None.

Consultee	Response
NIPSA	<p>The LGSC currently provides observers for senior appointments. Under a new Code of Procedures what organisation is proposed to undertake that role and would this be the same organisation and same arrangements across all Councils.</p> <p>Under this proposed new Code of Procedures what organisation(s) would undertake training for Councils who embark on a recruitment and selection competition?</p> <p>Is there any mechanism to ensure that if Commission approval is replaced with Chief Executive approval that those Chief Executives have the necessary skills, experience or expertise to make judgements in respect of representation. In addition who will secure consistency of approach across councils.</p>

Two councils have suggested that all posts which have a panel comprising a minimum of 2 and a maximum of 3 panel members should be extended to Scale 6.

One council would prefer to have more elected members on the panel for Director posts.

Commission response

Having considered all the responses received, the Commission has agreed the following:

Panel Composition (D:39)

The reference to the Commission at the top of page D:39 will be deleted.

The Role of the Human Resources Section (D40 – D:41)

The reference to the local government competency framework will be amended to include “or another similar model” (as amended in Stage 1).

A reference to the use of social media will be included.

Annex 7 Matrix of Panel Composition (D:52)

The panel composition for Director posts will be amended to “1 or 2 other elected members”

A panel comprising a minimum of 2 and a maximum of 3 panel members will be recommended for posts graded Scale 1 to Scale 6.

Stage 3 Starting the Recruitment Process

Do you have comments on the amendments to Stage 3?

Consultee	Response
Antrim and Newtownabbey	No comments.
Ards and North Down	No
Belfast	<p>In terms of “The Application Form”, Belfast City Council believes that this wording should be a model/sample application form rather than “standard” application form should be provided on the local government recruitment portal.</p> <p>Belfast City Council is, also of the view that on some occasions (mostly for senior executive level posts) CVs instead of application forms are the most successful application method, provided applicants are required to provide a supporting statement outlining how they clearly demonstrate the qualifications and experience criteria required for the post.</p> <p>In terms of “Recruitment Consultancy”, Belfast City Council has no comments in respect of the deletion of the wording relating to the Commission.</p> <p>In terms of “Executive Search Consultants”, Belfast City Council has no comments in respect of the deletion of the wording relating to the Commission.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	The Council suggests that reference should be included in this section to the use of Social Media to support other advertising mediums.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	None.
ECNI	We would recommend that the monitoring questionnaire in the Code is reviewed to ensure that it is up-to date particularly in relation to the disability question (see Equality Commission for Northern Ireland, A Unified Guide to Promoting Equal Opportunities in Employment).
NIPSA	It is not clear what is meant by “the local government recruitment portal”.

Commission response

Having considered all the responses received, the Commission has agreed the following:

The Application Form (D:66)

The wording will be amended to “A model application form is provided on the local government recruitment portal.....”

Model Equal Opportunity Monitoring Questionnaire (D:78 – D:81)

The model monitoring questionnaire has been amended in line with the ECNI Guidance.

Stage 4 Shortlisting

Do you have comments on the amendments to Stage 4?

Consultee	Response
Antrim and Newtownabbey	No comment.
Ards and North Down	No
Belfast	<p>In terms of “Composition of the Short-listing Panel”, Belfast City Council has no comments in respect of the reference to the role of the Commission being deleted on page D:81 and it being replaced with the Chief Executive in terms of who should approve amendments to the composition of the panels.</p> <p>In terms of “The Short-listing Process” and “Assessment Arrangements”, Belfast City Council has no issue with the inclusion of examples of assessment exercises such as situational judgement tests (SJTs) assessment centres or preliminary interviews on pages D:83 and D:84. It would, however, advise that there are several other common assessment techniques such as computer admin-based assessments, SHL test batteries, driving assessments, practical tests etc that Belfast City Council uses on a regular basis alongside SJTs, assessment centres and preliminary interview assessments and these could be included.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	On Page D:81 – reference to the Commission is contained in the third paragraph.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	<p><u>D:84</u> It is not clear from the draft revised code, what is intended by the term “professionally managed assessment centre” and the Council would seek further guidance on what this is intended to mean in practice.</p>

Commission Response

Having considered all the responses received, the Commission has agreed the following:

Composition of the Shortlisting Panel (D:82)

The reference to the Commission has been deleted.

Assessment Arrangements (D:85)

This paragraph has been amended to include other assessment methods and the wording “professionally managed assessment centre” has been amended to “assessment centre”.

Stage 5 Assessment Arrangements

Do you have comments on the amendments to Stage 5?

Consultee	Response
Antrim and Newtownabbey	We note optional assessment arrangements, including situational judgement tests, which may be used if required.
Ards and North Down	The Council would request that the Commission refreshes the framework of Assessment Centre Providers before March 2017.
Belfast	<p>In terms of “Assessment Arrangements” on page D:89 of Stage 5, Belfast City Council has no issue with the insertion of the paragraph on situational judgement tests.</p> <p>As a comment, Belfast City Council intends to conduct research into new and alternative external assessment mechanisms and explore the possibility of devising more internal assessment tests. It will, of course, ensure that all new internal assessment mechanisms are designed, administered and evaluated by fully trained council officers and are appropriately equality-proofed.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	The Council would be grateful if the Staff Commission is able to provide an up-to-date list of suitable providers for the provision of Assessment Centres.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	None.
NIPSA	Discussion is required in respect of what exactly is proposed in respect of “situational judgement tests”. NIPSA would be extremely concerned about what this actually refers to.

Commission response

These comments are noted.

Stage 6 The Interview

Do you have comments on the amendments to Stage 6?

Consultee	Response
Antrim and Newtownabbey	No comments.
Ards and North Down	No
Belfast	<p>In terms of “Arrangements for Interview”, Belfast City Council has no comments in respect of the reference to the role of the Commission Observer being deleted on page D:95.</p> <p>In terms of the “Sample Interview Assessment Form”, Belfast City Council is content for the reference to the Commission to be deleted on page D:106.</p> <p>As a comment under “Reserve Lists” on page D:104, Belfast City Council in liaison with the Equality Commission for NI has agreed that reserve lists for 18 months can be maintained following recruitment exercises for posts which have included employability outreach activity for the long-term unemployed.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	No.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	None.

Commission response

These comments are noted.

Stage 7 Post Interview

Do you have comments on the amendments to Stage 7?

Consultee	Response
Antrim and Newtownabbey	<p>Agree with the updated amendment.</p> <p>However, page D:109 (first paragraph) still refers to child protection and this should be changed to 'safeguarding' and 'adults who may be at risk of harm'.</p>
Ards and North Down	Agree with changed wording.
Belfast	<p>In terms of "Child Protection", Belfast City Council has no issue with the title of the paragraph being changed to 'Safeguarding' and a reference to 'adults who may be at risk of harm' being inserted.</p> <p>Belfast City Council is also of the view that councils should have clear procedures in place for dealing with applicants with convictions as part of the Stage 7 pre-employment checking process. These should be in line with best practice and relevant legislation.</p> <p>As a comment, in terms of the information on "Feedback to Unsuccessful Candidates" on page D:109, Belfast City Council is currently implementing a pilot scheme of providing candidates who request feedback after short-listing with a copy of the summary short-listing matrix (with details of all other candidates' short-listing details redacted) and for feedback following interviews, providing candidates with copies of their interview, assessment sheet.</p>
Derry City and Strabane	No.
Fermanagh and Omagh	Page D:112 - The Council suggests that Occupational Health may be more appropriate terminology as opposed to medicals and medical assessment.
Lisburn and Castlereagh	No.
Mid and East Antrim	No comments.
Newry, Mourne and Down	None.

Commission response

Informing Candidates (D:109)

The reference to 'child protection check' will be amended to 'Access NI check'.

Medicals (D:113)

The title of this paragraph will be changed to 'Occupational Health' and the references to 'medical assessment' will be changed to 'occupational health assessment'.

Any Other Comments

Are there any other comments you wish to make?

Consultee	Response
Antrim and Newtownabbey	No further comments.
Ards and North Down	No
Belfast	No.
Derry City and Strabane	I welcome the amendments to the Code of Procedures on Recruitment & Selection. While I acknowledge that this will no longer be a statutory code it provides a sound framework for the recruitment and selection of staff in the future.
Fermanagh and Omagh	No.
Lisburn and Castlereagh	No.
Mid and East Antrim	Once complete, it would be useful if an indexed electronic copy of the code could be circulated.
Newry, Mourne and Down	This Council appreciates the role the Local Government Staff Commission for Northern Ireland (the Commission) has played and the contribution it has made in working with Councils in the application of the Code of Procedures.

Commission response

These comments are noted.