



RECRUITING STAFF

GUIDANCE FOR MANAGERS AND SUPERVISORS

Effective recruitment is essential to the successful functioning of your organisation. Successful recruitment depends upon finding people with the necessary skills, expertise and qualifications to deliver organisational objectives and the ability to make a positive contribution to the values and aims of the organisation.

If your recruitment process is fair and consistent, you're more likely to get the best person every time and it also means it is less likely that you will be faced with problems such as high turnover, absenteeism, disciplinary matters and possible unfair dismissal complaints.

This checklist, designed for line managers, will help you find, and keep, the best recruits.

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About the Checklist series

Your role as a line manager is important in delivering equality of opportunity in the workplace. To help you do this, the EOC has produced a series of Checklists aimed at line managers.

The checklists take you through typical situations, raising areas where problems could arise and giving guidance on how to handle the situation in the best interests of your staff and your organisation.

The law and recruitment and selection

The Sex Discrimination Act protects men and women of any age from discrimination in recruitment and selection. Among the groups of people covered by the Act are:

- agency workers
- contract workers
- employees
- job applicants
- prospective employees
- students
- trainees seeking vocational training
- volunteers.

Those who may be liable for discrimination in recruitment and selection include:

- employers
- employees of the employer involved in the decision-making, and
- employment agencies.

Tribunals can award unlimited compensation against employers under the Sex Discrimination Act where employers are guilty of discrimination. The types of discrimination outlawed include:

- **direct discrimination** – examples include not shortlisting a woman on grounds of her sex, even though she met the job criteria as well as a man who was shortlisted, or not promoting a woman because she was pregnant.
- **indirect discrimination** – Indirect sex discrimination occurs where an apparently neutral provision, criterion or practice applies to all workers but causes a particular disadvantage to either women or men. For example, unjustifiably saying that a job must be done full-time would be held to be indirect discrimination as it is likely that more men than women can comply with the requirement to work full-time.
- **victimisation** – an example of victimisation would be refusing to consider someone for a position because they had previously brought sex discrimination proceedings, whether against your employer, or another employer.
- **marital discrimination** – where a married applicant is treated less favourably than a single person of the same sex.

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- **gender reassignment** – where you treat less favourably someone who has undergone, or is intending to undergo, gender reassignment.

Someone who thinks they have been discriminated against may also bring proceedings on grounds other than sex. For example, a black woman may also claim race discrimination as well as sex discrimination. In such a case you would therefore need to defend both claims.

Your role and responsibilities as a line manager or supervisor

As a line manager you need to make sure that your team can compete effectively and deliver to your customers' expectations. You are more likely to be able to do this with a diverse team, from different backgrounds and with different experiences.

As a recruiter, your actions throughout the entire recruitment process will affect who applies to your organisation and who you appoint. If you always recruit in the same way, it is likely that you'll get the same results.

- **Diversity and equality** of opportunity should be a central part of your entire recruitment and selection process. The greater the care you take to be objective, systematic and fair, the more likely it is that you will find the best candidate and comply with equality legislation.

*For construction company **Durkan Ltd.**, employing women has resulted in several benefits for the company, including: positive publicity that has boosted the company's brand image; meeting the cultural ethos of organisations that give the organisation work; and appealing to the growing number of female managers who are in a position to offer building contracts. The company insists that the bottom line for employing women is that they can do the job. "We have employed many women on site over the years. The reason we choose to do so is because they have proven that they can do the work and do it well. We are a commercial company, not a charity. If women were not up to the job then we would not hire them." (Equal Opportunities Review, 129, 1/5/2004)*

- **Challenge yourself** about each aspect of the recruitment process and ask if this is affecting who applies to your organisation and who you appoint.
- **Get help and advice.** If you are in doubt about how to act, seek advice from your line manager and contact your HR department.
- **Your employer should provide training** in interviewing skills, effective recruitment and fair treatment under the law. If it isn't offered, ask for it.
- **Involve a colleague.** Regardless of whom you involve, you should ensure they take part in each stage of your recruitment and selection process to ensure consistency and fairness. You should also ensure that they are properly trained.

Cafe chain **EAT** has introduced recruitment training for line managers. The course covers recruitment skills, interviewing techniques, employment law and discrimination legislation. Managers are given handouts and guidance notes as reminders later on. "As well as lots of practical tips on how to recruit within the law, and to fit the business, the training means that there is uniformity in our recruitment and selection approach across all our retail outlets," the company says. (*IRS Employment Review no.795.*)

- **Focus on abilities and aptitudes**, not stereotypes and irrelevant characteristics. Finding the individual who most closely meets your vacancy's requirements should be all that matters when you are recruiting. Making judgments about individuals based on their sex is not only against the law but limits your chances of finding the right person.
- **Don't limit your pool.** Recruitment and selection practices that deny men or women their fair chance immediately reduces by half the likelihood of finding able candidates.
- **Take notes throughout the entire process.** You should record your decisions and the basis on which they were made when, for example, devising adverts and job specifications, or when shortlisting or interviewing. Candidates often ask for feedback and you will have to justify your actions and decisions if you are ever called to an employment tribunal.

Designing a skills or person specification

The **person specification** or **skills spec** gives you the blueprint for your recruitment. It will highlight the main skills you need, and give you and the other recruiters a consistent point of reference throughout the whole recruitment exercise.

- If a **job description** for your vacancy already exists – be careful. These can get out of date quickly, so check it's still accurate and does what you want it to do.
- Draw up a brief list of the **main duties and responsibilities** of the job to **identify the main skills** required. This is the person or skills spec.
- **Challenge yourself about every skill you include.** A long list will limit the number of good quality applicants, so ask yourself how vital every skill is.
- **Think about changing the way the work is done.** Don't assume that because a job has been done a certain way in the past that it is only one way to do it.
- **Make the job available to different types of workers,** for example, part-timers, job-sharers or home-based workers, or change the hours of work

*A poll of more than 4,000 job-hunters has found that flexible working comes top of their list as the benefit they would most appreciate in a new job. Seven in 10 would like the chance to work more flexibly.
(Department of Trade and Industry/www.reed.co.uk survey, 2 January 2003.)*

- **Make it more attractive.** Many employers offer flexible working, such as flexitime, school term-time working and other arrangements which will encourage more people to apply for your vacancy.

***Royal United Hospitals Bath NHS Trust** had severe problems related to its under-performance nationally, including recruitment difficulties, low morale and high labour turnover. It introduced flexible working, such as term-time hours, job sharing and career breaks. A training programme improved managers' skills, and a new performance-management system was introduced. Prior to the initiatives, there were 11 vacancies in the cardiology unit, but these had all been filled a year later.
(People Management, 7 Nov 2002.)*

- **Is experience in a similar job or industry really necessary?** Someone could have years of experience in a similar job but have been a consistently poor performer and learned little.

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- **Skills can be transferred.** Skills learned in one situation can be transferred to others. For example, someone who's good with people often has this skill whatever the context – work, social, voluntary or paid.
 - **Consider devising your recruitment** strategy to get applications from under-represented groups in your workforce, such as women returning to work after having family.
 - **Subjective criteria** and criteria that do not relate to the job to be done, may be indirect discrimination. For example, employers are often concerned that new recruits will 'fit in' and so tend to hire people similar to those who are already employed. Examples of criteria that could potentially be indirect discrimination, include:
 - age requirements
 - length of service requirements
 - full-time working
 - working particular or variable shifts
 - height requirements, and
 - strength requirements.

Marketing your vacancy

If you've followed the above guidelines on drawing up a skills spec then you won't design a blatantly discriminatory advert that asks for a 'salesgirl' or a 'head waiter'.

The skills spec isn't enough though. You need to think about how to market your vacancy so you comply with the law and also increase the likelihood of getting the best-quality applicants.

- **Use as many different methods as you can.** You could be breaking the law if your marketing doesn't reach a cross-section of your target jobseekers.
- **The wider you go, the better your pool** is likely to be. Narrow marketing (or none at all) cuts you off from large sections of the labour market. For example, consider use the following:
 - **use the press** – local and national newspapers, and trade magazines.
 - **notify your local jobcentre of all vacancies** – it's free and you can reach a wide range of local people.
 - **put it on the web** – use your organisation's website or use external websites that appeal to special-interest groups.
 - **recruitment agencies** – if you use an agency, make plain your concern to avoid discrimination and secure the best person for the job. Recruitment agencies, as well as employers, are liable for discrimination so following best practice is in their interest too.
- **Words and pictures.** Referring to the jobholder as "he", or the use of gender-specific job titles such as "craftsman" or "waitress", should be avoided. Any images used should not imply that only a man or a woman is being sought.
- **Avoid informal methods such as word of mouth.** This can perpetuate the existing composition of a work force and can constitute indirect discrimination against the sex that is under-represented in that workplace.
- **Seeking candidates from areas that are dominated by one sex**, such as from those about to leave the armed services, could be considered to be unlawful indirect sex discrimination in the same way as recruitment by word of mouth.
- **Monitor your methods**, as some of the recruitment and marketing methods can potentially be biased towards particular groups of people.

Advertising your vacancy

It is important to ensure that both sexes will have an equal opportunity to hear about your vacancy. That way you will attract a wide range of different people with different experiences to apply for your vacancy.

- **Use as many different methods as you can.** Some methods of recruitment and marketing can potentially be biased towards particular groups of people. The wider you go, the better your pool is likely to be. So consider local and national newspapers, trade magazines, the local jobcentre and websites.
- **Choose your advertiser(s) carefully.** Placing an advert in publications read mainly by people of one sex may be indirect discrimination. For example, just placing an advert in a trade journal that is only read by existing members of the trade could exclude those who do not belong to the trade and, therefore, the under-represented sex. Ask publications about their readership profiles and circulation figures.
- **Your advertisements should be clear and state the:**
 - requirements of the job
 - necessary and the desirable criteria for applicants
 - activities and working practices of the organisation, for example, if you offer flexible working arrangements
 - job location
 - reward package, for example, the wages, holiday entitlement, pension provision
 - length and type of contract, for example, full-time, part-time, permanent, casual, temporary, covering maternity leave
 - application procedure and who to contact for details.
- **If you want to encourage applications from an under-represented group in your workforce** then you might wish to target a certain publication to increase the number of applications you receive.

London Underground has targeted women in its recruitment of train drivers as part of a strategy to reduce the skills shortages that were leading to a growing number of train cancellations. In an 18-month campaign, it increased the number of female tube drivers from 75 to 167. It broadened its recruitment advertising by placing an advertisement in Cosmopolitan magazine, which produced 6,000 applications. The strategy also includes improved absence monitoring and attendance management, leading to a 1.5% reduction in absences. (Personnel Today, 11 June 2002.)

Using application forms and CVs

If your organisation doesn't have a set procedure, you'll need to decide how you want people to apply for the job, for example, using CVs or application forms.

Your decision about whether to use an application form or CV will also affect how easy it is to shortlist applicants.

Adverts and marketing should be specific about what you want on applicants' CVs. This will help you avoid collecting irrelevant information, and make your shortlisting easier and faster.

- **Only ask about relevant information**, based on your skills spec. You don't intend to make judgments based on irrelevant factors, so don't collect useless information. Asking for these details could lead people to believe that you are discriminating against them.
- **Avoid asking for personal information.** Beyond the applicant's name, address and other contact details, avoid asking for personal information. To do so raises the possibility of three problems occurring:
 - **Why are you collecting it?** Seeing information such as an applicant's sex, marital status and age could encourage bias and subjective decisions about someone's suitability. This could prevent you from getting the best candidate, as well as breach the law.
 - **What will they think?** By asking for personal details you could send out the message that the employer intends to discriminate.
 - **The forms will be cluttered with irrelevant information** when you are shortlisting, and could slow you down
- **For more senior private sector jobs**, some potential applicants will be put off if you use an application form. Forms have their uses, though, as you call the shots in terms of the questions you ask.
- **You can't control what people include on CVs.** They often contain irrelevant details such as age, marital status, nationality and so on. Avoid being influenced by these factors, and concentrate on searching CVs for information about the skills you need.

Shortlisting applicants

Once you've reached your closing date for applications, you'll want to decide whom to interview. Most times, there are some applicants who aren't suitable, and you'll need to produce a shortlist from the initial set of people.

Whether you are using CVs or application forms, you should consider the following:

- If possible, **read all the applications in one sitting**, and refer to your skills spec regularly.
- **Don't let your judgment be clouded.** It doesn't matter about a person's sex, whether or not they have children, their race, and so on, in terms of their potential ability to do the job.
- **Focus on your skills spec.** Many skills can be developed in more ways than you'd think. The applicant doesn't necessarily have to have direct experience in exactly the same job and industry to be capable of being a good performer.
- **Experience outside work.** Many people have broad experience outside paid work. Evaluate the skills they may have gained for their relevance to your vacancy.

Bishop Burton College in East Yorkshire has reformed its staff recruitment to tackle concerns about subjective shortlisting and a poor audit trail of recruiters' decisions. It has revised its application form, and put all personal, irrelevant details onto a tear-off strip that is removed before the forms are passed to recruiters. The new form encourages applicants to include relevant skills from their voluntary work, domestic responsibilities and spare-time activities, as well as from paid employment. These changes together with providing recruitment training for managers have helped improve the college's access to potential recruits. (IRS Employment Review, no.780.)

- **Be flexible about the interview dates you offer.** Many applicants are in jobs or are juggling caring responsibilities and other tasks. Set aside enough time to interview all the candidates you need to.

Conducting interviews

Your interviews should be influenced by the same principles of objectivity and fairness you have shown throughout your recruitment process.

Focus on each person's skills, based on your skills spec, and avoid making assumptions or being influenced by irrelevant factors. Doing otherwise puts you at risk of rejecting potentially able people and could lead to them lodging a complaint of discrimination.

- **Be flexible** about the interview dates and times you offer. Many applicants are in jobs or have to consider their caring responsibilities.
- **Treat all candidates the same.** For example, don't brief one candidate, but not others, on the competencies needed for the job.
- **Focus on each person's skills**, based on your skills spec, and avoid making assumptions or being influenced by irrelevant factors. Doing otherwise puts you at risk of rejecting potentially able people and could lead to them lodging a complaint of discrimination.
- **The interview panel.** You should avoid interviewing alone, as it's impossible to be entirely objective and two heads are better than one. Your organisation may require you to involve particular people in interviews or you may decide to include other members of your team. Whoever you chose, you should ensure they have the relevant experience and skills to interview candidates.
- **Avoid making "snap judgments"** based on intuition, impressions, reactions and subjective assessments of personality. It is very easy to make judgments about interviewees, even within the first few seconds of seeing them.
- **Body language is also unreliable.** It cannot be interpreted easily, can vary from person to person, and is often culturally specific.
- **Telephone interviews.** It is possible to conduct some interviews with prospective staff using the telephone – especially for positions that require a good telephone communication skills. In addition, some organisations find this type of interviewing useful as it can help interviewers focus directly on skills and experiences.

What to ask at interview

Managers are often concerned to make sure that interviewees are able to perform the job, including any specific requirements, such as particular working patterns, travelling and physical tasks.

However, it is very easy for even well-intentioned interview questions about such issues to constitute unlawful discrimination. Matters such as unsocial hours or extensive travel should be discussed objectively without detailed questions based on assumptions about marital status and children.

- **Prepare in advance.** Refresh your memory about the skills spec and re-read interviewees' applications before you interview them.
- **Go over the skills spec and identify questions** that will cover the main skills you're looking for.
- **Use the same questions.** Structured interviewing – using the same core questions of all interviewees – is far more effective than informal, off-the-cuff questioning. However, use **tailored follow-up questions** where answers are unclear or inadequate or you need more information.
- **Do not ask questions about marriage plans or intentions to have a family.** These are likely to be able to be shown to be evidence of bias against women.
- **Ignore irrelevancies.** Ask yourself repeatedly whether something you've noticed about a particular candidate is directly relevant to the skills spec.
- **Take notes.** The notes help to focus you, help decision-making and can be used in evidence if there is a tribunal complaint of unfair discrimination.

Selection tests

This guidance highlights some of the key aspects of recruitment and selection, but there are others that many employers use – such as tests, presentations and assessment centres.

All aspects of recruitment and selection require skill, training and an awareness of equality issues. But some, such as tests and assessment centres, also involve technical considerations that require access to suitably-trained specialist expertise.

You should not use any test or an assessment centre without having first taken expert advice on whether the tests are free of sex bias (if challenged in an Employment Tribunal it would be for you as the employer to show that the tests had been properly validated and were appropriate for use with both men and women), and should not make use of them unless they have access to suitably trained internal or external assessors.

Making your decision

When assessing applications, and making selection decisions more generally, it is vital that you do not make assumptions that certain skills are mainly or entirely found in one sex.

The greater the care taken to be objective, systematic and fair, the more likely is it that employers will find the best candidate, and comply with equality legislation.

- **Two or more.** The final selection decision should be taken by the two (or more) selectors who have been involved consistently from the start of the recruitment and selection process for the vacancy in question.
- **Use the evidence.** All available evidence about the degree to which the candidates meet the main elements of the person specification should be used in reaching the final appointment decision.
- **Your decision-making process** should go through each of the main aspects of the person specification and evaluate the evidence obtained from each candidate (from their initial application, interview and so on) in terms of the degree to which they satisfy its requirements. A scoring system could be used.
- **Keeping score.** Each selector could undertake this process independently, and then discuss their findings with the other selector(s), or it could be a collective process where the reasoning behind each step in the decision-making process is jointly discussed and acknowledged.

References

Your organisation's recruitment policy should state clearly how references will be used, at what stage of the recruitment process they will be taken up and what kind of references will be necessary e.g. from former employers

The purpose of references is to obtain information, in confidence, from a third party, providing a factual check on a candidate.

- **Consider what information** is needed on the candidate and who best to approach to get it.
- **Don't ask referees for a general character reference only** or subjective information as to a candidate's suitability for the job.
- **References may be used to check factual evidence** such as:
 - job title
 - details of responsibilities
 - length of employment
 - employment history
 - qualifications
 - time-keeping
 - reason for leaving
 - general performance and development.

Working with your new employee

At the end of the process, you should have appointed the right employee for the vacancy you had.

If your organisation collects statistics on its staff (monitoring), review them to check that you're reaching a cross-section of the community in terms of sex, race and so on.

Finally, your role as a line manager continues to be important and you should continue to manage in the same way you have recruited your new member of staff. To help you do this, the EOC has produced a series of Checklists aimed at line managers that will help you in your day-to-day job and ensure you continue to be an equal opportunities manager.

Sources of advice

ACAS

ACAS provides information, advice and training and works with employers and employees to solve problems and improve performance in the workplace.

Tel: 0845 747 4747

www.acas.org.uk

Equality Direct

Advice for employers on a wide range of equality issues also providing an England wide telephone service.

Tel: 0845 600 3444

www.equalitydirect.org.uk

Commission for Racial Equality (CRE)

Tel: 020 7939 0000

www.cre.gov.uk

Criminal Records Bureau

Tel: 0870 9090 811

www.disclosure.gov.uk

Disability Rights Commission (DRC)

The DRC gives advice and information and helps solve problems with employers, service providers and disabled people.

Tel: 0845 762 2633

www.drc.org.uk

Office of the Information Commissioner

Tel: 01625 545745

www.dataprotection.gov.uk

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