



DEPARTMENT OF INFRASTRUCTURE

Local Government Handbook Guide Employment of Staff

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This document essentially replicates the document entitled "Appendix 4" previously provided to all Local Authorities as part of the Local Government Handbook.

Introduction

This document is to be read by Local Authorities when looking to recruit and select new staff members. It is particularly hoped that it works as a guide when recruiting for a new clerk or finance officer.

The document sets out information about preparing job descriptions, person specifications, advertising a post, shortlisting and interviewing and candidate selection. It also explains the process required when seeking approval from Government when recruiting senior members of staff (Clerk and Responsible Financial Officers).

This document is expected to be a living document and if and when new guidance or best practice emerges around recruitment and selection this document will be updated.

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1. EMPLOYMENT OF STAFF

All Local Authorities have a responsibility, as employers, to ensure that staff are employed in compliance with legislation and the recruitment process is an essential element of this duty by securing the right person for the job through a clear and transparent process.

Section 4A of the Local Government Act 1985 (inserted by the Local Government Act 2006, Section 2) enables the Department to make regulations specifying minimum Standards of Performance with regard to local authority functions and this guidance has been drawn up to assist Local Authorities with regard to the recruitment and selection of staff.

When a post becomes vacant there is an opportunity to review the tasks undertaken by the post holder, if appropriate, and also assess any requirements not previously considered. In most local authority recruitment the pivotal post is that of the Clerk where the qualifications and experience required will be determined by the size and functions undertaken by the Local Authority.

Every local authority will require the Clerk to undertake core duties (some of which may be delegated) and these include administration of meetings, preparation of accounts, compliance with legislation, refuse collection and annual collection of rates. Other local authorities act as housing authorities and employ a direct labour force, provide play areas, street lighting, tourism facilities, community halls, car parks and a wide range of other functions all of which require employing staff. As with any employer there is an expectation that the Local Authority will provide staff with an adequate workplace, equipment, training as well as ensuring that required procedures are in place for health and safety, grievance, disciplinary/capability, data protection, equal opportunities and disability discrimination. Awareness of these requirements is vital if a local authority is to provide a service through the proper employment of staff, all of which is funded through public money.

The important elements of the recruitment process are as follows:-

Job Description
Person Specification
Selection Panel
Advert
Short Listing
Interview Process
Selection
Appointment
Continuous Employment

The main Principles to be adhered to are that:-

Adequate information regarding the job is supplied to prospective applicants.

Applicants are considered equally on merit

Selection is based on consistently applied criteria which is relevant and objective

Selection methods are reliable and free from bias

The following Guidance is given on each element highlighted above:-

2. JOB DESCRIPTION

Consideration should be given to Sex Discrimination legislation when drawing up a job description.

Guidelines on Sex Discrimination Legislation in Regard to Recruitment and Promotion

The Employment (Sex Discrimination) Act 2000 came into force on the Isle of Man on October 17th 2001. This piece of legislation makes it unlawful to discriminate on the grounds of sex or marital status:-

- in the arrangements made for determining who will be offered a job (e.g. interview procedures, selection methods etc.);
- in the terms on which the job is offered;
- by refusing (or deliberately omitting) to offer a person the job;
- in access to opportunities for promotion, transfer or training;
- in respect of any other benefit, facilities or services provided to employees;
- in relation to dismissal and any other unfavourable treatment to which a person may be subjected.

Employers should therefore ensure that their selection procedures for recruitment, training and promotion are non-discriminatory, and offer equal opportunities to all employees or potential employees irrespective of their sex or marital status. Managers may also be held responsible for any breaches of this Act by their employees in the course of advertising, selection or recruitment, unless they can show that they took all reasonable steps to ensure this discrimination could not happen.

There are different forms of discrimination covered in the Employment (Sex Discrimination) Act which may constitute discrimination in employment. This behaviour is unlawful.

- a) Direct Sex Discrimination** - Treating a woman, on the grounds of her sex, less favourably than a man is, or would be, treated in similar circumstances. For example, refusing a promotion to a female applicant on the grounds that she is pregnant may be direct sex discrimination.
- b) Indirect Sex Discrimination** - Applying a condition or requirement which, although it is applied equally to both sexes, is such that a considerably smaller proportion of women than men can comply with it and which the person applying it cannot show to be justifiable. Indirect sex discrimination in employment might arise, for example, if an employer required applicants for a job to hold a particular technical qualification which was not often acquired by women and which was not relevant to the job in question. Employers are advised to be particularly wary of discriminating against part-time workers as the majority of part-time workers are female and any less favourable treatment of them may constitute indirect sex discrimination.
- c) Direct Marriage Discrimination** - This is treating a married person, on the grounds that he or she is married, less favourably than a single person of the same sex is, or would be, treated.
- d) Indirect Marriage Discrimination** - Applying a condition or requirement which has the effect of discriminating against married people because considerably fewer married than single people of the same sex can comply with it, and which the person applying it cannot show to be justifiable. Indirect marriage discrimination might arise where, for example, an employer refused to recruit people who had children.
- e) Victimisation** - Treating one person less favourably than another because that person had, for example, asserted rights under the sex discrimination legislation, or had helped another person to assert their rights or because it is suspected that the person might do any of these things. For example a person who had given evidence on a colleague's behalf at an Employment Tribunal.

For further information on sex discrimination in the workplace you should contact Manx Industrial Relations Service on telephone – 672942 or email iro@ir.gov.im

Every post to be advertised must have a current job description (**Annex A - Model Job Description**), endorsed by the Local Authority/Council. This summarises the key job information and in priority order describes the main duties and objectives of the job. This may not be an exhaustive list of all the tasks but should identify the principle responsibilities of the role. The Job Description can contain additional information which may identify training and development requirements and level of contacts with other areas (i.e. Departments of Government).

3. Person Specification

Accuracy is important in compiling the Person Specification as it identifies the skills, experience, qualifications (and personal qualities) required of the post holder. It is the benchmark against which each applicant must be assessed in the short listing and interviewing process. Skills specified must be relevant to the post and justifiable. Care must be taken not to be discriminatory in the criteria.

Each requirement should be categorised as either 'Essential' or 'Desirable' and should be realistic, in the knowledge that any over restrictive criteria could restrict the number of potential applicants.

The Person Specification (**Annex B - Model Person Specification**) usually covers the following elements:-

- Qualifications (Covering standard of general or further education/technical/professional/specialised training)
- Experience – this identifies the type and level of experience required and can be defined over a period of time i.e.
 - 2 years office experience
 - Experience of taking minutes
 - Experience of writing reports
- Knowledge and Skills – this identifies the particular knowledge and skills/abilities required for the post, either through experience, acquired skills or specialist knowledge. Examples include:-
 - Knowledge of legislation
 - Management/interpersonal skills
 - Organisational skills
 - Financial awareness
 - Oral/written communication skills

Disposition

This category identifies particular personal attributes such as:-

- Reliability
- Motivation
- Attitude
- Leadership
- Team Player

Circumstances/Interests

This could cover ability to drive, access to own vehicle, work permit status, out of hours/weekend working. Also it is an opportunity to assess interests out of work which may be positively viewed to the post.

Care must be taken to ensure that all the above requirements are not discriminatory.

4. Selection Panel

The Selection Panel should consist of at least two persons, one of whom usually would be the current Chairman/Mayor.

Any allegations of bias should be avoided so that no-one with a close family connection, friendship or pecuniary involvement to an applicant should be involved in the selection process and care should be taken with regard to any possible conflict of interest with regard to any political involvement.

5. Advertising the Vacancy

Posts should be filled on the basis of fair and open competition and should be advertised with the intention of attracting the best possible available applicant. In certain circumstances posts need not be advertised i.e. return from maternity leave.

Normally posts are advertised in the local press and the job centre but if it is felt appropriate then off-island adverts can be placed too. The availability of Manx workers needs to be taken into account.

The Advert

The advert should include

- Brief description of job/organisation/location
- Any necessary criteria
- Remuneration
- Application process (i.e. closing date)

Applications should be addressed to The Chief Executive/Clerk and marked 'Private and Confidential'.

Application Form

All applicants are required to submit an **Application Form and a curriculum vitae**, which should contain the following information:-

- Name, address and telephone, email address for contact purposes
- Date of Birth (if there is an upper age limit on recruitment)
- Educational qualifications, including grades, dates obtained and educational establishments attended
- Full employment history (dates of employment and employers)
- Any courses undertaken
- Motivation and reasons for applying
- Work Permit Status

It may be appropriate to ask for any relevant criminal convictions (i.e. fraud). In deciding the relevance of convictions the following will be considered:-

- The nature of the conviction and appointment
- The date the offence occurred
- The frequency of offence
- Conduct of the individual since conviction
- The responsibilities of the vacant post

The application should be acknowledged promptly and an indication of when short listing will take place may be appropriate.

Applicants should be advised on the application form that their details will be held on computer.

(This is a requirement under the Data Protection Act).

6. SHORTLISTING

A short listing Form summarising the key information relating to applicants should be compiled (**Annex C**) and **Interview Arrangement Form (Annex D) completed.**

SHORTLISTING MEETING

All members of the selection panel should meet and go through all the applications received and agree on a shortlist.

Short listing **must be** based only on the information contained in the application form using the job description and person specification as the criteria. This must be consistently applied to all applicants who should be assessed against the criteria and not against each other.

APPLICANTS WITH A DISABILITY

Where an applicant has a disability, the panel should consider that person is not disadvantaged at interview or when taking any assessment test. (i.e. access to the building/interview room, specially adapted materials etc.).

APPLICANTS REQUIRING A WORK PERMIT

With effect from the 1 November 2017, changes were made to the work permit system. Changes include reduced fees for multi-year applications, provision for automatic work permits for cohabiting partners and the removal of the requirement for an additional work permit for some workers entering the Island with clearance from Immigration to work.

Further information on how the work permit process works and how to submit applications to the Work Permit Committee can be obtained from the Department of Enterprise. They have provided a guide which can be found here [work permits guide](#).

SHORT LISTING FORM

A short listing form must be completed by the Selection Panel, the form should clearly show the Panel's reasons for short listing/non-short listing of applicants, having matched the information on the applications with the required criteria in the Person Specification.

7. INTERVIEW SCHEDULE

The Panel should agree a date, time and venue and length of time to be allocated for each interview and also which areas of the Person Specification each member will cover at the interview.

NOTIFYING UNSUCCESSFUL APPLICANTS

Unsuccessful applicants can be notified as soon as short listing has taken place.

REFERENCES

The Panel may wish to consider seeking references for all short listed applicants immediately following the short listing process and ideally, they will have been received back by the date of the interviews. Another option is just to obtain references for the chosen candidate. It is good practice to seek a reference from the

present or most recent employer, however applicant(s) must give consent to this action. It should be a condition of offer of employment though that a satisfactory reference is obtained from this source if appropriate. References should be kept Confidential.

INTERVIEWS

SUPPLEMENTARY SELECTION METHODS

It may be necessary for short listed applicants to undertake a supplementary test to assess any required skills prior to the Interview, any such test needs to be relevant to the post and unbiased.

INTERVIEWING

The Recruitment Panel should decide on a number of questions for each member to ask based on the different elements of the person specification drawn up. Each candidate should be asked the same questions.

The Recruitment Panel must keep adequate notes of the interview including reasons for selection or non-selection, a useful Interview Assessment Form is attached (**Annex E**), based on the person specification.

Interview questions must be related to the requirements and circumstances of the post and must not be of a discriminatory nature.

It is always useful to ask the applicant if they have any expectations as to a starting salary (salary scale will have been advertised with the job). The reason for this is if the job is offered to someone at a salary scale outside of the person's expectations then the offer will be rejected. Also the panel may decide the candidate's preferred salary is not acceptable.

8. NOTIFICATION OF THE SELECTION DECISION

Once the Recruitment Panel has made a decision, the Chairman must advise all short listed applicants by telephone, as soon as possible, as to whether they have been successful or otherwise. It is best practice to restrict comments at this stage only to confirming the outcome of a recruitment process. Further feedback can be given at a later date if requested.

Any offer of employment is subject to any outstanding pre-employment checks e.g. satisfactory references, and satisfactory medical and requires the Department of Infrastructure's approval under the Local Government Act 1985 – Section 21(3) – only for Clerks and Responsible Finance Officers (RFOs) see Section 21 (3A).

OFFER OF EMPLOYMENT

The Offer of Employment Letter should be sent as soon as practicable after the interviews and will be conditional on the successful applicant fulfilling the requirements outlined above. The letter should detail the following:-

Salary and Annual Leave Entitlement: (an indication of salary will have been discussed at interview).

Local Government Pension Scheme: If you become employed in local Government (other than for a parish authority), you will automatically become a member of the IoM LGPS unless you opt not to join or you are a casual employee. If you have previously opted out or are a casual employee you can join, but must elect to do so. A person employed by a parish authority may only be a member if they are covered by a relevant resolution.

Pre-Employment Health Screening

The purpose of pre-employment health screening is to make sure that successful applicants are physically and mentally fit to do the work that they have applied for.

The letter will also confirm any allowances which may be payable, (Shift Disturbance Allowance etc) and any variations from the normal terms and conditions of service, (e.g. not eligible for premium pay or overtime etc.; requirement to work an on-call roster; requirement to work evenings, nights or weekends; waiver for termination for fixed-term appointments, requirements to wear a uniform, requirement to undertake specialist training). Where an officer is appointed to a post on the condition that he successfully completes a specialist training course within an agreed and reasonable time scale, the officer will be required to sign a form of undertaking agreeing to repay all or part of the costs of training in certain circumstances.

The offer letter will normally be sent within 2 days of the interviews.

UK applicants

Where an applicant is based in the UK he/she should be referred to their own GP. The local authority may decide to reimburse this expense or otherwise.

Where the Medical Report form indicates a health problem, the following options may be considered :-

- Withdraw the offer of employment
- Allow the existing offer to stand

If the results of the Medical recommends that officer is not fit enough to work Responsibility for determining whether to appoint a prospective employee

rests with the employing authority. However, no applicant will be refused employment for health reasons unless appropriate medical advice has been sought, the applicant has had the opportunity to discuss issues raised with a qualified health professional, and the local authority has given full consideration to all of the relevant information.

All medical information must be treated sensitively and in the very strictest confidence at all times.

Medical information should only be made available to those persons who need to know the contents of the report and any subsequent restrictions.

Work Permit Form

Applicants who do not qualify as “Isle of Man Workers” will require a work permit to be granted before they can start work. The offer letter will therefore include a Work Permit Form (CEA3) for the applicant to complete Part 2. A supporting Report will be required for the application to be considered by the Work Permit Committee.

Verifying Education Qualifications

Applicants who must hold specific qualifications for a particular post and whose certificates have not been verified should be asked to do so in the offer letter. Only the original certificates will be accepted or alternatively, when an applicant cannot produce their original educational qualification certificates, an original letter on headed paper from the applicant’s school or examining board stating their examination results is acceptable.

Police Checks

Police checks will be required for posts where for example :-

- the employment involves substantial unsupervised access to children and vulnerable people

The police check will be determined by the criteria for the post.

The revised offer letter should be accompanied with a **CONFIDENTIAL** letter containing details of the reason for the restriction as detailed exactly in the email from the Personnel Office.

9. APPOINTMENT

Once the Acceptance form has been signed and returned by the applicant and all pre-employment checks have been satisfactorily completed, the local authority will issue an appointment letter.

Various documents are sent to new staff with their appointment letter.

Any offer of appointment for local authority Clerks is subject to Department approval.

Department Approval

The approval of the Department of Infrastructure is required under Section 21 of the Local Government Act 1985 for the appointment of all local authority Clerks.

In addition, RFOs are subject to Department of Infrastructure approval under Section 21(3) & 21 (3A) as amended by the Local Government Act 2006.

In considering the local authority's request for approval the Department will need to assess that the recruitment process has been undertaken adequately and that the most suitable person is appointed to the role. This will require documented evidence of the short listing and interview process along with a copy of the job description, person specification etc. The Department will take into account the duties of the Clerk and the knowledge and skills required to carry out that role. Also it may be that person is required to fulfil the Responsible Financial Officer role and the Department will seek assurance that the person is capable of carrying out this function.

Annex A
Model Statement of Particulars of Job Description

- POST:** (Job Title i.e. Clerk)
- AUTHORITY:** (Name of Local Authority)
- REPORTS TO:** (Person/Authority directly responsible to)
- RESPONSIBLE FOR:** (Any staff management responsibility)

PURPOSE

(Brief description of purpose of the job) (i.e. to provide administrative and financial support and advice to to enable the Board to carry out an efficient and effective service to the ratepayers of the district. To have management responsibility for all staff employed by the Board.

MAIN ACTIVITIES

(The list below is not exhaustive and will need to be adapted to the functions undertaken by the local authority)

- Be responsible for the organisation and administration of all local authority meetings, including sending out Agendas within the legislative timescale, taking and transcribing the Minutes at the meetings and ensuring that appropriate follow-up action is carried out.
- Prepare and submit the required detailed financial information to the Board to assist accurate and timely decision making in the carrying out of the Board's functions
- Maintain accurate financial records in accordance with the Audit Act 2006 and the Accounts and Audit Regulations 2007
- Be responsible for meeting deadlines within legislative and the relevant Department requirements
- Be responsible for keeping the local authority up to date with new legislation
- Research and prepare Reports to enable the local authority to make decisions
- Assist in Local Elections
- Day to day management of office staff and manual workers?
- **KNOWLEDGE AND SKILLS**

(Specific requirements to enable the job to be performed competently)

- QUALIFICATIONS

(It may be that certain qualifications are necessary to carry out the job)

- COMPETENCY REQUIREMENTS

(This could include a knowledge of local government structure and functions, ability to organise meetings and take minutes)

- **Annex B**

- **Model Statement of Written Particulars of Terms and Conditions of Appointment**

- **(If Terms and Conditions are in accordance with the Whitley Council Memorandum of Agreement then this should be stated)**

This document sets out your principal terms and conditions of appointment. It incorporates the Written Particulars required by the Employment Act 2006 and constitutes your terms and conditions of employment with

- NAME

- ADDRESS

- THE ROLE

- This post is (title of post) on the staff of (Authority name)...

- **PLACE OF WORK** – Your normal place of work will be.....

- START DATE

- **Your start date in this role will be set out in your Confirmation of Appointment letter.**

- **INCREMENT MONTH** Your increment month will be (the same as the month that you commence in this role)

- **CONTINUOUS SERVICE** (Previous service may be considered and credit allowed)

- **DURATION OF EMPLOYMENT** (If applicable)

- **PROBATION PERIOD** – Your appointment will be subject to a six month probation period, during which time your work and conduct will be carefully assessed by

- **REMUNERATION** The post is graded at (Grade if applicable). Your salary on appointment would be £ on the salary scale £..... to £..... per annum
 - **METHOD OF PAYMENT** (i.e. Paid into Bank Account monthly on ? date etc)
 - **HOURS OF WORK**
 - Your hours of work are 37 hours spread over the normal working week of Monday to Friday (as applicable)
- For Part-time Employees - Your contract is for (insert number of hours contracted for work) and your salary will be calculated pro-rata.
- Overtime will be paid for hours in excess of 37 hours, which have been agreed with you by the Council/Board (if applicable).
- **ANNUAL LEAVE** This could be based on relevant qualification and experience, and an allowance given to reflect this. As a comparison Civil Service leave starts at 22 days on entry rising to 30 days on 15 years completed service
 - PUBLIC HOLIDAYS **Clarification on the number of Public Holidays allowed may be required**
 - **SICKNESS OF INJURY LEAVE** (Any pay entitlement should be specified and if so to cover what period) Requirement for notification of sick leave i.e. to whom and by what time and what means
 - **SMOKING POLICY** – If applicable
 - **OUTSIDE EMPLOYMENT** – Is this permissible?
 - RETIREMENT AGE
 - PENSION RIGHTS (Please note the provisions of the LGPS and the Authority's obligation to staff)
 - NOTICE PERIOD
 - **By the Authority**
 - **By the Employer**
 - ALLOWANCES (If applicable)
 - ACTIONS WHICH CONSTITUTE GROSS MISCONDUCT
 - (These could already be included under terms of employment i.e. Whitley Council Manual Workers etc.)
 - GRIEVANCE AND DISCIPLINARY PROCEDURES
 - (As above and depending on nature and term of contract i.e. applicable after a certain period) Rights of appeal and who would hear appeal?
 - I acknowledge receipt of this Statement of Employment relating to the terms and conditions of my employment and have read and accept the same.
 - Signed

- Name
- Date
- Bank Account/National Insurance Number (if required)
- (one copy to be retained by the employee – signed copy to be returned to
.....Authority)
-
- **The main legislation covering employment is the Employment Act 2006
and this should be referred to for guidance. Please note Part X of the Act
covers unfair dismissal.**

• **Annex C – Shortlisting Form**

Shortlisting Form	
• Post:	Grade: Department:
To be completed by the recruitment Administration Section (RAS)	To be completed by the recruiting Manager: Please review application against the requirements of the Job Description and Person Specification, and indicate whether the candidate is shortlisted for interview. Please explain reasons for decision. The Shortlist should be determined on the basis of objective criteria and not a preferred number.
Application No. 1 Name: Work Permit Required*? Qualifications checked by RAS: Criminal Convictions: Graduate: Comments:	Relevant Qualification? Yes/No Relevant Experience? Yes/No Shortlisted? Yes/No Reasons:
Application No. 2 Name: Work Permit Required*? Qualifications checked by RAS: Criminal Convictions: Graduate: Comments:	Relevant Qualification? Yes/No Relevant Experience? Yes/No Shortlisted? Yes/No Reasons:
Application No. 3 Name: Work Permit Required*? Qualifications checked by RAS: Criminal Convictions: Graduate: Comments:	Relevant Qualification? Yes/No Relevant Experience? Yes/No Shortlisted? Yes/No Reasons:

• **Annex D – Interview Arrangement Form**

Interview Arrangement Form

- **For Attention of:**
- **Vacant Post:**
- **Department:** **Grade:**
- Please find attached the Job File for the above post, together with shortlisting forms summarising the names and relevant details of all applicants. Following completion of the shortlisting process, could you please complete and return this form as soon as possible, so that arrangements can be made to invite shortlisted candidates for interview. Please allow 10 working days between shortlisting and interviews to enable references to be obtained and allow candidates sufficient preparation time for any supplementary skills tests (e.g. Presentations)
- **Please return this form to:**
- **Shortlisted Candidates**

No	Name	Interview Time	No	Name	Interview Time

Interview Date	Venue
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- **Selection Panel**

Panel Members	Chair	Dept Representative	Independent
Name			
Designation			
Contact Address			
Contact Tel No.			
Trained Interviewer	YES/NO	YES/NO	YES/NO

- **Selection Methods**

Is the interview to include a supplementary skills test?	YES/NO
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If so, please provide details below (or on a separate sheet) for inclusion in invite letters:-

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- **Authorised by**(signature)(name)
-
- (date)

• **Annex E – Interview Assessment Form**

Interview Assessment Form

Post:	Department:	Grade:
Candidate:		Date:

Attributes	Essential or Desirable	Interview Assessment
Qualifications		
Experience		
Knowledge & Skills		
Disposition		
Circumstances/Interests		

Comments taken from References	
 Pen Picture Note any aspect of personality etc. not covered elsewhere	
 Panel Recommendation	
Chairperson	Date