

Committee on Equality of Opportunity EOC-01-02(p.2)

Date: 30 January 2002

Time: 9.30am

Venue: Committee Room 3, National Assembly Building

Title: **LIFTING EVERY VOICE – PROGRESS ON ACTION PLAN**

Purpose

1. To inform the Committee on Equality of Opportunity of progress that has been made on achieving the Permanent Secretary's action plan to take forward the recommendations of the Lifting Every Voice report to eliminate employment practices and procedures which could discriminate against members of the black and minority ethnic communities.

Summary

2. Roger McKenzie presented his 'Lifting Every Voice' report to the Committee at its meeting on 21 March 2001. The Permanent Secretary established an implementation group, chaired by Roger McKenzie, to produce an action plan to implement the recommendations. The resulting action plan was presented to the Committee in July 2001 along with the Permanent Secretary's proposals for taking them forward. This paper provides the promised update on progress since July. Although Roger McKenzie's report deals specifically with the issue of institutional racism, the action plan is being developed to address all possible forms of discrimination within the Assembly's employment practices.

3. The specific recommendations of Lifting Every Voice have themselves been equality proofed. We are satisfied that they do not have unintended discriminatory effects on other under-represented groups. Progress has been made on all but two of the recommendations, those two being dependant on the other 41 recommendations being in place before they can be progressed.

Timing

4. At the July meeting of the Committee, the Permanent Secretary undertook to report back on progress in implementing the action plan at six-monthly intervals. This paper fulfils that commitment.

Background

5. The Lifting Every Voice report was presented to the Committee by its author, Roger McKenzie, at its

meeting on 21 March 2001. At that meeting the Permanent Secretary undertook to produce an action plan for the Committee's consideration at the end of three months setting out proposals for implementing each of the recommendations in the Lifting Every Voice report. An implementation group, chaired by Roger McKenzie, was established to produce the action plan. The plan was presented to the Committee for information in July 2001. The Permanent Secretary is working to make the Assembly an exemplar equality employer and will use the Lifting Every Voice report as one of his main means of achieving this.

6. Since July 2001, a steering group, chaired by Peter Gregory, has been overseeing progress on the action plan. The updated action plan is attached at Annex A and indicates the progress that has been made on each recommendation. Membership of the steering group is indicated at Annex B. Proposals made regarding specific actions to implement the recommendations are being checked for compliance with any relevant legal requirements as they are developed.

Current position

7. Of the 43 recommendations contained in the report, 17 are already in place, many having been Assembly practice for some time. Work on a further 24 is underway. 2 of the recommendations are yet to be actioned as they relate to the audit of the other recommendations once they are in place.

8. The implementation group recognised that two of the report's recommendations gave rise to particular issues that would require further consideration and have involved much discussion with the Assembly's Trade Union Side.

9. Recommendation 7 proposed that all National Assembly staff vacancies should be advertised externally. In implementing this recommendation, the Permanent Secretary has to balance his responsibility to deliver equality of opportunity with those of meeting the business needs of the Assembly and acting as a good employer providing career development opportunities for staff.

10. Recommendation 9 suggests that new employees should be appointed to clearly defined posts as opposed to general grades. There is, however, a need for generic competencies applicable to people at similar levels within the organisation as well as particular competencies related to specific posts. In addition, contracts of employment will need to be framed in such a way that people can subsequently be moved into different posts where this is in both their and the Assembly's interests. There will also need to be a common pay structure to underlie any posts in order to facilitate such internal transfers. The pay agreement reached with the Assembly Trade Union Side in 2001 established a pay system under which equal pay is ensured. This will underpin any proposed new staff deployment and recruitment processes.

Draft Staff Deployment and Recruitment Strategy

11. A draft staff deployment and recruitment strategy has now been developed. It has been accepted by the Personnel and Support Services Sub-Committee of the Permanent Secretary's Executive Board and

is currently subject to consultation with the Trade Union Side. Once that consultation is complete, full staff consultation will take place as well as consultation with the Civil Service Commission, the Cabinet Office and the equality commissions in Wales. A copy of the draft strategy is attached at Annex C for the Committee to note.

12. The draft strategy includes proposals to continue to post a small number of staff to vacancies in certain specified circumstances, such as on return from maternity leave or long-term sickness absence, and to allow staff career development moves via lateral transfer. In all cases where the posting of staff to a vacancy is not justified in terms of the agreed criteria, the post will be advertised openly. The proposed system will need to be audited so that the Permanent Secretary and others including the trade unions and the Equality organisations can be satisfied that the percentage of posts filled by open recruitment is acceptable. Implicit within it is that, in future, existing staff would normally only secure 'promotion' through an open competition. Appointments made to openly advertised posts will be carried out according to the principles of fair and open competition and selection on merit which are laid down in the Civil Service Commissioners Recruitment Code. This reflects the conditions under which the Assembly currently makes appointments.

13. As an indication of the staff deployment and recruitment activities currently undertaken by the Assembly, details of staff movements during October, November and December 2001 are attached at Annex D. There are also details of the number of job specific recruitment exercises undertaken to date in the year 2001-2002. Members will note that a large number of promotions have taken place during the October to December period. This reflects the fact that promotion boards to Pay Bands B, C, D and E were carried out in Summer 2001 to fulfil the requirements of carrying out the business of the Assembly and in accordance with an earlier agreement with the Trade Union Side. Subject to conclusion of discussions with Trade Union Side and consultation with staff on the staff deployment and recruitment strategy, these are likely to be the last major internal promotion exercises conducted in the Assembly.

Timing of implementation

14. As outlined above, many of the recommendations are in place or have been given planned timescales for implementation in the action plan. In relation to recommendations 7 and 9, we are currently aiming to have negotiated an agreement with the trades unions and consulted with staff on the nature of the new arrangements to be put in place by the Spring. We also aim to have completed training for both managers and the staff who support them, and undertaken recruitment under the new arrangements during Spring and Summer. These new arrangements are being piloted under the recruitment exercise for staff in Pay Band F which is commencing in January 2002. We are also continuing with the outreach work in communities that are currently under-represented in the Assembly, including the establishment of a separate work shadowing and work experience programme for individuals from black minority ethnic communities.

Compliance

15. There are no issues of regularity or propriety in relation to this paper.

Cross-cutting themes

16. By implementing the recommendations of the Lifting Every Voice report, the Assembly will be further demonstrating its commitment to equality of opportunity.

Action

17. The Committee is invited to note progress on the Permanent Secretary's action plan and the draft staff deployment and recruitment strategy.

Contact Point - Secretariat to the Lifting Every Voice Implementation Group

Annex B

LIFTING EVERY VOICE STEERING GROUP - MEMBERSHIP

National Assembly officials

Peter Gregory, Director, Personnel, Management and Business Services -Chair

Sue Armitage, Acting Head of Personnel Division

Delyth Thomas, Head of Recruitment and Selection

Freny Rees, Equal Opportunities Officer

Charles Willie, Head of Equality Policy Unit

Julie Bragg, Recruitment and Selection Team - Secretary

National Assembly Trade Union Side

Andy Williams, Trade Union Side Chair

Angela Griffiths, Trade Union Side Secretary

STAFF DEPLOYMENT AND RECRUITMENT STRATEGY – POLICIES AND PROCEDURES

1. This strategy outlines the policies and procedures which will apply to the implementation of a staff deployment and recruitment strategy. The practical steps needed to undertake the strategy are set out below.
2. The strategy will take due regard of the Civil Service Commissioners' Code on Recruitment, the findings of the report on the 2000 Recruitment Exercise to Bands A to D and the Lifting Every Voice report.
3. The strategy covers 3 eventualities. The need to:-
 - a. cover temporary vacancies;
 - b. facilitate movement around the Assembly for staff wishing or needing to move jobs/develop their experience;
 - c. openly recruit to fill substantive vacancies.
4. The strategy assumes that any substantive post not filled by lateral transfer or on a temporary basis will be the subject of open recruitment.

The need to openly recruit to the Assembly

5. When the number of Assembly staff falls short of the number of funded posts needed to discharge its functions, there will be a need to fill the shortfall by open competition. The process to be adopted will be to decide the route by which individual vacancies should be filled. Leaving aside making a small number of posts available for secondment opportunities, there are 2 likely courses of action:-
 - a. to advertise the post internally for lateral transfer. Where a staffing shortfall exists a post filled internally by lateral transfer is likely to create a vacancy elsewhere;
 - b. some posts will have a person specification which may suggest that an open competition is desirable, without an internal advert for lateral transfer. Those posts should be openly advertised.
6. Either way, as long as the Assembly has a staffing shortfall the gap will be made up by open recruitment, while existing staff will still have the opportunity to move around to develop their careers. Should we reach a situation where the shortfall has effectively been met, the numbers of vacancies subject to open recruitment will need to be managed carefully in order to avoid potential redundancy situations for staff already in post.

Definition of a vacancy

7. The starting point in considering the strategy is to define what constitutes a vacancy or 'slot'. This is a potential or existing 'empty seat', a gap where a substantive member of staff would fit and for which the identifying Division has the recurrent budget (or Departmental Running Costs (DRCs)).

8. Once the slot had been identified, it could currently be filled temporarily in three ways whilst a permanent member of staff is identified to fill it:

- time limited out of grade working by another permanent member of staff for between 6 and 24 months. This is possible at present via deputising arrangements but invariably creates gaps below the slot by other members of staff filling in behind it;
- out of grade working under the temporary working allowance arrangements for up to 6 months. This arrangement might mean that others below the slot move up the chain temporarily;
- employing a 'casual' worker for the duration of the vacancy which usually leaves the other staff in the team in their normal positions. When the vacancy is at Band A or B or is for secretarial staff another option available is using staff from a temporary support agency.

All three options are covered by DRCs but the cost commitments vary between the options.

Declaring a vacancy

9. When a Division identifies that it has or will have a vacant slot, it declares that slot to the Recruitment and Selection Team (RAS). Where the post is substantive it **must** be covered by recurrent DRCs and is likely to have been identified via a workforce planning system. RAS is currently working with Finance Planning Division to create a robust planning system to be used in the future.

10. Once a DRC covered vacancy has been declared, RAS considers, in the particular circumstances of the post and in consultation with the Division, how the post should be filled, whether internally or by open competition.

Filling a slot internally

11. RAS, in consultation with line managers, has the discretion to decide whether a slot should be filled by recruiting internally or by open competition. If the slot is available on only a temporary basis (maximum of one year), it may be appropriate to consider using one of the options at 8 above rather than recruiting a permanent member of staff.

12. The reasons for filling a slot temporarily can include:

- maternity leave cover
- long-term sickness absence
- the slot has only temporary funding (project work)
- the slot is in support of or has been created by the need to post another member of staff to undertake a particular time-limited project
- a need is identified to fill the slot until a permanent appointee arrives.

13. In the majority of cases, however, it will be appropriate to fill a slot permanently. This would mean advertising the slot on the basis of a lateral transfer initially to allow staff the opportunity for career development. If no suitable candidate were identified, the slot would then be subject to open recruitment.

14. In certain cases, RAS and the Division may agree that internal candidates are unlikely to have the skills necessary to fill the slot. In such instances, the post would be advertised openly without advertising on lateral transfer first.

Exceptions to internal transfer and open competition

15. There are certain circumstances in which it is necessary to post current staff directly into vacant slots without advertising internally or externally. Such exceptions are necessary for reasons of employment law, good employment practice, including the need to maintain Investors in People status, or to manage the business of the Assembly effectively in unexpected circumstances. The numbers of slots which would be filled in this way would constitute only a small proportion of all vacancies.

16. Exceptions would include:

- returners from maternity leave, long term sickness absence, career breaks or secondments;
- transfers in from other government departments;
- re-instatement or re-employment of former civil servants;
- employment of civil servants made redundant from other departments;
- emergency situations such as the foot and mouth outbreak;
- welfare reasons;
- participation in staff development schemes such as the Management Development Programme or fast streamers;
- career development reasons; or
- rehabilitation slots.

Lateral Transfer

17. The process for lateral transfers will continue as at present.

18. If a suitable candidate is not identified via this lateral transfer process, the slot will normally be

offered via an open recruitment exercise.

19. The Permanent Secretary will reserve the right to hold job-specific promotion exercises in certain specific and exceptional circumstances where, for instance, it is clearly the case that an in-depth knowledge of the procedures and operations of the Assembly is required, but there have been no applicants on lateral transfer.

Filling a slot by open recruitment

20. In order to fill a slot by open competition, candidates will be required to complete an application form designed to require the provision of evidence of the relevant competencies. They will need to supply information on referees including a current or past employer, if the applicant has previously been employed. The interviewing panel will conduct a sift on the basis of the relevant competencies for the grade and criteria specific post (indicated in the documentation in the candidate packs and the information to candidates).

21. Candidates sifted in would move forward to an assessment centre to test the generic competencies for the grade. Depending on the number of posts subject to open recruitment during any period of time, it might be appropriate to hold assessment centres at set intervals (so that numbers can be secured to run effective group exercises) or extraordinary ones for particular posts. The intervals between assessment centres will vary depending on the grade to which the vacancies apply. Running larger, planned assessment centres will reduce costs by bringing economies of scale not possible with those mounted at short notice for small numbers of posts. Specific arrangements will be made for candidates with a disability.

22. All those who pass the assessment centre will move on to interview to test competencies or skills for the specific post. There will be no ranking of candidates at this stage as it is known that minority ethnic candidates and candidates with a disability, although able to pass assessment centres, do not generally rank as highly as white, able bodied candidates.

23. Candidates successful at the assessment centre but unsuccessful at interview will be informed of this outcome and advised that they will be eligible to apply for other posts of interest to them in the ensuing 12-month period without having to sit the assessment centre again.

24. The candidate information provided to each panel will consist of candidates' application forms at sift stage and the application forms plus the results of any job specific tests at interview stage. They will not receive the actual results of the assessment centre for the reasons given at paragraph 22. The panel will need to know only the names of those who pass and are therefore eligible for interview.

Constitution of interview panels

25. The role of the interview panel is to assess the job specific skills and professional qualifications of

candidates at the sift stage of the recruitment process and to interview candidates who are successful at the assessment centre.

26. The membership of an interview panel normally consists of a chair and two members. The membership will be gender balanced and consist of one customer and one expert (who may be the same person), one person who is not the customer (i.e. comes from another Group within the Assembly) and one member external to the Assembly as appropriate (for example to assess professional abilities). Personnel Division reserves the right to chair a panel if necessary to quality assure the process. Trade Union Side might also be involved as an observer of the process, provided candidates agree.

Identifying panel members

27. In order to secure the numbers of staff who will be required to carry out interviewing duties, every member of staff at Band C level and above will be trained and invited to participate via a system similar to involvement in jury service. Careful consideration will be given to the possibility of opting out of participation once invited, frequency of having to 'serve', etc.

28. Staff who are called on to participate will have the advantage of being able to experience the interview process 'from the other side of the table' as well as having the opportunity to recruit staff for their own teams. Participating in the process will be a developmental opportunity as well as a management tool.

29. It may be necessary to consider involving outside board members in the staff deployment and recruitment process either to act as chairs or as independent members of the board depending on the level and nature of post involved. Such members would need to be trained in the same way as internal members and their involvement will be monitored closely by RAS. They would be paid on a daily fee basis plus travel and subsistence costs for their services.

Training for panel members

30. A robust and large scale training programme will need to be developed to support the needs of the panel members. The training will cover:

- structured interviewing techniques (including consideration of whether to notify candidates of questions in advance);
- setting of selection criteria;
- assessment centres;
- equality issues; and,
- employment law.

Refresher training will be provided at least once every three years. The effectiveness of the training provided will be evaluated on a regular basis. The training will be adapted to take account of ongoing

developments in employment law or equality issues as they occur.

Training for candidates

31. A robust programme of training for candidates will need to be developed. For current staff this will include training in structured interview techniques, completing application forms and the working of assessment centres. A programme of pre-entry training for black minority ethnic candidates is also being developed. General advice and guidance will be prepared separately for all candidates. All elements are expected to be in place in Spring 2002 in order to implement the strategy from April 2002 once consultation with staff and others has taken place.

Degree of job specificity

32. Most posts at the lower grades might have different job titles but the competencies and duties required are generic. The degree of job specificity increases with grade. It has been suggested that it is only when you reach Pay Band E that the degree of specificity becomes significant. At the lower grades, individual job titling might be the more appropriate means of differentiating between jobs than a large number of different job descriptions and person specifications. The scope for offering comparable posts to people applying for slots below Pay Band E is significant and could result in economies of scale.

Staff time required to run a recruitment exercise

33. The average amount of staff time taken to process a straightforward internal transfer from receipt of advert to informing the successful candidate is 2 working days. For an open recruitment exercise, the amount of staff time involved can be as much as 10 working days. This increases if the person dealing with the exercise is also involved as a panel member.

Timescale for a recruitment exercise

34. The timescale from notification of an internal transfer to the person taking up post is roughly 11 weeks, given that most people interpret the Assembly's current '8-week rule' on internal transfers as an absolute rather than subject to negotiation. Under the new strategy, we propose that the internal postings policy be reviewed and that the timescale for an internal transfer be halved to four weeks. In parallel with this we propose that lateral transferees be required to stay in their posts for a minimum period of two years, unless there are exceptional reasons why a move is necessary before that time has elapsed e.g. breakdown of relations with the line manager. These proposals would mean that Divisions could manage their business more effectively as posting gaps would be minimised. It would also cut down on advertising and overall costs as vacant slots would be likely to be fewer than at present and possibly more predictable as people approached the set period in post.

35. The timescale from the decision to advertise openly to the person taking up post is presently a minimum of 15 weeks and could be as long as 20 weeks or more. Openly advertising a larger number of

posts could have serious implications for the management of the Assembly's business. As a result of this, we are currently reviewing the recruitment process to identify means of reducing the portion of this period within the control of the Assembly, whether in RAS or Divisions.

36. Standard documentation in English and in Welsh to be used off the shelf has been produced. The employing Division will be required to provide job and person specifications for specific posts. However, the Assembly has no control over the greater part of the open recruitment timescale as it is taken up by notice periods and time spent waiting for referees to respond to requests for references. In addition, Emergencies and Security Policy Team has proposed a more robust system of security vetting than at present. This has the potential to add more time to the process if it is found that the background and circumstances of a job candidate give rise to further enquiries.

Staff resources

37. There will be a considerable demand on the time of staff at pay bands F, E and D in particular to sit on interview boards and to provide feedback to internal candidates for open exercises, should they seek it. (Legal advice is that we should not give feedback to external candidates to avoid the risk of discriminatory remarks being made.)

Other resource requirements

38. Other resource requirements include:

- training costs as all staff will require training and developmental support as potential applicants, staff from Pay Band C upwards as interviewers and others as administrators of the recruitment process.
- direct costs of advertising, hiring of suitable interview accommodation, resources used for providing information to candidates, the design and administration of assessment centres etc.
- an IT based package to support the process and allow full documentation including details of all candidates. This should enable staff to track candidates, provide analysis of schemes and be capable of being integrated with the Personnel staff database.

Financial resource requirements

39. The average cost of a recruitment exercise for one post is currently £20,500. Advertising makes up around £10,000 of this cost. In the future, composite advertisements will be published on a monthly or fortnightly basis, depending on the volume of posts. We will follow the model used by local authorities with very brief details on posts available.

Implications for Recruitment and Selection Team

40. RAS will provide a recruitment and selection service tailored to the individual needs of divisions and

run to respond promptly to requests for new staff.

Implications for Groups

41. RAS will liaise with Groups to produce an annual recruitment plan for the Group linking into Groups' Operational Plans and DRC allocations. These plans will be reviewed quarterly using the information provided to RAS monthly on the staffing position of Groups.

Career Development

42. The strategy will be implemented bearing in mind the need to maintain career development opportunities for current staff. Each member of staff will have had a significant amount of time and money invested in their personal development. The Assembly is recognised as an Investors in People employer. We will ensure therefore that the investment made in staff is put to good effect. Staff should be able to broaden their skills and experience by transferring laterally or to demonstrate their abilities at a higher level via open recruitment.

Use of the Welsh Language

43. Under the Welsh Language Scheme certain posts within the Assembly will be designated as having to be filled by a Welsh speaker. Overall it is proposed that the Assembly has a minimum agreed capacity of 10 to 20% of staff able to converse in the Welsh language by 2004. The majority of posts will not have a specific requirement for the Welsh language but the provision of training in Welsh and opportunities for using the language will increase.

Increasing levels of employment of under-represented groups

44. As part of this strategy, the Assembly will publicise to under-represented groups the revised approach being taken to recruitment. The aim is to make the Assembly's workforce more representative of the population of Wales by increasing the proportion of staff from the Black and Minority Ethnic communities and those who have disabilities. Part of this outreach work has already begun by the development of closer links with minority ethnic communities by the Equality Policy Unit. EPU is working with the All Wales Ethnic Minority Association and the Race Equality Councils in Wales to publicise the initiatives that are being developed. EPU is continuing this work as progress in implementing the recommendations of the Lifting Every Voice report is being made. Similar arrangements are being made with disability groups in Wales. In addition, the Permanent Secretary holds regular meetings with the leaders of black minority ethnic communities in Wales. The staff deployment and recruitment strategy will form part of the discussions at these meetings.

45. RAS is undertaking research into the experiences of various groups within the working population and producing promotional materials for use in conjunction with all recruitment exercises. We plan to advertise recruitment exercises more widely via the minority ethnic press, race equality councils and

disability organisation newsletters. We are also developing a work shadowing and work placement programme for black minority ethnic individuals so that they can have first hand experience of working in the Assembly and can feed their experiences back into their communities.

Personnel Division

January, 2002

Annex D

NATIONAL ASSEMBLY VACANCIES FILLED: OCTOBER TO DECEMBER 2001

Type of staff move	October	November	December
Lateral transfer: permanent staff	18: SCS – 3 Band G – 2 Band D – 1 Band C – 7 Band B – 3 Band A – 1	19: Band F – 2 Band E – 1 Band D – 1 Band C – 5 Band B – 8 Band A – 2	17: Band D – 4 Band C – 3 Band B – 8 Band A – 2
Lateral transfer: Casual staff	4: Band C – 1 Band B – 3	1: Band A – 1	0

Returners	4: From unpaid leave – 1 (Band C) From maternity leave – 3 (Band C – 1; Band B – 2)	9: From unpaid leave – 2 (Band B) From maternity leave – 6 (Band D – 1; Band C – 1; Band B – 4) From career break – 1 (Band A)	8: From unpaid leave – 3 (Band C – 2; Band B – 1) From maternity leave – 3 (Band C – 1; Band B – 2) From career break – 2 (Band B – 1; Band A – 1)
Open recruitment	10: SCS – 1 Band G – 2 Band C – 3 Band B – 2 Band A – 2	5: Band D – 1 Band C – 1 Band B – 2 Band A – 1	6: HEO'D' – 1 Band C – 1 Band B – 2 Band A – 2
New appointments of casual staff	25: Band B – 8 Band A – 17 (including 1 New Deal participant)	18: Band C – 4 Band B – 3 Band A – 11 (including 2 New Deal participants)	0

Promotions	37: To Band E – 8 To Band D – 11 To Band C – 14 To Band B – 4	55: To Band E – 8 To Band D – 16 To Band C – 24 To Band B – 7	83: To Band E – 6 To Band D – 16 To Band C – 20 To Band B – 41
Leavers: permanent staff (including retirements)	23: Band G – 1 Band D – 4 Band B – 4 Band A – 14	11: SCS – 1 Band C – 6 Band B – 1 Band A – 3	11: Band F – 3 Band C – 3 Band B – 5
Leavers: casual staff	26: Band D – 1 Band B – 2 Band A – 23	25: Band C – 4 Band B – 6 Band A – 15	16: Band C – 1 Band B – 1 Band A – 14 (including 1 New Deal participant)

RECRUITMENT TO THE NATIONAL ASSEMBLY FOR WALES: SPECIFIC POSTS OPENLY ADVERTISED DURING 2001-02 TO DATE

Band to which recruited	Number of posts: total 97
SCS	13
Band G	6
Band F	13
Band E	2
Band D	16
Band C	13 (including one fixed term appointment)
Band B	3
Band A	31

Please note that not all these recruitment schemes have yet been completed. Some are at offer stage, some at interview, some at advertisement and some at the initial planning stage.