

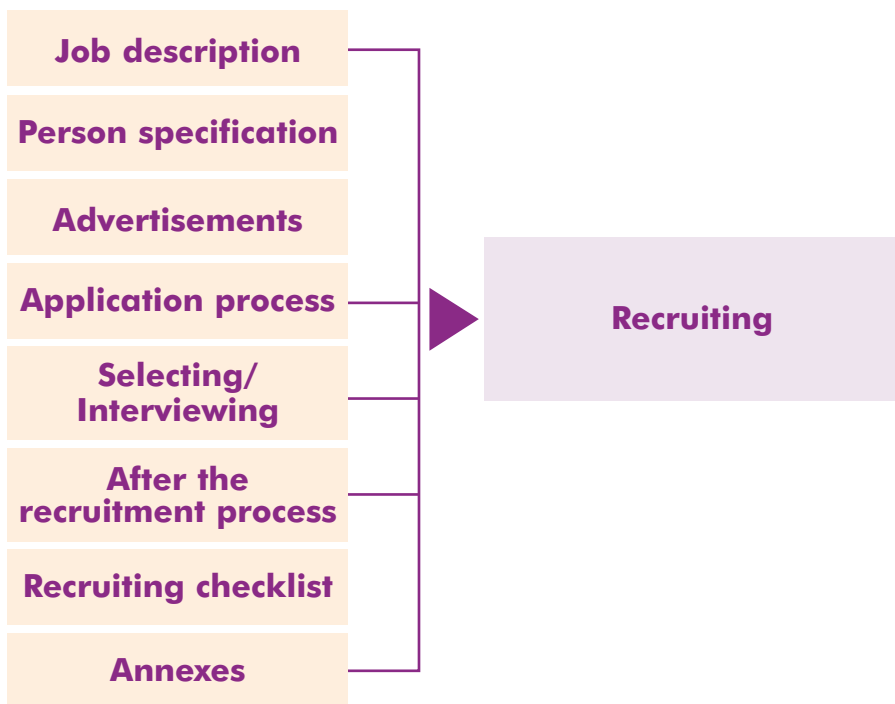
Recruiting



The Diversity Means Business project is co-financed by the South East England Development Agency and the European Social Fund.

Recruiting

This section covers the main elements of recruiting. The actions we suggest should help you comply with the law and go that step further to gain the benefits of diversity.



Further help and advice is available **FREE** to eligible businesses from the Diversity Means Business project team.

Tel **023 9284 1610**

email **info@diversitymeansbusiness.org.uk**

or visit **www.diversitymeansbusiness.org.uk**

for more information.

Job Description

It is a good idea to set out the main purposes and scope of a job to aid both recruiting and subsequent performance management.

The following should be considered:

- Keep language simple and free of jargon.
- Avoid any criteria that contradict your diversity policy.
- List main tasks of the job, focusing on actions rather than vague terms like 'take responsibility for', 'deal with', etc.
- Rather than specifying how work should be done, be clear about the outcomes sought – disabled people may be able to achieve the outcomes using different methods.
- Be clear about reporting lines, e.g. how many employees the post will be supervising, to whom the post holder reports etc.
- Where possible, clarify results and outputs required.

Person Specification

This is probably the most important document in the recruitment process and should provide a profile of the worker needed.

The following pointers are suggested:

- Keep language simple and free of jargon.
- Avoid any criteria that contradict your diversity policy.
- Essential skills, knowledge and experience can be more important than specific qualifications.
- Seek evidence of successful experience as this can be more meaningful than duration or being recent.
- The criteria need to be realistic: requirements that are too high can raise false expectations as to the scope of the job and/or recruit someone who may soon move on.
- Criteria relating to personal qualities should be avoided unless vital to the job e.g. 'a sense of humour' can mean many different things; 'physical fitness', or 'ability to work

under stress' are equally vague descriptions and could be discriminatory.

- Avoid specifying age.
- Avoid specifying 'clean driving licence' but specify 'mobility throughout region' – many will be mobile although without a driving licence. The Access to Work scheme operated by Jobcentre Plus may assist disabled people with travel costs or by providing a driver.

It is helpful to specify which of the person criteria are 'Essential' and which are 'Desirable', especially if your business is offering a Guaranteed Interview Scheme for people with disabilities. If a disabled person does not meet the 'Essential criteria', there is no need to offer an interview.

Advertisements

These should reflect the Job Description and Person Specification (see above). The following should be considered:

- Again, keep language simple and free of jargon.
 - And avoid any criteria that contradict your diversity policy.
 - Advertise in publications appropriate to the level of the job and the target audience.
 - Advertise free through Jobcentre Plus and your local Careers/Connexions Service.
 - Consider advertising through local community venues, specialist ethnic minority and disability publications, web sites, colleges and local training providers.
 - If using a recruitment agency, check that their procedures support your diversity policy and are not discriminatory.
 - Include a statement about your diversity policy such as 'we welcome applications from women, ethnic minorities, disabled and older people'.
 - Unless justifiable as essential to the job, avoid language that is gender, cultural, health or age specific.
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- Emphasize the skills and experience needed for the job.
- Provide essential facts: pay, location and other key contract details.
- Be clear how applicants should apply, the closing date and interview dates – ensure that you allow sufficient time for applications to be made.
- Keep advert text large and eye catching, uncluttered by too much information.

Example:

A Government Department issued the following in 04:

“The is an equal opportunities employer and is committed to making appointments on merit by a fair and open process. We welcome applications from candidates regardless of ethnic origin, religious belief, faith, gender, sexual orientation, disability, age or other irrelevant factors” and then elsewhere in the documentation; “In deciding your suitability for appointment, the will need to ensure that the period of service you will be able to give with regard to the normal retirement age of 60 will be sufficient to complete the period of appointment and recoup any training and induction costs”.

The latter contradicts the diversity policy by excluding older people.

Application Process

A good application form should enable you to gain all the information relevant to the Job Description and Person Specification; you may also request a Curriculum Vitae (CV). It is good practice to monitor applications by race, gender, disability, etc but such information should be separated from the main application form and used only for monitoring purposes rather than during selection. Throughout the process consider the following:

- Keep language simple and free of jargon.
- Avoid requirements that contradict your diversity policy.
- Ensure process and forms are appropriate to the level of job, i.e. information and experience relevant to a care worker post will be different to that required for the head of a nursing home.
- Application paperwork, Job Description and Person Specification should be in a minimum 12 point “sans serif” font (e.g. Arial) and should be capable of being made accessible, for example, a source electronic document could be provided in large print or by e-mail. Alternatively, help should be offered in reading and completing the form – perhaps by phone.
- Encourage applicants to offer evidence of their relevant skills and experience from all aspects of life. For example, someone may have experience from working as a charity volunteer which is just as valuable as a previous job.

Example:

Recruitment managers who had made changes [to accommodate the needs of people with disabilities] reported in recent research that it was ‘easy’ or ‘very easy’. The most difficult task was reported to be making information accessible for a person with a visual, learning or hearing impairment.

Word processed documents are easy to provide in larger print and electronically for visually impaired people who can find it easier to access documents with a computer. Assistance by recruiting staff, in person or on the phone, can also overcome many difficulties.

“The print was just too small, when I asked if they had other formats there was embarrassed silence – nothing ever arrived and when I complained they blamed the post.”

Selecting/Interviewing

Selection

Where there are multiple applicants, you may short-list those for interview through a sifting process. When considering information provided on application forms, the selection should be made according to the applicant's skills and experience. Selection should not be made on the basis of gender, ethnic background, religion/faith, disability or age (it will be illegal to discriminate on the grounds of age from 2006) unless there is specific justification for such.

- All employees involved in the selection process should fully understand their roles and responsibilities not to discriminate under the various laws.
 - Candidates may have qualifications accredited by overseas institutions – NARIC is an organisation that can provide equivalence between overseas and UK qualifications.
 - Do not make assumptions about the ability of a disabled candidate to do the job. You should be aware that people with disabilities overcome barriers of all types every day.
 - Older people should be judged on their experience and skills rather than on qualifications that may have been gained some time ago. This is because these older type qualifications don't translate well, or are not recognised in today's terms.
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Interview

When candidates are invited for interview, they should be asked if they have requirements for making access to and participation in the interview easier. This could include conducting the interview in an accessible location, providing an interpreter (for a language or British Sign Language), or allowing assistance during the interview. The following should also be considered:

- Interviews should normally be conducted by two or more people to ensure a more objective decision.
 - Interviewers should fully understand their roles and responsibilities not to discriminate under the various laws.
 - It is sensible to decide beforehand on a series of questions that will be asked of every candidate to enable objective comparison of the responses.
 - Questions should seek to identify the candidates' skills and experience relevant to the Job Description and Person Specification.
 - Make sure candidates are comfortable and able to make the best of themselves.
 - Interviewers should be able to accommodate candidates with differing levels of English and different cultural signals plus those who have specific needs due to a disability.
 - Interviewers need to have considered adjustments to the job: to accommodate religious/faith differences (time off for religious holidays, facilities for prayer at work, dietary requirements, dress codes etc.) and disability (alterative work allocations and locations, use of adaptive equipment etc.) It is sensible to ensure that interviewers understand the support that may be available through Access to Work.
 - Do not make assumptions about the ability of a disabled candidate to do the job.
 - Candidates should be given the opportunity to ask questions about the job and employer.
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Potential discrimination

People with little or no English are at a particular disadvantage, when applying for jobs, filling out application forms or participating in interviews as well as in the workplace where they may have problems reading health and safety or other instructions. This is an area which is more difficult for a small businesses to address. Ideally, people should be helped through the formal education system or through one of the several specialist programmes for refugees and non-English speakers in the community.

Solutions

- Consider referring candidates to an ESOL class and encouraging them to re-apply at a later date;
- Consider the provision of interpreters at interviews;
- For those with sufficient English skills to do the job, encourage them to seek further training either at work or at a local college.

People with disabilities often report that when they enquire about a job they are told “You won’t be able to manage here, there are too many steps”.

When attending for interview, people with disabilities can find that the interview venue is not accessible to them. They report that despite saying that they were disabled, that the employer gave no indication that there may be physical barriers, and failed to ask the candidate what their needs would be. For some people with disabilities, this makes it totally impossible for them to attend the interview, for others, the effort to climb steps, or by causing the embarrassment of asking for these barriers to be removed puts them at a major disadvantage to other candidates.

Testing

Some employers also use tests to identify the best candidate – there are plenty of people who are very good at interviews but not very good at the job!

- Where specific competencies are required for the job, consider objective testing such as typing tests, IT exercises, mathematical and other practical tests related to the job.
- Ensure that any employees conducting the tests fully understand their roles and responsibilities not to discriminate under the various laws.
- Make reasonable adjustments to ensure that any disabled candidates are not disadvantaged during the tests.

Example:

A disabled person with arthritis who applies for a typing job is allowed to use an adapted keyboard and types a test document at 50 words per minute.

A non-disabled candidate types at 30 wpm with the same accuracy rate. However, the disabled typist is rejected because of prejudice and the other candidate is offered the job instead. This is direct discrimination, as the equivalent would be a person not having arthritis typing at 50 wpm with the same accuracy.

Medical Clearance

Many people with disabilities find provision of such information difficult, irrelevant to their ability to do the job, and potentially disadvantageous – they may therefore not bother to apply. If you require such information, it is helpful to make it clear that it only need be provided after an interview by successful applicants. If medical information is to be used, you should ensure that it is assessed by competent individuals who understand their roles and responsibilities under the law and the support available through Access to Work. It is always prudent to discuss adjustments with a disabled candidate.

Example:

Barclays' job applicants used to receive a medical examination if:

- applying for management positions*
- disabled*
- they did not complete the Health Declaration on the Bank's application form or if their answers prompted further questions about their medical history*

In November 1993, Barclays reviewed total sickness absence over the previous two years for a random sample of 200 disabled and 200 non-disabled employees.

This included typical levels and reasons for absence. The non-disabled sample included both those who had and had not received a pre-employment medical. The survey showed:

- disabled employees on average had eight days absence over the period*
- non-disabled employees had on average ten days absence over the period*

The Bank was unable to find any correlation between the disclosure on the Health Declaration and subsequent sickness absence, and it was considered unnecessary to continue giving medicals to such large numbers of job applicants. During 1995 far fewer medicals were undertaken with no adverse impact on absenteeism levels.

Terms & Conditions

Equal pay covers bonuses, overtime, holiday pay, sick pay, performance related pay and occupational pensions in addition to wages or salaries. You need to ensure the following for both new recruits and existing employees:

- That men doing the same jobs as female employees are not being paid less because of their gender (or visa versa).
- That employees in jobs of 'equal value' are receiving equal pay.
- That women are not being appointed on lower pay than male colleagues.
- That women on maternity leave are being paid bonuses if other employees are receiving such.
- That disabled employees' terms and conditions are not less than other staff because of their disability (unless there is justification).
- That older people's terms and conditions are no less favourable than other employees.

After the Recruitment Process

It is important to take decisions quickly and notify the successful candidate promptly to avoid individuals taking up other offers. It is particularly valuable to offer feedback to unsuccessful candidates to assist them in the future. Finally, it is useful to collect monitoring data covering the number of applications, interview offers and job offers according to gender, ethnic background, disability and age. Not only can such data help you assess the effectiveness of your recruiting activities, it can also help provide evidence in the event of a dispute.

Jobcentre Plus Specialist Support for Recruiting Disabled People

Disability Employment Advisers (DEAs) are employment specialists, who are usually based in Jobcentre Plus offices or Jobcentres and who work in partnership with external organisations of and for disabled people.

They can:

- give you information about the Work Preparation Programme. You may be able to offer a work placement to a disabled person enabling them to sample many types of work in a real working environment. Work placements are usually arranged through Jobcentre Plus Work Preparation Contractors and may last from a few days up to a maximum of 13 weeks.
 - tell you about the Job Introduction Scheme (JIS) which can provide a weekly grant towards the employment or training costs for the first few weeks of employing a disabled person.
 - provide advice on adopting the Disability Symbol, which has been developed so employers can show their commitment to good practice in the employment and retention of disabled people.
 - give information on WORKSTEP which enables people with more complex employment barriers to work effectively with the right support alongside non-disabled colleagues.
 - give you advice on job retention if you or your disabled employee are concerned about them losing their job because of disability.
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Recognition for Employers that Support Recruitment of Disabled People

The ✓✓ Disability Symbol is awarded by Jobcentre Plus to employers who have agreed to take action to meet five commitments regarding the employment, retention, training and career development of disabled employees:

- to interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities.
- to ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what can be done to make sure they can develop and use their abilities.
- to make every effort when employees become disabled to make sure they stay in employment.
- to take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work.
- each year, to review the five commitments and what has been achieved, plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.

You can use the symbol in job adverts to recruit disabled people.

How to Recruit from a Wider Source of Applicants – Action Checklist

Understand your legal responsibilities when recruiting employees

Promote your commitment to a more diverse workforce to wider groups of potential recruits

Review and update the following to ensure that they are fair, effective and non-discriminatory:

- Job descriptions/person specifications
- Advertisements
- Application process and paperwork
- Sifting and interview procedures
- Testing & medical clearance procedures
- Terms and conditions

Provide diversity training for all employees involved in the recruitment process

Consider reasonable adjustments in the workplace for new employees

Collect and analyse data about applicants: applications, sifting, interviews, job offers by gender, race/nationality, religion/faith, disability and age etc.

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ANNEX A – Important Factors relating to disabled people:

Consult the Disability Discrimination Act 1995 – Draft Code of Practice on Employment and Occupation.

When must you make adjustments to your selection, assessment and interview arrangements?

An employer is not required to make changes in anticipation of applications from disabled people in general – although it would obviously be good practice to do so. It is only if the employer knows or could be reasonably expected to know that a particular disabled person is, or may be, applying and is likely to be substantially disadvantaged by the employer's premises or arrangements, that the employer may have to make changes.

Example:

An applicant for a job indicates they are a wheelchair user on the application form but does not request any reasonable adjustments. It would be a reasonable adjustment for you to conduct the interview in an accessible room.

Questions Relating to Disability

The DDA does not prohibit an employer from seeking information about a disability. However, disability related questions must not be used to discriminate against a disabled person. An employer should only ask such questions if those questions are, or may be, relevant to the person's ability to do the job – after a reasonable adjustment, if necessary.

Example 1:

An applicant with a visual impairment is asked at interview whether or not she was born with that condition. This is irrelevant to her ability to do the job and may upset the applicant, potentially preventing her from performing as well as she would otherwise have done. This is likely to be unlawful.

Example 2:

An applicant who is a wheelchair user is asked whether any changes may be needed to the workplace to accommodate him. This would not be discriminatory.

You Should Not Make Assumptions

People with disabilities often get the feeling that employers think they are stupid, just because they use a wheelchair, or have communication difficulties.

“They treated me like a child because I have Cerebral Palsy and have difficulty speaking – I have a first class honours degree”.

“They assumed I would have lots of time off sick – I have only had two days off sick in 25 years”

Never make assumptions about a Disabled Person, physical impairment is no indicator to intellectual aptitude, similarly someone with a learning difficulty may be capable of hard physical work or have other skills and abilities.

ANNEX B – Mistakes to avoid

Paul was working as a deputy chief constable of a police authority in Scotland when he applied for a promotion with another force. Despite being well qualified for the post he was not selected for interview. He found out that all those who had been short-listed were Scottish and that some of these applicants were less qualified than he was. He began to suspect that he had not been given the opportunity to go for the job because of his ethnic background, which was English. He came to the CRE for advice and assistance.

In response to enquiries, the police authority denied the allegations of racial discrimination. They argued that legislation did not apply between Scottish and English people. This question was settled at an employment appeal tribunal who stated that the 1976 Race Relations Act does apply between these groups. (This was confirmed at an appeal tribunal – and by the Scottish court of appeal in another case.) The full case was due to be heard at an employment tribunal, but before the hearing the police authority accepted an out of court settlement. The police authority agreed to issue an apology and donate a four-figure sum to a charity of Paul's choice.

Mrs D applied for and was offered a job with an Estate Agency. At the interview she did not volunteer that she was pregnant, nor was she asked. After being offered the job, Mrs D telephoned the company and told them she was pregnant. The sales manager, who had interviewed her, said that he wished to discuss this with the proprietor. Following her e-mail seeking confirmation of arrangements for starting work, Mrs D received a letter telling her that the company was no longer able to consider her application. The letter noted that she had not told them that she was pregnant at interview which they saw as an “extremely material matter touching on your ability to carry out your duties”. Compensation of £2,750 was agreed.

The recruit was offered a job as an administrative assistant, following interview. She revealed during her interview that she had worked for the company previously but had left for health reasons. The company did not pursue the point during the interview and an offer of employment was made in any event. It was only after a start-date had been agreed that the client was asked for further information about her health.

The recruit explained that she had had Grand Mal epilepsy since childhood until she underwent temporal lobe surgery in 1996. Since then she had been free of symptoms and, latterly, of medication. Within a matter of days, the recruit was advised that the vacancy was no longer available because there had been a sudden decrease in business. Case was settled for the sum of £4,000.

Sarah was looking for a new job, and applied to work for a firm in Greater Manchester as a receptionist. She was invited to go for an interview, but when she got home she received a call from the firm to ask her whether or not she was Jewish. She stated that yes, she was Jewish — the company went on to ask her whether she intended to take all the Jewish holidays. She explained that she planned to take only one Jewish holiday, as leave. The person that she spoke to said that the company “had nothing against Jewish people”. Four days later, when she had still not heard whether she was successful in her application, she rang the company who said that she had not been offered the job. She was told that the successful candidate “had different circumstances”. This message was confirmed in writing a few days later. The company settled out of court for a four figure sum.

The recruit was verbally offered the position of Mortgage Manager subject to, amongst other things, satisfactory medical clearance. Following disclosure of her disability, her prospective employer told her that her condition would not present a problem, but nevertheless proceeded to request disclosure of her medical records, which was granted. A medical report was subsequently obtained and the offer of employment was withdrawn. Case settled for the sum of £1,500.

ANNEX C – Simple adjustments that support equal opportunities and diversity:

- Many staff canteens now serve vegetarian food and, in some cases Halal meat. Some caterers find it easier to buy all their meat from Halal sources – Muslim and Jewish employees will appreciate it, and the others may well not notice any difference.
 - A spare room on your premises that could be set aside as a prayer room – this can made a big difference to some companies in engaging Muslim employees.
 - Relatively small concessions in dress codes can make a big difference. If the police and the armed forces can live with Sikh turbans, then most businesses should be able to do likewise. In office surroundings, a requirement to wear skirts may make it difficult for Muslim women to work for you because of inhibitions about exposing the body.
 - Local organisations can provide essential notices e.g. Health and Safety in other languages.
 - Many colleges and training providers will provide no/low cost English for Speakers of Other Languages (ESOL), literacy and numeracy training – often in the workplace.
 - Allocate sufficient disabled parking and ensure others do not use it.
 - Adjust noise and lighting levels in the workplace.
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- Consider homeworking.
 - Provide a notice showing the alphabet next to filing cabinets etc. – assists some people with dyslexia.
 - Provide a convenient holder, such as a key-ring to store laminated pictures or words showing steps in a task/job – to remind people with lapses in concentration.
 - Improve lighting with higher wattage bulbs.
 - Provide blinds etc. to prevent glare.
 - Save documents in 'word' format – then they can be produced in any size and be read by a screen reader.
 - Provide a Dictaphone.
 - Use accessibility features provided by Microsoft (free) or other operating systems.
 - Use high contrast colours on skirting boards, dado rails, door frames, door handles, toilet taps, pillars, steps, ramps etc.
 - Reduce hard surfaces in working environments that reflect noise.
 - Reassign some tasks amongst workers.
 - Provide picture menus in canteen/restaurant.
 - Allow people to start/end work at different times to allow use of public transport.
 - Provide large-button telephones.
 - Provide roller-ball mouse for computer.
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In summary, a tiny proportion of disabled employees require additional aids in the workplace and Government funding is available for most of those costs – even where an employer may need to contribute to such costs, most consider it very worthwhile.

How you can gain the benefits

Contact your local Disability Employment Advisors (DEA) at your local Jobcentre Plus for information on funding available to enable you to employ people with disabilities.



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**Please contact us if you require
alternative versions of this leaflet.**

Please note: The information provided in this handbook is not legal advice but is for general information only. If you require advice upon the law we strongly recommend that you speak to a legal professional to obtain legal advice.

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