

OPCC SCRUTINY MEETING
EMPLOYMENT TRIBUNAL – RECRUITMENT PROCESS
2017/18
OVERVIEW OF PROCESS AND FINDINGS

18TH SEPTEMBER 2019

Introduction

- Employment tribunal ruled against the Constabulary on the grounds of sexual orientation, race and sex
- The case related to the 2017/18 police officer recruitment process
- For the first time measures were applied to the final stages of the process leading to a pass/fail outcome rather than the scoring mechanism previously used.
- All candidates who passed the interview process were treated on equal merit.
- This intake was oversubscribed and a number of criteria were applied
- Candidates who met one or more of these criteria were offered places first
- The tribunal found that the Constabulary had discriminated and had unlawfully treated candidates with protected characteristics more favourable, and did not consider that the candidates who passed interview could all have been of equal merit

Interview Process

2017/18 process incorporating the application of s159.

Candidates are interviewed and responses marked according to the quality of the response. They are marked by a descriptive indicator (a range of 5 descriptions) and banded into “negative” and “positive” responses. This is an approach that is nationally recognised and used on the Police NOW recruitment process for example. Candidates then obtain an overall “pass” or “fail”. All candidates who “pass” are eligible for selection.

In this process, if there are 100 places and 100 “pass” candidates then they will all be offered a position. If there are 100 places and 130 “pass” candidates then this is where the application of s159 became applicable (it was not applied at any earlier stage of the process).

Candidates were then looked at in accordance with various categories:-

- Principle 1 - Candidates who PASS the interview assessment who identify a protected characteristic for example female, BAME, LGBT.
- Principle 2 - Candidates who PASS the interview assessment who speak English as a second language.
- Principle 3 - Candidates who PASS the interview assessment who are employed by Cheshire Constabulary as a Special Constable, PCSO, FCC or member of Police Staff.

In the event of a “tie break” remaining then then remaining candidates were offered in priority based on their SEARCH assessment score.

Chronology of Events - August to Sept 2017



- **8th August 2017: Decision made at People and Programme Board to implement positive action into the recruitment process for 2017/2018**
- **August 2017: Internal and External Communications released referencing the forthcoming recruitment processes opening in September 2017**
- **31st August 2017: Seminar for prospective candidates held**
 - The seminar included references to the use and importance of positive action
- **4th September 2017: Application Window Opened and application pack released internally and externally**
 - N.B. This pack did not contain the details surrounding application of Positive Action principles
- **11th September 2017: Two live Q&A Sessions were held to allow candidates opportunities to answer questions**
- **17th September 2017: Closure of the application window**
 - 675 applications received throughout process

Chronology of Events – Sept to Dec 2017

- **29th September 2017: Shortlisting of application results. Candidates issued with assessment centre pack**
- **8th October 2017: Workshop in support of the assessment centre to provide further information on the expectations**
- **23rd October to 5th November 2017: Assessment Centres**
- **6th to 13th November 2017: Interviews Held**
 - 192 invited for interview
 - 182 attended
- **11th December 2017: Offers of employment made to candidates**
 - Some candidates remained on hold until later intakes up until Spring 2018 following the budget setting process

Chronology of Events 2018 - 2019



- **6th April 2018: Employment Tribunal Claim Lodged**
- **10th to 14th December 2018: Employment Tribunal Hearing**
- **14th February 2019: Employment Tribunal Judgement Handed**

The Constabulary's Current Position

- The Constabulary accepts the findings of the tribunal
- The processes were put in place with the best of intentions and the expected standards for recruits were not reduced
- It has reflected on its interpretation of the Act and looked at its entire recruitment practice
- The interview process now follows the College of Policing scoring guidelines and no longer based on a pass or fail
- Positive action is now applied where there is a tie break situation and two candidates are of equal merit and score the same at interview
- The Constabulary commissioned an independent review into its recruitment processes

The Recruitment Review – Terms of Reference



The overall objective is to provide an independent assessment of the **recruitment, selection and promotion** processes (for police officers and staff) operating in Cheshire Constabulary, to ensure they are in line with the College of Policing standards of practice, equality legislation and current industry best practice.

The Recruitment Review – Conclusion

In summary, as required by the Terms of Reference, the review confirms that the recruitment, selection and promotion processes (for police officers and staff) operating in Cheshire Constabulary are in line with the College of Policing standards of practice, equality legislation and current industry best practice.

The Recruitment Review – Recommendations

1. Publish the outcome of the review
2. Continue to review & evaluate
3. Peer Review of Positive Action initiatives
4. Review devolved recruitment
5. Licence to practice
6. Ongoing review of FCC Recruitment
7. QA processes & rationale communicated
8. QA process to involved operational staff
9. Clarify the stakeholder panel
10. Speed up feedback processes
11. Investigate the use of technology
12. Review relationships with Staff Associations & Unison

The Recruitment Review – Next Steps

- Action plan
- Review
- Governance & Reporting of progress