

Joint Consultative Committee for Ethnic Minorities

Date: 30 June 2020

Agenda item:

Subject: Recruitment of senior officers

Lead Director: Rachael Wardell – Director of Children Schools and Families

Lead officer: Liz Hammond – Interim Head of HR

Lead member: Cllr Mark Allison.

Recommendations:

- A. To note the profile of the senior workforce of the Council.
 - B. To note and agree actions to ensure the Council is as representative as possible amongst the senior manager workforce.
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1. Purpose of report and executive summary

- 1.1 Members of the Joint Consultative Committee requested a breakdown of the BAME profile of the Council's senior manager postholders which was reported to them in December 2018. This report updates the position relating to the BAME background of Merton's senior managers and benchmarking with other London Boroughs.
- 1.2 Actions to improve the representation of BAME postholders amongst senior managers are outlined in the main report.

2. Details (high-level overview)

BAME profile

- 2.1 Workforce equalities data is collected on recruitment, and can be updated by staff in iTrent self-service. The equalities profile is monitored by quarterly updates, which include trends, to Corporate Management Team (CMT) and Departmental Management Teams.
- 2.2 Appendix 1 shows the percentage BAME senior managers each quarter since 31 March 2014. The end of the first quarter of 2020/21 hasn't been reached yet, so the latest date shown is as at 18th June. "Senior" for the purposes of this report reflects the top 5% earners in the organisation. This is a standardised measure used by London Councils to monitor equalities for senior staff across all London boroughs and enables benchmarking with their data, in turn this measure is derived from a former government Best Value Performance Indicator.

- 2.3 The top 5% earners presently covers a group of 86 staff typically graded MGC or above. As a relatively small cohort, a variation of just one employee can cause a change of +/- 0.9% in the reported figures – this effect is even more marked when considering data at a departmental level where the cohort becomes even smaller.
- 2.4 Equalities information is provided by staff and applicants through self-declaration – as such it is not compulsory (other than age, where date of birth forms part of identity checking). 21.1% of the top 5% earners have not declared their ethnicity. All staff are reminded and encouraged twice a year to update their equalities details.
- 2.5 In terms of how Merton's position benchmarks with other London Boroughs, data from London Councils shows that in March 2019 (March 2020 data is not yet available from London Councils) the proportion of BAME amongst the top 5% earners ranged from 3.6% to 54.0%. The mean was 17.0%. (See Appendix 2 where it is clear that other similar outer London Boroughs also have low BAME amongst the top 5% of earners). Therefore, in terms of Merton's position against the other 32 London Boroughs, the Council was lower than the mean at 14.1% at the time of the survey, and whilst the position has varied since then it stands at 14.0% at 18th June 2020. As the Council has entered into shared service arrangements this has had some impact upon the profile of senior managers as well, with TUPE (Transfer of Undertaking Protection of Employment Regulations) applying.
- 2.6 The proportion of BAME overall for the council (excluding schools) was 33.8% as at 18 June 2020, compared to 14.0% for the top 5% of earners. According to GLA data, as at 2018 BAME groups make up 38% of the borough's population.

Recruitment and Selection

- 2.7 The last report to this committee covered the period from April 2015. Further monitoring of recruitment for posts graded MGC and above for the year 2018/19 covers 11 vacancies for which there were 46 applications. 44% of applicants were BAME, 40% of those shortlisted were BME and 33% of those appointed were BAME. It should be noted that there were just 8 appointments and with such small cohort variances of +/- one person can cause large percentage differences.
- 2.8 April to December 2019 – vacancies advertised during this time period would have been done on the previous Applicant Tracking System, WCN, which is no longer available to Merton. Reporting from WCN was historically troublesome. Before WCN was switched off, vacancy and candidate data was extracted from the system however on gathering the data on vacancies at MGC and above for the period of April to December 2019 it became apparent that only 50% of the data was pulled out.

From the data that was available for posts grade MGC and above, the period of April to December 2019 covered 4 vacancies for which there were 19 applications. 15% of applicants were from BAME, 11% of those shortlisted were BME and 0% of those appointed were BAME. These figures cover such a small cohort of vacancies that even the difference of just one person can cause large percentage differences.

The new Applicant Tracking System, Hireserve, has an improved reporting functionality and therefore future reporting will be more readily available. Hireserve went live on 6th January 2020 and therefore data within the system is building up to enable meaningful reporting to be commenced. Since the Hireserve ATS was implemented on the 6th January we have advertised and recruited to two MGC posts, of which the successful applicants, one was BAME and the other was not = 50%.

Since the above paragraph was prepared in March 2020, there have been no new roles advertised at grade MGC and above between then and today's date of 19th June 2020. The role of Head of South London Legal Partnership was being prepared to be recruited to, but the campaign was put on hold without being advertised due to Covid-19.

- 2.9 It is a requirement that all panel members and chairs who take part in the recruitment and selection process must have undergone the relevant recruitment and selection training; regularly refreshing their skills every 2 years. It is the responsibility of the 'chair' of the panel to check that all panel members have attended such training. In the case of member-level appointments (Director and Chief Executive posts) training is provided to all panel members.
- 2.10 We are currently in the process of designing and procuring a new on line recruitment and selection course which we will ensure addresses how to avoid unconscious bias in the recruitment process. Managers will be required to refresh this training every 2 years.
- 2.11 The Council have piloted at senior level blind recruitment where the name and any distinguishing characteristics have been removed from the candidate's CV so that the recruiting manager has no awareness of whether the candidate is male or female or their ethnicity. However at senior level this process fails because it is common practice for interested candidates to want to speak to the recruiting manager in advance of submitting an application to find out more about this role, the organisation and the aspiration the recruiting manager has for the post before applying. At the point of the telephone call the recruiting manager may find they know the candidate already, or – as the candidate will usually identify themselves and introduce themselves by name, current position and place of work – they may make inferences (correctly or incorrectly) about age, gender or ethnicity which could introduce bias to their selection.

2.13 The Council have also reviewed whether blind recruitment could be conducted throughout all recruitment carried out and the following is an extract from a report that went to CMT setting out the limitations and risk of applying a blind recruitment process:

HireServe (Merton's applicant tracking system) only have the ability to turn on/off the anonymised feature for the whole platform, we cannot pick and choose which jobs we want to have anonymised and those we do not.

If we choose to anonymise but then, at a later date decide we want to turn this feature off, we will end up with some roles and applications anonymised and others that are not. This could lead to discrimination over candidates that can v's cannot be seen by the Hiring Manager (depending when the campaign is run).

Retrospective data reporting will be inconsistent.

We will be 100% reliant on candidates removing any features that identify them from their CV's. This is not just a simple case of removing their names as it also involves removing anything within the CV that could be interpreted by the reader as an identifying feature.

Within HireServe (at present) there is an option to apply for a role using a full application or a short CV application.

The short CV application is used for other lower level roles and indeed is a preferred route for senior and professional individuals who object to having to input information that is already contained within their CV. The short application form plus CV is seen as a preferred and more candidate friendly method of applying for Merton roles.

If the recruitment team are required to cleanse CV's there is a risk that they could be unknowingly discriminating as they cleanse it. This opens the Council up to the risk of unintentional criticism and discrimination claims.

CV's will still be submitted but they will no longer be able to go directly to the Hiring Manager and there will be a need for an additional recruitment resource/intervention to cleanse the CV before the manager receives it.

- *From a volume perspective if we opt for the short application form with CV's as approx. 2,500-3,000 candidates per year show interest for roles, they all would need to be CV cleansed by the recruitment team thereby increasing recruitments involvement in the process significantly. The overall intention of an ATS system is that it becomes a self-serve vehicle for recruiting managers, thus reducing unnecessary administration time and cost. This will not be achieved if HR have to intervene for data cleansing purposes. The cost to business assuming 15 mins of cleanse/ resaving the CV would be:-*

- *3,000 x .25 = 750hrs*

- 750 hours / 35hrs = 21.42 (FTE weeks work)
- c.£33,000 (ME10) / 52 x 21.42 weeks
- = c.£14,000

Social Workers have been put off applying in the past because of the requirement to complete a full application, this will only compound an already existing issue when recruiting to this hard to fill position. The short application and accompanying CV needs to remain to allow Social Workers to apply easily.

Applicants submitted via LGRP can potentially be anonymised – but this action will need to sit with LGRP prior to submitting CV's as it is the responsibility of agencies to present Merton's hiring manager with a pack of CV's for long and short listing purposes.

If Merton decides to continue with the option of anonymising CV's we will not be able to manage this recruitment via the new ATS system and all data and metrics assigned to the campaign will only be collated outside of the system.

For permanent senior recruitment campaigns, only one supplier is chosen following submissions of proposals from each supplier wanting to bid for the work. The chosen campaign will then upload those candidates they source as part of the campaign.

For interim senior assignments, the brief is sent to all suppliers who are free to submit candidates. If they are responsible for the anonymization then we could have the same candidate submitted several times by different agencies and the Hiring Manager may not be aware. The candidate may be shortlisted multiple times or only be invited from one agency because we have limited control over 'how' the agency cleanses the CV before submission

Anonymization restricts the ability to build a talent pool of candidates submitted via LGRP as there will be no identifying features within the application or CV for us to contact that candidate without re-engaging the LGRP supplier.

Anonymization also restricts the ability for potential candidates to have conversations with the hiring manager as part of the process, before deciding whether to apply, which is seen as a key activity in a senior recruitment campaign.

Note: CMT agreed at their meeting on the 12th November that due to the limitations that blind recruitment brings to the recruitment process and the risk of potential unintentional discrimination that Merton will not adopt blind recruitment. However every effort will be made to ensure that our recruitment processes remain free of any unintentional bias or discrimination as outlined in the actions section of this report.

- 2.14 We are currently exploring with CMT the viability of producing career pathways for existing staff so that they can clearly see what they would need to do and be able

to demonstrate in order to progress, along with any training and support that would be available to them. This has been a large piece of work that is now nearing completion and career and learning pathways are in the process of being uploaded onto the Merton HUB.

- 2.15 We continue to ensure that when appointing agencies for senior recruitment that we ask them to demonstrate their track record in producing BAME candidates and the number of successful BAME appointments. This is a practice that will continue.

Actions

- 2.16 The BAME profile amongst senior managers is still below that of the whole workforce. Therefore, actions are being taken to ensure we have good practices in place and that these are adhered to.
- 2.17 Sample checks will be introduced to ensure all shortlisting and interview panel members have up-to-date recruitment and selection training. This check will be undertaken in all cases for appointments at MGC and above. This training will include awareness of unconscious bias in the recruitment process.
- 2.18 We have recently introduced an on-line diversity and cultural awareness programme including training, with the aim to achieve a more cohesive workforce able to serve our communities better, this includes actions being developed at departmental level.
- 2.19 Where external recruiters are used for senior appointments – they are instructed to conduct additional searches and through their channels encourage applications from BAME candidates.
- 2.20 The Council will seek to introduce diversity in panel representation for senior appointments and this can be done by panel participation or introducing stakeholders' panels.
- 2.21 The Council is currently reviewing its leadership development offer and will explore adopting cultural competency as an element within the programme.
- 2.22 There are opportunities to offer mentoring to promising but unsuccessful candidates to assist them in their ongoing professional development. This has been taken up on one occasion in the past year to support an unsuccessful candidate, with a good eventual outcome.
- 2.23 We will continue to remind and encourage staff twice yearly to update their personal equality data on iTrent so that our monitoring can be 100% accurate.

2.24 We are in the process of reinvigorating our BAME Staff Forum and we will use this group as a safe environment for our BAME workforce to raise issues and as a reference group for new initiatives.

3. Alternative options

3.1 None for the purposes of this report

4. Consultation undertaken or proposed

4.1 CMT and DMT are regularly consulted with regarding workforce profile information and also the contents of leadership, management and diversity development programmes.

4.2 Further consultation, analysis and review also occurs at the corporate equalities group chaired by the director of children's schools and families.

5. Timetable

5.1 Monthly analysis, monitoring and reporting occurs across the Council as set out in the main body of the report above.

6. Financial, resource and property implications

6.1 The leadership and development programme referred to at paragraph 2.11 of this report is being delivered within the allocated corporate budget for learning and development.

7. Legal and statutory implications

7.1 The Council can lawfully take positive action with the auspices of the Equalities Act 2010 to address shortfall in the representation of the Council's workforce in comparison with the residents served.

8. Human rights, equalities and community cohesion implications

8.1 These are addressed in the main report above

9. Risk management and health and safety implications

9.1 None for the purposes of this report

10. Appendices – the following documents are to be published with this report and form part of the report

10.1 Appendix 1 proportion of ethnic minority managers in top 5% of earners

Appendix 2 ethnicity profile of appointments at grade MGC and above in 2018-19

11. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

10.1 Joint Consultative Committee for Ethnic Minorities – Recruitment of Senior Officers December 2018.

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