



EMPLOYMENT COMMITTEE – 12 MARCH 2014

VETERANS' INTERVIEW PROGRAMME

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of Report

1. The purpose of this report is to enable the Committee to consider the possibility of the adoption of the Scheme, following a report to the Committee in October 2013. At this meeting the Committee requested further information regarding the Veterans' Interview Programme to determine if and/or how the scheme could be most effectively implemented within the Council, whilst managing the benefits and risks identified.

Background

2. Leicestershire County Council is committed to supporting the Armed Forces, and to developing its strong and enduring existing links with the local Armed Forces community. In March 2012, the Council signed up to the Armed Forces Community Covenant, which is concerned with securing commitment to supporting the Armed Forces at the Local Authority level. A number of initiatives have been implemented in recognition of these commitments, such as the War Memorials Project and Armed Forces Day events, and the Council actively seeks ways in which it can provide further assistance to the Armed Force community including former service personnel.
3. Examples of support mechanisms already being operated by the Council (and other Councils) in accordance with the Covenant are included at **Appendix A**.
4. The Veterans' Interview Programme, which was rolled out by the Department for Work and Pensions (DWP) in November 2012, is designed to encourage employers to offer a guaranteed interview, or other form of increased employment support, to ex-service personnel. It does not *guarantee* the veteran a job offer, but is intended to help them overcome some of the barriers faced in finding work after leaving the forces. It should also be noted that the Community Covenant defines a veteran as someone who has '*served at least a day in HM Armed Forces, whether as a Regular or a Reservist*'.
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5. In October 2013, the Employment Committee considered a report which recommended that the Council should not adopt the scheme. The People Strategy Board considered the report in February 2013, and noted that, in the event that the Programme as a whole is not implemented, the Council should balance this decision by putting in place other initiatives in support of service leavers to help demonstrate its commitment to the principles and spirit of the Community Covenant.

Advantages and Disadvantages of Implementing this Programme

6. In order to determine whether the Council should consider implementing the Veterans' Interview Programme, and if so to what extent, it is necessary to assess what the advantages and disadvantages of this approach would be.

Advantages:

- Attracting quality applicants with transferable and useful skills into the workforce;
- Strengthen the Council's position as a supporter of veterans;
- Opportunities for the Council to publicise its commitment to veterans;
- Greater variety of opportunities for veterans to apply for;
- Reduce barriers experienced by veterans in adjusting to civilian life, in particular prejudices which may be faced when seeking employment.

Disadvantages:

- The scheme may not support the Council's commitment to equality of opportunity, particularly in relation to employees and applicants from Black and Minority Ethnic (BME) backgrounds. As at 1st April 2013, 7.1% of those employed by the UK Armed Forces were from BME backgrounds;
- Operating a Veterans' Interview Programme is likely to be considered to be indirectly discriminatory. There is very little information currently available regarding veterans in Leicestershire which would be required to defend discrimination related claims;
- Further, the resources required to deal with any discrimination claims, which could be submitted by either an employee or applicant, may be significant;

Equal Opportunities and Discrimination Implications of Implementing the Programme

7. The Equality Act 2010 outlines nine protected characteristics. Discrimination occurs when an individual or group with any or all of these characteristics is treated less favourably than those without them. As part of its Public Sector Equality Duty, the Council is required to give due regard to eliminate unlawful discrimination, advance equality of opportunity for those with protected characteristics, and foster good relations between those with protected characteristics and those who do not share them.
8. Veterans are not included in the list of protected characteristics and therefore the introduction of the Veterans' Interview Programme could grant a greater advantage to a non-protected group and therefore direct and/or indirect discrimination may occur.
9. Implementing a Veterans' Interview Programme is very likely to be considered to be an indirectly discriminatory practice. This is due to the likelihood that those seeking to benefit from the scheme will be male and not from a BME background. It is also

possible that people with disabilities may also suffer some disadvantage in comparison.

10. The Council is already committed to the Positive about Disabled People Scheme which aims to increase opportunities for job applicants with disabilities to access employment. As people with disabilities fall within a protected group, it is advised that if the Veterans' Interview Programme is implemented, it should not be more generous than the Positive about Disabled People Scheme.

Legal and Equalities Perspectives

11. This report has been reviewed by a member of the Council's Equalities team. In addition to the concerns listed above, it was noted that implementation of the Veterans' Interview Programme may be considered to be discriminatory in relation to applicants from the LGBT community, although no data has been found to inform conclusions regarding any potential risk.
12. This report has also been reviewed by a member of the Council's Legal Services team, whose concerns related to the potential for discrimination claims on the basis of gender or race, and the absence of firm evidence relating to the actual position of service leavers searching for employment within the Leicestershire area which could be used in defence of any claims.

Organisations Currently Implementing a Veterans' Interview Programme

13. The majority of organisations currently offering the programme are private sector companies such as Greggs, Aldi, Wickes, O2 and John Lewis. Sign up amongst public sector employers has so far been limited. From discussions with other County Councils the reason for this appears to be the same equalities considerations that are highlighted above. As far as we are aware no Council within the East Midlands region has implemented, or is planning to implement, the programme in the near future.
14. Two Councils known to have committed to providing the programme are Rochdale Metropolitan Borough Council and Worcester City Council. Rochdale MBC provided information regarding the planning and operation of their scheme, and this indicated that they have placed a number of eligibility criteria on potential applicants:
 - Applicant must meet the essential criteria set out in the person specification;
 - The Armed Forces must have been the last known long term employer;
 - Applicant must have undergone a period of 6 months job seeking on leaving the Armed Forces;
 - Applicant must not have left the Armed Forces more than two years previously.
15. Additionally, it is worth noting that Warwickshire County Council has taken a view that youth unemployment and general worklessness are a greater priority rather than veterans in their own right.

How the Council could implement the Veteran's Interview Programme

16. In the DWP guidance, there are no specific requirements detailed other than the commitment to offer a guaranteed interview to any veteran applying for a role. If the Council opts to introduce a Veterans' Interview Programme, it would be advisable to clearly outline how the Council would define a 'veteran' and any eligibility criteria as outlined above for the purposes of the programme.
17. As the main disadvantage of offering this scheme is that non-veterans are potentially less likely to be called for interview, a means of resolving this problem could be to add qualifying veterans to the shortlist rather than replacing others who might otherwise have been shortlisted. Managers would therefore need to be prepared to interview larger numbers of candidates to accommodate anyone applying under this scheme.
18. It would be advisable to make a concerted effort to put in place representative recruitment panels where the shortlist includes veterans applying under the scheme.
19. Consideration could be given to taking steps to increase applications from candidates from BME backgrounds in order to offset any potential disadvantage. It is important, however, to recognise that there are constraints on recruiting managers' time in shortlisting candidates, and having lots of separate initiatives in place is likely to be unworkable.

Other Actions which the Council could consider adopting to support Veterans

20. In support of its commitment to the Armed Forces Community Covenant, actions which the Council could consider instead of fully implementing the Veterans' Interview Programme may include:
 - Working with organisations such as the Career Transition Partnership (CTP) and Royal Forces Employment Association (RFEA) to advertise and promote vacancies with the Council;
 - Investigate possibilities for offering traded services to military organisations or new/small charities for veterans on a non-profit basis such as employment training, CV writing, wellbeing services;
 - Identify and raise awareness of issues which often create barriers for veterans in accessing employment opportunities, such as the equivalency of military qualifications and skills to civilian roles;
 - Lead and attend local jobs fairs just for military service leavers, which could be arranged in partnership with CTP for example.

Further Considerations

21. The overriding concern regarding the applicability of the Veterans' Interview Programme is its potential to be considered as discriminatory practice on the basis of both sex and race. This is a conclusion at which other County Councils also seem to have arrived, although it is difficult to estimate the risk associated with implementing the Programme as there is little relevant evidence to refer to.

22. If the Council decides to proceed with the Veterans' Interview Programme, it is recommended that the scheme criteria and definitions are carefully selected and set out, including the definition of a veteran and the fact that eligible applicants are guaranteed an interview. Criteria must be more extensive than the Positive about Disabled People Scheme, as the needs of people with disabilities are much more likely to out-weigh those of veterans.
23. If adopted, the Veterans' Interview Programme must be subject to an Equality Impact Assessment in order to demonstrate that the Council has fulfilled the Public Sector Equality Duty requirement to give due regard to the impact of such policies on groups with protected characteristics, and also that there are no other means of achieving the aim of supporting veterans into employment which are not discriminatory.
24. Finally, it is recommended that the scheme is monitored, and outcomes for applicants reviewed regularly so that the effectiveness and relevance of the programme can be assessed. This would also provide information which could be used to monitor any potential and detrimental impact on groups with protected characteristics.

Recommendations

25. The Committee is asked to:

- (a) Provide its views on the information detailed in the report;
- (b) Determine whether it is in support of the Veterans' Interview Programme being implemented by the Council, recognising the equalities and legal considerations set out in the report.
- (c) Determine whether it is in support of taking actions short of full implementation of the Programme, as outlined in paragraphs 16-20 of this report.

Background Papers

26. None

Circulation under Local Issues Alert Procedures

27. None.

Officer to Contact:

Gordon McFarlane, Assistant Director (People and Transformation)

Tel: (0116) 3056123

Email: gordon.mcfarlane@leics.gov.uk

List of Appendices

Appendix A - Examples of Council Community Covenant Commitments and Best Practice

Equal Opportunities Implications

28. The most fundamental equalities consideration is that a Scheme such as this would provide an advantage to a non-protected group (ie. under the Equalities Act 2010, there are nine protected characteristics, including disability). As stated above, there is a risk that this Scheme would confer a greater advantage to a non-protected group than those with protected characteristics.