



**BIRMINGHAM LAW SOCIETY**

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**Closed recruitment practices in the public sector**

Department for Business, Innovation & Skills consultation

January 2016

**April 2015**



## Closed recruitment practices in the public sector - response form

The call for evidence is available at:

[www.gov.uk/government/consultations/closed-recruitment-practices-in-the-public-sector](http://www.gov.uk/government/consultations/closed-recruitment-practices-in-the-public-sector).

The closing date for responses is **15 April 2016**.

Please return completed forms by email or by letter to:

Labour Market Directorate  
Department for Business Innovation and Skills  
1 Victoria Street  
London  
SW1A 0ET

[labourmarket.consultations@bis.gsi.gov.uk](mailto:labourmarket.consultations@bis.gsi.gov.uk)

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the call for evidence for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments: [Click here to enter text.](#)

## Questions

Name: Birmingham Law Society, Employment Law Committee

Email address: [Click here to enter text.](#)

When responding please state whether you are responding as an individual or representing the views of an organisation:

I am responding as an individual

I am responding on behalf of an organisation

What is the name of your organisation? Birmingham Law Society

Please check the box that best describes you as a respondent:

	<b>Respondent type</b>
<input checked="" type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other <a href="#">Click here to enter text.</a>

**1) What other advantages, disadvantages and considerations do you believe apply to internal-only recruitment?**

The 'better the devil you know' principle should not be under-estimated. Risk-averse employers will often prefer to recruit a 'known' candidate. As the use of 'factual references' increases, only an extensive (and expensive) recruitment exercise will allow an employer to have the same confidence in an external appointment.

There is often a not insignificant additional 'cost' associated with external recruitment – measured in the time it takes to complete as well as the financial expenditure involved.

In some sectors/employments, there is an attraction to recruiting from within the organisation where this avoids the need for a period of familiarisation with the 'culture' of the business.

The main disadvantage (to businesses/organisations) of internal recruitment has been correctly identified; a reduced ability to enlarge the pool of skills and to diversify the workforce. The disadvantage to the wider workforce is obvious – reduced opportunity.

**2) How often is internal-only recruitment used by employers?**

- Very frequently
- Frequently
- Infrequently
- Very infrequently
- Not sure

Please provide an estimate based on your own experience:

Experience in the NHS suggests that vacancies are invariably advertised externally and openly, except where a suitable redeployment opportunity arises in the context of a redundancy exercise or ill health; or where a temporary secondment opportunity arises that fits the needs of both the employer and an individual employee. NHS Trusts often have specific policies encouraging external recruitment.

There is a greater prospect of the use of internal-only recruitment in more senior roles.

**3) Do you agree that internal-only recruitment is more common in the public sector than in the private sector?**

- Yes, it is more common in the public sector
- No, it is more common in the private sector
- There is no difference
- Not sure

Please explain your answer.

Our experience is that the greater pressure for openness and transparency means that more closed recruitment occurs in the private sector.

**4) Do you think public sector employers are striking the right balance between supporting the progression of their staff, and accessing the skills and expertise of other sectors?**

Generally, we do feel that public sector employers strike a reasonable balance.

**5) If not, what more could or should be done to encourage this?**

The Government should be slow to adopt overly prescriptive forms of intervention in this area as this will restrict businesses ability to develop themselves as they see fit. However, incentivising external/open recruitment will have obvious advantages in the labour market more generally.

**6) Are you aware of instances where public sector employers have come under pressure or influence to retain or introduce internal-only recruitment?**

Where there have been instances of any pressure or influence applied, it has tended to come from HR or Finance departments and is due to the need to avoid the expense of an external recruitment exercise, rather than any more principled opposition to such a process.

**7) If so, why does external pressure to run internal-only recruitment arise, and from who?**

Please answer based on your own experience.

**8) Which option do you think would be most appropriate to tackle closed recruitment in the public sector?**

- Greater transparency
- A cap on internal-only recruitment
- A ban on internal-only recruitment
- None: there is no problem to address
- Not sure

**9) What are the costs and benefits of these options?**

There will be a significant public cost (in terms of enforcement at least) to be taken into account if a cap or ban on internal/closed recruitment were to be imposed. That cost may well outweigh the benefit (which will be difficult to accurately assess in any event).

**10) Are there other options to tackle closed recruitment in the public sector?  
Please specify in your answer.**

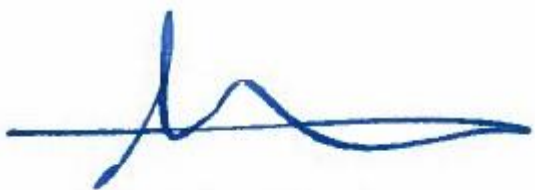
Offering organisations some form of incentive based upon demonstration of a high percentage of posts being filled by way of external recruitment exercise.

**11) What other risks and opportunities should the Government take into account when considering recruitment practices in the public sector?**

[Click here to enter text.](#)

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply



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**Mushtaq Khan  
President  
Birmingham Law Society**

**BIS/16/100/RF**