

Insights and Outcomes



HRM INSIGHT 7.1 The legal practice that nearly got it wrong

Questions

1. What are the difficulties associated with recruiting knowledge workers?

It seems to be increasingly the case that successful appointments depend on getting two crucial things as right as possible. One is to be sure that applicants have the technical skills and knowledge to do the job, or at least are close to being fully qualified. Obviously, what being fully qualified means has to be determined on a case-by-case basis but in essence it means establishing whether a person can do the job to the required standard. In this case, the vacancy is for a lawyer which involves knowledge work. How can it be established whether an applicant is qualified? Well in this case it's relatively easy. Has the person passed the examinations to qualify as a lawyer, and how much experience does the job require? These are not the difficult questions but it's not always easy to find ways of establishing capability beyond professional status and experience. Would a work test be appropriate in this case? Probably not.

The second requirement isn't about qualifications and experience but about behaviour. Almost all work involves working and cooperating with others and may also involve responsibility for supervising or managing others. In both cases, how people relate to others, communicate, and treat others is really important. In Chapter 1, we established the extent of the damage that bad behaviour can cause, and in this case the applicant clearly had a reputation for not being able to work well with others. Not establishing, as part of the recruitment and selection process, how far applicants meet the behaviour criteria is a serious mistake. Clearly, applicants are going to be on best behaviour in interviews, but snapshot views of behaviour in an artificial context are rarely going to identify those who have things they want to hide.

2. What might the firm do to develop a more effective and reliable recruitment strategy?

The point about this law firm is that they don't recruit very often and none of the partners are experienced at making selection decisions. The new HR professional will have established a more robust process with checks in place to avoid any future mistakes, but what can be done to reduce the chances of getting it wrong?

- Don't rush the process! Look at the key stages and information requirements and agree an appropriate timescale to reach a final decision.
- Involve more than managers/partners in the decision-making process. Allow the shortlisted applicants to meet and talk with those they will be managing or working with and get feedback.
- Don't make it too informal but equally avoid the process becoming overly formalized. In many ways, as long as the law is respected, it's the final decision that counts—not the process, so tailor the process to suit the situation.
- Make decision-making a joint affair.
- Be prepared to look for and accept evidence that challenges your preferences.
- Don't be afraid to ask questions until you have satisfied yourself about key requirements.
- Be sceptical until it's safe to be trusting about what people say.
- Always look for evidence in what people have done in previous jobs.
- Make sure there is a probationary period built into the process. If you realize a mistake has been made, fix it!

3. What costs might the firm have incurred if the candidate had been offered a position?

The issue of costs can be difficult to establish. If the man had been appointed and then found to be unsuitable, the question is how long has it taken for this to be agreed by the partners. Given the nature of the business, some form of payoff might have been agreed to allow him to leave without a fuss or the possibility of a claim for wrongful dismissal being threatened. If the man had been allowed to stay, the costs could be expressed in people leaving or clients being dissatisfied and moving their business. The firm's reputation could have been damaged and interpersonal conflict between employees might have increased. The point to note is that left to develop, the situation is almost certainly going to cost more than addressing a bad appointment as early as possible.