



**Leeds West  
Clinical Commissioning Group**

## **RECRUITMENT & SELECTION POLICY**

(Including Professional Registration, Recruitment & Retention Premia, Disclosure Barring Service, Disclosure of Criminal Background, References)

**Policy reference – LWHR08**

SUMMARY	This policy outlines the recruitment and selection policy including professional registration, recruitment and retention premia, disclosure barring service, disclosure of criminal background and references
AUTHOR	Liz Orton, HR Associate
VERSION	Final
EFFECTIVE DATE	7 <sup>th</sup> May 2014
APPLIES TO	Vacancies, prospective employees and employees
APPROVAL BODY	Assurance Committee
RELATED DOCUMENTS	Organisational Change Policy Training and Development Policy
REVIEW DATE	June 2017

### VERSION CONTROL SHEET

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment</b>
1.1	21/11/13	Liz Orton	draft	
1.2	13/01/14	Hannah Morris	draft	Social Partnership Forum
1.3	03/02/14	Hannah Morris	draft	
1.4	07/04/14	Hannah Morris	draft	Amended the scope to include non-directly employed staff for relevant sections.

## CONTENTS

<b>Section</b>		<b>Page</b>
1	Purpose	4
2	Scope	4
3	Equality Statement	4
4	Accountability	4
5	Implementation & Monitoring	4
6	Responsibilities	4
	6.1 Employees, Prospective Employees	
	6.2 Recruiting Manager	
	6.3 Workforce & OD Service	
7	Identifying a vacant post	5
8	Appointing to a vacant post without advertising	6
9	Job Evaluation	6
10	Financial / Establishment Control	6
11	Advertising a Vacancy	7
	11.2 External Recruitment	
	11.3 Internal Recruitment	
12	Shortlisting	7
13	Interview Assessment	8
14	Additional Assessment Methods	8
15	Selection Decisions	8
16	Pre-employment Checks	8
17	Alert Letters	9
18	Starting Salary & Incremental Dates	10
19	Recruitment & Retention Premia	10
20	Induction	10
21	Starter Documentation	10
22	Managing Personal Relationships	10
23	Secondary Employment	11
<b>Appendix</b>		
Appendix 1	Pre-employment Checks	12
Appendix 2	Recruitment & Retention Premia	17
Appendix 3	Professional Registration	20
Appendix 4	Disclosure of Criminal Background & Recruiting Ex-Offenders	23
Appendix 5	Managing Personal Relationships	25

## **1. PURPOSE**

- 1.1 The Recruitment and Selection Policy is designed to support managers in providing a fair, consistent and effective approach to the recruitment of all employees, in accordance with employment law and best practice.
- 1.2 The organisation actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates.
- 1.3 The organisation complies fully with the NHS Employment Check Standards and the Disclosure & Barring Service (DBS) code of practice and undertakes to treat all applicants fairly to ensure a fair process. This will help to ensure the organisation employs high quality staff who are not deemed a risk to patients or the public.

## **2. SCOPE**

- 2.1 This policy applies to prospective employees and employees. Professional Registration and Disclosure of Criminal Background appendices will also apply to non-directly employed staff engaged with the organisation.

## **3. EQUALITY STATEMENT**

- 3.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. A single Equality Impact Assessment is used for all policies and procedures.

## **4. ACCOUNTABILITY**

- 4.1 The Chief Officer is accountable for this policy.

## **5. IMPLEMENTATION AND MONITORING**

- 5.1 The Assurance Committee is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be disseminated to staff via the organisations intranet.
- 5.2 The policy and procedure will be reviewed periodically by Human Resources in conjunction with managers and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

## **6 RESPONSIBILITIES**

- 6.1 Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

### **6.2 Employees and Prospective Employees**

- 6.2.1 It is the responsibility of the above to:

- Provide all relevant information and documentation required by the organisation to comply with recruitment processes.
- Ensure that professional registration is maintained (where appropriate) in line with the organisations protocol and procedures.
- Advise their recruiting manager or line manager of any changes in their circumstances.
- Inform their line manager should they be charged with an offence or if their status changes with regard to checks during their employment.

### 6.3 Recruiting Manager

6.3.1 It is the responsibility of the recruiting Manager to:

- Comply with this policy and all related recruitment procedures.
- Ensure all necessary pre-employment checks are carried out on prospective appointments, including temporary, secondment and agency staff.
- (*Training requirement to be decided by organisation*) Attend recruitment training and be aware of and apply all of the organisations recruitment procedures.
- Ensure that the recruitment and selection policy is applied fairly to all.
- Seek advice from a HR representative if information comes to light at any stage of the process which may impact on the employment offer.

### 6.4 Human Resources

6.4.1 It is the responsibility of the service to:

- Devise a policy and procedure on recruitment & selection of employees and to ensure that the policy and procedure is maintained and updated accordingly in line with any organisation or legislative changes.
- Provide on-going support and training for all managers, in dealing with the recruitment and selection process, to ensure compliance with the relevant HR policies and procedures.
- Monitor all recruitment to ensure all required pre-employment checks have been completed. Ensure that completed documentation is place on file and meets all audit requirements.
- Collect and report equality monitoring data for recruitment and selection. Identify potential inequalities and propose actions to address these.

## 7. Identifying a Vacant Post

7.1 When a vacancy arises, managers will want to consider the most appropriate way to cover the work. Before a new or revised job description and job specification is drawn up, managers should review the staffing levels, skill mix and working patterns in their team to identify any potential redeployments.

7.2 The following question should be considered:

- Can the work itself be eliminated?
- Can the work be absorbed by re-organising existing resources?
- Is it the same job as was done previously?
- Do the hours need to be the same?
- Can skill mix be considered as an alternative?
- Will the job be permanent or temporary?
- What future service developments or changes might affect the post?

## **8. Appointing to a vacant post without advertising**

- 8.1 If a post becomes available on a temporary basis due to such reasons as maternity or long-term sickness cover, the recruitment and selection process must be followed when selecting an employee to cover the vacancy. In such circumstances, it may be appropriate to recruit to the vacancy from a specific group of staff, for example where the post is of a specialist nature.
- 8.2 The ring fencing of vacancies would normally only apply where certain jobs are at risk. Where managers are considering ring fencing vacancies for any other reasons it is recommended they discuss this with the workforce service.
- 8.3 Prior to any post being advertised the organisation should give consideration to any employees who are currently 'At Risk'. At risk employees need only meet the essential criteria in order to have a ring fenced interview and the Recruiting Manager will need to provide evidence of why they are not appointable.
- 8.4 The organisation will also ensure that any national or regional clearing house initiatives are followed prior to advertising any vacancies externally.

## **9. Job Evaluation**

- 9.1 Having established that a vacancy exists a job description and person specification should be completed for the post. If it is an existing post then the current job description and person specification must be reviewed and any necessary changes made.
- 9.2 The job description should summarise the role and responsibilities of the post in a concise and accurate way.
- 9.3 The person specification defines the qualifications, skills, experience, aptitudes etc that are required by a person to fulfil the role. The criteria must be categorised as either essential (the minimum standard to perform the role adequately) or desirable (the standards which will enable the person to perform the job more effectively). The criteria used should be competency based to enable candidates to demonstrate how they have used particular skills previously.
- 9.4 The job description and person specification should be prepared in a standard format agreed by the organisation. Template will be provided by the workforce service.
- 9.5 All job descriptions and person specifications should be matched in line with the Agenda for Change job evaluation process. Any amendments to a previously banded job should be submitted to the workforce service who will evaluate whether the changes are sufficient to require the post to be re-banded. For positions that are not covered under the Agenda for Change terms and conditions advice on job evaluation should be sort from the HR department. Posts may be advertised subject to evaluation if necessary.

## **10. Financial / Establishment Control**

- 10.1 The organisations establishment control procedures should be completed prior to any post being advertised.

## **11. Advertising a Vacancy**

11.1. Adverts will be placed by the workforce service, usually for a period of two weeks.

### **11.2 External Recruitment**

11.2.1 External vacancies will normally be advertised on the NHS jobs website and applications are requested online. Under our responsibility to the Equality Act all applicants will be offered an application form in an appropriate format.

11.2.2 Where external advertising is appropriate local or national publications may be used or key community associations. Any advertising costs need to have prior approval from the organisations budget holder.

11.2.3 Where NHS jobs is not suitable, bespoke services should be discussed with a workforce representative.

### **11.3 Internal Recruitment**

11.3.1 Vacancies can be advertised internally within the organisation, with only current employees eligible to apply. Citywide posts may also be advertised internally across the pool of all Leeds CCG's as appropriate.

11.3.2 Internal vacancies may be advertised via NHS jobs, the organisations newsletter, email system or intranet.

11.3.3 Applications will normally be requested online via NHS jobs. Alternative application processes may be available and should be discussed with a workforce representative.

## **12. Shortlisting**

12.1 Shortlisting should be completed through the NHS Jobs site. A minimum of two shortlisting reviewers will be sent an email link once the vacancy closes. Where applications have not been via NHS Jobs the shortlisting matrix will be used.

12.2 Shortlisting must be carried out by examination of applications against the person specification and these must be applied consistently to all candidates on the basis of the information supplied in their applications. Where a large number of applicants satisfy the essential criteria other desirable criteria will be systematically applied to reduce the number of candidates. Under our commitment of the 'Positive about disability symbol' (Two Ticks), all candidates who meet the essential criteria and indicated that they have a disability, will be automatically shortlisted. Consideration will also be given to any live agreements regarding "at risk" staff and the impact on shortlisting. Please see the Organisational Change Policy.

12.3 Recruiting managers will not have access to any person information until after the short listing process has been concluded. The reasons for decisions not to shortlist should be clearly recorded on the short-listing section of NHS jobs and the shortlisting matrix. This information will be required as evidence if allegations of unfair treatment are made.

### **13. Interview Assessment**

- 13.1 Interview panels will consist of a minimum of two people at least one of whom must have undertaken the organisations Recruitment and Selection Training. For clinical posts, at least one panel member should be a clinician from the speciality to which the position relates. Any external assessors involved in the selection process will abide by the organisations recruitment and selection processes.
- 13.2 Shortlisted applicants will be invited to interview with reasonable notice before the interview date. Where possible the interview date should be included in the advert. The panel will take into consideration the timing of the dates of interview for any faith based date.
- 13.3 The recruiting manager will ensure that all panel members follow procedures and sound recruitment practices. Advice should be sought by a HR representative if reasonable adjustments are requested for a disabled candidate.
- 13.4 Where previously advised by the workforce service, recruiting managers are required to make reasonable adjustments that are required by candidates to take part in an interview, so that they are not at a substantial disadvantage. The recruiting manager will be responsible for co-ordinating arrangements for the day, including room bookings, refreshments and facilitating any requests made by applicants with a disability.
- 13.5 The workforce service will supply the interview panel with an interview schedule along with contact details for the shortlisted candidates. They will also provide a interview score sheet and a candidate appointment form.
- 13.6 Each interview panel member is responsible for recording their own assessment of each candidate by completing the interview assessment form. Any additional papers should be attached. Applicants are legally entitled to view these documents and they can be used in Employment Tribunals.
- 13.7 All panel members will ask the same core questions of each candidate, using the interview evaluation form. These questions will be based on the criteria in the person specification and can be weighted if appropriate.

### **14. Additional Assessment Methods**

- 14.1 Selection tests are an excellent method of assessing a candidate's ability to perform the duties of the post, providing they are relevant, reliable, fair and unbiased and are recommended for all recruitment exercises. Examples include, typing tests, in tray tests, writing a document, tests in the use of applicable software, case studies or scenario exercises and group exercises. It may be necessary to make reasonable adjustments to a test to accommodate a candidate with a disability.

### **15. Selection Decisions**

- 15.1 Selection decisions must be objective and should only be made on the basis of how closely the candidates meet the person specification and interview assessment criteria.
- 15.2 Once a decision has been made the recruitment pack with all related documentation should be returned to the workforce service. The recruiting manager will be responsible for contacting candidates with the outcome and providing feedback.

## **16. Pre-employment Checks**

- 16.1 Following the recruitment process pre-employment checks will be obtained. These must satisfy the requirements of the NHS Employers pre-employment check standards as follows:
- Verification of identity checks
  - Right to work checks
  - Registration and qualification checks
  - Employment history and reference checks
  - Criminal record checks
  - Occupational health checks
- 16.2 All pre-employment checks should meet these requirements prior to the candidate receiving an official offer letter confirming appointment. The organisation will withdraw any offer of employment to anyone who fails to meet these requirements.
- 16.3 Evidence of all pre-employment checks conducted will be stored on individual HR files with a record of the outcome entered and maintained by the workforce service on ESR.
- 16.4 Temporary workers should only be obtained through recruitment agencies approved by the Government Procurement Service. These agencies are responsible for obtaining pre-employment checks on all workers in line with all the NHS Employment check standards.
- 16.5 Recruiting managers should not agree a start date prior to all pre-employment checks being completed. The organisation will withdraw any offer of employment to anyone who fails to meet these requirements.
- 16.6 Further information on the specific process for obtaining these checks and the process for the follow-up for those who fail to satisfy the checking arrangements is available in Appendix 1.

## **17. Alert Letters**

- 17.1 Alert Letters are issued to notify NHS organisations and others about health professionals whose performance or conduct could place patients or staff at serious risk.
- 17.2 Employees regulated by one of the following bodies are covered by this procedure and may be subject to alert letters:
- General Medical Council
  - General Dental Council
  - Nursing & Midwifery Council.
  - General Chiropractic Council
  - General Osteopathic Council
  - Health Professions Council
- 17.3 When Alert letters are received they are forwarded to the workforce service to ensure that they can be checked against records of candidates going through the recruitment process and existing staff. Their names will be entered on a local alert list database against which any potential new employees or workers will be checked before an offer of employment is made.

17.4 If an applicant is identified as being on the alert letter database recruitment will be halted, relevant parties informed and appropriate action taken.

## **18. Starting Salary and Incremental Dates**

18.1 New employees from outside of the NHS should be appointed on the bottom salary point in the relevant band.

18.2 In exceptional circumstances the recruiting manager may wish to make an offer higher than the bottom of a particular salary band, taking into account previous equivalent service outside of the NHS. Recruiting managers will need to consider to what extent the previous service will be of relevance to their new post and make a clear rationale why a higher offer is appropriate.

In considering the case for counting previous equivalent service outside of the NHS, account should be taken of other terms and conditions of service applicable to the post, for example:

- Any additional allowances attached to the post e.g. Working outside normal hours; on-call; Recruitment and Retention Premia etc.
- The final salary Occupational Pension Scheme
- Annual leave and sick leave entitlements

18.3 Salaries agreed must exist as a point on the payscale for the payband and should never be more than the maximum of the scale.

18.4 When a candidate already working for the NHS is offered a job that is at the same pay band as their current role, they would move across on the same pay point. When a candidate already working for the NHS is offered a job that is at a higher band pay should be set at the minimum of the new pay band. However, if this would result in no increase either because the individual is receiving a bonus or recruitment or retention premium or because they are at the top of the band, the individual would go to the first pay point in the band which would result in an increase in pay.

18.5 For newly appointed or promoted staff the incremental date will be the date they take up their post.

## **19. Recruitment & Retention Premia**

The aim of a Recruitment and Retention premia is to ensure that the organisation remunerates all of its employees at a level at which recruitment and retention difficulties will not be encountered. Principles and Definitions can be found in appendix 2.

## **20. Induction**

All new employees must be fully inducted into the organisation following the Induction policy. (Please refer to the Training and Development Policy)

## **21. Starter Documentation**

The recruiting manager or line manager (if different) is responsible for ensuring that all new starter paperwork is completed on the employees first day.

## **22. Managing Personal Relationships**

Applicants will be required to declare on their application any personal/work relationship issue as this may cause a conflict of interest. Further information is included in Appendix 5.

**23. Secondary Employment**

Employees may not engage in secondary employment (paid or voluntary) which conflicts with their work with the organisation, or which is detrimental to employees work with the organisation. Employees wishing to engage in secondary employment/voluntary work in addition to their primary post must refer to the working time regulations policy and declare their secondary employment to their line manager.

## 1. Pre-Employment Checks

### 1.1 Six NHS Employment Check Standard

NHS Employers have published a series of standards that detail the legal and mandated employment checks that NHS organisations must carry out to meet the Department of Health's core standards outlined within the Standards for Better Health. These checks will be carried out on all prospective employees including temporary, fixed term and voluntary workers.

### 1.2 Verification of Identity

The identity of all prospective employees must be reliably verified and recorded before any appointment can be made. Verification of identity checks are designed to determine that the identity is genuine and relates to a real person and to establish that the individual is rightfully using that identity.

All applicants are required to provide at interview, evidence of identity. This must then be photocopied by the Recruiting Manager (or nominated deputy) certified and retained with all the recruitment documentation. They must provide original identity documents in either of the combinations below:

- Two forms of photographic personal identification and one document confirming their address
- One form of photographic personal identification and two documents confirming their address

In addition, evidence will also be obtained of the applicant's signature. This will be acquired through the completion of a signature verification form that must be countersigned by the Recruiting Manager (or nominated deputy) and retained with all the recruitment documentation.

### 1.3 Right to Work Checks

The Trust has a responsibility to prevent illegal migrant working in the UK. An individual must produce documents to prove they are permitted to work in the UK and that their identity is genuine.

If an individual is not subject to immigration control, has no restrictions on their stay in the UK or is a UK citizen, then they will still be required to produce a document or a specified combination of documents prior to commencing employment.

Where the individual has limited leave to be in the UK the checks will be repeated on that employee by the Recruitment team at least 3 months before expiry, until they provide specified documents indicating that they can remain permanently in the UK or until they leave the organisation's employment.

All documents provided by individuals must be checked following guidance on [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk). A certified copy of the documents is to be kept on the personal file.

Certain documentation is accepted as proof of an individual's identity and this must be produced prior to commencement of employment.

#### 1.3.1 Work permits/Certificates of Sponsorship - Tier 2

If a prospective employee is not a British Citizen or a citizen of one of the EEA countries, they are likely to require a sponsorship certificate which will be applied for by the organisation to undertake employment. There are certain exceptions including:

- Swiss nationals
- a family member of an EEA or Swiss national who is in the UK exercising their treaty rights or a family member of an EEA or Swiss national who intends to join them in, or is travelling with them to, the UK
- a citizen of Gibraltar
- a Commonwealth citizen with permission to stay in the UK on the basis of UK ancestry.

If a recruiting manager has questions about the likelihood of their post being suitable for a Tier 2 sponsorship certificate they should contact the Recruitment team for further information.

Where successful applicants require a sponsorship certificate, the application process will be managed by the workforce service.

The organisation will have to demonstrate that the resident labour market has been tested appropriately by national advert for up to 4 weeks. This means that no EU/EEA Nationals were suitable to fill the post.

The individual applicant/employee is responsible for securing their leave to remain and entry clearance. They must also ensure they have appropriate documentation to support their leave to remain (passport stamps or Identity Card). Certified copies of these must be held on the employee's personal file for the duration of their employment.

The organisation will pay the sponsorship fee. The individual will be responsible for the payment for their leave to remain.

### 1.3.2 **Refugees and Asylum Seekers**

A refugee has rights under the Geneva Convention to be treated no less favourably than citizens of the host nation. In the UK refugees have the right to work.

Since 2003 asylum seekers do not have the right to work in the UK. Only a very small number of asylum seekers will have the right to work and if so it will state 'employment permitted' on their Application Registration Card (ACR).

### 1.4 **Employment History and Reference Checks**

Before any appointment is made it is essential to check the accuracy of a prospective employee's previous employment and/or training history. It is also necessary to receive assurance of an individual's qualifications, integrity and track record.

Recruiting managers should check the suitability of the supplied references at interview for all applicants and document any alternatives, if appropriate, on the preferred applicant's candidate confirmation form. The workforce service will then contact the referees for the preferred candidates by e-mail.

Reference should always be obtained in writing and will be requested using the organisation's standard proforma, although it may be necessary to further clarify information with the referee over the phone. Always obtain confirmation of employment and/or training in writing, either via post, email, fax, or using the organisation's preferred recruitment software (such as NHS Jobs or Health Jobs UK for instance). Electronic confirmation must come from a company email address (private email addresses such as Yahoo, Hotmail etc are not acceptable). Employers, including agencies providing staff to the NHS, will need to satisfy

themselves that both the referee and the organisation are bona fide. This could include checking that the organisation exists (using the phone book, internet or business directories). All references should include the referee's name, job title, a mainline switchboard number.

References should be appropriate in order to provide the best possible evidence on the suitability of an individual for a position. References should cover at least the last three years of previous employment and/or training history and they should include the applicant's current or most recent employer or training provider. Where an individual has been with one employer for five years or more, one reference may be sufficient. Where a prospective employee has changed employment frequently within the last three years, a sufficient number of confirmations must be obtained to cover the continuous three years history.

For Internal appointments a reference should be sought from the applicant's current/last NHS manager. Employers must assess whether any additional references are required to provide adequate assurances.

If the manager has any concerns regarding the reference they should seek advice from a HR Representative.

#### **1.5 Registration and qualification checks**

The purpose of registration and qualification checks is to ensure that all prospective employees are recognised by the appropriate regulatory body and that they have the right qualifications to do their job. (Please refer to appendix 3 on Professional Registration)

#### **1.6 Registration Checks**

Before any unconditional offer letter is issued the workforce service will confirm the individual is registered with the appropriate professional body. The individual is asked for a copy of their professional registration and this is placed on their personal file and documented on the starter checklist. This will also be checked on the professional bodies website. Professionally registered staff are required to maintain their professional registration throughout their employment. Further information is available in appendix 3.

#### **1.7 Qualification Checks**

The organisation must ensure that all employees have the required qualifications to perform the role for which they are appointed. All applicants are required to provide at interview, evidence of any qualification that is required for the role. These must then be photocopied by the recruiting manager (or nominated deputy) and retained with all the recruitment documentation.

#### **1.8 Occupational Health Checks**

Occupational Health checks ensure that employees are physically and psychologically capable of doing their role, taking into account any current or previous illness. It is designed to identify anyone likely to be at excess risk of developing work-related diseases from hazardous agents present in the workplace and to ensure, as far as possible, that they do not represent a risk to others and that they will be doing work that is suitable and safe for them.

Occupational health checks should be carried out when a member of staff is first appointed to a position within the organisation or if they change positions, where this involves a significant change of duties.

Applicants successful at interview and who are defined as 'healthcare workers' are required to complete a full occupational health pre-employment questionnaire.

Those that do not fit this definition are required to complete a work health declaration form asking whether they have either:

- Are you aware of any health conditions or disability which might impair your ability to undertake effectively the duties of the position which you have been offered?
- Do you have a health condition or disability which might affect your work and which might require special adjustments to your work or at your place of work?

The questionnaire or health declaration is sent to the successful applicant. A work health declaration form will only be submitted to the occupational health department if the applicant has answered yes to either of the above questions. Health questionnaires are sent directly to be reviewed by the Occupational Health department.

All checks must take into account the requirements of the Disability Discrimination Act 1995 (DDA) and Equality Act (2010) and reasonable adjustments must be made to ensure that people can work in the NHS regardless of physical impairment or learning disabilities. Occupational health checks should only be made once a job offer has been made.

Results of prospective candidate occupational health checks will be confidentially filed and stored in the occupational health department.

Once the Occupational Health department have reviewed all the information from the individual they will either issue a fit to work clearance certificate or provide a more report detailing the applicant's suitability for the role and advising of any adjustments that would need to be made to the working environment in order to facilitate employment.

It may be necessary for individuals to attend the Occupational Health Department in their first week of starting the new role in order to obtain any immunisation updates.

#### **1.9 Criminal Background Checks / Disclosure Barring Service (DBS)**

Guidance on the procedure for dealing with a disclosure check and the recruitment of ex-offenders is attached in appendix 4

#### **1.10 Recording Checks**

Evidence of all pre-employment checks conducted will be stored on individual HR files with a record of the outcome entered and maintained by the workforce service on ESR.

#### **1.11 Temporary/Agency/Contingent Workers**

Temporary workers should only be obtained through recruitment agencies approved by the Government Procurement Service. These agencies are responsible for obtaining pre-employment checks on all workers in line with all the NHS Employment check standards.

### **2. Follow-up for those who fail to satisfy the checking arrangements**

Individuals will not be able to commence employment with the organisation until satisfactory pre-employment checks have been received.

If unsatisfactory check(s) are received, the matter will be escalated to the recruiting manager and the following processes will apply:

**2.1 Eligibility to work in the UK & Identity Checks**

Failure by an applicant or employee to provide accurate information in regard to their eligibility to work in the UK or their identity checks will result in their immediate suspension from work without pay. At the same time the NHS Fraud team and the Home Office will be informed and an investigation undertaken by the recruitment/line manager and workforce service.

**2.2 Employment History & Reference Checks**

In the event of unsatisfactory employment history or reference checks being received, the recruiting manager will be informed, enabling them to make a full review of the facts and circumstances and make a decision to recruit or withdraw the job offer.

**2.3 Disclosure & Barring Service (DBS) Checks (Previously CRB)**

In the event that conviction or other information is contained on a disclosure, the recruiting manager will be informed and with the support of the workforce service they must be assured that all relevant facts have been considered prior to make a decision as to whether it would be appropriate for the applicant to be recruited to that position. It may be necessary to meet with the individual to discuss this further as well as refer to other declarations the applicant may have made throughout the recruitment process, i.e. on the application forms and at interview. Once all the facts and circumstances are determined a decision must be made as to whether to recruit or withdraw the job offer.

**2.4 Professional Registration & Qualification checks**

Please refer to Appendix 3 on Professional Registration

**2.5 Occupational Health**

In the event of an unsuccessful Occupational Health check, the recruiting manager will be informed and with the support of the workforce service and Occupational Health team they must reassure themselves that all facts and options for reasonable adjustment on the grounds of health have been considered, prior to any offer of employment being withdrawn.

The recruiting manager/workforce service must confirm in writing the reasons for withdrawing the offer of employment and this will be kept in the applicants recruitment file.

**2.6 Any deliberate omission, falsification or misrepresentation in the application form will be grounds for rejecting the application or subsequent dismissal if employed by the organisation.**

## Recruitment & Retention Premia

### 1. Definition

- 1.1 Recruitment and Retention Premia (RRP) is an additional payment to the basic pay of an individual post or specific group of posts.
- 1.3 Recruitment and Retention Premia may be paid in circumstances “where market pressures would otherwise prevent the employer from being able to recruit staff to and retain staff in sufficient numbers for the posts concerned at the normal salary for a job of that weight”.
- 1.4 Recruitment and Retention Premia is a supplementary payment over and above the basic pay that the post holder receives by virtue of their position on their pay band, any high cost area supplements, or any payments for unsocial hours or on-call cover.
- 1.5 Recruitment and Retention Premia will apply to posts rather than to employees. Where an employee moves to a different post that does not attract a recruitment and retention premium, either within the same organisation or elsewhere in the NHS, their entitlement to any previous recruitment and retention premium will cease and pay protection will not apply.
- 1.6 Both long-term and short-term Recruitment and Retention Premia will be expressed as cash sums and will be separately identifiable from basic pay, any high cost area supplement, and any other component of pay.
- 1.7 Any locally awarded recruitment and retention premium for a given post shall not normally exceed 30% of basic salary. It will be the responsibility of the organisation to ensure that any premium awarded locally do not normally result in payments in excess of this amount. In the event that, following review and subject to a 6 month notice period the Recruitment and Retention Premia is withdrawn, pay protection arrangements will not apply.

### 2. Short Term Premia

- 2.1 Short-term Recruitment and Retention Premia will apply where the labour market conditions giving rise to recruitment and retention problems are expected to be short-term and where the need for the premium is expected to disappear or reduce in the foreseeable future. Short term premia will normally be applied for a period of no longer than two years.
- 2.2 Short-term Recruitment and Retention Premia:
  - may be awarded on a one-off basis or for a fixed-term;
  - will be regularly reviewed (not less than annually);
  - may be withdrawn, or have the value adjusted, subject to a notice period of six months; and
  - will not be pensionable, or count for purposes of overtime, unsocial hours payments or any other payments linked to basic pay.

### 3. Long Term Premia

- 3.1 Long-term Recruitment and Retention Premia will apply where the relevant labour market conditions are more deep-rooted and the need for the premium is not expected to vary significantly in the foreseeable future.
- 3.2 Long-term Recruitment and Retention Premia:

- will be awarded on a long-term basis;
- will be regularly reviewed (not less than annually);
- may be awarded to new staff at a different value to that which applies to existing staff; and
- will be pensionable, and will count for the purposes of overtime, unsocial hours payments and any other payments linked to basic pay.

#### 4. Procedure

- 4.1 A recruitment and retention premia may be awarded on either a short-term or long-term basis, determined by principles outlined in the following paragraphs.
- 4.2 The application for the award of recruitment and retention premia can only be generated at Chief Officer level.
- 4.3 A record of all recruitment and retention premia being paid will be retained, and a review of all premia will take place at least annually.
- 4.4 The organisation may use premium in two main ways; either through recruitment; or through a requirement to retain staff; based on the job within a locality or through a market shortage or a specific skill set, both of these may be applied in a long or short term capacity.
- 4.5 Recruitment and retention premia will be considered in cases where it is proven that adjustments to non pay benefits are unlikely to improve the situation and one or more of the following conditions apply:
- There are documented labour market shortages within a defined geographical area;
  - NHS employers locally have jointly agreed to pay supplements for designated posts and the organisation needs to remain competitive in the recruitment market for equivalent posts;
  - There is a competitive non-NHS labour market where salary survey data indicates that enhancements to Agenda for Change evaluated pay rates would be required to attract and retain staff;
  - Where there is consistent data showing high patterns of turnover, supported by exit interview data, indicating a direct link to dissatisfaction with pay levels.
- 4.7 If it is decided that the vacancy problem can be addressed most effectively only through payment of a recruitment and retention premium, management and staff side should decide in partnership whether the problem is likely to be resolved in the foreseeable future (in which case any premium should be short-term) or whether it is likely to continue indefinitely (in which case any premium should be long-term).
- 4.8 Before consideration is given to payment of Recruitment and Retention Premia to ensure retention of staff, management will ensure non-pay benefits (e.g. training and development) are sufficiently developed. Where possible local turnover rates should be compared with national rates. Regular analysis of exit interview data will be undertaken to assess how far pay is a factor in employees' decisions to leave the Authority.
- 4.9 If it is decided that a retention problem can be addressed most effectively only through payment of a recruitment and retention premium, the organisation will decide whether the problem is likely to be resolved in the foreseeable future (in which case any premium should be short-term) or whether it is likely to continue indefinitely (in which case any premium should be long-term).



## Professional Registration

### 1. Principles

- 1.1 In order to protect the public and ensure high standards of clinical practice it is a legal requirement that the organisation may only employ registered practitioners in qualified clinical positions. This includes the following posts that have been accepted onto the register of the statutory regulatory bodies outlined in the NHS Employment Check Standards.
- Medical and Dental
  - Nurses and Midwives
  - Allied Health Professionals
  - Healthcare Scientists
  - Hearing Aid Dispensers
  - Practitioner Psychologists
  - Pharmacy Technicians
- 1.2 Employees are responsible for maintaining their registration with their relevant professional body. If they do not maintain their registration or this is withdrawn the disciplinary procedure may be invoked.
- 1.3 Individuals who are not directly employed by the organisation (e.g. NHS Professionals, Agency and Locum workers) but who nevertheless are engaged in work that requires professional registration must also hold current registration. The organisation will ensure that there are processes in place to check the ongoing registration of such workers.

### 2. Procedure

#### 2.1 Employees Responsibility

- 2.1.1 It is ultimately the responsibility of all employees who require professional registration to practice to ensure that they have the appropriate registration relevant to their employment/role. They must ensure that registration with their professional body remains current at all times and that they abide by their professional code of conduct.
- 2.1.2 Employees absent from the workplace, for instance on secondment, career break, suspension, maternity or long term sick will still be required to maintain their professional registration.
- 2.1.3 It is the duty of the individual to organise and pay the registration fee within the requested time limit and in line with renewal dates. Registered Professionals going on holiday over the lapse period, or on long-term sickness or away from the work place for other reasons e.g. secondment must take action, in advance, to receive the appropriate cover. In exceptional circumstances it may not be possible to renew registration e.g. unforeseen illness within the timescale, for which the manager will use their discretion.
- 2.1.2 Employees/contractors must disclose to the organisation any conditions attached to his/her registration at the earliest available opportunity.
- 2.1.3 During the course of their employment employees must, on request by management or workforce service, provide evidence that their registration has been renewed in accordance with procedures laid down.

- 2.1.4 All personal data, particularly name changes must be communicated to both the line manager and professional body to ensure accuracy of data. It is the duty of the individual to notify the NMC, GMC, GDC, HPC or GPhC of any change in their personal details for example: change of address. Failure to keep such details up to date will possibly leave the individual not receiving the appropriate reminder and thus the individual not being registered.
- 2.1.5 An individual in choosing not to register or allowing such registration to lapse would no longer be eligible to practice in that capacity and, may be suspended from duty without pay as they are in breach of their contract. (With the exception of staff who are on an employment break scheme). If after a maximum period of one month following the expiry of registration the individual has failed to re-register, it will be assumed that the individual has broken their contract and their employment will automatically cease.
- 2.1.6 When staff take an Employment Break, they remain an employee of the organisation. However, if the Employment Break does not necessitate them maintaining their professional registration, they will not be subject to the conditions within this policy in terms of failing to renew their registration. Once an individual returns to the organisation all conditions/responsibilities will apply.
- 2.1.7 Where a Professional holding an honorary contract with the organisation, chooses not to register or allows their registration to lapse, their honorary contract will be withdrawn.

## **2.2 Line Manager Responsibility**

- 2.2.1 If Managers engage someone from an Agency, this should be from one of the Agencies listed in the Government Procurement Service. Whilst it is part of the contract for the Agency to ensure that their registered workforce is in a position to practice by having a “live” registration, the organisation will, as a good employer, check the registration via the appropriate Website of all agency staff when they commence employment.
- 2.2.2 When staff have seconded into the organisation, their employer remains the organisation with whom they have a substantive contract. However, the organisation will as a good employer check the registration via the appropriate website.
- 2.2.3 If staff are working within the organisation as part of an SLA, their employer remains the organisation with whom they have a substantive contract, and as such this organisation should be ensuring that their workforces registration is “live”. However, the organisation will as a good employer, check the registration via the appropriate website.
- 2.2.4 Managers who identify or are informed of a lapsed registration must take immediate action. Immediate actions will include:
- Contacting the employee
  - Ensuring the person is withdrawn from undertaking the duties of a qualified clinician or professional with immediate effect.
  - Discuss the options with the HR Team and employee
  - Check re-registration with the relevant regulatory body, receive proof of renewal and evidence this in the personnel file
- 2.2.5 When considering action to be taken, managers will take account of the following

factors;

- Length of time since registration has lapsed
- Reason(s) put forward for non-renewal
- Whether the individual has knowingly continued to practice without registration and has failed to notify management
- Any previous occasions when the individual has allowed their registration to lapse
- Whether the individual has attempted to conceal the fact that their registration has lapsed.

2.2.7 The manager in consultation with a workforce service representative should consider the following options:

- Allow the individual to take annual leave or time owing until their registration is renewed within an agreed time frame
- Allow the individual to take unpaid leave where no annual leave is available
- Suspend the individual from duty without pay, invoke disciplinary process
- Where feasible, consider transferring the individual member of staff to another area within the organisation that offers a non-patient contact role that is of equal value.
- Temporary downgrade into a non qualified post specific to service need

## **2.3 Workforce Responsibility**

2.3.1 The workforce service will check current registrations of all new starters to ensure that it is valid for the purpose of the practitioner's employment and place a copy on the individuals personal file.

2.3.2 The workforce service will ensure that the practitioner's registration details are placed on the ESR system. They will maintain the practitioner's registration on the ESR information system.

2.3.3 The workforce service will check that all practitioners have renewed their registration. For those that have renewed their registration, their details will be updated on the electronic staff record.

2.3.4 For those that have not renewed their registration or re registered the workforce service will contact the individual, copying in the manager, informing them that their registration is due for renewal and if that it is not renewed by the renewal date, then they will not be eligible to practice in that capacity and they may be suspended from duty without pay immediately as they are in breach of their contract.

2.3.5 Where a registration has not been renewed the workforce service will contact the individual and manager.

2.3.6 If after a maximum period of one month following the expiry of registration the individual has failed to notify the workforce service of their re-registration, there will be a final check after which it will be assumed that the individual has broken their contract and their employment will automatically cease. During this time there will obviously be discussions between the workforce service and appropriate manager as to whether contact has been made. Every effort will be made to facilitate the member of staff to re-register within the timescale set out in this policy

## Disclosure of Criminal Background & Recruiting Ex-Offenders.

### 1. Principles

- 1.1 The organisation actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates including those with criminal records. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information received.
- 1.2 Disclosures are only requested after an assessment has indicated that it is proportionate and relevant to the post concerned. For those posts that require a disclosure all adverts, recruitment briefs and application forms will contain a statement indicating what level of disclosure will be required in the event of an individual being offered a position.
- 1.3 The workforce service will advise and guide recruiting managers where a Disclosure has been made.
- 1.4 The organisation undertakes to discuss any matters revealed in a disclosure with the person seeking employment, before withdrawing a conditional offer of employment.
- 1.5 The organisation may conduct an interview to enable an open and measured discussion to take place regarding any offences or other matters that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, could lead to the withdrawal of an offer of employment.
- 1.6 The organisation complies fully with the DBS code of practice. Every individual who is subject to a Disclosure will be made aware of this code of practice and a copy will be provided to all applicants.
- 1.7 Having a criminal record will not necessarily bar a potential employee from working with the organisation. This will depend on the nature of the position and the circumstances and background of the offence(s).
- 1.8 The organisation complies fully with the DBS code of practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. Disclosure information will be securely destroyed as soon as the relevant information has been noted.
- 1.9 The organisation complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information.
- 1.10 No disclosure information will be kept on personal files and where a disclosure needs to be kept due to a dispute or because additional information has been supplied it will be kept separately and securely in a non-portable, lockable storage unit.
- 1.11 Where disclosure information has been kept, it will be securely destroyed once the dispute is resolved or a decision has been made regarding employment or at the latest after 6 months.
- 1.12 Access to disclosure information is strictly controlled and limited to those who are entitled to see it as part of their duties.

- 1.13 For record purposes only the organisation will keep the following information:
- The name of the subject.
  - The level of the disclosure requested.
  - The position for which the disclosure was requested.
  - The unique reference number of the disclosure.
  - Details of the recruitment decision taken
- 1.14 In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties.
- 1.15 The organisation maintains a record of all people to whom disclosure and disclosure information has been revealed and the organisation recognises that it is a criminal offence to pass this information on to anyone who is not entitled to receive it.
- 1.16 Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 1.17 The organisation will comply with all recommendations from DBS on the proper use and safekeeping of the disclosure information.

## 2. **Procedure.**

- 2.1 Disclosure applications are processed by West & South Yorkshire & Bassetlaw Commissioning Support Unit using the Disclosure Barring Service (DBS) to assess applicants suitability for positions of trust.
- 2.1 When recruiting for a vacancy the Recruiting Manager needs to assess whether a DBS check is necessary and what level of disclosure is required in line with current DBS guidance. This should be done prior to advertising to enable the information to be included in the advert. Advice can be sought from a HR Representative.
- 2.2 Dependant on whether the role is eligible for a DBS disclosure the workforce service will ensure that the appropriate question is asked on the NHS Jobs application form.
- 2.2 Once the preferred candidate has been selected the workforce service will send the applicant disclosure application form and guidance booklet with instructions that the completed form must be returned with any supporting documentation that has not already been provided at interview.
- 2.3 The disclosure application form will be verified and countersigned by one of the workforce service team who are registered with the DBS and sent for processing.
- 2.4 If the Disclosure application contains information that may affect the appointment a workforce service representative will discuss this with the recruiting manager (in all instances), and the individual concerned where appropriate.
- 2.5 Where the information contained on the Disclosure Application form significantly impacts on a candidates ability, suitability and potential risk to undertake the post for which they have been appointed, any offer of employment must be withdrawn.
- 2.6 The decision to withdraw an offer of employment must be confirmed both verbally and in writing to the candidate concerned. Advice must be sought from a HR Representative.

## Managing Personal Relationships

### 1. Application

- 1.1 Job applicants will be required to declare on their application any personal/work relationship..
- 1.2 The aim is to protect all staff of the organisation in situations where a personal relationship exists, or develops, so that staff cannot be accused of a conflict of interest, bias or be the subject of allegations from other staff or the organisation.
- 1.3 In the majority of situations where a line management relationship exists the organisation will not support staff working together where they have a close personal relationship as described.

### 2. Personal Relationships

- 2.1 A personal relationship includes any relationship where a close family relationship exists, for example, mother, father, daughter, son, sister, brother (and including step and in-laws) partner, ex partner (including spouse or cohabitee), civil partner.
- 2.2 The scope of the term “personal relationship” applies to prospective staff who have a relationship with a current member of the organisation’s staff, or where a relationship starts during employment with the organisation.

### 3. Examples of Potential Conflict of Interest/Bias

- 3.1 Situations where a personal relationship may expose staff to conflict of interest or bias include, but are not restricted to, the following:  
Perceived or alleged breaches of probity  
Unfair advantage/favoritism  
Breach of confidence/confidentiality  
Harassment or bullying.  
Employee relations issues  
or  
Any other issues perceived to be gained from the overlap of a personal and professional relationship.

### 4. Personal Relationship between Staff with No Line Management Relationship

- 4.1 This policy does not automatically prevent staff or prospective staff who have a personal relationship (described in section 2) from working together whilst employed by the organisation.
- 4.2 However, the existence of such a relationship must either be declared at the time of appointment/promotion or, if the relationship develops during their employment. Where there is a relationship this must be discussed with either their line manager or if more appropriate with a workforce service representative. Such a declaration will be strictly confidential.
- 4.3 Staff may normally continue to work together in the same team or department where this is appropriate, providing there is no conflict of interest and/or no line management relationship.

5. **Personal Relationship Between Staff With a Line Management Relationship.**

- 5.1 Where a personal relationship exists, a prospective member of staff will not be appointed into a post which results in a line management relationship with someone with whom they have a personal relationship.
- 5.2 Where a personal relationship develops whilst working for the organisation, members of staff who are in a line management or supervisory relationship at work must not be involved with recruitment, selection, promotion, appraisal, pay or any other management activity or process involving the other member of staff.

## Equality Impact Assessment

<b>Title of policy</b>	Recruitment and Selection Policy	
<b>Names and roles of people completing the assessment</b>	Hannah Morris, Senior HR Associate Sharon Moore, Senior Associate E&D	
<b>Date assessment started/completed</b>	10/01/14	27/02/14

1. Outline	
<b>Give a brief summary of the policy</b>	Recruitment and Selection Policy is designed to support managers in providing a fair, consistent and effective approach to the recruitment of all employees, in accordance with employment law and best practice.
<b>What outcomes do you want to achieve</b>	To ensure the policy complies with legislation and takes place effectively, efficiently and fairly.

2. Analysis of impact			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to;  eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	<b>Are there any likely impacts?</b>  <b>Are any groups going to be affected differently?</b>  <b>Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	Yes, candidates of a younger age may potentially be adversely affected if the job description states x amount of years experience.	Negative	Job description templates are in place which do not use x years of experience in terms of language.
<b>Carers</b>	No		
<b>Disability</b>	Yes, disabled candidates who meet the essential criteria are guaranteed an interview under the two ticks scheme. Specialist access and	Positive	The policy makes provisions to support disabled candidates and this is integrated into recruitment documentation and

	adjustments to the selection process can also be requested.		procedures.
<b>Sex</b>	No		
<b>Race</b>	No		
<b>Religion or belief</b>	No		
<b>Sexual orientation</b>	No		
<b>Gender reassignment</b>	No		
<b>Pregnancy and maternity</b>	No		
<b>Marriage and civil partnership</b>	No		
<b>Other relevant group</b>	No		
<b>If any negative/positive impacts were identified are they valid, legal and/or justifiable?  Please detail.</b>	The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic. The policy provides a clear and equitable process for all candidates and prospective employees. Positive action may be applied to roles where the organisation reasonably thinks the candidate has a protected characteristic that is under represented in the workforce or that people with that characteristic suffer a disadvantage connected to that characteristic. In this case it is not unlawful to recruit or promote a candidate who is of equal merit to another candidate.		
<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	Recruitment statistics are monitored against the protected groups as necessary. Training and support is provided to managers to ensure they follow sound recruitment and selection processes.		
<b>Lead Officer</b>	Hannah Morris	<b>Review date:</b>	July 2015
<b>5. Sign off</b>			
<b>Lead Officer</b>	Hannah Morris		
<b>Director</b>	Diane Hampshire	<b>Date approved:</b>	25/03/14