NHS
Harrogate and District
NHS Foundation Trust

You matter most

RECRUITMENT SELECTION AND PRE-EMPLOYMENT CHECKS POLICY

Version	Date	Purpose of Issue/Description of Change	Review Date
1.0 1.1 2.0 3.0 4.0	Nov 2007 May 2008 June 2010 Oct 2011 May 2015	Initial issue Minor amendment Full Review Minor amendment Review	May 2018

Status	Approved
Publication Scheme	Policies and Procedures
FOI Classification	Open
Function/Activity	Human Resources
Record Type	Policy
Project Name	
Key Words	Vacancy, Job Description, Person Specification, Application, Interview, Shortlisting, Work permit, Selection, References
Standard	NHSLA Risk Management Standard 1, Criterion 10

Scope	Trust-wide	
Author	**Approved by**	**Date**
Human Resources	Policy Advisory Group Partnership Forum Local Negotiating Committee	May 2015 July 2015 Sept 2015

CONTENTS

1. INTRODUCTION

1.1. Purpose

Harrogate and District NHS Foundation Trust, (the Trust) is committed to the development of positive policies and practices to promote equal opportunities in recruitment and selection. The Trust believes that it is essential to eliminate discrimination and to promote good relations and equality of opportunity in order to utilise to the full, the skills and talents of the entire workforce.

The Trust will monitor applicants defined by the Equality Act 2010 (ethnic background, age, gender and declared disability) who express interest in posts, those who apply, are shortlisted and appointed. This Policy aims to ensure that, when filling a vacant post, the person most suited to the post is selected. This principle will apply equally to internal promotions, secondments and acting up positions, as with external applicants.

The Policy incorporates the principles contained within:

- NHS Recruitment Check Standards
- Employment legislation
- Agenda for Change terms and conditions

1.2. Scope

The principles and practices described in this Policy apply to the recruitment of substantive, temporary, fixed term, bank and locum appointments, both part and full time, in almost all employment groups and grades and to volunteers.

In specific examples of service needs and with the agreement of the directorate HR Business Partner, departments may vary their recruitment process. There is specific guidance on the appointment of Consultant Medical Staff, Associate Specialists and Junior Medical Staff which varies from the standard processes outlined in this Policy. ***This Policy is not to be used in the appointment of agency provided locum medical staff as the Trust has a separate Policy in place for these appointments.***

1.3. Definitions

- **Agency staff** - staff from an employment agency
- **Agenda for Change (AfC) -** the national terms and conditions for NHS staff introduced in October 2004, except medical staff
- **Recruiting Manager** - A senior manager within the department with responsibilities for recruitment.
- **DBS -** Disclosure and Barring Service
- **EEA** - European Economic Area
- **ESR** – Electronic Staff Record
- **Employees** - All employees (including those on permanent, temporary and bank contracts), holders of HDFT honorary contracts
- **Foundation Gateway** - A point within the AfC pay band for which the employee must be assessed in order to progress within the pay band
- **HDFT** - Harrogate and District NHS Foundation Trust
- **HR** - Human Resources
- **NHS Jobs** – The NHS national website for advertising and managing the appointments process
- **PAG -** Policy Advisory Group

- **The Trust** - Harrogate and District NHS Foundation Trust
- **TRACS** – The Trust's internal applicant tracking system
- Booking Manager- staff involved in booking agency cover
- Temp to perm- a process used whereby an agency worker then takes an employment contract following the recruitment procedure has been followed

2. POLICY

2.1. Introduction

The aims and objectives of this Policy are to:-

- Ensure equality of opportunity for all applicants
- Ensure the effectiveness of the recruitment process
- Ensure a cost effective approach to recruitment is maintained
- Protect patients by complying with good recruitment and pre-employment practice
- Promote good practice in selection methods
- Comply with NHS Employment Check Standards
- Promote a positive image of the Trust as an employer

2.2. Process for recruitment

The process of recruitment, selection and pre-employment checks are co-ordinated by Human Resources in conjunction with the Recruiting Manager, who is usually a senior manager within the department.

All guidance documents and forms for completion are available to download from the Trust's intranet site, under the HR Recruitment section.

2.2.1. <u>Identifying the Need for Recruitment</u>

When a post becomes vacant there is an opportunity to review the need for the post and its duties, responsibilities and banding. Recruiting a new employee may be the most obvious action when a vacancy occurs, but it is not necessarily the most appropriate.

Consideration may be given to an alternative replacement, for example could the post be lost from the establishment or absorbed by the remaining workforce? Would the post be suitable for a part time member of staff or job share applicants?

If the duties of a post have changed significantly the Recruiting Manager must revise the job description and send it with a Job Matching Form to the HR Team for AfC job matching approval.

For Band 2 posts, consideration should be given to employing an Apprentice post. For further details of this scheme, please contact the Workforce Development Team.

When a vacancy arises, consideration must be given to staff whose posts are being made redundant and for whom redeployment is being sought. Recruiting Managers must discuss their requirements with an Operational HR Advisor prior to any advertisement being placed. Recruiting a redeployed member of staff can reduce both the time and the cost incurred in filling a vacancy and retain valuable skills and experience within the organisation.

2.2.2. Job Description

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the process. The Trust template must be used for all job descriptions to give a consistent Trust image and to enable the correct information to be given to potential applicants. The current Trust template can be downloaded from the Trust's intranet.

The language used in job descriptions should be easy to understand, avoid jargon, unexplained acronyms and abbreviations. Job descriptions should be clear about responsibilities and the post holder's accountability for resources, staff, etc. Inclusive and non-discriminatory language should always be used.

2.2.3. Person Specification

The person specification is of equal importance to the job description and informs the selection decision. The person specification details the qualifications, key knowledge, skills and experience that are required to do the job. It should be drawn up after the job description using the Trust's template which is contained at the end of the job description template.

The person specification should be specific, related to the job, and not unnecessarily restrictive - for example only qualifications strictly needed to do the job should be specified or where applicable, equivalent experience be specified as an altnerative.The inclusion of criteria that cannot be justified as essential for the performance of the job may be deemed discriminatory under discrimination law, if these impact disproportionately to the disadvantage of specific groups of potential employees.

Essential criteria are those without which an appointee would be unable to adequately perform the job; Desirable criteria are those that may enable the candidate to perform better or require a shorter familiarisation period. Criteria which are subjective and for which little evidence is likely to be obtained through the selection process should be avoided.

Knowledge can be derived in a number of ways, for example through education, training, or experience. For some jobs a particular qualification(s) may be essential, while for others no single qualification may be appropriate and a particular type of experience may be just as relevant as a formal qualification. Where qualifications are deemed essential these should reflect the minimum requirements necessary to carry out the job to an acceptable standard. UK qualifications should be stated but (other than for required membership of a UK professional body) it should be made clear that overseas equivalents will be accepted. The HR Department can assist in advising on the equivalence of particular overseas qualifications.

The type of experience required of applicants should be specified; but stipulating the length of experience must be avoided unless it can be objectively justified because the quality of experience is more important than its length. The Age Regulations make such stipulation unlawful unless objectively justified. It is also important to remember that experience is sometimes transferable from one area of work to another, in which case specifying skills is likely to be more effective than specifying a narrow definition of experience.

Required abilities should be expressed in terms of the standards required, not just in terms of the task to be undertaken. For example, avoid statements such as 'Ability to write reports'; instead, indicate the expected standard, such as 'Ability to write detailed financial reports that encompass departmental budgeting, annual variances, and forecasting'.

Extreme care must be taken if physical requirements are specified. The Equality Act requires employers to make reasonable adjustments to a workplace or the way a job is carried out to make them suitable for disabled people. (Further information is available from the Occupational Health Department and HR Department). It is therefore important that any physical requirement is stated in terms of the job that needs to be done. For example a job may require that the appointee 'must be able to travel to a number of different locations on Trust business'. For driving jobs, it will be appropriate to specify the ability to drive.

Personal qualities may affect the ability of an individual to do the job, but they should not be seen as substitutes for skills. For example, the ability to deal effectively with frustrated customers is a skill. Simply possessing patience (a personal quality) will not be enough.

The person specification translates the job description into the necessary knowledge, skills, experience and other attributes required by an applicant to undertake the duties of the post; in effect a profile of the ‘ideal post holder’. Used throughout all the stages of the recruitment and selection process, it enables the Recruiting Manager to ensure that the best applicant is chosen, that legal considerations are adhered to and as an aid to:-

- Designing the advertisement
- Choosing the selection method to use
- Short listing applicants
- Drawing up interview questions
- Making the final selection

2.2.4. Advertising Vacancies

Once the job description and person specification has been completed and job matched if required, these must be sent by email to the Resourcing Department together with the Advert Request Form. All vacancies must receive approval from the directorates vacancy control panel. The Resourcing Department are unable to progress the advertisement if this process has not been completed and a vacancy control number is documented in the Advert Request Form.

Most vacancies including secondments and internal adverts should be advertised on NHS Jobs and will be deemed to be open to job share applicants, in line with the Trust’s commitment to flexible working. In exceptional circumstances due to service requirements, departments may following approval from recruitment step outside of advertising on NHS jobs.

*

The following advertising media is used:-

- Internal only on NHS Jobs
- NHS Jobs external site
- Job Centre Plus
- External sources
- Trust's Daily Bulletin

Advertisements in publications will be subject to the approval of the Operational Directors and if approved will be restricted to insertion in one publication, unless there is a statutory requirement related to a particular post, for example Consultant appointments. Advertisements will direct applicants to NHS Jobs to facilitate on-line applications. Costs relating to external advertising will be charged to Directorate budgets.

Posts should be advertised for a minimum of two weeks and may be extended if no suitable applicants apply or if a non EEA applicant applies who may require a work permit. This will enable the 'resident market test' to be completed. The HR Department will advise the Recruiting Manager of any changes to the closing date.

Selection should always be a competitive process except where a member of staff is being re-deployed to accommodate their disability, health needs, maternity, training or other similar situation.

Advertisements should be drafted by the Recruiting Manager. The Resourcing Team Leader will proof the advert and notify the Recruiting Manager of any changes before advertising. If an external advert is authorised, the proof from the contracted media agency and cost will be sent to the Recruiting Manager for approval and authorisation to proceed.

Recruiting Managers should be aware that fraudulent companies sometimes target Recruitment Managers directly using contact details given in advertisements. They claim to be from reputable companies and ask for an authorisation to be signed and returned in a short timescale resulting in an invoice for services. Under no circumstances should Recruiting Managers deal with these enquiries and all calls should be referred to the HR Department who will pass on the details to Counter Fraud.

It is good practice to include the interview date in the advertisement – with sufficient time allowed to shortlist and to ensure at least one week's notice is given to the invited applicants. It is the responsibility of the Recruiting Manager to create the interview schedule via NHS Jobs. The Resourcing Department will invite candidates for interview to ensure that the necessary attachments are included.

In some circumstances statements can be placed in advertisements to encourage people from under represented groups to apply. Other advertising publications can also be used to attract applicants from under represented groups.

The Resourcing Department will analyse reports on applicants through NHS Jobs and ESR.

2.2.5. <u>Applications</u>

Most applications will be accepted through the NHS Jobs website. Assistance will be available to complete the application through Job Centre Plus or through the

HR Department. Paper copies of the application form can be provided to applicants who do not have internet access.

Curriculum Vitae information is not requested as this can lead to inconsistencies in the recruitment process and the process can appear to be unfair. An exception of this may occur if a department is engaging with a agency to provide locum arrangements.

Applicants are required to declare if they are related to a member of the Trust. This enables the Human Resources Department to take necessary action to ensure that the selection process is not prejudiced.

2.2.6. Short listing

The Recruiting Manager will establish the short listing panel, the composition and size being dependent on the nature of the vacant post. Without exception, however, the panel must consist of at least two members and must include either a senior member of staff from the ward / department or the line manager / supervisor. A representative from the Human Resources Department may also be appropriate and by prior agreement with the relevant Human Resources Business Partner.

Panel members will be able to see the applications on the NHS Jobs website which will be sent to them via a link in an e-mail. In order to reduce costs and ensure confidentiality and data protection of applicants, applications should not be printed. Training and guidance on the on line short listing facility is available from the Resourcing Department.

The Recruiting Manager must complete the shortlisting and interview scheduling through NHS Jobs. The Recruiting Manager will then contact the Resourcing Representative once shortlising has been completed to enable a separate email to be sent with further details about the interview, which documents would need to be brought to the interview and location of the interview.

2.2.7. Interview

The Recruiting Manager will identify who will be present on the interviewing panel. The panel must consist of a nominated chairperson and at least one member who has been provided with the recruitment and selection training materials which will detail the relevant current legislation, their responsibilities and the procedures to be followed.

It is recommended that two clinicians are represented on the interview panel for NHS locum consutants posts. However, where this is not possible, it is a mandatory requirement that at least one clinician is in attendance at an interview panel.

For interviews for senior management or senior clinical posts the Trust supports the active involvement of patients, patient representatives and members of the public through the Patient Voice mechanism. This approach supports the Trust’s Policy on engaging patients and Quality of Experience Group (QEG) and helps to build confidence in the NHS.

Recruiting Managers are encouraged to use other methods of selection alongside the traditional interview; this may include a work related test such as a scenario or written ability test, case study or presentation.

Dependent on the nature of the post, it may be useful to include an independent person to act as an assessor. In some cases this is a statutory requirement. Recruiting Managers can seek advice from the Resourcing Team if they are not sure.

The Resourcing Department will prepare an interview pack for the Recruiting Manager containing guidance notes, forms to be completed and copies of the application forms. The pack will be e-mailed to the chair of the panel two working days before the date of the interview. All the Trust documentation required for the interview is also available on the HR toolkit which can be found on the intranet or by following the link below:-
http://nww.hdft.nhs.uk/corporate/human-resources/toolkits/

The interview panel must prepare and agree the structure or plan of the selection interview, using the job description and person specification. The questions to be asked during the selection interview must be planned and recorded. All panel members must be free from other commitments during the period of selection interview and must consider all interviewees. Panel members should declare if they are related in any way to the applicants and should not be involved in the interview if there is a declaration of interest to this effect.

Recruiting Managers/chairpersons are strongly recommended to use the scoring sheet provided in interview packs. Each panel member should complete their own scoring sheet independently and the total scores compared at the end of the interviews. This will aid selection of the best candidate, help to remove bias and provide objective evidence of decision making if a challenge is made about the fairness of the interview.

All candidates will have been asked to bring the originals and a copy of a photo ID, proof of address and their qualifications to interview. Candidates may not always have access to photocopiers and it is then the responsibility of the chairperson to ensure a copy of the original documentation is taken. All copies need to be signed and dated to verify that the originals have been seen. Although the above mentioned documentation is required, for the purpose of interview the candidate only needs to have one form of photographic identification to proceed with the interview. (Candidates are asked to bring all required documents to interview to minimize further delays with reference to pre-employment checks once the preferred candidate has been selected)

The Chairperson will be responsible for ensuring that all qualifications that are essential to the role or their professional registration certificates / PINs are checked and recorded.

The Chairperson must use the interview opportunity to probe the applicant about a potential criminal record regardless of whether this has been declared on the job application form or the declaration form which has been completed before interview. Any discussion must be recorded for future reference.

On completion of the selection interview the Chairperson is responsible for completion of the preferred candidate form, which should reflect the combined opinions of all panel members.

Any information given and shared at the interview is covered under the Trust's Information Governance Policies and Procedures. Panel members should not discuss confidential information given at interview with third parties, without the permission of the applicant.

All unsuccessful candidates attending interview will be informed of the outcome of the interview via NHS Jobs e-mail by the Resourcing Team. Recruiting Managers can also contact the candidates directly should they prefer this manner of communication, however, the Recruiting Manager will be responsible for advising candidates of the reasons for rejection, in a constructive manner, should they request feedback.

The recruitment file must be returned to the Resourcing Department as soon as is reasonably practicable following the interview procedure and must contain the following:-

- completed preferred candidate form
- completed interview question forms
- completed and signed scoring sheets
- all forms of copied ID from the original documents initialled and dated
- any handwritten notes taken during interview

The recruitment information will be retained electronically for a minimum of 6 months from the date of the interview.

2.2.8. Preferred Candidates

The conditional offer will explain to the candidate that they have been successful at interview and the Trust will commence all pre-employment checks in line with the NHS Employment Check Standards (see 2.3 Pre-employment Checks). Upon successful completion of these checks, a formal offer letter and contract will be sent to the Recruiting Manager to print, sign and sent to the applicant. The conditional offer letter received by the applicant advises not to hand in their notice to their current employer until a formal offer letter has been received from HDFT.

2.3. Pre-employment checks

- Verification of identity checks
- Right to work checks
- Employment history and reference checks
- Registration and qualification checks
- Occupational Health checks
- Disclosure and Barring Service checks
- Fit and Proper Persons Test (for permanent or executive directors, non executive director and associate positions who are members of the board irrespective of their voting rights). If a fit and proper persons test is required this should be specified in the job advert and person specification.

2.3.1. Fit & Proper Persons Test

- When recruiting to a position that requires a fit and proper persons Test please seek advice from the recruitment team. Further details can be found in the Trust's guidance document on the requirements of the Fit and proper persons test for Directors which is available on the Intranet.

2.3.2. Verification of Identity Checks

Verification of identity checks are designed to:-

- determine that the identity is genuine and relates to a real person
- establish that the individual owns and is rightfully using that identity

2.3.2 Right to Work Checks

The Trust uses two methods for verifying identity:-

- requesting original documents and completing reference checks (2.3.3)

The Recruiting Manager is responsible for ensuring that they or a delegated person ensures original documents are copied, initialled and dated to confirm they have been seen.

Changes to the Immigration, Asylum and Nationality Act (2006) were implemented on 29 February 2008 including:-

- A new system of civil penalties for employers who take on illegal migrant workers as a result of negligent recruitment and employment practices
- A tough new criminal offence for employers who knowingly employ illegal migrant workers
- A continuing responsibility for employers of migrant workers to check their on-going entitlement to work in the UK

Following notification of the successful candidate, the Resourcing Department will assess the eligibility of the individual's right to work in the UK by verifying specified documentation defined by the Home Office.

The points-based system for assessing immigration applications for the UK changes the way individuals from outside the European Economic Area (EEA) and Switzerland can work, train or study in the UK. Please see link to guidance in relation to these regulations.
Guidance notes relating to Points Based System and Certificate of Sponsorship

If the successful candidate requires a Work Permit, the Resourcing Department will apply for Sponsorship for the individual on the Trust's behalf. There are strict criteria for obtaining a work permit and the Resourcing Department will assess the applicant's suitability prior to applying for sponsorship. The Recruiting Manager will be kept informed at each stage of the process.

If the applicant is successful in obtaining a work permit, the details and expiry date will be entered onto ESR and the related paperwork stored in the personal file.

Once employed, if the post holder is on long term sick or is absent without leave, the Manager must inform the Resourcing Department immediately as there is a statutory requirement to inform the UKBA.

The Resourcing Department will be informed via ESR if the employee's work permit is to expire 30 days before the expiry date. It is the manager's responsibility to obtain evidence from the post holder and will inform the manager that the permit has been extended or permanent residence has been granted. Failure to renew a work permit will result in the termination of the contract of employment. The Line Manager must inform the Resourcing Department of the new work permit details so that ESR can be updated.

2.3.3 Employment History and Reference Checks

References will be requested by the Resourcing Department in line with the NHS Employment Check Standard – Employment History and Reference Checks. The purpose of references is to check facts such as the applicant's qualifications and previous job history. Managers should treat subjective opinion regarding competence or performance with caution.

The Resourcing Department will endeavour to obtain at least three years of previous employment and/or training. Ideally they will aim to check a period which covers two separate employers (where possible), one of which should be from the applicant's current or most recent employer. Where an individual has been with one employer for five years or more, one reference is sufficient. Where the individual is currently employed by the Trust, one reference from their current line manager is sufficient.

References should be obtained in writing (ie company letter via post or email, or by using a standardised form), although it may be necessary in exceptional circumstances to receive references verbally by telephone. This should be done by someone from the Resourcing Department and signed off by the Recruitment Manager.

Recruiting Managers will be notified if receipt of references takes longer than 10 working days unless there is an accepteable reason for the delay.

The Recruiting Manager will be asked to approve the references obtained before issuing a formal offer of employment. All contracts and offer letters will be produced by the Resourcing Department and sent to the Recruiting Manager for signing and delivery to the successful applicant. References are given in confidence and this must be observed by all those involved in the recruitment and selection process.

Where there are discrepancies between references and information given by the candidate, further enquiries may be undertaken by the Resourcing Department and the Recruiting Manager informed before a formal offer is made.

The person or person(s) responsible for the approval of references should give consideration on a case by case basis as to whether the information contained within a reference is unclear or indicates an area of concern that would benefit from a follow up telephone conversation with the referee. The requirement to do this is not mandatory but it is encouraged in cases where it would improve the quality of the reference check.

2.3.4 Registration and Qualification Checks

The purpose of registration and qualification checks is to ensure that a prospective employee is recognised by the appropriate regulatory body and that they have the right qualifications to do the job.

Employers must make it clear to prospective employees that appointment to any position is conditional on a satisfactory registration check and qualification checks, and that any information disclosed on the application form will be checked.

Prospective employees must also be informed that any offer of appointment may be withdrawn if they knowingly withhold information, or provide false or misleading information, and that employment may be terminated should any subsequent information come to light once they have been appointed.

The Trust has a Policy for the Management of Professional Clinical Registration Employment is conditional upon having and retaining all the relevant educational, vocational, professional and any other relevant qualifications that is stated on their application form. It is also expected that the grades of examinations taken conform to those stated in application forms and at interview. It may be a requirement to update skills and qualifications and participate in new training as relevant to the role. If it is discovered that the registration has lapsed and is a requirement of the post, it may result in a dismissal.

2.3.5 Occupational Health Checks

All HDFT staff must have an occupational health clearance prior to commencing work at the Trust. These checks adhere to equal opportunities legislation and good occupational health practice.

Pre-appointment health checks are carried out to:-

- ensure that prospective staff are physically and psychologically capable of doing the work proposed, taking into account any current or previous illness
- identify anyone likely to be at excess risk of developing work-related diseases from hazardous agents present in the workplace
- ensure, as far as possible, that the prospective employee does not represent a risk to patients and that they will be doing work that is suitable and safe for them.

All checks must take into account the requirements of the 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 can only be carried out once a conditional offer of employment has been made. The Trust's conditional offer of appointment make it clear to prospective employees that any offer is conditional pending the successful completion of pre-employment checks.

Where an individual is a current employee of HDFT and applying for another job within the Trust the Resourcing Department will check with the Occupational Health Department if a further Occupational Health Clearance is required.

2.3.6 Disclosure and Barring Service Checks

HDFT is committed to ensuring that patients are cared for at all times in a safe environment. HDFT will ensure that all relevant employees including Doctors in Training and Agency Staff (2.3.6.iii and 2.3.6.iv) will have a Disclosure and Barring Service (DBS) check as required by law and to the correct level, and this is received prior to the employee commencing in post.

The Safeguarding Vulnerable Groups Act (2006) was created in response to recommendations made in the Bichard Inquiry arising following the Soham murders.

Following a review of the Vetting and Barring Scheme in 2011, changes were made to the Safeguarding Vulnerable Groups Act by the Protection of Freedoms Act 2012. Changes were made in September 2012, introducing the Disclosure and Barring Service (DBS). The DBS provides access to information across England and Wales about criminal convictions and other police records to help employers make an informed decision when recruiting staff. The information provided by the DBS is known as a ‘disclosure’.

The DBS provides three levels of disclosure – standard, enhanced and enhanced with a barred list check. The barred lists (previously called ISA barred lists), provide two levels of enhanced checks into the suitability for working with vulnerable children or adults. A disclosure can also be sourced for individuals working with vulnerable children and adults. Information obtained through disclosures can help employers to make an informed decision on whether or not to appoint a prospective employee. The decision rests with the Trust as to whether to employ a person whose Trust disclosure reveals a conviction or other information. A person’s criminal record should be carefully considered in the light of all the relevant circumstances and judged on a case-by-case basis.

Where the position meets the criteria for a check, a conditional offer of employment will be subject to a DBS disclosure being carried out. A disclosure will only be carried out on a prospective employee once a conditional decision to offer them the position has been made.

Once the Recruiting Manager has informed the Resourcing Department who the successful candidate is, a DBS disclosure application form will be sent to the candidate together with the Ooccupational Health Clearance form and conditional offer of employment.

Prospective employees are informed that the offer of employment may be withdrawn if they knowingly withhold information, or provide false or misleading information. Existing staff may also be subject to criminal prosecution, civil prosecution, internal or regulatory disciplinary if they have failed to disclose relevant information in relation to their criminal record.

All applicants required to complete a DBS clearance will be required to reimburse the Trust for the full amount.

The Trust is currently reviewing the DBS process on the back of the Savile Report and this may result in renewals every 3 years or the update service on a yearly basis, further updates to this Policy will be made as appropriate.

Upon the completion of the Declaration A form, during pre-employment checks, the applicant is informed of the cost and is given two options for re-payment.

The result of the DBS clearance is received by both the applicant and the Trust. The applicant will receive a paper certificate and the Trust receives an online notification of completion. A copy of the online notification is saved on the applicants e-file.

The DBS Reference Number is recorded on the Recruitment Database (TRACS) together with the Clearance Number once the DBS form is returned. The DBS clearance number, date of clearance and level of clearance are also recorded on the Trusts ESR system.

HDFT will ensure that information obtained from the DBS in respect of its employees will be treated confidentially and in accordance with the DBS ‘disclosure code of practice’ and the Data Protection Act 1998.

Possession of a criminal conviction does not automatically make an applicant unsuitable for employment in the NHS.

2.3.6.i Reviewing information Received Through a Check

Any relevant information declared by an applicant, or revealed through a DBS check, will be explored with the applicant before final selection and any appointment decision will be based on a full and fair assessment of the applicant's circumstances and the risks associated with the position.

All information will be treated as strictly confidential at all times and will not be divulged to anyone other than the Recruiting Manager and the members of Human Resources staff involved in carrying out the check.

Records will be kept that a check has been carried out but no references will be made to any specific offence. A record will be kept on the Electronic Staff Record (ESR) of all checks processed together with the date of disclosure and whether satisfactory or unsatisfactory and whether the applicant was appointed.

The fact of having a criminal offence does not itself automatically show unsuitability for working with children or vulnerable adults. HDFT has a responsibility to ensure patients and vulnerable groups are protected.

Where a disclosure reveals information, the Resourcing Team will pass the DBS form to an Operational HR Advisor to consider whether the information is relevant to the post. Where it is considered that the information may affect the offer of the post, the circumstances will be discussed with the candidate and Recruiting Manager by the HR Advisor.

Consideration of candidates with offences relating to theft, violence, sexual or drug offences may be referred by the HR Representative to the Director of Workforce and Organisational Development or Deputy Director of Workforce and Organisational Development.

In deciding the relevance of convictions, a number of factors might be considered:-

- the nature and seriousness of the offence
- the age at which it was committed
- its relevance to the post in question
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters

2.3.6.ii Right of Appeal

There is no right of appeal for candidates whos conditional offer of employment is withdrawn for reasons relating to their DBS check.

When a DBS check has been requested in respect of a current employee and the information disclosed gives cause for concern, the circumstances relating to the information should be investigated in accordance with the **Trust's Disciplinary Policy**. In the event of a formal warning or dismissal arising from the disclosure, any appeal should also be made in accordance with the Trust's Appeals Policy.

2.3.6.iii Doctors in Training

A DBS check should be carried out and recorded on ESR at least every 3 years by the lead employer. Subsequent employers can use this information to support their risk assessments in deciding whether or not a further check is required.

The Resourcing Department will check that the doctor's DBS registration is correct for the current training post by requesting information from the current/most recent exployer. Where assurances cannot be obtained or if the level of check obtained is not correct for the post, a new check will be performed.

2.3.6.iv Agency workers and Locums

Staff who are not directly employed by the Trust, but who nevertheless are engaged to work at the Trust via an external agency must also have undertaken the same standard of DBS checks as those listed above if necessary for the post.

Written confirmation that a DBS check has been performed and at what level, must be requested by the authorised booker hiring the member of agency staff.

2.4 Agency staff and Locums, Non-Medical

Staff who are not directly employed by the Trust, but who nevertheless are engaged to work at the Trust via an external agency must also have undertaken the pre-employment checks listed in section 2.3

Due to agency workers normally required to immediately cover a post to enable service delivery, these posts will not normally be subject to the minimum two weeks advertising of a vacancy.

The Trust template must be used for all job descriptions and shared with the agency to give a consistent Trust image and enable the correct details of duties to be given to potential agency workers. A Curriculum Vitae must be provided by the agency for each applicant.

Applicants are required to declare if they are related to a member of the Trust. This enables the Human Resources Department to take necessary action to ensure that the selection process is not prejudiced.

It is important that when booking agency cover, designated personnel use authorised suppliers who have demonstrated that they can provide the required level of pre employment checks for the workers they provide. Agencies used must be on the NHS approved agency suppliers list and framework to provide assurance that the agencies agree to and comply with all agency regulations.

Authorised suppliers must provide a completed employment checklist with every worker before they start work. This gives the Booking Manager and the Trust reassurance that checks have been carried out. <u>Pre-Employment checks are not carried out by the Resourcing Department.</u>

Completed employment checklists are returned to the designated personnel to verify the appropriate pre-employment checks have been completed.

Upon receipt, all worker details must be entered on to the Agency Staff Database by the Booking Manager.

The Agency Staff Database and employment checklists are audited by the Resourcing Department on a quarterly basis. This is to ensure all checks are being undertaken by the Booking Manager and authorised suppliers are providing the necessary reassurance that pre-employment checks are being undertaken.

It is the Booking Manager's responsibility that all bookings are correctly administered and all pre-employment checklists have been completed prior to the agency worker commencing their duty with the Trust.

On the first day of each assignment, it is important to ensure that identity is confirmed and that the person that has arrived for assignment is the person the agency had put forward. Booking Managers are not to accept substitute workers from the agency if the required checks have not been completed.

Returning agency workers need not complete another set of checks if their break is less than 3 months. The assignment does however need to be recorded on the database noting that pre-employment checklist for this agency worker had already been completed on a prior assignment.

If a vacancy currently being covered with an agency becomes available as a permanent position the permanent position will also be advertised through NHS Jobs. In exceptional circumstances due to service requirements departments may following approval from recruitment step outside of advertising on NHS jobs.

<u>2.4.1 Temporary to permanent process</u>

Where there is a need for a vacancy to be filled at short notice for service delivery and patient safety in some circumstances there may be positons that go through a temporary agency worker to permanent employee process. In all other circumstances all positions will be advertised on NHS Jobs.

A formal interview process must take place and follow the interview process outlined in section 2.27 of the recruitment policy.

An agency worker cannot be made permanent unless the recruitment process outlined above has been followed, i.e. authorisation to appoint has been granted, the post has been advertised to allow equality of opportunity and the agency worker has completed an application form including decalring if they are related to a memeber fo the Trust.

For information relating to Locums, please refer to the Policy for the Use of Agency Provided Locum Medical Staff

2.5 Volunteers

Volunteers working at the hospital and community are signed up through a volunteering service which is co-ordinated through the Corporate Affairs Department.

All volunteers are required to undertake a DBS check administered by the volunteer co-ordinating team. The procedures required to become a volunteer for the Trust are outlined in the following guidelines administered by the Volunteer Co-ordinator Volunteering Policy.

2.6 Arrangements for those who fail to satisfy pre-employment checks

If concerns come to light as a result of pre-employment checks the Recruiting Manager will discuss these concerns with the candidate in the first instance. The Recruiting Manager may decide not to proceed with a formal offer of appointment in consultation with the HR Business Partner.

If **significant** concerns come to light as a result of the pre-employment checks, processes can be initiated to ensure that consideration is given to the issue of an alert notice where appropriate.

2.7 The Alert Notice System

The alert notice system applies to all registered healthcare professionals who are regulated by a body listed in section 25(3) of the NHS Reform and Healthcare Professions Act 2002 a list of which is available at annex one of 'safer recruitment - scheme for the issue of alert notices for healthcare professionals in England'.

An alert notice is a way by which an NHS employer can make other bodies aware that a healthcare professional may pose a threat to patients or staff. It is intended as a means of alerting prospective employers to check the applicant's employment record and take up references in advance of appointment.

An alert notice is issued by the Health Education England at the request of an employer (or ex-employer) who has reason to believe that a registered healthcare professional, about whom they have concerns, may be seeking work in the NHS in their professional capacity. An alert may only be issued where it is considered that an individual poses a significant risk of harm to patients, staff or the public.

The alert notice, currently in the form of a letter, will state the person’s name, date of birth and NI number, their place of work and in what capacity they worked in. The notice will give the name and address of a person to contact at the organisation which triggered the alert. No other information about the individual or any details of the case are included in the alert notice.

Further guidance on what to do when an applicant is the subject of an alert notice can be found on the NHS Employers website:-
http://www.nhsemployers.org/your-workforce/recruit/employment-checks/nhs-employment-check-standards/alert-notice-system

The alert system is not part of the disciplinary process but an integral part of the system for pre-employment checks.

2.8 Training and Updating Information

The Resourcing Department deliver a Recruitment and Selection Training course for new managers and managers needing to update their knowledge. This course is delivered on a quarterly basis and bookings are made through the Workforce Development Team.

A member of the Resourcing Team will maintain an email distribution list of known Recruiting Managers. When changes to legislation or recruitment processes or practices are made, Recruiting Managers will be sent an email updating them of the changes.

The intranet site will be kept up to date with forms and guidance notes. Recruiting Managers must use these forms and not previously saved versions.

2.9 Monitoring completion of pre-employment checks

Annually the Resourcing Department will check a 10% sample of the personal files of those employed in the preceeding 12 months and audit the relevant booking databases to monitor if the required pre-employment checks have been received and recorded.

2.10 Advisory Appointments Committee for Consultant Medical Staff

National documents setting out the procedures to be followed when appointing consultant medical staff, Associate Specialists and junior medical staff are set out at the NHS Employers website, at the following locations:-

<u>Consultants</u>

ttp://webarchive.nationalarchives.gov.uk/20130107105354/http:/www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4102750.pdf

Specialty Doctors and Associate Specialists
http://www.nhsemployers.org/SiteCollectionDocuments/Supporting_spec_doctors-guide_good_practice_cd_290408.PDF

Junior Doctors
Junior Doctors in training are recruited by the National Recruitment for their Specialities and rotate a number of times a year. However, if posts are not filled the vacancies will be filled directly by the Trust, i.e. locum for service or stand alone posts, pre-employment checks listed in section 2.3 must be followed.

3 ROLES AND RESPONSIBILITIES

3.1 Chief Executive

The Chief Executive is the responsible officer for ensuring appropriate systems are in place and being followed. They are responsible for ensuring that the Trust meets its legal obligations and for actively taking steps to ensure the safety of patients, visitors and staff, through robust recruitment policies and procedures.

3.2 Directors and Professional Heads

Directors and professional heads of service should ensure that standards of service are maintained and that a quality service is provided. Their responsibility is to:-

- ensure that managers, within their areas of responsibility, are following the appropriate recruitment and selection procedures in line with this Policy
- ensure managers are not actively discriminating against individuals when appointing staff
- assess that their managers fully understand their responsibilities when recruiting staff and ensure that they attend the appropriate training.

3.3 Recruiting Manager

3.3.1. Define post and post holder requirements

- Decide whether the post needs to be filled
- Review and amend post requirements. If a new or amended Job Description/Person Specification is produced it must be submitted to Human Resources for Job Matching

3.3.2. Obtain approval to fill post/make changes to post and plan the appointment

- Vacancy Control Approval from Panel
- Job Description/Person Specification approval
- Write advert
- Identify interviewing panel and interview date

3.3.3. Interview process

- Ensure a fair selection criteria is used for interview

- Ensure discriminatory practices are not used and eliminate bias where possible
- Evaluate all information against Person Specification and ensure that all checklist forms are fully completed and signed
- Select and inform the preferred candidate
- Return all interview documentation, completed and signed, to Resourcing Department to progress pre-employment checks
- Once all pre-employment checks are complete and satisfactory, the Resourcing Department will prepare an offer letter and contract for the Recruiting Manager to send to the candidate.

3.3.4. Pre-Employment

- Check professional registration where required
- Devise local induction programme in department
- Arrange for ID badge and uniform
- On receipt of the Personal E-file from HR, check to ensure all required paperwork identified is present and retained.

3.3.5 Post Employment

- Ensure renewal dates for Professional Registration are inserted into starter paperwork
- Ensure Work Permit expiry dates are noted and followed up by the Line Manager
- Inform the Resourcing Department if post holders who hold a work permit are absent from work on long term sick or unexplained absence.

3.4 Resourcing Department

- Ensure that relevant training is available to managers across the Trust
- Ensure the Job Descriptions and Person Specifications are in the Trust's agreed format and will check Job Descriptions and Person Specifications to ensure that appropriate and non discriminatory language is used
- Check job advertisements ensuring that discriminatory language is not used
- Ensure Recruiting Managers have access to NHS jobs to view their vacancies and short list application forms
- On notification of the successful candidate/s perform all necessary pre-employment checks
- Notify unsuccessful candidates and provide contact details of Recruiting Manager to receive feedback. (Recruiting Managers may also wish to contact the unsuccessful applicants to provide feedback)
- Keep the Recruiting Manager informed of progress
- Ensure that the Recruiting Manager views and approves all references received prior to a formal offer letter being issued
- Advise on appropriate action to Line Manager if a DBS check is returned with a conviction or caution
- Advise on appropriate action if an individual's professional registration is invalid or a reference raises concerns
- Prepare formal offer letter and contract once all pre-employment checks are complete and authorised by Recruiting Manager.

3.5 Occupational Health

- Assess the pre-employment Occupational Health Questionnaire and confirm if the successful candidate is medically fit to undertake the role.

4. POLICY DEVELOPMENT

4.1 Identification of stakeholders

Staff Side representatives along with management representatives who are members of the Policy Advisory Group (PAG) have been involved in the development of the Policy. Human Resources staff have updated the Policy to reflect current HR employment practice.

4.2 Equality Impact Assessment

This Policy has undergone Stage 1 and Stage 2 Equality Impact Assessment screening and the results are published on the Trust's website.

The Trust is committed to creating a culture that fully respects equality and diversity and aims to ensure that all its services are accessible, appropriate and sensitive to the needs of the whole community. It believes in fairness, equity and above all values diversity in all its dealings, both as a provider of health services and an employer of people.

This Policy has been developed to reinforce the Trust's vision in this respect and to give direction for the pursuit of the highest standards of equality and diversity in all our services. This Policy reflects the following:-

- Opportunities for employment, promotion, training and development are open to all on an equal basis
- Access to services are sensitive to individual needs defined by the Equality Act 2010
- Patients, staff, volunteers and all other service users and providers are treated with dignity and respect
- Every member of staff has a role to play in recognising and respecting Equality and Diversity in others
- Staff are able to carry out their duties effectively without fear of discrimination, harassment or bullying of any kind

The Trust's commitment to equality and diversity is reflected in the ethnic origin profile of it's staff. The Trust will continue to embed its equality and diversity values into all of its policies, procedures and everyday practice, so that equality and diversity is the norm.

5. REVIEW AND REVISION ARRANGEMENTS

This is version 4 of the Recruitment and Pre-employment Check Policy which incorporates the information previously covered in the Disclosure and Barring Service Check Policy.

The Resourcing Department will make draft amendments to this Policy when there are changes in:-

- legislation
- NHS national terms and conditions
- local process changes
- at the review date.

These changes will be made as quickly as possible, irrespective of the normal review date. The review process will follow the same stages as the original development and implementation. The review will be the occasion when further information can be added which has been identified during the life of the Policy.

Where any changes are solely as a result of changes in legislation, these will be effected in the document and PAG informed rather than using the consultation process. HR will research the background information for inclusion, keeping in touch with current developments in the field and will consult with those in the organisation who hold expertise in the area.

When reviewing the Policy, HR will use feedback from managers/staff on the practical application of the Policy. This will be fed into the document, where appropriate, by the HR Team or staff representatives who have had direct involvement.

6. CONSULTATION, APPROVAL AND RATIFICATION PROCESS

6.1 Consultation Process

The Policy Advisory Group which is a sub group of the Partnership Forum is composed of management and staff side representatives and considers all draft HR policies and guidance. All members have the opportunity to make comments and suggestions on the document content which is debated within the group and amendments made and agreed.

Any additional individuals or groups that are relevant to include in the consultation process will be identified in Appendix 1.

6.2 Approval Process

All HR policies are approved at Partnership Forum which is the formally constituted management and staff consultation committee which is made up of staff side representatives from all the recognised Trades Union and Staff Association along with Trust Directors and the Chief Executive (or their representatives).

6.3 Ratification Process

All HR policies approved by PAG are submitted for ratification by the Partnership Forum.

7. DOCUMENT CONTROL

7.1 Publication

The Policy will be published in the electronic document library i.e. on the Trust's intranet under the HR Department, in the Policies/Guidance section.

Details of the issue of the document will be communicated to Senior Managers, through the monthly HR Directorate Report.

7.2 Archiving Arrangements

Where the Policy replaces a previous version, the old Policy will be archived as evidence of a previous Policy. The front page of the Policy will indicate the version number, the approving body and date of approval along with the next review date.

7.3 Access

The Policy should be accessed from the electronic document library. Copies of this document should not be printed unless it is absolutely necessary as there is a risk that out of date copies may be in circulation. Requests for this Policy in an alternative language or format (such as Braille, audiotape, large print etc) will be considered and obtained whenever possible.

8. DISSEMINATION AND IMPLEMENTATION

8.1 Communication

Senior Managers will have responsibility for ensuring that their staff are aware of the new/revised Policy. The Policy will be sent to all members of the HR Team and discussed at the HR Team meeting to ensure all members of the HR Team are fully aware of any changes to the Policy.

8.2 Implementation

Once a new version of the Policy has been approved, loaded to the intranet and senior managers and the HR Team have been informed, any new disciplinary cases will be handled in accordance with the new Policy. Any cases already in progress will continue to use the previous version of the Policy current at the time the case began, unless there is agreement from all parties to follow the new Policy.

8.3 Training and Support

Regular Recruitment and Selection Training is available to all managers and staff. Regular updates are sent to Recruiting Managers by email.

9. MONITORING, COMPLIANCE AND EFFECTIVENESS

9.1 Standards/Key Performance indicators

The Trust will monitor the processes managed under the remit of this Policy to ensure compliance and therefore consistency across the Trust. In order to protect staff from discrimination, the Trust will review the information obtained on staff as defined by the Equality Act 2010 to ensure there is no bias with regard to staff appointed in line with this Policy.

9.2 Process for Monitoring Compliance

9.2.1 <u>Monitoring</u>

The monitoring categories are summarised in Appendix 2.

9.2.2 Audit

The effectiveness of this Policy will be apparent by:-

- Monitoring to ensure that pre-employment checks have been fully completed
- Monitoring if the organisation has had recourse to recommend any alert letters in the previous year
- Monitoring equal opportunities information as defined by the Equality Act 2010 to ensure applicants are not discriminated against in the process of applying for and being appointed to posts with the Trust.

9.2.3 Feedback

The results of monitoring/audit will be set out in an annual report for the Governance Committee. The report will contain:-

- The results of the monitoring/audit
- Recommendations for actions to be taken, including amendments to the Policy
- An action plan with proposed actions, person/group responsible and dates for the actions to be completed
- The action plan will be monitored by the Governance Committee.

10. REFERENCE DOCUMENTS

- Disclosure and Barring Service (2009) Code of Practice
- NHS Employment Check Standards (March 2008)
- Safeguarding Vulnerable Groups Act (2006)
- Data Protection Act 1998
- Equality Act 2010
- Comprehensive guidance for United Kingdom employers on preventing illegal working
- Immigration, Asylum and Nationality Act (2006)
- Healthcare Professionals Alert Notices Directions 2006

11. ASSOCIATED DOCUMENTS

- Disciplinary Policy
- Trust Appeals Policy
- Professional Registration Checks Policy
- Policy for the use of Agency Provided Locum Medical Staff
- Volunteering Policy

12. APPENDICES

Appendix 1: Consultation Summary
Appendix 2: Monitoring, Audit and Feedback Summary

Appendix 1: Consultation Summary

	List Groups and or Individuals Consulted
Those listed opposite have been consulted and comments/actions incorporated as required. The author must ensure that relevant individuals/groups have been involved in consultation as required prior to this document being submitted for approval.	Quality and Governance Group
	HR Team
	Policy Advisory Group
	Partnership Forum

Appendix 2: Monitoring, Audit and Feedback Summary

Audit/ Monitoring Criteria e.g.	Audit / Monitoring questions	Audit / Monitoring performed by	Audit / Monitoring frequency	Audit / Monitoring reports distributed to	Action plans approved and monitored by
Completeness of pre-employment checks	Are pre employment checks fully completed?	HR	Annually	Quality and Governance Group	Quality and Governance Group
	Has the organisation had recourse to recommend any alert letters in the last year?				
Agency staff pre-employment checks	Have pre-employment checks been carried out on external agency staff employed through NHS professionals or other agencies?	HR/ Directorates	Annually	Quality and Governance Group	Quality and Governance Group
Composition of applicants for posts	What is the percentage of applicants and appointees from the equality and diversity minority categories?	HR	Annually	Quality and Governance Group	Quality and Governance Group
Compliance with the handling and retention of DBS check information	Are all DBS checks are kept in a locked cabinet and that access is secure and restricted? Are no copies kept on personal records?	HR / Internal Audit	Annually	Quality and Governance Group	Quality and Governance Group
Declaration forms are completed for all posts that require a DBS check	Are all declaration forms completed for all posts requiring a disclosure (random sample)?	HR / Internal Audit	Annually	Quality and Governance Group	Quality and Governance Group
Portability guidance is followed in respect of junior doctors and temporary/ agency staff	Are all DBS checks renewed every 3 years for junior doctors and every 12 months for agency staff (random sample)?	HR / Internal Audit	Annually	Quality and Governance Group	Quality and Governance Group

Ensuring that a risk assessment is completed for any applicant starting work before a disclosure is received that a supervision form is completed and a DBS check is returned within 3 months	Monitor the completion of a supervision form if the employee starts work whilst the DBS are processing the DBS check	HR	Annually	Quality and Governance Group	Quality and Governance Group
DBS checks that contain convictions are handled in a fair and consistent manner	Monitor what action was taken when a DBS check reveals a conviction	HR / Internal Audit	Annually	Quality and Governance Group	Quality and Governance Group

Note: For information relating to the monitoring of completion of Professional Clinical Registration Checks please refer to the Professional Registration Checks Policy

RECRUITMENT, SELECTION AND PRE-EMPLOYMENT CHECKS POLICY
Version 4 – May 2015

Approved by

…………………………………………………… date ……………………
P Marshall, for management side

…………………………………………………… date ……………………
L Kiely, for Trade Union representatives

…………………………………………………… date ……………………
T Metcalfe, for BMA