Birmingham Community Healthcare NHS Foundation Trust

Recruitment and Selection Policy

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Summary	This policy aims to ensure that only the best available candidates are recruited and promoted through the use of sound recruitment and selection practices that demonstrate compliance with Equal Opportunities legislation to support our evolving organisational culture.

Version History

Version No	Lead	Date Change Implemented	Reason for Change
1	**Jonathan Cassidy – Senior HR Business Partner**	06/12/2011	New
1.1	**Jonathan Cassidy – Senior HR Business Partner**	06/01/2013	Minor amendments to ensure NHSLA compliance
1.2	**Jonathan Cassidy - Snr HR Business Partner - Corp HR, Recruitment & Medical/Dental**	01/07/15	Minor changes to comply with to Fit and Proper Person statutory requirement

Consultation History

The following Committees, groups or individuals have been consulted in the development of this policy:

Name:	Date:
Staff Side JNCC	05 August 2015
Strategic Workforce Committee	21 April 2015
Management Board	22 September 2015

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1 Introduction

This policy has been developed in partnership with Staff Side colleagues and sets out the Trust's Recruitment and Selection Policy and Procedure which is committed to ensuring that we attract, develop and retain a high quality workforce with the right skills and diversity, organised in the most effective way.

As part of the Trust's vision and values, Birmingham Community Healthcare NHS Trust aims to be an 'Employer of Choice' and understands that this can only be realised through our explicit commitment to Equality, Diversity and inclusiveness. This Policy should be read in conjunction with the following:

- Recruitment and Selection Guidelines
- Pre-Engagement Checks for Contractors – Guidance for Managers
- Equality and Diversity Toolkit for Recruiting Managers
- Current Equality, Diversity and Human Rights Schemes/Strategies/Legislation
- Management of Organisational Change Policy

Recruiting staff can be a rewarding and worthwhile experience that benefits the whole Trust. Designed to offer detailed advice and guidance about best practice, this Policy and Guidelines also break down the many processes associated with Recruitment and Selection (for all employees), as well as promoting equal opportunities.

The Trust aims to ensure that no job applicant or employee is discriminated against either directly or indirectly. All applicants and staff will be treated equally regardless of their role, gender, gender reassignment, gender identity, marital status, age, race, colour, nationality, disability, ethnic or national origin, social background, sexual orientation, creed, religious belief, political affiliation or union membership.

To help the Trust reach the ever challenging and changing national NHS objectives, it is important that when we recruit any member of staff, (including all temporary and Bank workers), we recruit the right person at the right time to demonstrate that working for our Trust gives staff stimulating and varied careers and that, as an organisation, we will treat them fairly.

The Trust depends on its managers to attract and recruit the best possible individuals, but this is not an easy task. With so many different organisations competing for staff, the Trust must present a positive and professional image at all times that reflect the Trust values and act within the law.

2 Purpose

This policy aims to ensure that only the best available candidates are recruited and promoted through the use of sound recruitment and selection practices that demonstrate compliance with Equal Opportunities legislation to support our evolving organisational culture.

3 Scope

The policy and associated guidelines apply to all applicants and existing staff including Medical and Dental staff, Bank workers and temporary workers. For Contractors see Appendix 12 'Pre-Engagement Checks for Contractors – Guidance for Managers'

There are a number of key pieces of legislation that affect the Trust's recruitment and selection processes. Please see section 40 which list details the relevant legislation that the Trust must comply with.

This policy and the Disclosure and Barring Service (DBS) Policy are in place to provide a high standard of recruitment and selection processes which are in line with best practice and employment legislation, in order to ensure an efficient and effective recruitment and employment service for the Trust.

The Trust's Recruitment and Selection processes are in line with the relevant Terms and Conditions handbooks, e.g. Agenda for Change terms and conditions, Medical and Dental terms and conditions and the provisions of the Bank Worker Registration Agreement.

Recruitment is required to be carried out in line with the NHS Employment Check Standards which have been developed with key stakeholders including the Department of Health and NHS Employers. These Employment Check Standards include those checks that are required by law, those that are Department of Health policy and those that are required for access to the NHS Care Records Service.

4 Objectives

The objective of this policy is to ensure that:

- An agreed, fair and objective approach to recruitment and selection processes exists within the Trust
- Recruitment and selection processes within the Trust meet the agreed standards
- Ensure that recruitment and selection activity within the Trust complies with all required legislation including equal opportunities legislation
- Birmingham Community Healthcare NHS Trust is seen as an 'Employer of Choice'
- The Trust's Visions and Values are embedded into the recruitment and selection process

5 Definitions

NHS Jobs	Online system used for recruiting applicants. This includes advertising, applying, shortlisting, inviting for interview, recording employment checks

WAF	Workforce Approval Form, Finance approval form to advertise a vacancy
Clearing House	Process to assess any staff at risk within the Trust against vacancies prior to advertising
Pre-employment Checks	Set of six standards set out by NHS Employers on the minimum standard of employment checks a Trust should complete before employing an applicant
DBS	Disclosure and Barring Service
ESR	Electronic Staff Records, NHS applicant and employee record database
Applicants	For the purposes of this policy, the term 'applicant' also refers to any current employees who are applying for positions with the Trust.
HR1	Electronic form to be completed for new starters to the Trust
HR2	Electronic form to be completed for changes to existing employees assignment (e.g. increase in hours)

6 Duties and Responsibilities

6.1 Trust Board

The Chief Executive Officer has overall responsibility for ensuring that the Trust's Recruitment and Selection policy and practices are implemented fully, properly and fairly. The Chief Operating Officer has Board level responsibility for all HR and workforce issues and in practice, this responsibility is delegated to the Human Resources Director, who is responsible for the implementation, monitoring and review of this policy and associated guidelines.

The Trust Board is responsible for:

- Ensuring the implementation and the requirements outlined within this policy are observed by receiving assurances with regards to compliance from Trust Management Board, which receives regular quarterly reports, audit reports and the HR Annual Report from Strategic Workforce Committee to the Trust's Management Board;

- Ensuring that managers within the Divisions are made aware of the policy and their responsibilities within it and that staff are appropriately trained;
- Ratifying this policy

6.2 Management Board

The Trust's Management Board has overall responsibility for ensuring adherence to and compliance with this policy and for the monitoring standards of compliance. This is achieved through the submission of quarterly reports from the Strategic Workforce Committee and includes review of the Annual HR Audit and the HR Annual Report. Management Board approve this policy.

6.3 Strategic Workforce Committee

This committee is chaired by the Chief Operating Officer and is responsible for the operational implementation of this policy and monitoring compliance. The Group meets bi-monthly and monitors all recruitment and selection compliance through feedback from the Divisional Representatives, HR Business Partners and the Senior HR Business Partner with responsibility for Recruitment. The Group also receives responses to Audit reports in relation to Recruitment and the draft Annual HR Report and agrees any relevant action plans. Once actions have been implemented, these are reported to Management Board.

6.4 Human Resources Director

The Human Resources Director has delegated responsibility for the implementation; monitoring and review of the processes outlined in this Policy and are also responsible for escalating any risks to the Board through the appropriate channels.

6.5 Human Resources including Centralised Recruitment

The Trust has a Senior HR Business Partner with strategic responsibility for Recruitment at a corporate level. Divisional HR Business Partners and HR teams work closely with their Divisions in business partnership to support them to ensure compliance with updates in relation to Recruitment and Selection issues,

The Human Resources Department and Centralised Recruitment Team are responsible and accountable for:

- Delivering the Trust's Recruitment and Selection training to managers;

- Providing support and guidance to managers throughout the recruitment and selection processes to ensure compliance with HR policies and procedures, standards and employment legislation;

- Supporting Divisions within the Trust to work proactively to ensure that we employ the right people with the right skills in the right place to meet service and patient needs. The Trust also has a legal and moral responsibility to ensure that all recruitment and selection practices are non-discriminatory, which means giving everyone a fair opportunity to fulfil their potential, regardless of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion and belief, sex and sexual orientation.

- Monitoring and reporting on equal opportunities for all recruitment;

- Providing efficient and effective communication to all applicants, employees and managers throughout the recruitment and selection processes;

- Monitoring the induction process

- Production of performance information for the annual board report and Programmes and Performance Management Board (PPMB).

6.6 Divisional and Corporate Directors

Divisional and Corporate Directors are responsible for ensuring that recruitment taking place within their Divisions and departments meet the standards outlined in this Policy. Divisional and Corporate Directors and their managers receive monthly reports in relation to 'Time taken to Recruit' which is then discussed at monthly Divisional meetings.

6.7 Recruiting Managers

All recruiting managers are responsible and accountable for:

- Considering alternative resources other than recruiting straight 'like for like' posts to ensure that staffing levels reflect the requirements of our services and patients and that cost efficiency savings are met where necessary;

- Ensuring accurate and up to date information such as job descriptions and person specifications are available for each post;

- Ensuring objectivity throughout all recruitment and selection processes making them fair, equitable and consistent;

- Adhering to this policy and other associated policies and procedures ensuring appropriate observation of the principles in Equal Opportunities and prevention of discriminatory practices;

- Undertaking the Trust's Recruitment and Selection training to ensure they have the knowledge and skills to competently undertake all elements of the recruitment and selection processes.

- Recruiting managers must ensure that all pre-employment checking is carried out in a timely manner and in line with Trust Key performance indictators which link to increased efficiencies and that appropriate documentation is copied, signed and dated to confirm original documents have been seen at interview and ensure that the relevant documentation is completed to this effect;

- Implementing this policy ensuring that they highlight responsibilities to the attention of other managers and employees as appropriate in order to ensure the continuity of staff recruitment to key posts within the Trust;

- Clarifying the required standards that all parties involved with recruitment and selection must adhere to when recruiting on behalf of the Trust;

- Ensuring that recruitment and selection of staff is undertaken in an open and transparent manner and without discrimination, ensuring that the most appropriate candidate(s) are recruited;

- Process Workforce Approval Forms (WAFs) and commencement (HR1) within the first week of commencement where possible, or change forms (HR2) within the appropriate timescales, giving careful consideration to Payroll 'cut off' dates;

- Arranging role specific training for all new starters in line with their job description;

- Providing a thorough local induction and mandatory training for all new starters to aid retention of staff;

- Keep employee personal file in the Trust's agreed format as issued by the Centralised Recruitment Team and ensure it is kept up to date including HR1/2/2a forms, PDRs, KSFs, mandatory training information, certificates of achievement, job plans etc.

6.8 Applicants/Employees/Workers

- All applicants/employees/workers are required to provide honest, accurate and factual information in relation to their application for appointment with the Trust.

- All applicants/employees/workers are required to provide evidence on request, relating to qualifications, professional registration (where required for the role), legal right to live and work in the UK, previous experience and salary and Disclosure and Baring Service check(where appropriate).

- Applicants/Employees/Workers are expected to provide this information without undue delay. If this information has been considered to be provided fraudulently, then the matter will be reported to the Trust's Local Counter Fraud Specialist for an investigation to be undertaken in accordance with the Trust's Counter Fraud and Corruption Policy and/or Trust's Disciplinary Policy and Procedure where appropriate.

- All employees/applicants/workers are required to ensure the line manager has up to date relevant personal information.

Please note the recruitment of volunteers and honorary contracts is not covered by this Policy; please refer to the 'Volunteer Policy' or 'Guidance for Managers on Honorary Contracts' which both can be found on the Intranet.

7 Recruitment and Selection Process

A flowchart outlining the Recruitment and Selection process at a high level is available in Appendix 1 of this document. This Policy should also be read in conjunction with the Recruitment and Selection Guidelines which can be found in Appendix 11

8 Vacancy Review and Planning

Before a job description and person specification can be drawn up, managers should liaise with Finance and HR colleagues to assess the overall establishment for the department, review staffing levels, budgets, skill mix and working patterns in their department to ensure resources are effectively deployed and that there are not other ways of staffing the service.
Click here for Link

Managers should also adhere to the requirements of the Trust's Finance Tools/Workforce Authorisation Form (WAF)' process. **Click here for Link**

All vacancies will be cross checked against the Trust's 'Clearing House', or exception list, for any staff who are 'at risk' within the Trust to ascertain if new vacancies arising would be suitable alternative employment. The Trust exception list comprises of posts which can be automatically advertised on completion of a completed WAF without going to the clearing house. This process is normally carried out on a weekly basis and Recruiting Managers would be informed of the process by Recruitment.

Staff who have been placed at risk will be provided with information from their line manager and/or HR, including how to apply or show expressions of interest for relevant positions.

8.1 Royal College Approval

All Medical and Dental Consultant posts (including locums) should have Royal College approval prior to advertisement.

The Recruiting Manager should consult the Regional Adviser of the relevant Royal College or Faculty at an early stage and well before a job description is finalised. Advisers can provide helpful input to employers on professional aspects of the job description based on their knowledge of other consultant posts in the specialty. Employers are advised to set out clearly the purpose of the post, the balance of work to be carried out, how this fits with the roles of other Consultants in the team and the facilities to enable the Consultant to carry out his or her duties. This will enable Advisers to comment constructively and quickly.

9 Temporary and Fixed Term Appointments

Vacancy Approval for temporary and fixed term appointments must be gained through the WAF process. The same recruitment and selection procedures as set out in this policy will also apply. The advert must clearly state that the post is fixed term and must be made clear to candidates during the interview process.

Temporary and fixed term appointments must only be used in the following circumstances:

- To undertake a clearly identified, time limited project and/or service development.
- To cover for long-term, planned absences of staff in post e.g. maternity leave, sickness, secondments
- When organisational change is planned in the near future which could result in permanent jobs being put at risk.
- Funding for the post is limited.

Temporary and fixed term appointments should be for no more than 12 months, any periods longer than this should be approved by HR before advertising.

In exceptional circumstance for periods of less than 6 months, a manager may need to recruit a post as an acting up opportunity. The normal recruitment process does not need to be carried out, however if the need is likely to continue for more than 6 months the post must be advertised within the Trust. In these instances a fair process should still be followed that can be audited if required.

If a post is advertised in the first instance as being temporary or fixed-term and at a later stage it will be made permanent or becomes permanent, then the full recruitment process has to be followed; re-advertising the post indicating that it is now a permanent post – approval must be sought through the WAF process in the same way as detailed above.

Guidelines on temporary moves to a higher band can be found on the Intranet

10. Short Listing and Scoring

Recruiting managers will need to ensure that all applications are only matched against the criteria (i.e. skills and qualifications) on the Person Specification. No other criteria should be used to shortlist.

In line with the Trust's Commitment to equality of opportunity and the 'Two Ticks' Positive about Disability Commitment which the Trust is signed up to, any candidates who have declared a disability will be interviewed if they fulfil all essential criteria. Where a candidate has declared themselves to have a disability and has not been shortlisted, the Centralised Recruitment Team will contact the Recruiting Manager to ascertain the candidate did not meet the minimum essential criteria.

A guide on how to shortlist online with NHS Jobs has been created and will be e-mailed to recruiting managers each time they are required to short list. The short listing panel should comprise of all those on the interview panel and ideally short listing should be undertaken by all panel members together. This demonstrates consistency in the application of the criteria. At the very minimum, short-listing must be completed and agreed by at least two members of the recruitment panel.

11 The Interview

It is the interview panel Chair's responsibility to ensure the interviews proceed smoothly and to a successful conclusion. Care should therefore be taken in ensuring communication issued to candidates shortlisted for vacancies must include an option for them to request any individual requirements or reasonable adjustments which should be considered and/or needed to enable them to attend for interview or to undertake any skills based part of the interview.

11.1 Service Users on Interview Panels

Service users (for example young people, disabled people or learning disabilities) and (shadow) level 3 members and (shadow) governors can be involved in recruitment and selection of new employees to enhance the recruiting decision. Where service users and shadow members and shadow governors are forming part of an interview panel certain considerations need to be made. These include;

- Making candidates aware of what is involved in their recruitment process (i.e. the presence of service users or public members / governors; being interviewed by two panels or that service users will be present on the interview panel)
- Arrangements for interviews will need to take account of any adjustments individual service users may require as well as those of applicants
- Language used during the selection process will need to recognise the presence of lay members
- Service users must feel that their voice is listened to and their views are part of the overall decision making. Good practice would recommend their comments and input are equal to the rest of the recruiting panel.
- If service users are vulnerable adults or children, they should be supervised at all times by relevant employees with current DBS checks
- Service users should be fully aware of the Trust vision and values and be committed to a fair recruitment process (some form training is advised, this can be formal or informal)
- Service users are required to sign a confidentiality statement
- The criteria set out in the person specification should still be used to assess suitability
- Links should be made to the Trusts Work Experience Policy or Volunteer Policy where applicable

Service users should be identified either by clinicians or with the help of the Patient Experience Team. In some instances service users should be administered by the BCHC work experience Department; contact can be made via email to work.experience@bhamcommunity.nhs.uk

11.2 External Assessors on Panels

Where Registered Bodies stipulate requirements as part of the recruitment process, these should be adhered to at all times, for example the use of external assessors on interview panels. Where the guidance is good practice, all measures should be taken to follow good practice guidance although at times this may not always be possible.

12 Assessment

Evidence shows that robust and effective selection decisions are more likely when a range of selection methods are used. These can include job related tests, presentations; group exercises and the use of the traditional interview**.**

As a minimum, the assessment should include short listing the application form against the set person specification criteria and a panel interview.

Whatever assessment is used, panel members must independently assess the candidates individually against the criteria, using the person specification assessment form. All interviewers must keep adequate notes on this form to ensure that a fair comparison can be made between candidates and reasons provided to justify the decision, should the decision be challenged at a later date.

At the conclusion, the Chair/Recruiting Manager will lead the discussion on the assessment of each candidate. The appointing officer/chair must collate the comments/scores of the members of the interview panel to determine an appointment and, if appropriate, a reserve appointee.

13 Conflict of Interest

Where a candidate may be known to the interview panel this may cause a conflict of interest. Please refer to the 'Business Conduct, Hospitality & Commercial Sponsorship Policy' for further information where this situation occurs.

14 Challenges to Decisions

Should an appointment be challenged, under whatever circumstances, it is the documentation that enables the Trust to defend its processes and decisions. It is therefore important that all information recorded at interview is complete and appropriate.

The complete interview pack should be returned to the Centralised Recruitment team together with the completed Appointed Candidate Form as soon as possible, however no later than 7 days. The Centralised Recruitment team will then scan all relevant information as the basis of evidence for the panel discussion in support of the decision making process. Panel members are required to complete this fully in order to demonstrate the fairness with which the process was conducted and how it relates directly with the Person Specification and job requirements.

All forms, notes and papers are retained securely on file for a period of 13 months and form the basis of any response to claims of unfairness in the appointment process.

15 Job Offer

Once the preferred candidate(s) has/have been chosen, a nominated panel member should take responsibility for contacting all candidates to confirm whether or not the candidate(s) has/have been successful at interview (within an agreed timescales communicated to candidates).

Care must be taken when verbally offering a conditional offer, as a verbal offer in Employment Law constitutes an actual job offer which is the “binding agreement” between employer and potential employee and can have the same status of a contract of employment. The panel must not under any circumstances make unconditional offers of employment and avoid making comments that may be construed by the candidate as an offer of employment.

A conditional offer letter will be sent to the successful candidate by the Centralised Recruitment Team once the preferred candidate has been selected.

15.1 Starting Salaries

It is essential that managers refer to the Guidance for Managers – Agenda for Change Starting Salaries and Medical & Dental Terms & Conditions if they are unsure how to set the appropriate level of pay as this offer also becomes “binding”, therefore managers should be clear as to the basis and accuracy of any offer. This guidance is available via the Intranet. A salary variation form should be completed and signed if appropriate, with relevant evidence of salary variance or work experience at the requisite level and returned to the Centralised Recruitment team.

15.2 Successful Candidates

All copied identification, address confirmation, qualifications and other relevant interview documentation should be returned immediately to the Centralised Recruitment Department. The Centralised Recruitment department will verify this documentation to ensure it meets all the requirements of Right to Work, Identity checks and Professional Registration.

Conditional offers can only be made at this point subject to Occupational Health clearance, satisfactory references and Criminal Records checks (where applicable, see section 16 below). Once all of these are received the Centralised Recruitment Department will inform the recruiting manager who can then advise a starting date for applicants. At this point, an unconditional offer letter will be sent by the Centralised Recruitment Department including all details of their start date.

Only authorised members of the Recruitment Department may make written offers of employment, under the instruction of the Recruiting Manager, and will ensure that candidates receive all the correct contractual information with regards to any job offer.

If a job offer is not accepted the Trust can then approach reserve candidates and return to the original candidate pool.

16 Pre Employment Checks

NHS Employers published and regularly update a set of six NHS Employment Check Standards, which are mandatory for all applicants for NHS positions (prospective employees) and staff in ongoing NHS employment. They include those checks that are required by law, those that are Department of Health policy and those that are required for access to the NHS Care Record Service. These NHS Employment Check Standards can be found on the Trust intranet under the Human Resources Department and Centralised Recruitment. **Click here**

The Care Quality Commission and NHS Litigation Authority assess the Trust against these standards annually as part of the Annual Health Check, Care Quality Commission Registration, Local Counter Fraud and Audit checking standards and as evidence of compliance with the standards required for the NHS Litigation Authority.

The six NHS Employment Check Standards and guidance on this can be found in Appendix 2

Guidance on pre-engagement checks for Contractors can be found in Appendix

17 Fit and Proper Person Requirement – Board Directors and equivalent managers

When recruiting Board Directors and equivalents the recruiting manager, in conjunction with the Human Resources Director or delegate, will ensure that any formal offer of employment is subject to the candidate meeting the requirements of the Fit and Proper Persons Test and the successful candidate will be required to sign a formal declaration confirming this. Failure to declare any such issues may result in disciplinary action being taken. Failure to complete the declaration will result in the offer of employment being withdrawn.

The Trust will inform the NHS Trust Development Authority in cases where the successful candidate fails the Fit and Proper Test.

18 Alert Notices

NHS bodies are required to implement and manage the alert scheme in accordance with the Healthcare Professionals Alert Notices Directions 2006 which came into force on 6 December 2006. These requirements are mandatory for NHS bodies covered by the Directions; they are advisory for Foundation Trusts.

An alert notice is a way of notifying NHS bodies, or other organisations providing services to NHS bodies, about registered health professionals whose performance or conduct could pose a significant risk of harm to patients, staff or the public. Employers must check their alert notice files prior to recruiting an individual. If an individual is subject to an alert notice then employers must check whether they are suitable to be employed into the position being offered.

The Centralised Recruitment Team will maintain an 'Alert' letter system, against which all clinical applicants will be monitored.

19 Acceptance of Post

When all pre-employment conditions of the appointment are satisfied and references have been checked, an unconditional offer can be made.

The Relocation Expenses Policy for the organisation can be found on the Intranet. If the successful candidate has negotiated relocation expenses the cost of these will be funded from within the department's own budget. This should also be notified on the WAF at the beginning part of the process

20 Temporary / Bank Staff and Locum Staff

Any individual applying for a temporary, locum or Bank post will be required to undertake the same pre-employment checks as a permanent member of staff as quoted in section 22. They are subject to DBS checks, health clearance and pre-employment reference uptake as well as compulsory attendance at induction and completion of mandatory training.

All staff provided to the organisation through employment agencies must be obtained through a legally compliant procurement process, this includes agencies approved under accessible Framework Agreements such as those offered by the government's Crown Commercial Service (CCS) or Health Trust Europe (HTE) and obtained centrally through the Trust's Bank and Agency Staffing Department

If pre employment checks are delegated to a recruitment agency, the Head of Temporary Staffing / Divisional Medical Staffing Officer (MSO's) will be responsible for ensuring that they are carried out to a satisfactory standard and that the checks are consistent with the underlying principles of these guidelines and the Recruitment and Selection Policy. Arrangements for checking that agencies complete checks to the required standards include regular audits.

Arrangements for checking that agencies have completed pre employment checks on temporary staff to the required standards include audits by CCS and HTE (completed in accordance with their agreed audit schedules) which monitor all required pre employment checks have been carried out in accordance with Frameworks contractual terms and conditions.

The methods by which BCHC would be made aware of issues relating to specific agencies would be:

CCS supply non medical, non clinical and AHP staff under a national Framework Agreement - weekly monitoring of the CCS agency management information site by BCHC's Bank and Agency Staffing Manager for emerging issues.

HTE (supplies nursing and medical staff for the cluster - audits are undertaken by an external company and issues will be raised via the company's ISIS system which BCHC hopes to be able to access shortly.

On being advised that there is an issue with an agency workers registration BCHC would suspend the assignment immediately, pending discussions with the relevant agency. Dependent on the issue it may be logged as a Datix incident and subsequently flagged with the Framework provider.

21 Issue and Registration of Smartcards

Should a post need to access computer generated personal patient healthcare information they will require a Smartcard.

Once the evidence has been checked, the relevant documentation should be completed and forwarded to a nominated sponsor who will agree and identify the correct level of access required**.**

Please refer to the 'Registration Policy and Procedures' document on the Intranet

22 Withdrawal of a Conditional Offer

Until all pre-employment checks are received, the Trust cannot make an unconditional offer. However, in certain circumstances there may be the need to withdraw the conditional offer**.**

If consideration is being given to withdrawing an offer of employment, advice from the Human Resources Department **must** be gained in the first instance.

Examples of the reasons why offers may be withdrawn are:

- As a result of an adverse check from, for instance, the DBS or Occupational Health;
- As a result of incomplete documentation, i.e. DBS form and supporting paperwork;
- Failure to commence employment;
- False or misleading information provided by the candidate
- Unsatisfactory references

23 Unsatisfactory Employment Checks Post Employment

Where the decision has been made for a candidate to commence employment prior to receipt of all employment checks and subsequent checks are received which are unsatisfactory to the organisation, contact should be made immediately with the Human Resources Department to discuss the most suitable course of action.

24 Candidate Withdrawal

Should a candidate withdraw from an offer of employment, it is advisable to ask the candidate to confirm this in writing and indicate the reasons.

In these circumstances it may be appropriate to make a conditional offer to an alternative candidate, providing they met the necessary standards and the WAF is still live.

If there are no suitable alterative candidates, and the WAF is still live, the post can be re-advertised after written confirmation is received that the candidate has withdrew. Consideration should be given to re-assessing the Job Description and Person Specification prior to advertising again, as certain elements within these documents may have been the cause for the candidate to withdraw.

25 Unsuccessful Applicants

Unsuccessful candidates should be offered the opportunity to gain feedback about their interview performance, including clear reasons why they were unsuccessful, i.e. related to the person specification criteria.

Jobs advertised on NHS Jobs are archived on site for 13 months; this also includes electronic application forms submitted for the vacancy. Once the interview notes from candidates who were not successful at interview have been returned to the Centralised Recruitment Team they will also be scanned and held for 13 months.

All other interview documentation will be shredded immediately and disposed of via confidential waste.

Regret letters will be sent to unsuccessful candidates as soon as possible after both short listing and after any appointment has been confirmed by the Centralised Recruitment Team**.** This is sent to the applicant's email address through NHS Jobs**.** A paragraph is also included within this notification offering any unsuccessful candidates the opportunity to contact the Centralised Recruitment Department who then pass the details on to the recruiting manager to give any requested feedback on their performance.

26 Reasonable Adjustments and Equipment Provision

Under the Equality Act 2010 the Trust has a legal obligation to make reasonable adjustments for any candidate who has a disability. As part of the interview process candidates should be asked whether they require any adjustments.

If you are considering appointing an individual who has a disability, there may still be practical issues to consider. Jobcentre Plus offer a scheme called Access to Work (AtW) which is available to help with managing and supporting and individual with a disability. Access to Work can be contacted by going online to www.accesstowork.co.uk. Advice from Human Resources should be sought in all instances.

The scheme offers practical advice and help in flexible ways that can be tailored to suit the needs of an individual in a particular job. AtW can offer a grant towards the approved costs that arise because of an individual's disability. For people who are starting a job in the organisation, the grant is up to 100% of the approved costs if an application for funding is made within the first six weeks of employment. Applications received after this period will require the organisation to pay the first £1,000 plus twenty percent of any additional costs.

Should reasonable adjustments and equipment provision be required, the successful candidate should contact the local Disability Employment Advisor (DEA) through the nearest Jobcentre Plus office. The DEA will put them in touch with an Access to Work Advisor who will discuss their particular circumstances.

Appointing managers should discuss any appropriate reasonable adjustments required with employees who have a disability prior to commencement in post.

27 Written Statement of Terms and Conditions (Contract of Employment / Statement of Particulars)

It is a legal requirement to ensure that a new member of staff receives a principal statement of the terms and conditions of employment within eight weeks of their date of commencement in post.

The Centralised Recruitment Team will develop the contract of employment. This will then be signed by the relevant HR Business Partner for the area. Once complete, two copies of the contract are forwarded to the recruiting manager, who passes these onto the employee. Employees must sign both copies, returning one to the recruiting manager for inclusion into their personal file, and keeping one copy for their own records.

28 Personal File

A Personal File will be compiled by the Centralised Recruitment Team during the period from job advert to start date and comprise of all recruitment paperwork. Once the recruitment process has finalised the recruiting manager will need to collect the personal file by hand.

A new personal file will not be produced for any internal transfers of staff. A secure envelope with the candidate's new recruitment documents will be given to the new manager. All new managers are required to obtain the employees' existing personal file from their existing manager. This is to avoid duplication of personally identifiable information

A personal file is the property of the Trust at all times although the Data Protection Act 1998 (DPA) provides right of access for the individual to information held on them in this way. It is a confidential file and should be treated as such, in line with the Trust's confidentiality guide at all times.

29 Complaints

All complaints surrounding the process of recruitment and selection will be handled in the first instance by the Recruitment Department and will always be highlighted to the Recruitment Manager.

30 Induction

All new recruits should be made to feel welcome when they arrive. Work colleagues should be made aware of their start date and a well-planned local induction programme should be organised in addition to the formal Trust induction which will be booked by the Centralised Recruitment Team. Managers must refer to the Trust's Induction Policy for further information available on the Trust intranet.

On the first day of the appointee commencing work with the Trust, he/she should report directly to the appropriate manager to commence induction training.

31 Employment Legislation

Recruiting managers need to be aware that recruitment and selection is an area of employment practice. The Trust also has a legal responsibility to take reasonable steps in preventing unlawful discrimination. Regular recruitment and selection training is delivered which incorporates information regarding Equality, Diversity and Human Rights considerations that need to be taken into account throughout the recruitment process. Please see the intranet pages for an up to date version of the Equality, Diversity & Human Rights Recruitment & Selection Toolkit.

32 Monitoring

The Trust will carry out all checks in compliance with the Data Protection Act 1998. Information will only be obtained where it is essential to the recruitment decision and kept in accordance with the Act. The Trust will record the outcome of all pre-employment checks, using Electronic Staff Records (ESR) where available. These checks are also part of the information governance and assurance standards linked to the use of NHS Care Records Service.

As well as the recruiting manager undertaking equality checks, the Human Resources Department also monitors equal opportunity data, etc., and reports to the relevant boards (Strategic Workforce Committee to Management Board) and other NHS bodies and may be disclosed externally as a result of Freedom of Information requests.

As part of the monitoring process, anyone recruiting staff should be alert for evidence that people from certain groups including individuals with a disability:

- either do not apply for employment or promotion or do so in fewer numbers than might be expected;

- are not recruited or promoted or are in lower proportion to their rate of application;
- are under-represented in jobs within the organisation which are more highly paid, of higher status or higher authority;
- are concentrated in certain jobs, sections, shifts or departments within the organisation.

The Centralised Recruitment Team will use a 'pre-employment checklist' to ensure that all pre-employment checks have been conducted for each new staff member. A new member of staff will not commence in post until all required checks are undertaken.

To record the pre-employment checks, the team holds a tracking sheet highlighting all the vacancies processes. The document holds details on when checks were carried out and returned. A copy of this data is also held on the individual's personal file.

The Senior HR Business Partner will undertake monitoring of these guidelines on an regular ongoing basis. A random selection of newly appointed staff's personal files will be reviewed to ensure that all pre-employment checklists have been completed and to ensure compliance with these guidelines.
Significant breaches of these guidelines will be reported to the Director of Human Resources.

Internal Counter Fraud and Audit will also undertake annual audits as required.

Once the recruitment process has ended, it is then the responsibility of the recruiting team to close down the vacancy on NHS Jobs system and download the information into ESR to ensure monitoring is recorded correctly.

Please see the Monitoring Table within this Policy. This section just needs to refer to the Monitoring table and what you are measuring needs to be in the table.

33 Preservation, Retention and Destruction of Records

NHS records are public records as defined in the Public Records Act 1958. Chief Executives and senior managers of all NHS bodies are personally accountable for record management within their organisation and have a duty to make arrangements for the safekeeping of those records please refer to the Trust policy for records management.

34 Monitoring and Review

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements	Acting on recommendations and Lead(s)	Change in practice and lessons to be shared
What key element(s) need(s) monitoring as per local approved policy or guidance?	Name the lead and what is the role of the multidisciplinary team or others if any.	What tool will be used to monitor/check/ observe/assess/ inspect/ authenticate that everything is working according to this key element from the approved policy? This could be an audit, or risk assessment document	How often is the need to monitor each element? How often is the need complete a report? How often is the need to share the report?	Who or what committee will the completed report go to and how will this be monitored. How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes.	Which committee, department or lead will undertake subsequent recommendations and action planning for any or all deficiencies and recommendations within reasonable timeframes?	How will system or practice changes be implemented the lessons learned and how will these be shared?
Recruitment and Selection Policy/Guidelines Compliance with NHS pre-employment checking standards and counter fraud/audit	Jonathan Cassidy – Senior HR Business Partner – Corporate HR Recruitment, Medical/Dental Staffing/Bank As delegated from Director of Human Resources Others responsible as outlined in the policy	Annual Audit on Recruitment Regular bimonthly updates to Strategic Workforce and HR Group – through to Management Board Monthly feedback from Divisions Escalation of any problems or identified issues from Centralised Recruitment to the relevant HR Business Partner and senior Divisional Management Lead Ongoing and regular manager attendance at Recruitment and Selection Training courses	Annually as a minimum and bi monthly in relation to any identified issues through Strategic Workforce and HR Group On an ongoing basis if and when issue arise which compromise compliance	Strategic Workforce and HR Group to Management Board	Strategic Workforce and HR Group	Regular policy review and update Practices will be changed if required through update of recruitment and selection training, updates to SMTs via Divisional HR Business Partners and more formally through recommendations or actions discussed/agreed at Strategic Workforce and HR Group

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35 References

- Equality Act 2010 (incorporating the following former individual pieces of legislation and additional regulations with regards to civil partnership/marriage and maternity/pregnancy)

    - Employment Equality (Age) Regulations 2006
    - Gender Recognition Act 2004
    - Employment Equality (Religion or Belief) Regulations 2003
    - Employment Equality (Sexual Orientation) Regulations 2003
    - Race Relations Act 2000
    - Sex Discrimination (Gender Reassignment) Regulations 2000
    - Disability Discrimination 1995
    - Sex Discrimination Act 1975

- Safeguarding Vulnerable Groups Act 2006
- Civil Partnership Act 2004
- Children Act 2004
- The Immigration (Restrictions on Employment) Order 2004
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Care Standards Act 2000
- Criminal Justice and Court Services Act 2000
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Protection of Children Act 2004 (PoCA)
- Protection of Vulnerable Adults Regulations 2002
- Data Protection Act 1998
- Human Rights Act 1998
- Police Act 1997
- Asylum and Immigration Act 1996
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders 1974(Exceptions) Order 1975
- Equal Pay Act 1970
- Health & Safety Legislation
- Code of Practice for the International Recruitment of Healthcare Professionals (December 2004) (the Code of Practice
- Employment Check Standards

36. Equality and Human Rights Analysis (E&HRA)

An Equality and Human Rights Analysis has been completed and its recommendations implemented.

Recruitment Flow Process

Manager responsibilities – Blue

Recruitment responsibilities -

Step One	Vacancy Arises: member of staff resigns/transferred/retired	Manager to discuss with employee before they leave to clarify their role and responsibilities	
Step Two	**Job Analysis**: manager to identify need of the service	**Job Redesign:** manager to investigate how the job could be rearranged (e.g. flexible working)	**Review** Job Description & Person Specification: re-evaluate if significant changes
Step Three	WAF completed and submitted electronically	WAF processed and when approved sent to Centralised Recruitment Team	Centralised Recruitment Team email manager requesting advert, JD &PS
Step Four	Centralised Recruitment Team verify post against 'clearing house'	Centralised Recruitment Team check documents, assign reference number and place advert **KPI – 3 days**	Applicants apply online
Step Five	Centralised Recruitment Team progress the online shortlisting via NHS Jobs **KPI – 2 days**	Shortlisting, using the person specification **only**, is completed by all panel members **KPI – 5 days**	Shortlisting record reasons for shortlisting via NHS Jobs functionality **KPI – 5 days**
Step Six	Shortlisted applicants notified and invited for interview **KPI – 5 days**	Panel meet prior to interview to decide responsibilities and questions **KPI – 15 days**	Manager to inform applicants of outcome (successful and unsuccessful) **KPI – 5 days**
Step Seven	Conditional offer letter sent subject to pre-employment clearances **KPI – 3 days**	References, Occupational Health, DBS and declaration forms requested (if applicable) **KPI – 21 days**	
Step Eight	Manager verifies all pre-employment checks and confirms they are satisfactory	Manager contacts the applicant to arrange a start date	An unconditional offer letter with terms and conditions of employment is sent to applicant **Total KPI – 65 days**
Step Nine	New member of staff booked onto Trust Induction	HR1 completed	On first day local Induction is started

NHS Employers Employment Check Standards and Guidance

Occupational Health, DBS and reference pre-employment checks will be carried out by the Centralised Recruitment Team. The remaining pre-employment checks (including Verification of Identity Checks, Right to Work, qualifications and address confirmation) should be completed by the Recruiting Manager.

1. Verification of Identity Checks

The Centre for the Protection of National Infrastructure (CPNI) sees identity verification as the most fundamental of all pre-employment checks. It should be the first check performed and the interview should not progress until the employer is satisfied that a person's identity is evidenced and proved. This check should be done at interview stage by the recruiting manager and the recruiting manager should counter sign all copies to evidence that original documents have been viewed **(See Appendix 6 for a flowchart which explains the process)**.

2. Occupational Health Checks

All NHS staff must have a pre-appointment health check which adheres to equal opportunities legislation ensuring 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 and that the prospective employee does not represent a risk to the patients.

2.1 New Employees

All new employees applying for posts within the Trust will be health screened prior to employment through a questionnaire in the first instance.

Depending on the information declared on the questionnaire the preferred applicant may:

- be passed as fit to undertake the duties of the role or give consideration to any
- reasonable adjustments as suggested by the Occupational Health Department
- need to provide further information
- need an appointment to see either an Occupational Health nurse or Occupational Health physician

2.2 Existing Employees

There is **no** requirement for internal staff to be Occupational Health (OH) where they meet the following criteria:

- The candidate currently has no restrictions or adjustments
- The new position is the same fundamental job description and risks as the previous role
- The candidate has received Occupational Health clearance in the last 5 years

- The Recruitment Team will assess this information on receipt of a Appointed Candidate Form and inform the recruiting manager whether Occupational Health is required.
- Employees are reminded that Occupational Health is a confidential service.

3. Employment History and Reference Checks

Previous employment history will be checked for all candidates via references from previous employer(s). For candidates joining the Trust from a previous NHS Trust, the most recent employer will be contacted for a reference. Where candidates are new appointees into the NHS a minimum of three years employment history must be checked (this can be one reference if this covers the previous three years). . For Bank only workers a minimum of two years employment history must be checked. Any gaps in employment must also be accounted for. NHS Employers suggest that references should only be sought for the preferred candidate. These, along with the application form, will be cross-checked as part of this process.

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 qualification to do the job without restriction. Where applicable this would include checking different parts of the appropriate Professional Register e.g. Specialist Practitioner status, relevant to the particular job role. It is essential that managers refer to the Professional Registration Policy for further in depth knowledge and the responsibilities of both the employer and employee. **(See Appendix 7 for a flowchart which explains the process)**

Dentists employed within the Combined Community Dental Service are subject to additional pre-employment checks as a requirement of their terms and conditions of employment. Pre-employment checks for these staff must include confirmation that the community dentists are on a Performer List. Dentists employed at the Dental Hospital are not required to be on a Performers List and only require registration with the GDC.

5. Right to Work Checks

Changes to the Immigration, Asylum and Nationality Act (2006) came into effect on 29 February 2008 and introduced a new criminal offence for employers who knowingly employ illegal migrant workers and a continuing responsibility for employers of migrant worker to check their ongoing entitlement to work in the UK. **(See Appendix 8 for a flowchart which explains the process)**

The recruitment team and recruiting manager must confirm a prospective employee has the right to work in the UK by:

1. Requesting ‘right to work’ documents
2. Validating the documents
3. Copying and storing the documents

It is the responsibility of the person verifying the documents, with support from the Centralised Recruitment Team, to determine whether the individual has the right to work in the UK (see Appendix 3 about Employing People from Abroad). If there is no right to work the appointing manager must contact the Centralised Recruitment Team, who will consider whether it is appropriate to supply a Certificate of Sponsorship (formerly known as a Work Permit). Any offer made will be conditional upon Resident Labour Market Test being completed and a Certificate of Sponsorship being granted.

Any applicants on any Immigration Status (requiring a Certificate of Sponsorship or not) will be recorded on ESR and will require repeat checks in line with the UK Visa and Immigration Agency legislation. Should this apply the recruiting manager would be notified and informed of their obligations.

5.1 Validating the documents

Documents must be originals and not photocopies. The documents must show that the holder is entitled to do the type of work being offered.

The following checks must be undertaken on all documentation:

- check photographs, where available, to satisfy yourself that they are consistent with the appearance of the individual
- check that the date of birth is consistent with the individual's identity documents
- check that expiry dates of any limited leave to enter or remain in the UK are still valid
- check any government stamps or endorsements to ensure the individual is entitled to do the work being offered
- if the applicant provides you with documents showing different names you must request further documentation to explain the reason for this (marriage/civil partnership certificate, divorce certificate, deed poll, adoption certificate or statutory declaration)
- dates must be cross-referenced with identity documents and work permits, or confirmed by contacting appropriate embassies and consulates.

6. Disclosure and Barring Service (DBS) Checks

Information obtained through disclosures can help employers to make an informed decision on whether or not to appoint a prospective employee. These standards apply to permanent staff, staff on fixed-term contracts, temporary staff, volunteers, students, trainees, contractors and highly mobile staff employed through an agency. Organisations appointing locums and agency staff will need to ensure that their providers comply with these standards. For Contractors see Appendix 12 'Pre-Engagement Checks for Contractors – Guidance for Managers'

Under exceptional circumstances, it is permissible to recruit an individual prior to receipt of DBS clearance. This should only be considered when service delivery could be compromised and where ongoing supervision and monitoring of patient satisfaction at all times can be effectively undertaken. It is also important that an appropriate risk assessment is undertaken before the individual commences in post. These risk assessments are undertaken by the relevant line manager with support from a Human Resources Representative where required.

In the event that an unsatisfactory DBS clearance is found, the appointing manager is expected to formally meet with the individual and be accompanied by a member of Human

Resources staff to ascertain risk to patients, staff and the Trust. Depending on the outcome of the meeting the conditional offer may be withdrawn. Please note that if a person has a criminal record it does not necessarily exclude applicants from working with vulnerable persons and advice should be sought from the Human Resources Department where an appropriate risk assessment can be undertaken. The Trust's statement on the recruitment of ex-offenders is shown in Appendix 3.

Clinical staff employed to work in the Children's and Families Division must not be allowed to commence employment without a newly undertaken DBS on file including full clearance to work with children.

All staff eligible for a DBS check will be requested to complete a Declaration Form as part of the recruitment process. The declaration relies on the honesty of the individual to provide complete and accurate information. As part of the recruitment process it should be make clear to the applicant that in completing and signing the self-declaration form, the individual is giving their consent for the information provided to be verified by obtaining a criminal record check. Self-declaration information will be handled, stored, destroyed and retained in the same way as DBS information

6.1 Doctors in Training

Doctors on educationally-approved rotational training are regarded as being in continuous employment during the term of training and are therefore required to have a criminal record check, as a minimum, once every three years, rather than each time they change rotation. When commencing work in the Trust the doctor will be required to provide proof of their last disclosure. Where assurances cannot be obtained or the new post changes the level of check required, a fresh check should be requested.

6.2 Staff Recruited from Overseas

The Trust has a responsibility to carry out criminal record checks when recruiting staff from abroad. Currently, the DBS cannot access criminal records held overseas. However, in a small number of cases, overseas criminal records are also held on the Police National Computer (PNC) and these would be revealed as part of a criminal record check.

When recruiting staff from abroad, applicants will need to provide a certificate of good conduct or overseas criminal record check. Where the position meets the criteria for a disclosure, even if the applicant claims they have never lived in the UK before, a DBS check should still be obtained in addition to the individual's overseas criminal records.

All overseas police checks must be in accordance with that country's justice system and UK requirements.

A criminal records check from overseas may be returned in a different language and there maybe a need to make provision to have it translated. The Centralised Recruitment team will facilitate this.

6.3 Posts Not Likely to Require a Disclosure

Where a post does not meet the criteria for a DBS check, it is illegal to carry out such a check and to do so could render an employer liable for legal action as well as sanctions from the DBS, including deregistration.

Further information is available in the Trust's Disclosure and Barring Service (DBS) Policy.

7. Internal Appointments

Some of the above pre-employment checks may not be relevant in all cases where the applicant is internal. Please see the table in Appendix 10 which details all of the pre-employment checks in relation to internal applicants.

8. Fit and Proper Person Requirement – Board Directors and equivalent managers

When recruiting Board Directors and equivalents the recruiting manager, in conjunction with the Human Resources Director or delegate, will ensure that any formal offer of employment is subject to the candidate meeting the requirements of the Fit and Proper Persons Test and the successful candidate will be required to sign a formal declaration confirming this. Failure to declare any such issues may result in disciplinary action being taken. Failure to complete the declaration will result in the offer of employment being withdrawn.

The Trust will inform the NHS Trust Development Authority in cases where the successful candidate fails the Fit and Proper Test.

Policy Statement on the Recruitment of Ex-offenders

1.0 As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Birmingham Community Healthcare NHS Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Birmingham Community Healthcare NHS Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

2.0 Birmingham Community Healthcare NHS Trust can only ask an individual to provide details of convictions and cautions that Birmingham Community Healthcare NHS Trust are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended), Birmingham Community Healthcare NHS Trust can only ask an individual about convictions and cautions that are not protected.

3.0 Birmingham Community Healthcare NHS Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

4.0 Birmingham Community Healthcare NHS Trust has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.

5.0 Birmingham Community Healthcare NHS Trust actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. Birmingham Community Healthcare NHS Trust select all candidates for interview based on their skills, qualifications and experience.

6.0 An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

7.0 Birmingham Community Healthcare NHS Trust ensures that all those in Birmingham Community Healthcare NHS Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Birmingham Community Healthcare NHS Trust also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

8.0 At interview, or in a separate discussion, Birmingham Community Healthcare NHS Trust ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

9.0 Birmingham Community Healthcare NHS Trust makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.

10.0 Birmingham Community Healthcare NHS Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Employing People from Overseas

Points for Consideration

Consideration must be given to the immigration status of an overseas national and to whether any applications need to be made or permits sought prior to his/her starting work.

EEA nationals

Nationals from the following EEA countries can enter and work freely in the UK without any restrictions, however they must produce a document showing their nationality – as defined within List A of the Right to Work documents. Their immediate family members are also able to work freely in the UK while their adult EEA family member is legally residing and working here. However, employers should still check their documents to demonstrate this entitlement.

Austria,Belgium, Bulgaria,Cyprus, Czech Republic, Denmark, Estonia, France, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, UK

Nationals from Switzerland and their family members also have the same free movement and employment rights as EEA nationals.

Bulgarian and Romanian nationals

Since 1 January 2014, Bulgarian and Romanian nationals are no longer subject to labour market restrictions under the Immigration and Worker Authorisation Regulations 2013, and can freely work in the UK. Immediate family members are also able to work freely in the UK while their adult EEA family member is legally living and working in the UK.

Croatian nationals

On 1st July 2013, Croatia joined the European Union and also became part of the EEA. Croatian nationals are free to come to live in the UK; however this does not mean that they have an automatic right to work in the UK. A Croatian national who wishes to work in the UK and who is subject to worker authorisation requirements will need to apply for an accession worker authorisation document, also known as a ‘purple registration certificate’, before starting any employment. The worker authorisation certificate will restrict the holder to the job specified on the document and can be issued for employment under Tier 2 temporary work, or under Tier 5 of the immigration points-based system. The process of applying for a worker authorisation certificate and exemptions from the scheme are set out in the Guidance for employers on preventing illegal working: Croatian nationals which can be found at **www.gov.uk/government/publications/illegal-working-guidance-for-employers-croatian-nationals**.
If a Croatian national is not exempt from requiring permission to work in the UK, there are two ways in which they can show an employer they have the right to work. They will either have:

- a valid purple registration certificate; or

- a Croatian passport or other travel document (e.g. a Home Office travel document) that has been endorsed with leave to enter or remain in the UK before 1st July 2013 and which permits limited employment (e.g. only allows the holder to work specific hours, or for a specific employer or job category).

The Trust must copy and retain on file the documentation evidencing right to work in the UK. You may be committing a criminal offence, and face a fine and/or imprisonment, if you employ an unauthorised Croatian worker.

Employing Turkish workers already residing in the UK

The European Community Association Agreement (ECAA) with Turkey provides Turkish nationals who are already working legally in the UK with certain rights when they need to extend their stay in the UK.

Individuals will only be accepted as a Turkish ECAA worker if they meet the criteria set by the Home Office.

They can:

- only apply to extend their permission to stay and work in the UK for the same employer (if a job is available) after they have worked in the UK for a period of one year
- change employers after they have worked in the UK for three years provided they are continuing to work in the same occupation
- have full access to the UK labour market and will be free to work in any type of job for any employer after they have worked in the UK for a period of four years.

If the individual meets the criteria, the Home Office will grant them permission to stay as a Turkish ECAA worker and they will be issued with a vignette in their passport and receive a letter confirming their status.

Employers will be able to use this documentation to check a potential or existing employee's right to work in the UK. A Turkish ECAA worker visa does not give the individual an automatic right to apply for indefinite leave to remain and any application to the Home Office for indefinite leave to remain will be rejected. The duration of leave granted to an individual will be between 12 and 36 months. At the end of the granted period, another application must be made if a further extension is required.

A Turkish worker will, however, be eligible to apply for indefinite leave to remain after they have legally resided in the UK for a period of ten years.

Further information is available on the NHS Employers international recruitment pages: **www.nhsemployers.org/your-workforce/recruit/employer-led-recruitment/internationalrecruitment**.

Employers should refer to guidance Turkish worker visa information for full details about the process for ECAA Turkish workers which can be found at: **www.gov.uk/turkish-worker**.

Refugees and asylum seekers

A refugee is a person who has had a positive decision on their claim for asylum under the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention). Individuals who do not meet the Refugee Convention's criteria for refugee status may qualify either for humanitarian protection (granted for five years), or discretionary leave to remain (granted for up to three years).

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 and are able to move and reside freely. They are also eligible for mainstream benefits and services, including access to education and NHS treatment in the same way as UK citizens. Refugees with humanitarian protection or discretionary leave to remain, are entitled to apply for further leave before their current leave expires. A refugee's entitlement to employment and training continue during this period of waiting for a decision on their application.

Refugees will not normally have national passports and are unlikely to have copies of other official documents, such as birth certificates or photo-cards. When granted leave to remain in the UK, a refugee will be issued with an Immigration Status Document (ISD) by the Home Office, which will indicate their refugee status as outlined above. This document can be used for identification purposes. They may also have a travel document.

For further information on employing refugees see the NHS Employers website: **www.nhsemployers.org/RecruitmentAndRetention/RefugeeHealthcareProfessionals/Pages/Refugee-healthcare-professionals.aspx**.

An asylum seeker is a person who has made an application for asylum, but whose application is yet to be decided upon. Asylum seekers generally 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' or 'allowed to work' on their Application Registration Card (ARC). Employers should refer to the Home Office for further guidance about the acceptable documentation that should be requested to provide evidence of the entitlement to work in the UK, for refugees and asylum seekers.

Other overseas nationals

Non-EEA nationals may need entry clearance before they can travel to the UK. The entry clearance process for the UK is carried out by the Home Office (UK Visas and Immigration) through a network of visa application centres around the world that process applications for entry clearance.

It is the responsibility of the appointed individual to obtain and meet the cost of any visa required. Further information on whether the individual needs to apply can be obtained from **www.gov.uk/government/organisations/uk-visas-and-immigration**.

The UK Visas and Immigration operates a points-based system for immigration which replaced most of the previous work-based categories.

Where an overseas national can demonstrate that he/she has indefinite leave to remain in the UK, then he/she has the right to work without restriction.

If an individual has a **Tier 1 (General) Visa** then he/she will be able to work for the Trust in any capacity until this visa expires. Such visas are normally issued for one year initially. From April 2015 this route will be closed to applicants who want to extend their Visa.

Overseas nationals on **Tier 4 (student) Visas** can often do some form of work outside of their study period. This varies depending on the level of level of course they are completing in the UK. Where a candidate provides a Tier 4 Visa the relevant requirements should be checked before offering any employment status.

In most other cases before an overseas national can be employed the UK Visas and Immigration requires employers to complete a Resident Labour Market Test to show that no suitably qualified EEA or EU worker can fill the post. Therefore non-EEA candidates may not be appointed to a post if a suitably qualified, experienced and skilled EU/EEA candidate is available to take up the post as the employing body is unlikely, in these circumstances, to satisfy the Resident Labour Market Test. If no suitable settled worker can be appointed applicants under the points-based system must:

- have a job offer from a licensed sponsor and a valid certificate of sponsorship; and
- pass the points-based assessment (which is based on: qualifications; future expected earnings; sponsorship; English language skills; and available maintenance (funds). The following link can assist in calculation of eligibility to work in the UK under the points-based system : http://www.ukba.homeoffice.gov.uk/pointscalculator

The Trust must obtain a **Tier 2 (general) Visa** by making a Certificate of Sponsorship application; once the Certificate of Sponsorship has been obtained, the individual must apply for a visa to come to the UK to work in the role.

Tier 2 permits are not transferable between employers and are limited to the specific job on the permit. Where the Trust wishes to employ a Tier 2 permit holder in a different role than the one for which the permit was obtained it may need to obtain a new Certificate of Sponsorship. Where an overseas national is already in the UK on a Tier 2 permit and working for a different employer, the Trust will be required to obtain a Certificate of Sponsorship if it subsequently wishes to employ the individual. The Trust must apply for a Certificate of Sponsorship first and may not employ the individual until his/her leave to remain has been varied or a visa granted so that he/she can work in the role.

Employing Sponsored Migrants - Responsibilities

1.0 Introduction

As part of the ongoing strategy to tackle illegal working, the government introduced a law on the prevention of illegal migrant working as set out in section 15-25 of the Immigration, Asylum and Nationality Act 2006 that came into force in 2008. As per the legislation the Trust has a responsibility to prevent illegal migrant working.

2.0 Employee's Responsibilities

- Inform their line manager within **2 working days** if they switch to an immigration category that does not require a sponsor (for example the Tier 1 category)
- Notify their manager regarding a change in address, telephone number, and mobile number so their manager can ensure these details are up to date on ESR.
- Notify their manager of any other significant changes in circumstances (for example a change in name or personal circumstances e.g. marital status)

3.0 Managers Responsibilities

3.1 Migrant Monitoring and Tracking

You must report the following information or events to a Human Resources Manager. All of this information needs to be reported to the UK Visa and Immigration Agency within **10 working days** therefore you should notify HR as soon as possible but advised no more than **8 working days after the event occurs**:

- If a sponsored migrant employee does not turn up for their **first day of work**. You must include the reason the migrant gives for non-attendance (for example, a missed flight).

- If a sponsored migrant's contract of, or for employment, or services or registration is terminated earlier than shown on their certificate of sponsorship (CoS), for example if the migrant resigns or is dismissed. You must include the name and address of any new employer that the migrant has moved to, if known.

- If you stop sponsoring a migrant for any other reason. For example if;
  - you become aware that they have moved into an immigration route that does not need a sponsor
  - they take a period of unpaid leave, which is not covered by the exceptions in reduction in salary.

- If there are any significant changes in the sponsored migrant's circumstances, for example:
  - a promotion or change in job title, or core duties, other than those which need a change of employment application;

    - a change of salary from the level stated on the CoS, other than changes due to annual increments or bonuses;
    - a change of salary from that stated on the CoS due to maternity, paternity or adoption leave, or a period of long-term sick leave lasting one month or longer;
    - the location they are employed at changes;
    - the duration of their contract of or for employment or services, is shortened.

- If a sponsored migrant's employment is affected by TUPE or similar provision being triggered. For example if you are involved in a merger or demerger.

- Any information which suggests that a sponsored migrant is breaching their conditions of their leave.

- If a sponsored migrant employee is on **unauthorised absence** from work for more than 10 working days, the UKVI will need to be notified on the **10th day of absence.**

You must keep an accurate, up to date record of the employee's details in the personal file in addition to the information being recorded on ESR.

3.2 Record Keeping

The employee's line manager will need to maintain a comprehensive personnel file for each migrant employee. The HR team may request access to the personnel file at short notice in the event of a UKVI audit.

4.0 HR Responsibilities

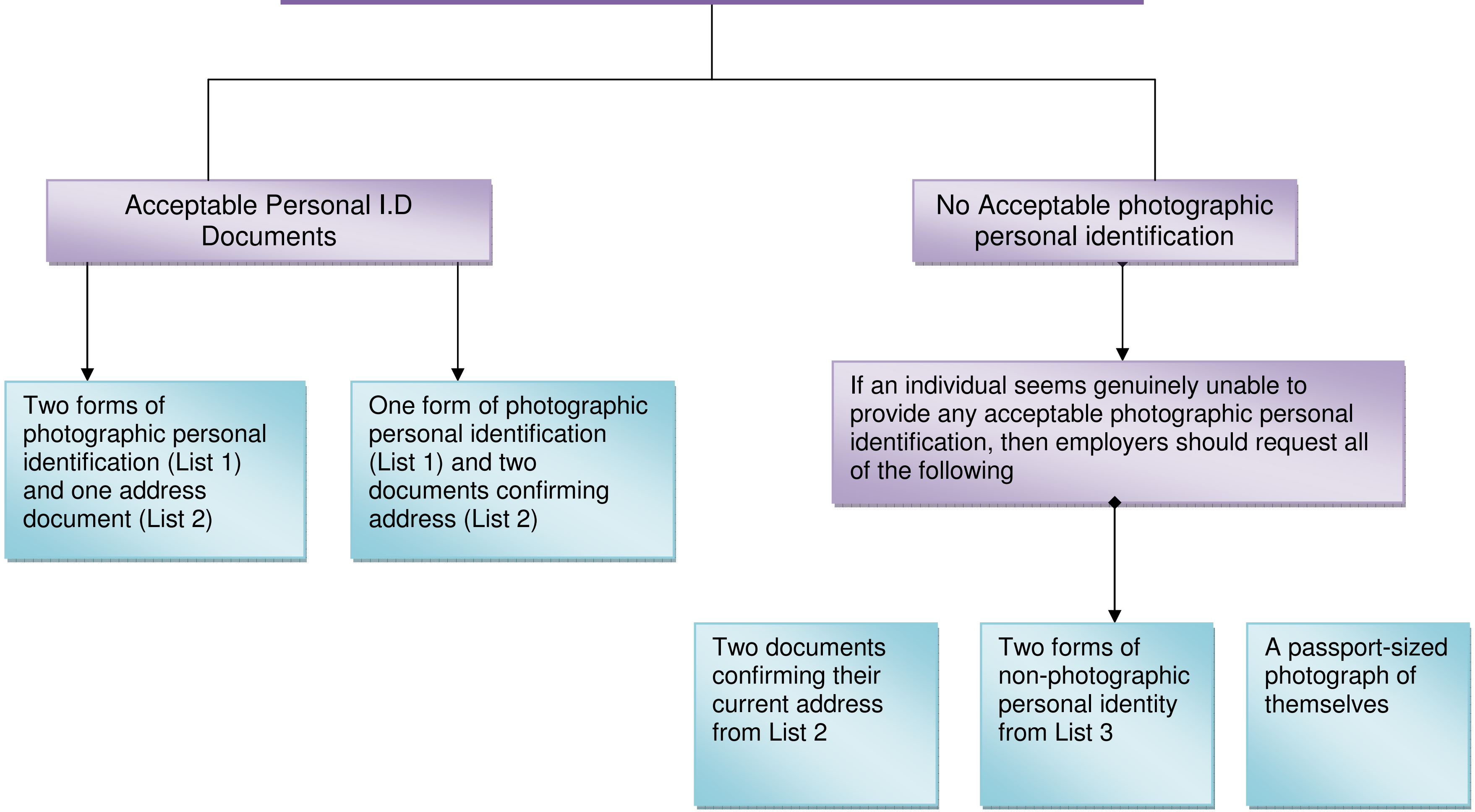
4.1 Information that will be reported to the UK Visa and Immigration (UKVI) Agency

- HR will report on sponsored migrant workers using the sponsorship management system (SMS).
- HR will report the information provided by managers within the specified time frames stated above (normally within **10 working days**)
- If there are any significant changes in circumstances (for example, if the Trust is involved in a merger), HR will notify the UKVI within **20 working days.**
- HR will also send the UKVI details of any third party or intermediary, in the United Kingdom or abroad, that helped in the recruitment of migrant employees.

4.2 Other

- If the Trust suspects a migrant worker is engaging in terrorism or any other criminal activity the Local Counter Fraud Specialist will be notified.
- The UKVI will use Information about migrants' non-attendance, non-compliance or disappearance to proceed with enforcement action against them.

Appendix 6 Verification of Identity Checks



Please refer to NHS Employment Check Standards '**Verification of Identity**' for the lists of acceptable Identification

Appendix 7 – Registration and Qualification Check

Does the candidate require professional qualifications and/or professional registration for the post?

Yes

Check what qualification/registration is required and what parts of the Register is required if applicable

Photocopy the original certificates/professional qualification e.g. degrees certificate/ Professional registration card or certificate

Ensure relevant online professional check is carried out e.g. NMC/GMC/GDC/HPC register

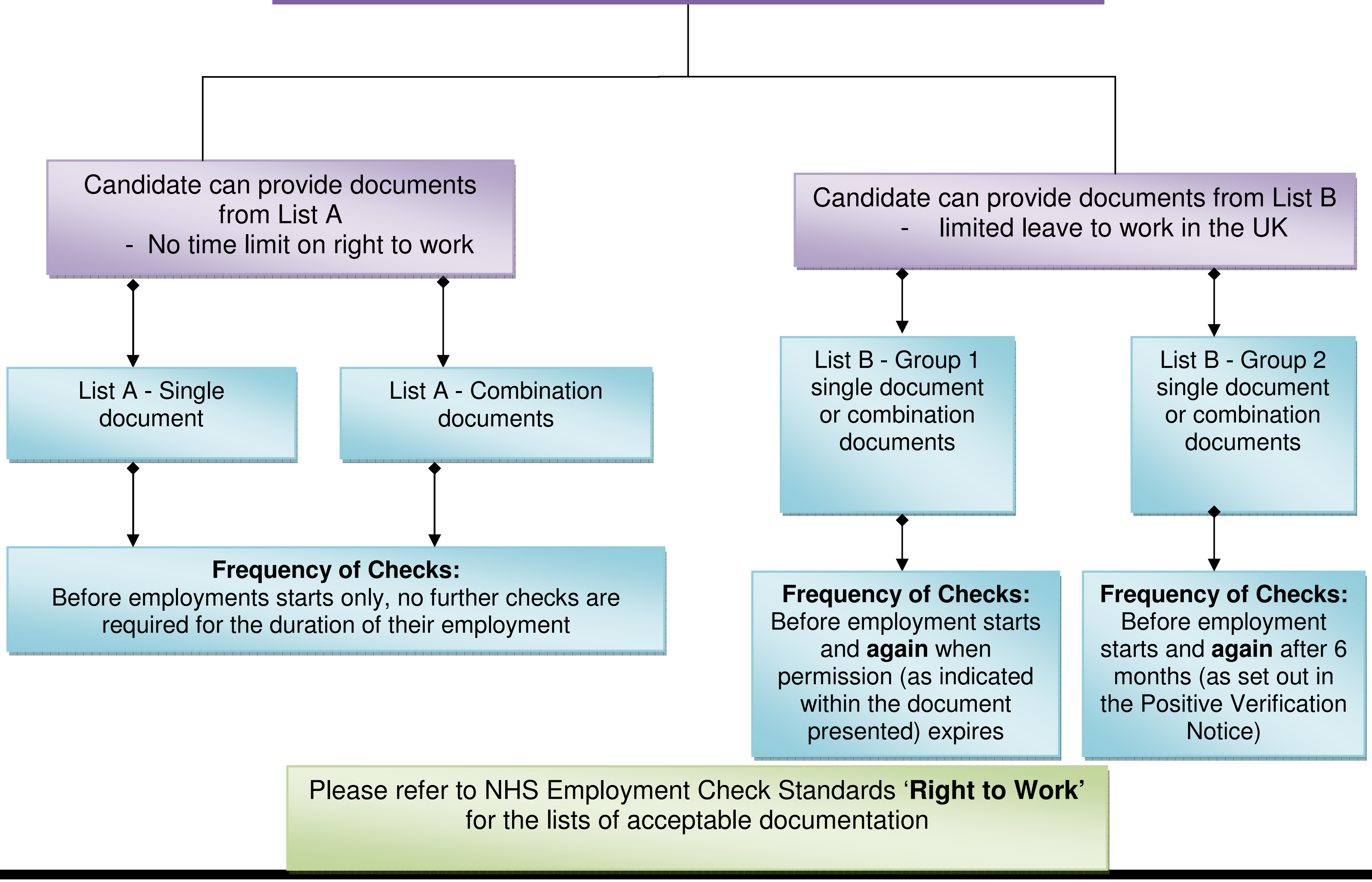
Write 'original seen' on the photocopied document. Sign and date the document.

Ensure copy is placed on the employee personal file and details recorded in ESR

No

No further action is required in respect of this pre-employment check

Appendix 8 - Right to Work Documents



Pre-employment checks for External Applicants

Appendix 9

Listed below are the pre-employment checks which should be carried out on all new external starters within the Trust and where some may not apply.

Check	Required	Notes
1. Verification of Identity	**Yes**	ID documentation should be provided by all applicants. See Section 22.1 of policy
2. Right to Work	**Yes**	Right to Work documentation should be provided by all applicants. See Section 22.5 of policy
3. Reference checks	**Yes**	References and employment history checks should be completed for all new starters. See Section22.3 of policy
4. Occupational Health	**Yes**	Occupational Health is required for all new starters to the Trust. See Section 22.2 of policy
5. Registration and Qualifications	**Yes**	If the post requires a particular qualification and/or registration for the post (often stipulated in the Person Specification) these should be verified. See Sections 22.4 of policy
	No	Some posts do not require professional registration or qualifications and therefore would not need to be verified
6. Criminal Record & Declaration form	**Yes**	Positions which meet the definition of a criminal record check will require new starters to complete a DBS disclosure and Declaration form. See Section 22.6 of policy
	No	Not all positions meet the requirements for a DBS, those that would not meet the eligibility criteria would not be subject to a criminal record check.

Pre-employment checks for Internal Applicants **Appendix 10**

Listed below are the pre-employment checks which are carried out on all new starters within the Trust. Internal applicants are often already known to the interviewing panel and therefore some of the below clearances may not be relevant in all cases. Please find information below in relation to each pre-employment check and where they may or may not be relevant for internal applicants:

Check	Required	Notes
1. Verification of Identity	**No**	Confirmation of ID would not be required if applicants are known to the panel and documentation is already on the Personal File.
	***Unless**	The applicant is unknown to the panel (i.e. within a different department) or not held on file.
2. Right to Work	**Yes**	Right to Work documentation should be provided by **all applicants**. If an employee is on Tier 2 visa (previously known as a Work Permit) details of the new contract would need to be submitted to the UK Visas and Immigration
	***Unless**	Right to Work evidence is already on the Personal File, recorded in ESR and is from List A
3. Reference checks	**Yes**	For a change of post references should be sought, this should be one reference from the current line manager.
4. Occupational Health	**No**	Occupational Health is not required for internal moves where they meet the following criteria: • Where the candidate currently has no restrictions or adjustments • Where the new position is the same fundamental job description and risks as the previous role • Where the candidate has received Occupational Health clearance in the last 5 years
	Yes	Occupational Health will be required for internal moves where the above criteria are not met.
5. Registration & Qualifications **(if applicable)**	**No**	Confirmation of current registrations/ qualifications would not be needed if applying for same/similar position within the same team and they are already evident on the Personal File
	Yes	This confirmation will be required if the post is within a new team and/or promotion gained based on new qualifications.
6. Criminal Record (**if applicable)**	**No**	A new criminal record check is not normally required where an existing member of staff moves positions and their roles and responsibilities and level of contact with that vulnerable group has not significantly changed. If their current DBS is out of date, the HR Admin team should be notified to commence their routine check (every 3 years), but this would not delay starting in the new post with relevant risk assessment form completed.
	Yes	The triggers for a new check is where; employees have never had a criminal record check before, they are moving into regulated or controlled activity, the level of previous disclosure is different, there has been a break of service for more than three months between leaving the old position and taking up the new position
7. Declaration form **(if applicable)**	**Yes**	For posts requiring a DBS check, applicants will be required to complete a new declaration form for each new position they apply for.

Birmingham Community Healthcare NHS
NHS Trust

Recruitment and Selection Guidelines

BCHC Policy Reference Number	To be inserted by Library Services post approval

If this is a paper copy of the document, please ensure that it is the most recent version. The most recent version is available on the Intranet/internet

Title:	Recruitment & Selection Guidelines
Version number:	Version 1
BCHC Policy Reference Number	CH 350
Is this document new or a replacement for existing? If replacement state full title and version number	New – appendices of Recruitment & Selection Policy
Author/Document Lead	Gemma Walker, Recruitment Manager Helen Ripley, Senior HR Business Partner
Name of Executive Director Lead:	David Holmes – HR Director
Name of Approving Committee/Group & Date:	
Name of Ratifying Committee & Date:	
Review Date:	
Date Issued:	
Date & Outcome of assessment for E&HRA	
Target Audience	All staff
Subject category of document –	Managerial (non -clinical) Employment / Equality and Diversity Risk Management
Summary	These guidelines aim to ensure that only the best available candidates are recruited and promoted through the use of sound recruitment and selection practices that demonstrate compliance with Equal Opportunities legislation to support our evolving organisational culture.

Commencement of Consultation Date

Consultation History:

The following Committees, groups or individuals have been consulted in the development of this version of this policy:

Name:	Date:

Previous Version History

Version No.	Lead	Date Change Implemented	Reason for Change
N?A			New for BCHC

Section		Page

1. Introduction

To be read in conjunction with Recruitment and Selection Policy.

2. Purpose

To be read in conjunction with Recruitment and Selection Policy.

3. Scope

To be read in conjunction with Recruitment and Selection Policy.

4. Objectives

To be read in conjunction with Recruitment and Selection Policy.

5. Duties & Responsibilities

As for Recruitment and Selection Policy.

6. Definitions

To be read in conjunction with Recruitment and Selection Policy.

7. Recruitment and Selection Procedures/Process

7.1 Vacancy Review and Planning

As part of the vacancy review process managers should adhere to the requirements of the Trust's Finance Tools/Workforce Authorisation Form (WAF)' process. **Click here for link**

This process is an opportunity to review the role within the context of the wider department/Division and assess whether changes could be made, for example introducing a revised role, or to consider the modernisation agenda and using the terms & conditions of employment (Agenda for Change/Medical & Dental) to assist or consider the introduction of flexible or annualised hours.

During the recruitment period, consideration should also be given to existing staff when an individual leaves and contingencies should be considered and put in place after consultation with the team members to distribute the work evenly, trying not to overload only certain individuals with the leaver's responsibilities.

Professional advice on the variety of options available should be sought from the Human Resources Department.

Having obtained the relevant approvals, the Recruiting Manager will ensure the Finance Tools/Workforce Authorisation Form (WAF) are received by the Recruitment Team. It is the Recruiting Manager's responsibility to ensure that they maintain ownership of those WAFs for which they have responsibility. **Click here for link**

7.2 Writing & Reviewing a Job Description

A Job Description describes the key areas of work the post holder would be expected to undertake. This also ensures that the interview panel is clear about what the job entails, enabling them to undertake the selection process in an objective way. It also acts as a marketing tool; attracting and informing prospective candidates to the post. The Trust's template format for constructing a Job Description can be found on the Trust intranet **Click here for link**.

For Medical and Dental posts, the Trust template should be used in conjunction with the relevant Royal College template.

Before using a Job Description, you must ensure that you are using the correct Trust format and job responsibilities are up to date.

7.3 Writing and Reviewing a Person Specification

The Person Specification describes the knowledge, qualifications and experience the ideal candidate would have. The Trust's template format for constructing a Person Specification can be found on the Trust intranet **Click here for link** For Medical and Dental posts, the Trust template should be used in conjunction with the relevant Royal College template.

Before using a Person Specification, you must ensure that you are using the correct Trust format and that the job criteria are up to date.

Requesting a time length on experience (e.g. 2 years experience) is not legally permitted and would break the requirements of the Equality Act 2010. As a guide, please use the table below for acceptable wording on a Person Specification

Person specification	Additional Information - Equivalency
GCSE's or good **basic** education	
GCSE plus **relevant** experience	Equivalent to A level
GCSE plus **significant** experience	
GCSE plus **extensive** experience	Equivalent to a degree
A level or equivalent **or** GCSE plus **relevant** experience	
A level plus **relevant** experience	
A level plus **significant** experience	Equivalent to a degree
Degree plus **significant** experience	

Degree plus **extensive** experience	Equivalent to a masters

7.4 Banding a Job Description and Person Specification

If the post is **new** or has been **reviewed** and changes made, the amended Job Description, Person Specification, Effort Factor Questionnaire (short questionnaire outlining the mental, physical and emotional effort required of the post holder), organisation chart as well as the sign off banding request form should be forwarded to Human Resources for Agenda for Change job matching/evaluation. **Click here for link.** The Banding process can be commenced as soon as possible; recruiting managers do not need to wait for the completion of the WAF. As soon as the HRBP confirms the JD is 'panel ready' it should be submitted for banding. After a Job Description has been banded a 'Job Description number' will be allocated to the Job Description. This number should be provided to the Centralised Recruitment Team for all future advertising campaigns.

Further guidance on the Agenda for Change banding process is on the Intranet under About Us > Human Resources > Agenda for Change > Guidance for Managers.

Please note that this is not a requirement for Medical and Dental posts.

7.5 Advertising and Attracting Candidates

In order to attract good quality applicants, managers need to describe the job, the organisation and the benefits it can offer positively and publicise the opportunity in the right place to attract the widest pool of quality candidates.

The most appropriate way of attracting candidates will depend on the job in question but may include one or more forms of advertising. All vacancies will be advertised on NHS Jobs, which is free of charge. Vacancies may also be advertised in specialist journals, at the cost of the recruiting manager.

All posts must be advertised on the Trust intranet and NHS Jobs website and the requirements outlined in any local and/or regional redeployment frameworks should be followed.

Should the advertisement need to be advertised beyond NHS Jobs, e.g. social media, radio etc, the recruiting manager must inform the Centralised Recruitment Team who will organise for this to be advertised and advise accordingly once the advert has been costed. If required, advice on legal requirements, wording, costing and publication is available from the Human Resources Department or more specifically, the Centralised Recruitment Department.

Advertising internally

At the managers request advertisements can be advertised internally only via NHS Jobs. Should a position be advertised in this way any current employees, Bank workers and agency workers with an active assignment with BCHC are eligible to apply

7.6 Short Listing and Scoring

Once the closing date has passed, the Centralised Recruitment Team will load any paper applications received onto NHS Jobs.

The Centralised Recruitment team via NHS Jobs will then email the recruiting manager indicating that short listing needs to take place this must be completed within 7 days of the closing date. Any paper applications received (Part B only) will be scanned and also emailed via the Centralised Recruitment Team to the recruiting manager.

Recruiting managers will need to ensure that all applications are only matched against the criteria (i.e. skills and qualifications) on the Person Specification. No other criteria should be used to shortlist.

During short listing, the recruiting manager will need to indicate on the online applications whether or not candidates have been short listed. A detailed note of the reasons for not short listing must be made i.e. insufficient qualifications or experience. This will be the evidence used if the short listing process is challenged by the applicant, to provide feedback to unsuccessful candidates and for monitoring purposes. It is not sufficient to record short listed **Yes/No**.

In line with the Trust's Commitment to equality of opportunity and the 'Two Ticks' Positive about Disability Commitment which the Trust is signed up to, any candidates who have declared a disability will be interviewed if they fulfil all essential criteria. Where a candidate has declared themselves to have a disability and has not been shortlisted, the Centralised Recruitment Team will contact the Recruiting Manager to ascertain the candidate did not meet the minimum essential criteria.

A guide on how to shortlist online with NHS Jobs has been created and will be e-mailed to recruiting managers each time they are required to short list. The short listing panel should comprise of all those on the interview panel and ideally short listing should be undertaken by all panel members together. This demonstrates consistency in the application of the criteria. At the very minimum, short-listing must be completed and agreed by at least two members of the recruitment panel.

The short-listing forms and Interview arrangement forms must be completed by the recruiting manager and returned to the Centralised Recruitment Department before candidates can be invited for interview. These forms are available from the Centralised Recruitment Team and will be forwarded via e-mail at the appropriate stage of the recruitment process.

7.7 Interviews

Panel Members' packs

It is the recruiting manager's responsibility to generate copies for their panel members, application forms should be printed from the original short listing sent through by the Centralised Recruitment team. A guide on how to compile interview panel packs will be sent to the Recruiting Manager by the Centralised Recruitment team.

Before the Interview

Consideration should be given to the composition of an interview panel. Best practice, would aspire to the panel being reflective of the local community . Further guidance can be sought from the ‘Equality and Diversity Toolkit for Recruiting Managers’

It is the interview panel Chair’s responsibility to ensure the interviews proceed smoothly and to a successful conclusion. Care should therefore be taken in ensuring:

- Communication issued to candidates shortlisted for vacancies must include an option for them to request any individual requirements or reasonable adjustments which should be considered and/or needed to enable them to attend for interview or to undertake any skills based part of the interview.
- Candidates are welcomed and shown to the waiting area.
- Candidates are provided with refreshments if they are expected to wait before or after interview/ test.
- Panel members have all necessary information and papers.
- The venue fully meets the needs of the occasion e.g. Accessible for disabled candidates, equipment works, no interruptions, extra rooms/ supervision for testing.

The Role of the Chair in the Interview Process

All forms referred to within the interview process will be forwarded electronically by the Centralised Recruitment Team at the appropriate stage of the recruitment process

Additional responsibilities of the Chair include:

- Verification of identity is required at the interview stage prior to the candidate being offered the post. The request to attend interview letter sent out by the Centralised Recruitment Department will instruct the candidate to bring suitable identification and address verification with them. The recruiting manager/ administrator is then required to check the candidates’ identity at the interview. The Centralised Recruitment Team will provide recruiting managers with a detailed list of acceptable identification.

- Where professional registration or formal qualifications are required for any post, ensure original proofs are seen and copied

- Ensuring each candidate is asked the same questions which are appropriate to the requirements of the job, although follow-up and/or probing questions may vary. All candidates should also be given the same time and opportunity to respond. Please note that following the introduction of the Equality Act 2010, it is no longer permissible to enquire about candidate’s sickness absence during the interview process or prior to a job offer being made.

- Identify and investigate, with the appropriate level of sensitivity, the needs of any disabled candidate in the context of the requirements of the job

- Interview assessment sheets are completed by each panel member for each candidate

- Managers must not agree to any changes to terms and conditions during the interview or any subsequent discussions with the candidate. In the event of queries arising regarding terms and conditions of employment, managers are advised to speak to their Divisional HR teams who will be able to offer advice or signpost the manager as appropriate

- Ensuring unsuccessful candidates receive constructive feedback by a member of the interview panel. Please refer to section 15 for further details (Please note that it is the panel Chair or nominated panel member and not the Recruitment Department that should provide feedback to candidates.)

7.8 Documentation

A clear scoring system should be used for interview questions and/or assessments completed at interview. Relevant notes and documentation should be kept for each candidate to enable meaningful feedback. The reasons for rejection of unsuccessful candidates will need to be recorded by the chair/recruiting manager to enable feedback. A panel member should be nominated to undertake this feedback. This information may also be used for monitoring purposes.

8. Implementation

Following ratification the procedural document's author/lead will ensure (in discussion with the Committee's Secretary) that the document is forwarded to the Quality and Standards Assurance Team (Q&SAT). The Q&SAT will make final checks, amend the footer and forward to the Library for uploading to the intranet. Once uploaded to the intranet the Library will inform the Communication Team to ensure notification appears in the next Staff E-Newsletter

9. Duty of Candour

"The Trust recognises it has a duty of candour under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20. Under this duty it has a responsibility to be open and transparent with patients, families and carers in relation to their care and treatment and has specific requirements when things go wrong. This will include informing people about any clinical incident, providing reasonable support, providing truthful information and an apology when things go wrong. If an incident occurs which involve a breach of the requirements of this policy, staff and managers should consider following the guidance set out in the Being Open incorporating Duty of Candour Policy available on the trust intranet site."

10. Implications

Training Implications

See Recruitment and Selection Policy

Financial Implications
See Recruitment and Selection Policy

Legal Implications
See Recruitment and Selection Policy

11. Monitoring & Audit

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements	Acting on recommendations and Lead(s)	Change in practice and lessons to be shared
What key element(s) need(s) monitoring as per local approved policy or guidance?	**Name the lead and what is the role of the multidisciplinary team or others if any.**	**What tool will be used to monitor/check/ observe/assess/ inspect/ authenticate that everything is working according to this key element from the approved policy? This could be an audit, or risk assessment document**	**How often is the need to monitor each element? How often is the need complete a report? How often is the need to share the report?**	**Who or what committee will the completed report go to and how will this be monitored. How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes.**	**Which committee, department or lead will undertake subsequent recommendations and action planning for any or all deficiencies and recommendations within reasonable timeframes?**	**How will system or practice changes be implemented the lessons learned and how will these be shared?**
See Recruitment and Selection Policy	See Recruitment and Selection Policy	See Recruitment and Selection Policy	See Recruitment and Selection Policy	See Recruitment and Selection Policy	See Recruitment and Selection Policy	See Recruitment and Selection Policy

12. References/Evidence/Glossary

See Recruitment and Selection Policy.

Pre-Engagement Checks for Contractors – Guidance for Managers

1. Introduction

The aim of this document is to provide guidance to all Birmingham Community Healthcare NHS Trust managers on the pre-engagement process to follow when fulfilling staffing requirements by the engagement of self-employed contractors (i.e. buy in a service that requires an individual to provide the service).

This guidance document has been developed to advise managers:

- On the required pre-engagement checks to ensure the safety of staff and patients
- On the process to follow in order to obtain pre-engagement checks for contractors

Please see attached a glossary of terms at Annex 1.

2. Order of engagement preference

The need may arise from time to time to cover areas of work which;

- are specialist and outside our current areas of expertise and/or;
- there is no current internal capacity (including bank) and/or;
- particular circumstances dictate that someone outside the Trust should be engaged (e.g. certain investigations).

In such cases a decision needs to be made as to which method of resourcing is most appropriate. In making this decision factors, such as whether the need is team/directorate specific, or potentially Trust wide should be considered. For example, if more than one team or directorate has a similar requirement this may affect the appropriateness of an employment option.

For reasons of transparency and governance, the preferred order of consideration would generally be

- Employment
- Agency
- Self-Employed Contractor (off-payroll)

3. Employment Types

3.1 Employees

We have established processes in place by which the need for employees can be assessed and the appropriate individuals recruited, please refer to the Recruitment and Selection

Policy. It is likely that such recruitment for the above purposes will be on a temporary basis fixed term. For employees the pre-employment checks will be completed by the Centralised Recruitment Team

3.2 Agency

This is likely to be most appropriate where the specialist work is not readily attainable via the normal recruitment processes and/or the employment alternative is sufficiently uncertain that incurring a potential liability would not be appropriate. Where someone is to be engaged via an agency then the engagement needs to go through an appropriate process and be drawn from the list of approved agencies held by the Bank Office and Procurement. All external staffing providers (including contractors and agencies) that have a National Agency Framework Agreement with the Crown Commercial Services' (CCS) are required to provide assurances that they have robust recruitment processes in place as part of the CCS's auditing and monitoring of those organisations. These agencies on the approved list will complete the pre-employment checks on behalf of the Trust and provide this assurance to the Trust.

Where an agreement has been put in place to require the agency or third party provider to undertake employment checks, the recruiting manager should seek written assurances that the worker supplied has the correct level of clearances commensurate with the roles they will be required to undertake. This should be done by obtaining a copy of the **temporary worker placement checklist.**

It is worth noting that while NHS Employers strongly recommend that employers use agencies and external staffing providers on a framework agreement (because of the added quality assurances this can provide), the Trust has overarching responsibility for auditing and monitoring all providers used, to ensure that they operate to the same level of standards in relation to undertaking employment checks as outlined by the 'NHS Employment Check Standards'.

3.3 Contract of services through a third party organisation

Similar to 3.2, where services are contracted from a third party organisation the third party organisation will complete the pre-employment checks on behalf of the Trust and provide this assurance to the Trust.

3.4 Self Employed Contractors

Self-employed contractors are utilised to 'buy in' a service that requires an individual to provide the service. Contact can be made with Divisional Human Resources to discuss whether engaging a contractor is suitable to use in the particular circumstances. Where self-employed contractors are utilised, it is necessary to ensure that the following pre-engagement checks are verified, specified in section 4.

4. Pre-engagement checks

4.1 Proof of identity

All contractors will be required to provide proof of identity from the list of acceptable documents in Annex 2

4.2 Right to work

All contractors will be required to provide confirmation of right to work in the UK from the list of acceptable documents in Annex 3

4.3 Occupational Health (Team Prevent)

Contractors are required to either provide evidence that they are medically fit to complete the role which they have been contracted to do or complete a self-declaration confirming there are no medical restrictions which would impede the from safely completing the course of their duties. Where any medical conditions are declared that may affect the safety of the individual, staff or patients HR advice should be sought.

4.4 References

A minimum of one reference from the contracts current employer/contract needs to be requested and provided. This should meet the satisfaction of the recruiting manager

4.5 Relevant qualifications

Managers should have sight of the original documents and retain photocopies relevant to the requirements of the contract.

4.6 Professional registrations

Where a professional registration is required for the position, the manager should verify documentation and check the online registers (e.g. NMC, GMC, HPC etc) and keep a record of any checks

4.7 Disclosure and Barring Service (DBS) (where appropriate).

Should the contractor have contact with vulnerable adults and children as part of carrying out the services on behalf of the Trust a DBS may be required, advice can be sought from Human Resources. The individual will need to contact the HR Administration team to arrange for their DBS check to be completed and any associated payment for a check will be the responsibility of the department which can be passed to the contractor. The Trust will not join contractors up to the DBS Update Service (although individuals may wish to join themselves)

The hiring manager will require confirmation that such checks have been cleared before the contractor engages in any work. A **checklist** has been provided in Appendix 4 which manager should complete for all self-employed contractors. On no account should anyone who has not provided evidence of the above be permitted to commence with the

Trust. Should any of the pre-engagement checks cause concern the manager should discuss these with your Divisional Human Resources contact prior to commencement. Copies of all the documentation should be retained by the manager for the length of the contract and able to provide this on request.

5. Commencement

Following the completion of satisfactory pre-engagement checks reference should be made to the 'Standing Orders, Reservation and Delegation of Powers and Standing Financial Instructions' Trust Policy for next stages in the process.

Annex 1

Glossary of Terms

BCHC:	Birmingham Community Healthcare NHS Foundation Trust
DBS:	Disclosure and Barring Service
ESR:	Electronic Staff Record
HR:	Human Resources
NHS:	National Health Service
Self-employed contractors:	A paid service that requires an individual to provide the service

Verification of Identity

The contractor must evidence:

- **two forms of photographic personal identification and one document confirming their address**

Or

- **one form of photographic personal identification and two documents confirming their address**

List 1: Acceptable photographic personal identification

- UK (Channel Islands, Isle of Man or Irish) passport or EU/other nationalities passport
- passports of non-EU nationals and other valid evidence relating to their immigration status and permission to work*
- UK full or provisional photo-card driving licence – where relevant to the position being recruited to, additional information may be sought about any penalties or restrictions through the DVLA's on-line 'Share Driving Licence Service'.
- EU/other nationalities photo-card driving licence (valid up to 12 months up to the date of when the individual entered the UK and providing that the person checking is confident that non-UK photo-card driving licences are bona fide)
- Biometric Residence Permit (formerly known as identity cards for foreign nationals) (UK)*
- HM Armed Forces Identity card
- ID cards carrying the PASS accreditation logo (UK and Channel Islands), for example a UK Citizen ID card. This card can be applied for by residents of the UK and is verifiable with similar security marks to UK passports and driving licences.

Any other document that is not listed above, for example organisational ID cards, must not be accepted.

*For further information about immigration, please refer to the Right to Work check document of the NHS Employment Check Standards.

What to do if no acceptable photographic identification documents are available

If an individual genuinely cannot provide any form of acceptable photographic personal identification as outlined within List 1 above, then the following combination of documentary evidence should be requested:

- two documents confirming their current address from List 2
- two forms of non-photographic personal identity from List 3; and
- a passport sized photograph of themselves.

Each of the documents provided should be from a different source and photographs must be endorsed on the back with the signature of a person of some standing in their community. A person of some standing in their community may be a magistrate, medical practitioner, officer of the armed forces, teacher, lawyer, bank manager or civil servant who has known them for at least three years. The photograph should be accompanied with a signed statement from that person, stating the period of time they have known the applicant. Always check that signature provided in the statement matches the one on the back of the photograph, and that it contains a legible name, address and telephone number so that information can be verified.

List 2: Acceptable confirmation of address documents

- utility bill (gas, water, electricity or land-line telephone), or a certificate from a utility supplier confirming the arrangement to pay for the services on pre-payment terms at a fixed address. More than one utility bill may be accepted if these are from two different suppliers. Utility bills in joint names are also permissible (UK)*
- local authority tax statement – for example, a council tax statement (UK and Channel Islands)**
- UK full or provisional driving licence – if not already presented as a personal photographic identity
- UK full driving licence (old-style paper version), old-style provisional driving licences are not acceptable
- most recent HM Revenue & Customs tax notification (i.e. tax assessment, statement of account, notice of coding but not a P45 or P60)**
- financial statement such as bank, building society, or credit card statement* (UK and EEA. Non EEA statements must not be accepted)
- credit union statement (UK)*
- mortgage statement from a recognised lender** (UK and EEA – non EEA statements must not be accepted) • local council rent card or tenancy agreement*
- benefit statement, book or card; or original notification letter from the Department of Work and Pensions (DWP) confirming the rights to benefit – for example, child allowance, pension (UK)**
- confirmation from an electoral register search that a person of that name lives at the claimed address.**

Providing documentary evidence for previous addresses may be difficult if your check covers a long period of time, therefore you may wish to carry out an electronic identity database search, for example a check against the electoral register.

Any gaps in residence details should be handled sensitively and probed at the interview stage. There may be many reasons as to why this cannot be accounted for, such as foreign residence or travel.

Consider the time period – if less than three months you may decide that it is unnecessary or disproportionate to confirm activities during that period.

If a gap in residency is more than a period of three consecutive months or a period of six cumulative months, you should ask the individual to provide relevant documentation to cover the period in question, for example checking the individual's passport or other documentation to prove their stay in those countries. If the individual has been living abroad, ask them to provide confirmation of address such as a tenancy agreement or a bank statement.

List 3: Acceptable non-photographic proof of personal identification documents

- full birth certificate (UK and Channel Islands) issued after the date of birth by the General Register Office or other relevant authority, for example registrars
- full birth certificate issued by UK authorities overseas, such as embassies, high commissions and HM Forces
- UK full old-style paper driving licence – old-style provisional driving licences are not acceptable
- work permit/residency permit (UK) valid up to the expiry date
- adoption certificate (UK and Channel Islands)
- marriage or civil partnership certificate (UK and Channel Islands)
- divorce, dissolution or annulment papers (UK and Channel Islands)
- gender recognition certificate
- deed poll certificate
- firearms certificate/licence (UK, Channel Islands and Isle of Man)
- police registration document
- certificate of employment in the HM Forces (UK)
- benefit statement, book or card or original notification letter from the Department of Work and Pensions (DWP) confirming the legal right to benefit for example, child allowance, pension**
- a document from a local/central government authority or local authority giving entitlement such as Employment Services, Job Centre, Social Security Services (UK and Channel Islands)*
- most recent tax notification from HM Revenue and Customs (i.e. tax assessment, statement of account, notice of coding, P45 or P60 (UK and Channel Islands).**

*All documents must be dated within the last three months, unless there is good reason for it not to be, for example where there is clear evidence that the individual was not living in the UK for three months or more. These documents must contain the name and address of the applicant. Identity checks June 2015 15
** All documents must be dated within the last 12 months. Not denoted means that the document can be more than 12 months old.

Right To Work Documents

To confirm that an applicant has the legal right to work in the UK, employers must see one of the documents or a combination of documents as specified in List A, or one of the documents or combinations of documents, specified in List B. No other documents or combinations of documents are acceptable. If a document or combination of documents is provided from List A, there is no need to ask for documents from List B.

List A: Single acceptable documents

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK

List A: Acceptable document combinations

The documents listed below can be accepted where produced with an official document giving the individuals permanent national insurance (NI) number and name. This could be a P45, P60, National Insurance Card, or a letter from a Government agency or previous employer:

- a current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
- a full birth or adoption certificate issued in the UK, which includes the name(s) of at least one of the holder's parents or adoptive parents
- a birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
- a certificate of registration or naturalisation as a British citizen.

List B

Documents are only required from this list if the individual cannot provide a document or combination of documents from List A. If a prospective employee provides one of the single documents, or a combination of documents as outlined in List B, it indicates that they only have limited leave to work in the UK. Employers are required to carry out follow-up checks on this person to establish a time-limited statutory excuse. The frequency of these follow-up checks depends on whether the documents presented are from Group 1 or Group 2. The table below summarises when follow-up checks are required.

Document Type	Excuse Type	Frequency of Checks
List A	Continuous	Before employments starts only, no further checks are required for the duration of their employment
List B – Group 1	Time-limited	Before employment starts and again when permission (as indicated within the document presented) expires
List B – Group 2	Time-limited	Before employment starts and again after 6 months (as set out in the Positive Verification Notice – see paragraph below)

List B:

Group 1: documents where a time-limited statutory excuse lasts until the expiry date of leave

Single acceptable documents

- a current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question
- a current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question
- a current Residence card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland.

Acceptable document combinations
The following documentation may only be accepted where it is presented together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or previous employer.

- a current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question. Group 2: documents where a time-limited statutory excuse lasts for six months

- a Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Acceptable document combinations
The following document may only be accepted where a Positive Verification Notice can be obtained from the Home Office Employer Checking Service:

- an application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question.
- a Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than six months old.

Appendix 4

Checklist for Contractors pre-engagement checks

1. Personal identity and address history documentation. Individuals should provide originals of either:	
1.1 Two forms of photographic personal identification and one document confirming address from the list provided	
1.2 One form of photographic personal identification and two documents confirming address from the list provided	
List of documents: 1. 2. 3.	
2. 'Right to Work' documentation. Individuals should provide originals of either:	
2.1 Document or combination of documents from List A	
2.2 Document or combination of documents from List B	
List of documents: 1. 2. 3.	
Right to Work documents verified, photocopied and copies dated & signed by verifier. Copies placed on file	
If List B document provided, date renewal check to be completed: ______________________	
3. Occupational Health Receipt of self-declaration	
4. Reference	
5. Qualification certificates required **(if applicable)** – copies placed on file	
6. Professional Registration documentation (i.e. PIN number) **(if applicable)** - copies placed on personal file	
7. DBS certificate (if applicable)	

NB. It is advised all information is retained on file